



LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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April 29, 2010

Margo Reid Brown, Director
Department of Resources Recycling
and Recovery (CalRecycle)
801 K Street, MS 19-01
Sacramento, CA 95814

Dear Ms. Brown:

**COMMENTS REGARDING THE PROPOSED UPDATES TO THE COUNTYWIDE
INTEGRATED WASTE MANAGEMENT PLAN (CIWMP) ENFORCEMENT POLICY
PART II**

On behalf of the Los Angeles County Integrated Waste Management Committee/ Integrated Waste Management Task Force (Task Force) I would like to offer the following comments on CalRecycle's proposed updates to the Countywide Integrated Waste Management Plan Enforcement Policy Part II (Enforcement Policy). The Task Force is requesting that CalRecycle revise the subject proposal to incorporate the changes requested herein and extend the April 30, 2010, deadline for stakeholders, including cities and counties, to submit comments on the proposal. In addition, the Task Force respectfully requests that CalRecycle conduct a workshop in Southern California to obtain feedback from local jurisdictions prior to finalizing the Enforcement Policy.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities, and to ensure a coordinated, cost-effective, and environmentally-sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a County-wide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, the County of Los Angeles Board of Supervisors, the City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

General Comments

1. The Task Force appreciates your agency's efforts to streamline the AB 939 compliance measurement system, and to incorporate the changes brought about by Senate Bill 1016 (2008) into the Enforcement Policy. However, we are concerned at the low level of participation by jurisdictions in the process. We believe CalRecycle's outreach to jurisdictions needs to be expanded to better engage them in the process, and this includes conducting a workshop in Southern California to discuss the proposed changes to the Enforcement Policy. Upon conducting this expanded outreach, the proposal should be revised and circulated again for comment prior to finalizing the Policy.
2. The proposal should be revised to specifically address how CalRecycle will address the following within its Enforcement Policy:
 - a. CalRecycle's efforts to implement mandatory commercial recycling
 - b. a jurisdiction's implementation (or lack thereof) of a construction and demolition debris recycling ordinance
 - c. for jurisdictions that are part of a regional agency, how the jurisdictions' compliance would be determined/measured in the event the regional agency is dissolved or its membership changes
 - d. how a jurisdictions' compliance would be determined/measured in the event of the incorporation of a new city
3. The proposal needs to be expanded to address the impact of jurisdictional compliance with the requirements of the California Global Warming Solutions Act (AB 32, 2006) since CalRecycle is imposing the implementation of mandatory commercial and multi-residential recycling programs on jurisdictions.

Specific Comments

1. SRRE IMPLEMENTATION, Section I. Implementing All or Most Programs and Meeting Diversion Requirements (page 4)

We recommend replacing the expression “50 percent equivalent per capita disposal target” with “per capita disposal target” (i.e., delete the words “50 percent equivalent”). Based on previous studies conducted by CalRecycle (formerly CIWMB), waste generation is strongly influenced by changes in population as well as economic factors (e.g., taxable sales).

Therefore, while it is true that in response to SB 1016 a jurisdiction’s per capita disposal target is being established **initially** at the 50 percent diversion level, such disposal target **will not** necessarily be equivalent to a 50 percent diversion level in subsequent years. In fact, given that historically the average growth in the economy has exceeded the average growth in population, a gradually increasing diversion rate will be required to meet the per capita disposal target year after year. Thus, it would not be accurate to refer to the disposal target as being “equivalent” to 50 percent in future years. This correction should also be reflected in other locations throughout the document where the expression “50 percent equivalent per capita disposal target” has been used.

2. SRRE IMPLEMENTATION, Section II. Implementing Some/All Programs, but not Meeting Diversion Requirements (page 5, top paragraph)

It is stated that “If a jurisdiction is implementing some or all selected diversion programs and yet not achieving its 50 percent equivalent per capita disposal target the diversion requirements, *it may be that the SRRE is in need of revision.*” [Emphasis added]. This language needs to be revised/clarified to reflect the fact that jurisdictions are allowed to update their SRREs through the Annual Report process.

3. SRRE IMPLEMENTATION, Additional Considerations for SRRE Implementation, Item 1 (page 10, last paragraph)

The proposal states that, according to statute, “No more than 10 percent of the average (2003 through 2006) calculated per capita generation tonnage may be counted for a city, county, or regional agency's use of a CalRecycle-permitted transformation project (PRC Sections 41783).” The proposal should be revised/expanded to indicate how a jurisdiction's transformation credit would be affected by the jurisdiction's implementation (or lack thereof) of mandatory commercial recycling which is being pursued by CalRecycle in concert with the California Global Warming Solutions Act, AB 32.

4. DETERMINATION OF SRRE AND HHWE IMPLEMENTATION, Annual Reports, CalRecycle Jurisdiction Review (page 15, bottom paragraph, and page 16, 6th bullet)
 - a. On page 15, bottom paragraph, it is stated that “Based on the information provided in a jurisdiction's annual reports submitted pursuant to PRC Section 41821 *and any other relevant information*, CalRecycle shall make a finding as to whether each jurisdiction was in compliance with PRC Section 41780...” [Emphasis added] This statement is too broad and open ended. If it refers to the information contained in page 18, an appropriate reference should be included to that effect.
 - b. On page 16, 6th bullet, it is stated that “In addition to the above requirements, CalRecycle may review whether a jurisdiction is in compliance with PRC Section 41780 *at any time that CalRecycle receives information* that the jurisdiction may not be making a good faith effort to implement its SRRE or HHWE.” [Emphasis added] This statement is too broad and open ended. The discussion needs to be expanded/clarified to reflect a reasonable standard regarding the credibility or validity of the information and its source, the jurisdiction's compliance track record, and the extent of review to be conducted. Otherwise, it is strongly recommended that the proposal be eliminated from any further consideration.
5. DETERMINATION OF SRRE AND HHWE IMPLEMENTATION, Criteria for Measuring Diversion Requirements, Meeting Diversion Requirements (page 17)

- a. Third bullet from bottom—The criteria proposed to determine whether the applicable diversion requirement has been achieved include whether the jurisdiction has “updated its SRRE and/or, HHWE to include any new or expanded programs it has implemented or plans to implement...” This language needs to be expanded to reflect the fact that jurisdictions are allowed to update their SRREs through the Annual Report process.
 - b. Second bullet from bottom—The criteria proposed to determine whether the applicable diversion requirement has been achieved include whether the jurisdiction has “updated its NDFE to reflect any new or expanded nondisposal facilities it is using or **planning to use**...[emphasis added]” Clarification is needed since a city/county typically updates its NDFE only when an existing or proposed facility within its jurisdiction is in the process of obtaining a Solid Waste Facility Permit. For a large jurisdiction such as the County and City of Los Angeles, there are numerous haulers operating within their boundaries who may take the trash, recyclables, and/or green waste to various facilities depending on market conditions and other factors. Compliance with the subject language would require that jurisdictions amend their NDFEs every year to reflect all the nondisposal facilities operating within the surrounding region. Is that what CalRecycle intends to do?
6. APPENDIX A. DEFINITIONS (pages 24 and 25)
- a. The definition for “Disposal” refers to “....Board-permitted landfill...” Does the term “Board” refer to the State Water Resources Board or the former Waste Board?
 - b. The definition of “Good Faith Effort” should be expanded to clarify that any “alternative programs or activities that achieve the same or similar results” refer to alternative programs selected by the jurisdiction (taking into account the jurisdiction’s physical and socio-economic characteristics, waste composition, etc.) and concurred in by CalRecycle.

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Thank you for this opportunity to comment on the proposed revisions to the Enforcement Policy. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Council Member, City of Rosemead

MS:kp

P:\SEC\ColWMP Enfrmnt Plcy Prt II

cc: CalRecycle (Mark Leary, Howard Levenson, Cara Morgan)
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Each Member of the Los Angeles County Board of Supervisors
Each City Mayor in Los Angeles County
South Bay Cities Council of Governments
San Gabriel Valley Council of Governments
Gateway Cities Council of Governments
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task Force