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SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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June 8, 2016

Mr. Scott Smithline, Director
California Department of Resources Recycling and Recovery
1001 I street
P.O. Box 4025
Sacramento, CA 95814-4025

Dear Mr. Smithline:

**ASSEMBLY BILL 901- NEW REPORTING REQUIREMENTS FOR RECYCLERS,
COMPOSTERS, HAULERS, SOLID WASTE FACILITIES, AND EXPORTERS**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to express its appreciation to CalRecycle for conducting the initial workshops to solicit input from public and local jurisdictions regarding proposed regulations to implement Assembly Bill 901 (AB 901) (Gordon, 2015), which became effective January 1, 2016, relating to Disposal and Recycling Reporting Requirements for Haulers, Recyclers, Composters, Solid Waste Facilities, and other involved entities.

Based on information provided at the AB 901 Workshop held on April 26, 2016, the Task Force has identified the following items as issues to be addressed by CalRecycle in the subsequent proposed regulations in order to enhance the benefit of the proposal to CalRecycle, local jurisdictions, the waste industry, and exporters.

1. Stakeholders were concerned about privacy issues and how much of company business information would be made available online. They would prefer that sensitive business and marketing information be limited in availability to the public.
2. Stakeholders expressed concerns regarding the type of data and level of detail information that facilities are being required to provide to CalRecycle. Many in the audience stated that the required information should mirror current industry practices, so as to encourage participation by small businesses and increase the quality of data collected. The stakeholders expressed preference that CalRecycle collect data on larger categories of materials, rather than collecting data within more explicit subcategories. For example, facilities could provide

data on paper, rather than on “white ledger” or other numerous specific paper types. The idea of requiring reporting on more inclusive categories of materials should theoretically minimize the risk of missing out on potentially vital reporting information.

3. For a number of years, the Los Angeles County Department of Public Works has been operating an electronic data collection system for use by haulers and solid waste facility operators to download, among other things, their disposal qualities data, waste source origin, and recycling/diversion tonnages directly into the system. Due to similarity between the Los Angeles County System and the one being formulated by CalRecycle, suggestion was made that CalRecycle should coordinate their efforts in the development of their system with the Los Angeles County Department of Public Works.

In addition, the Task Force is also seeking clarification on how CalRecycle plans to define an “end user” with respect to recyclable and compostable materials. In particular, the Task Force is especially concerned with materials shipped to “end users” outside the state of California or the United States. The California recycling industry is very complex and extends well beyond California and U.S. boundaries. This is especially significant when you consider the ever-critical political issue of Global Warming. As it relates to this issue, when examining the necessity of reducing Greenhouse Gas (GHG) Emissions within any jurisdictional level, it is crucial to conduct a complete life-cycle analysis on recyclable and compostable materials, with the intention of quantifying GHG reduction potential for recycling activities, while verifying that recyclable materials shipped out-of-state were in fact recycled in a closed loop process that reconstitutes the materials into the marketplace as established in State law. To this end, the proposed regulation should not limit the ability of Local Jurisdictions to obtain reportable end use/end life information on this material once it has left the state of California. Otherwise, the proposal would severely handicap one of the locals’ most essential functions with regards to quantifying GHG emission reduction, which is the main objective of the California Global Warming Solutions Act of 2006, AB 32, AB 341 (2011), AB1594 (2015), AB 1826 (2015), AB 901 (2015), and the California Air Resource Board Report – May 2014 – *First Update to the Climate Change Scoping Plan* (Ch. IV Pg. 67, Para. 5). Therefore, it is imperative that these materials are properly tracked and reported until they have reached their final end-market, in order to ensure that environmental responsibility is maintained as it relates to the materials’ final processing and reduction of GHG emission.

Another subject of concern to the Task Force is the type of information that may be made available to various jurisdictions by CalRecycle. Previously, many jurisdictions were receiving information on disposal reporting directly from facilities, which they would submit to CalRecycle through continuous reports. However, the implementation of AB 901 appears to eliminate the process of facilities reporting to these various jurisdictions, thereby requiring that they now collect their disposal information directly

from CalRecycle instead. While the Task Force understands the intended efficiency of this newly implemented process, it is believed that it may have an adverse effect on the ability of jurisdictions to obtain crucial disposal and diversion information, which in many cases is used for their own regulatory and planning purposes. In fact, many jurisdictions utilize this disposal information to accurately estimate the flow of solid waste within their respective cities, counties, and regions. As it stands, these same jurisdictions already encounter many difficulties in obtaining this information from solid waste facilities, many of which are reluctant to provide the information due to the risk of exposing trade secrets to their competitors (along with other various reasons). Consequently, the proposed regulations should not impede the ability of local jurisdictions to collect disposal and recycling/diversion information using their own authority.

In order to properly address the aforementioned issues and desired clarifications outlined in this letter, the Task Force respectfully requests a formal meeting between CalRecycle, the Los Angeles County Department of Public Works, and any pertinent jurisdictions with concerns related to implementation of AB 901. The expectation of this proposed meeting would be the establishment of a coordinated system for Disposal and Recycling Reporting Regulations within the confines of AB 901, which appropriately incorporates solutions to the environmental and operational concerns of local jurisdictions. In addition to this formal meeting, the Task Force would also like to extend an invitation to CalRecycle to participate in one of the Task Force's upcoming monthly meetings, in order to perform an explanatory presentation with respect to AB 901. Meetings are held on the 3rd Thursday of every month, at the Alhambra headquarters of the Los Angeles County Department of Public Works (900 S. Fremont Ave., Alhambra, CA 91803).

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended) and Chapter 3.67 of the Los Angeles County Code, 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 countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

The Task Force respectfully requests that CalRecycle considers and addresses the above comments and supports use of appropriate changes in legislation to address public health and safety and the protection of our environment.

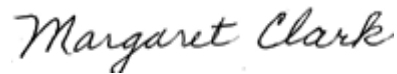
Mr. Scott Smithline

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If you have any questions, please contact Mr. Mike Mohajer, a Member of the Task Force at MikeMohajer@yahoo.com or (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force

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cc: CalEPA (Matt Rodriguez)
CalRecycle (Ken DaRosa, Christine Hironaka, John Sitts, Robert Carlson)
California Air Resources Board (Mary Nichols)
California Department of Food and Agriculture (Annette Whitford)
County Sanitation District (Grace Hyde, Chuck Boehmke, Christopher Salomon)
City of Los Angeles (Enrique Zaldivar, Karen Coca, Reina Pereira, Bernadette Halverson)
Each Member of the Los Angeles County Integrated Waste Management Task Force