



MARK PESTRELLA, CHAIR  
MARGARET CLARK, VICE - CHAIR

LOS ANGELES COUNTY  
SOLID WASTE MANAGEMENT COMMITTEE/  
INTEGRATED WASTE MANAGEMENT TASK FORCE  
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331  
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460  
[www.lacountyiswmtf.org](http://www.lacountyiswmtf.org)

May 31, 2018

Mr. Scott Smithline, Director  
California Department of Resources Recycling and Recovery  
1001 I Street  
Sacramento, CA 95812

Dear Mr. Smithline:

**COMMENTS ON AB 901 SIXTH DRAFT OF REPORTING REGULATIONS FOR RECYCLING, DISPOSAL AND ENFORCEMENT, DATED MAY 2018**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to express its continued appreciation to the California Department of Resources Recycling and Recovery (CalRecycle) for soliciting input from the public and local jurisdictions regarding draft regulations to implement Assembly Bill 901 (AB 901, Chapter 746 of the 2015 State Statutes). The Task Force has reviewed the sixth draft development regulations, dated May 2018 (Regulations), published by CalRecycle on May 16, 2018, <http://www.calrecycle.ca.gov/laws/rulemaking/Reporting/6thDraftReqs.pdf> and has the following comments:

**GENERAL COMMENTS**

1. The Initial Statement of Reasons dated January 2018, states that AB 901 will dramatically improve local jurisdiction's ability to achieve and measure legislatively-mandated goals by expanding reporting to include data on recycling and composting. It also states that additional tools will enhance and expand the ability of local jurisdictions to verify the accuracy of the reported information. Additionally, AB 901 amended Section 41821.5 (b)(3) of the Public Resources Code to state that CalRecycle may provide reported information to jurisdictions. However, it is unclear in the Regulations as to how local jurisdictions will reap the benefit of a more comprehensive and robust data collection by CalRecycle. The regulations should incorporate provisions describing the information and tools that will be made available, as well as the parties responsible for making such information and tools available, so that local jurisdictions may have the ability to measure and achieve the state-mandated goals.
2. For the purpose of solid waste planning and implementing and evaluating programs, the County and cities in Los Angeles County could benefit greatly by having access

to the information which CalRecycle will be able to collect under the new regulations. The Public Resources Code Section 41821.5 (b)(3) states that CalRecycle may provide information in the reports submitted pursuant to AB 901 to jurisdictions, aggregated by company, upon request. The regulations should address the types of reports that will be available and jurisdictions should have opportunities to comment on the format of requested information prior to the regulations being finalized.

3. Currently, pursuant to Sections 18800 through 18813 of Title 14 of the California Code of Regulations, which will be removed upon formal adoption of the subject regulations, solid waste disposal operators are required to submit surveys of disposal tonnages and jurisdictions of origin for the waste received to counties. In turn, each county provided quarterly reports to cities within the county with information regarding tonnages, jurisdiction of origin, and receiving facilities. This information is used by local jurisdictions to measure their progress in achieving the state waste reduction mandates and to plan for long-term disposal capacity. Since the requirement for counties to provide this information to cities is to be eliminated, the proposed regulations should include provisions that describe:
  - how the information will be made available to them
  - parties responsible for providing the information
  - tools that will be used to make such information available

CalRecycle should also provide opportunities to comment on the format of requested information prior to the regulations being finalized.

### **SPECIFIC COMMENT**

4. The proposed new Article 9, Subsection 18794.2(d) proposes that the Department will now calculate jurisdiction disposal using information provided by the Recycling and Disposal Reporting System. With this method, jurisdictions will not have the opportunity to determine their disposal rate, nor monitor their disposal reduction efforts since the report is only provided annually, and therefore, their disposal and diversion rates will be based solely on information provided by CalRecycle at the end of the reporting year. Based on past experience in data collection and reporting by Counties since 1995, there have been many inaccuracies in disposal reporting, and therefore, a county or city may be stuck with the disposal numbers provided by CalRecycle and may have no means to correct inaccurate or erroneous data. Therefore, the Task Force recommends the proposed regulations be revised to include:
  - jurisdiction reports be provided quarterly and annually.

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- a process and mechanism for a jurisdiction to correct inaccurate or erroneous data.
- the types of recycling and disposal reports that will be made available to jurisdictions.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 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 more than ten million. 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. As a collective group responsible for ensuring a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force respectfully requests that CalRecycle consider and address the above comments.

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

Very truly yours,



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

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cc: CalRecycle (Ken DaRosa, Christine Hironaka, John Sitts, Jane Mantey,  
Robert Carlson)  
Each Member of the Los Angeles County Integrated Waste Management Task Force