



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

March 21, 2016

Mr. Kurt E. Floren
Los Angeles County Agricultural Commissioner/Weight and Measures
12300 Lower Azusa Road
Arcadia, CA 91005-5872

Dear Mr. Floren:

BIOSECURITY OF PROCESSED AND UNPROCESSED GREEN WASTE/MATERIAL

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to express our concern regarding processed and unprocessed greenwaste/materials originating from quarantined areas as designated by the California Department of Food and Agriculture (CDFA) (emphasis added). As discussed in our December 28, 2015 to the CDFA (see enclosure), the Task Force is commenting on current regulations pertaining to the transportation of these types of green wastes, namely regulations recently set forth by CalRecycle in Title 14 of the CCR, Division 7, Chapter 3.1, including, but not limited to, Section 17852 (a)(21) – “Green Material” and Section 17868.5 – “Green Material and Vegetative Food Material Processing Requirements”; and Title 3 of the CCR, Division 4, Chapter 3, Subchapter 4, Article 2: - “General Provisions of Quarantine Regulations” being implemented by CDFA. The Task Force believes that the aforementioned regulations should be updated and coordinated between agencies to address elevated hazards of pest and pathogen transport.

The Task Force respectfully requests that the Los Angeles County Agricultural Commission/Weights and Measures provide information pertaining to the regulation and enforcement of the transportation of greenwaste materials from quarantine areas into and out of each affected county to other jurisdictions and for possible further processing at composting facilities. This information will be used to better understand the situation from a regulatory enforcement point of view and to assist the public, including the Task Force, in providing productive and informative comments to the CDFA and CalRecycle.

Currently, thirty-three of California’s fifty-eight counties are quarantined in all or part of their jurisdictions. According to the CDFA and the U.S. Department of Agriculture (USDA) there are five major plant pests and plant pathogens which are currently under quarantine or regulated in California. Los Angeles County is known to host at least

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three of the major quarantined pests as identified in Title 3 of the California Code of Regulations (CCR).

Additionally, the Task Force respectfully requests the Los Angeles County Agricultural Commission/Weights and Measures' assistance in providing comments regarding the existing regulations in order to make appropriate changes for the protection of the environment, especially in light of current state regulations for the diversion of green and vegetative food material/waste from landfills and other disposal facilities.

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 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.

If you have any questions, please contact Mr. Mike Mohajer 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 and
Mayor, City of Rosemead

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Enc.

cc: Governor Brown's Deputy Legislative Secretary Martha Guzman-Aceves
CalEPA (Matt Rodriguez)
California Department of Food and Agriculture (Karen Ross, Craig McNamara and Annette Whiteford)
CalRecycle (Scott Smithline, Ken DaRosa, Mark De Bie, Howard Levenson, Brenda Smyth, Robert Holmes, Georgianne Turner, Ken Decio, and Cara Morgan)
California Air Resources Board (Mary Nichols)

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State Water Resources Control Board (Felicia Marcus, Thomas Howard, and Leslie Graves)
California Department of Public Health (Dr. Karen Smith)
California State Association of Counties (Cara Martinson)
League of California Cities (Jason Rhine)
Los Angeles County Department of Public Health (Angelo Bellomo, Maurice Pantoja,
and Gerardo Villalobos)
City of Los Angeles Local Enforcement Agency (David Thompson)
Each Member of the Los Angeles County Integrated Waste Management Task Force



GAIL FARBER, CHAIR
MARGARET CLARK, VICE -CHAIR

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December 28, 2015

Ms. Karen Ross, Secretary,
California Department of Food and Agriculture (CDFA)
1220 "N" Street
Sacramento, CA 95814

Mr. Scott Smithline, Director
California Department of Resources Recycling and Recovery (CalRecycle)
P.O. Box 4025
Sacramento, CA 95812-4025

Dear Ms. Ross and Mr. Smithline:

BIOSECURITY OF PROCESSED AND UNPROCESSED GREEN WASTE/MATERIAL

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to express our concern regarding processed and unprocessed green waste/materials originating from quarantined areas as designated by the California Department of Food and Agriculture (CDFA) (emphasis added). Currently, thirty-three of California's fifty-eight counties are quarantined in all or part of their jurisdictions. According to the CDFA and the U.S. Department of Agriculture (USDA) there are five major plant pests and plant pathogens which are currently under quarantine or regulated in California. Los Angeles County is known to host at least three of the major quarantined pests as identified in Title 3 of the California Code of Regulations (CCR), Asian Citrus Psyllid *Diaphorina citri* (Section 3435), Huanglongbing (Section 3439), and Light Brown Apple Moth *Epiphyas postvittana* (Section 3434). Jurisdictions in Los Angeles County also have been experiencing problems resulting from Oak Mortality Disease *Phytophthora Ramorum* (3 CCR, Section 3700).

Regulations recently set forth by CalRecycle in Title 14 of the CCR, Division 7, Chapter 3.1, including, but not limited to, Section 17852 (a)(21) – "Green Material" and Section 17868.5 – "Green Material and Vegetative Food Material Processing Requirements"; and Title 3 of the CCR, Division 4, Chapter 3, Subchapter 4, Article 2: - "General Provisions of Quarantine Regulations" being implemented by CDFA, should be updated/coordinated by the said two agencies to address elevated hazards of pest and pathogen transport.

The Task Force would like to offer the following comments on these regulations for the protection of biosecurity and preservation of native Californian plant species.

- The approval or cancelling of permitting, licensing, and certification of green waste/material receivers (including biomass/cogeneration facilities, composting operations, landfills, waste processors or transfer stations) and green waste/material hauler/transporters by the CDFA should be mandatory regulatory actions. This review needs to take precedence over any other appropriate/applicable state or local permitting processes in Plant Pest/Pathogen Quarantine areas throughout the state (emphasis added).
- Wherever CalRecycle green waste/material or composting regulations mention consulting with or referencing to the state or local regulatory agencies, such as the Air Resources Board, Water Resources Control Board, or California Department of Public Health, the list needs to be specifically expanded to include California Department of Food and Agriculture.
- Any new set of permitting regulations involving green waste/materials and/or “vegetative food material/waste” that neglects the extremely severe environmental impacts of aggressive, invasive plant pests and/or pathogens should prepare an appropriate California Environmental Quality Act (CEQA) document and complete the required process. Special attention should be given to potentially sensitive operations such as all nurseries, landscape businesses, agricultural enterprises, urban landscaping (street trees), wildland ecosystems, parkland, and residential gardens.
- Dead and deceased plant material exhibiting symptoms of contamination should be properly disposed of in a solid waste permitted landfill or other disposal facilities designated by CDFA/CalRecycle. Further, considering the requirements of AB 939 (1989), AB 341 (2011), and AB 1826 (2014), the tonnages reported of such material should not be considered as “disposal” against the affected jurisdictions (emphasis added).
- Considering the urgency of the subject matter, it is recommended that as a part of the AB 1045 (Chapter 596 Of the 2015 State Statute) implementation the involved agencies should take an immediate action upon effective date of AB 1045 to adopt an emergency regulation to address the subject matter on an interim basis pending complete study and evaluation of the situation leading to the adoption of an appropriate regulation.

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 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

Ms. Ross and Mr. Smithline

December 28, 2015

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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 and CDFG consider the above comments and to make appropriate changes for the protection of the environment, especially in light of current state regulations for the diversion of green and vegetative food material/waste from landfills and other disposal facilities. If you have any questions, please contact Mr. Mike Mohajer 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 and
Mayor, City of Rosemead

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