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LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
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July 31, 2013

Ms. Caroll Mortensen, Director
Department of Resources Recycling and Recovery (CalRecycle)
1001 I Street
Sacramento, CA 95812-4025

Dear Ms. Mortensen:

**CALRECYCLE'S PROPOSED MATERIAL RECOVERY FACILITY STANDARDS:
COMPARABLE TO SOURCE SEPARATION
ASSEMBLY BILL 341 WORKSHOPS – JULY 16 AND 18, 2013**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) has been closely following the subject issue, having participated in each of the workshops CalRecycle has conducted over the past year, as well as submitting comments on November 14, and December 13, 2012, (copies enclosed). Our understanding was that these workshops were intended to solicit feedback from stakeholders in an effort to develop a transparent and workable standard for Mixed Waste Processing Facilities (MWPF) that process the commercial wastestream. Hundreds of stakeholders from local government and industry participated in this process offering several solutions. We were disappointed that the subject proposal disregarded recommendations by stakeholders, specifically by those who have real-world operating experience, in favor of a highly prescriptive dual numerical standard that has not been environmentally, operationally, or economically vetted.

Given the strong concerns expressed by various stakeholders to the Alternative Proposal put forward by CalRecycle, we respectfully request the process be placed on hold until certain key issues can be addressed, especially (1) whether there is any validity to the premise that an external process is needed to assure mixed waste processing facilities (MWPFs) provide "diversion results comparable to source separation;" (2) whether the proposal would be economically feasible, and (3) whether the net result would be consistent with the intent of AB 341 including providing for a reduction in greenhouse gas emissions (GHGe).

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [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 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, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

While we appreciate the extensive amount of time and effort CalRecycle has invested in the proposal, we have a number of serious concerns and questions regarding the criteria used to select the proposal and rule others out, as described in detail below:

1. Evaluation Criteria (Slide 8)

- a. *Criteria A – Meets the Law* - AB 341, under Section 42649.2 (b) of the Public Resources Code, allowed businesses to comply with the mandatory commercial recycling provisions of the law by subscribing “to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation.” As noted in our letter dated December 13, 2012 (copy enclosed), the law does not specify that individual facilities must provide proof of providing “comparable results” nor does it require or suggest CalRecycle establish elaborate and prescriptive performance standards that apply only to certain MWPFs.

In addition, AB 341 added Section 42649 (c) to the Public Resources Code to read, “It is the intent of the Legislature to reduce greenhouse gas emissions by diverting commercial solid waste to recycling efforts and to expand the opportunity for additional recycling services and recycling manufacturing facilities in California.” Has CalRecycle conducted any comparative analysis showing how GHGe would be reduced as a result of stakeholder recommendations or CalRecycle’s proposal?

Furthermore, the proposal put forward by CalRecycle evaluates MWPFs compared to a “source separation **system**,” which is inconsistent with the letter of the law, as cited above. This establishes a higher threshold for “mixed waste processing” – comparing each individual facility to a “source separation system.”

- b. *Criteria B – Shows Recyclables Removed Comparably* – There has been no validation of the premise that MWPFs are not already achieving comparable results to source separation. As stated in our enclosed letter, it is unclear how the performance of MWPFs can be compared to “source separation” when no standard for “source separation” has been established. Before any additional efforts are expended to develop prescriptive and complicated requirements for MWPFs, CalRecycle must determine whether such facilities are in fact achieving comparable results now.
 - c. *Criteria C – Works Regardless of Feedstock/Operations* – It is nearly impossible to develop a standard that works “regardless of feedstock/operations.” A more reasonable approach would provide accommodations for different circumstances such as the type of facility, the size of the facility, the feedstock being processed, etc.
 - d. *Criteria D – Practical, Doable, Clear for All* - How are “practical” and “doable” defined in terms of the evaluation criteria? A standard may be clear but may not be practical or doable depending on extraneous circumstances beyond the regulated party’s authority or control.
 - e. *Criteria E – Voluntary Standard* - All stakeholder-recommended proposals met Criteria E. The underlying issues is that for a MRF that relies on businesses with commingled waste collection, failing to meet the criteria would force them out of business while meeting the criteria may be economically unfeasible.
 - f. *Criteria F – Minimizes Unnecessary Facility Impacts* - Have operating MWPFs been interviewed, polled, or surveyed to determine specific economic impacts that could potentially occur as a result of each of the six recommendations proposed by stakeholders as well as CalRecycle’s proposal?
- 2. Task Force Evaluation of CalRecycle’s Alternative Proposal (Beginning on Slide 25)**
- a. *Criteria A – Meets the Law* – *CalRecycle’s Alternative Proposal does not meet this Criterion.* The intent of the law is to reduce GHGe from recycling commercial waste. CalRecycle’s proposal does not provide a GHGe reduction forecast. The law’s intent is also to expand the opportunity for recycling and remanufacturing in California. The proposal is heavily dependent on the availability of the recycling markets; however, as noted in your Recycling, Reuse, and Remanufacturing White Paper,

the majority of recyclable commodities collected in California for recycling are transported out of state by rail or ocean-going vessels. The 2008 economic recession and China's recent Green Fence policy have already caused disruptions in this system resulting in loss of revenue for California recyclers and public health and safety issues relating to stockpiled materials. Without sufficient remanufacturing infrastructure in California, we continue to rely on foreign markets. This proposal unnecessarily narrows the options for facility owners to use MWPF residuals in a way that makes the most sense economically and environmentally.

- b.** *Criteria B – Shows Recyclables Removed Comparably* – Please see comment above under item 1-b.
- c.** *Criteria C – Works Regardless of Feedstock/Operations* – CalRecycle's Alternative Proposal does not meet this Criterion. CalRecycle's proposal does not consider the likelihood that MWPFs could enhance their facilities by adding a back-end processing system such as a biological or thermal conversion technology. Several facilities including MWPFs, Transfer Stations, and Material Recovery Facilities (MRFs) in Los Angeles County are considering adding a technology component to generate energy for their operations and reduce the amount of residuals going to landfills. This is a concept supported by many jurisdictions in Los Angeles County as well as many countries in Europe and Asia. Numerical standards for residuals are problematic because they leave very little room for innovation and advanced engineering solutions that may be more cost effective and environmentally sustainable.

It does not appear that an analysis has yet been done on the other prevalent components of the commercial waste stream nor has there been an analysis to determine differences in the composition of the commercial wastestream that may be region or industry-specific. The "selected materials" list in the proposal appears to resemble the residential or commercial office wastestream. Metals, textiles, wood, aggregate, and food waste are not discussed in the proposal.

- d.** *Criteria D – Practical, Doable, Clear for All* - CalRecycle's Alternative Proposal does not meet this Criterion. Given the stakeholder feedback at the meeting on July 18, 2013, there does not appear to be consensus on this proposal. Many MWPF operators listed problematic operational and contracting impacts that will occur as a result of this proposal.

- e. *Criteria E – Voluntary Standard – CalRecycle’s Alternative Proposal does not meet this Criterion.* This standard is not technically “voluntary.” As stated in the law, commercial waste generators shall “subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation.” According to the proposal, only “High-Performing MWPFs” that meet the numerical standards and are annually certified would be considered comparable to source separation. Commercial waste generators not source-separating would only be in compliance with the law if they sent their material to a High-Performing MWPF.

- f. *Criteria F – Minimizes Unnecessary Facility Impacts – CalRecycle’s Alternative Proposal does not meet this Criterion.* CalRecycle’s proposal, instead of emphasizing on the overall recovery rate of a facility, would require facility operators to conduct waste characterizations on three separate streams, incoming material; outgoing recyclables; and outgoing materials not recycled, by evaluating the quantities of an evolving list of various recyclables in proportion to arbitrarily selected threshold percentages. This procedure will have an impact on the amount of tonnage processed during operating hours and may result in permit modifications. Additionally, the proposed requirements may negatively impact the health and safety of MWPFs personnel, which must be evaluated prior to finalization of the proposal. Further, a cost analysis has not been conducted to determine economic impacts or benefits on facility owners, local government, or commercial waste generators. The proposal needs to be vetted to minimize unnecessary facility impacts. We recommend, at a minimum, that surveys, polls, and face-to-face meetings be conducted with those directly responsible for complying with AB 341.

We hope that CalRecycle will work with stakeholders to reassess this proposal from a more holistic and science-based perspective. After reviewing the proposal, we do not feel it meets your agency’s own evaluation criteria. We appreciate the statement at the end of the slide presentation that we have “plenty of time to get it right.” We hope this means that your agency will be open to first evaluating the need for a prescriptive performance standard and then considering other viable alternatives to meeting the requirements of AB 341 so that a workable solution can be found.

As we recommended in our July 11, 2013, letter regarding the Waste Sector Plan, a comprehensive, scientific, peer-reviewed, life-cycle analysis of all waste management options including recycling, composting, conversion, combustion, and landfilling is needed. This will provide a baseline for the State to pursue policies, programs, and facilities that promote the highest and best use of materials in the waste stream including any MWPF standard.

Ms. Caroll Mortensen
August 1, 2013
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California is a leader in environmental stewardship, and we believe this is an opportunity for CalRecycle to promote innovation in the recovery of recyclables and diversion from landfilling in the State. Should you have any questions regarding these comments, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or 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

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cc: CalRecycle (Scott Smithline, Nancy Carr, Brian Larimore, Hieu Le,
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League of California Cities
League of California Cities, Los Angeles Division
California State Association of Counties
Each Member of the Los Angeles County Board of Supervisors
Each City Mayor/Manager in the County of Los Angeles
South Bay Cities Council of Governments
San Gabriel Valley Council of Governments
Gateway Cities Counsel of Governments
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GAIL FARBER, CHAIR
MARGARET CLARK, VICE-CHAIR

November 14, 2012

Ms. Carol Mortensen, Director
Department of Resources Recycling and Recovery (CalRecycle)
1001 I Street
PO Box 4025
Sacramento, CA 95812-4025

Dear Ms. Mortensen:

COMMENTS REGARDING THE SEPTEMBER 19, 2012, AB 341 WORKSHOPS

The Los Angeles County Integrated Waste Management Task Force (Task Force) appreciates the continued commitment of you and your staff to engage stakeholders in the development of the Report to the Legislature, which your agency is preparing pursuant to Assembly Bill 341 (AB 341) regarding the State's 75 percent source reduction, composting, and recycling goal.

The Task Force would like to reiterate the comments previously submitted on May 30, 2012 (enclosed), and particularly the following key issues as discussed at the September 19, 2012, workshops in Sacramento:

1. The Task Force is extremely concerned with the proposed elimination of existing diversion credit for transformation, alternative daily cover (including green waste), beneficial reuse of waste materials at landfills, and waste derived fuel due to their significant negative economic impacts on local governments and particularly those in Southern California.
2. There continues to be a lack of sufficient local markets for recyclable and compostable materials. This is a critical factor that must be considered by CalRecycle in developing its criteria for "mixed waste processing" facilities (MWPFs) and material recovery facilities (MRFs). Additionally, the Task Force strongly recommends the use of the Best Management Practices approach, which provides for more flexibility while allowing MRFs and/or MWPFs to tailor their approach, accounts for whether there is a market for recyclables/compostables, and gives more options for non-recyclable/non-compostable materials to be beneficially used such as through conversion technologies.

3. The Report to the Legislature should recognize that local government must have complete flexibility in selection of their waste collection and diversion programs.
4. CalRecycle continues to use the term “recycling” to represent source reduction, composting, and recycling as eligible activities under AB 341’s 75 percent goal. While this may be a “policy” issue for CalRecycle and possibly a shorthand way of referring to the goal, the proposal is confusing to elected officials, citizens, local governments, industry groups, the Task Force, and other stakeholders. If CalRecycle insists on using the terminology, then the Task Force would appreciate reviewing or receiving a written justification for the proposal.
5. At the morning workshop, the staff PowerPoint presentation considered five measurement options to quantify a per capita waste generation rate. CalRecycle is proposing to use a “modified measurement system” reducing the allowable per capita generation rate from 12.6 pounds/day (as currently provided pursuant to SB 1016) to 10.7 pounds/day (based on the 1990-2000 average generation rates). The Task Force is extremely concerned with the proposal if it is applied to local jurisdictions due to its major negative economic impacts. The existing measurement system (SB 1016) needs to be maintained.
6. In addition to its 75 percent goal of source reduction, recycling, and composting by 2020, AB 341 also stipulates implementation of a “Mandatory Commercial Recycling” (MCR) program by each “commercial solid waste generator”, to reduce greenhouse gas emission pursuant to AB 32. The five measurement options discussed by CalRecycle at the morning workshop failed to recognize that most of the California recyclable materials are shipped to foreign countries and thus there is a need to quantify and insure said materials are appropriately recycled and not disposed of. Without such a measurement system in place, it would not be possible to legally substantiate that recycling has been accomplished.

In addition to the foregoing, in response to local governments’ concerns about the impact the 75 percent goal would have on them, you and your staff verbally stated at the morning workshop on September 19, 2012, that the 75 percent goal will not impact them. This is because the 75 percent goal is a State goal that CalRecycle will be tracking separately. The Task Force would appreciate confirmation from you in writing regarding this position.

Ms. Caroll Mortensen
November 14, 2012
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We appreciate the opportunity to comment on the items discussed at the September 19, 2012, workshops in regards to the draft AB 341 Report to the Legislature, and we look forward to continuing to work with CalRecycle while the draft report is being refined during the coming months. Should you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or 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

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Enc.

cc: CalRecycle (Scott Smithline, Howard Levenson, John Sitts, Nancy Carr)
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May 30, 2012

Ms. Caroll Mortensen, Director
Department of Resources Recycling and Recovery (CalRecycle)
1001 I Street
PO Box 4025
Sacramento, CA 95812-4025

Dear Ms. Mortensen:

COMMENTS REGARDING THE CALRECYCLE DRAFT REPORT “CALIFORNIA NEW GOAL: 75% RECYCLING DATED MAY 9, 2012 (REPORT)”

On behalf of the Los Angeles County Integrated Waste Management Task Force (Task Force), I would like to thank you for hosting the AB 341 Stakeholder Workshop in Diamond Bar on May 21, 2012. We appreciate your commitment to stakeholder involvement in the development and finalization of the subject Report. As required by AB 341 (Chapter 476 of the State Statute of 2011), the final Report is to be submitted by CalRecycle to the Legislature on or before January 1, 2014.

In concert with the testimony provided by Mr. Mike Mohajer of the Task Force at the May 21, 2012, AB 341 Stakeholders Workshop (enclosed), we would like to provide the following additional comments on the subject draft Report.

1. General

In order to identify tools needed to achieve the State's goal of 75% recycling, composting, and source reduction by 2020, CalRecycle has indicated their intent “to take advantage of AB 341's invitation to define the future”, and utilizing through the Report, offer “a vision of a new paradigm for solid waste management in California.” Unfortunately, while the Report's “new paradigm” for the management of solid waste in California, if implemented, would significantly increase the local governments cost, it fails to provide a “new and intellectually balanced” vision for the management of solid waste in the 21st Century.

2. Conversion Technologies

The Task Force is a strong supporter of alternatives to landfills. Since 1999, we have supported local and state policies that would promote the development of technologies that convert materials in the wastestream that can't be recycled or otherwise diverted into useful products, energy, and fuels.

We were perplexed to see that one of the policy drivers highlighted in the draft Report was to “reduce dependence on oil by increasing in-state production of bioenergy/biofuels”; however, there was not a single mentioning of conversion technologies in the draft Report’s 10 implementation concepts. As indicated by Mr. Mohajer this is surprising and unjustifiable, given the Report to the Legislature that was completed by the CalRecycle’s predecessor, the California Integrated Waste Management Board pursuant to AB 2770 (Chapter 740 of the state statute of 2002) that substantiated the viability of conversion technologies on a lifecycle basis.

Further, in a January 2010 presentation, the California Air Resources Board estimated that 24 new commercial scale biofuel facilities would need to be developed in California by 2020 to meet AB 32 requirements. Pursuant to AB 341, Sections 41780.02 (b) (5), (6) and (7), this further justifies the need for conversion technologies to be included in the Report because of their ability to reduce materials going to landfills, produce local fuels and energy, and create a new sector of green-collar jobs.

3. Lifecycle Analysis

We strongly recommend that the State conduct a comprehensive, peer-reviewed life-cycle analysis of each solid waste management option and place each option within a new proposed hierarchy (see proposed hierarchy below) prior to finalizing the Report.

4. Solid Waste Management Hierarchy

We are concerned with the hierarchy proposed in the draft Reports which combines transformation, landfill alternative daily cover (ADC), beneficial reuse at landfills and other “disposal-related” activities with traditional landfilling at the bottom of the solid waste management hierarchy. The proposal, if implemented, would increase the AB 341 diversion rate of 75% by an additional 16% to 91% diversion rate by 2020. Needless to say, the proposal would negatively impact the economies of jurisdictions in California, including, but not limited to, the 88 cities in the County of Los Angeles and its 132 unincorporated communities. This fact has unfortunately been disregarded by the draft Report.

In addition to its significant negative economic impacts on local governments, unfortunately, the CalRecycle’s proposal does not represent a valid and justifiable paradigm for solid waste management in California for the 21st Century. The Task Force strongly believes that an integrated approach is necessary to reduce our dependence on landfilling, thus requiring that all options with societal and environmental benefits be left open to local governments and industry (emphasis added). We would be interested in discussing with you the following proposed revised hierarchy, which is based on the scientifically documented relative environmental benefits and drawbacks of each solid waste management options:

- Source Reduction and extended producer responsibility (*most desirable*)
- Recycling
- Composting
- Conversion technologies
- Waste to energy

- Landfills (*least desirable*)

5. Exportation of Recyclables

As indicated in the draft Report, the Task Force welcomes the Report's intent "to take advantage of AB 341's invitation to define future." As such, we strongly encourage CalRecycle to implement measure(s) to quantify the amount of recyclables that are currently being shipped out of the state and/or country for processing. We are specifically concerned with the ambiguity in how these materials are being processed out of the state/country, are they being recycled consistent with Section 40180 of the Public Resources Code, and what safety and environmental regulations are in place. Without such information, it would not be possible for CalRecycle to develop "intellectually honest" and valid strategies for achievement of the 75% source reduction, recycling, and composting goal by 2020 and their inclusion in the AB 341 Report to the Legislature

The Task Force would also encourage CalRecycle to pursue strategies that would promote and provide for the use of recyclables at in-state facilities only (emphasis added).

6. Definition of Recycling

Using the draft Report, CalRecycle is formulating an "**arbitrary new definition for recycling**" which is inconsistent with the statutory definition of recycling as called for in Section 40180 of the PRC (AB 939 - 1989). Using this arbitrary definition, then throughout the draft Report claims have indirectly been made that AB 341 has established a 75% "recycling" goal by 2020. As we all know, AB 341 calls for the 75% goal to be achieved through "source reduction, recycling and composting" (emphasis added).

The existing definition of recycling as provided in Section 40180 of the PRC has been in existence for almost a ¼ of century and is well recognized by all stakeholders throughout the state including, but not limited to, elected officials, regulatory agencies, local governments, businesses, residents, school children, etc. As such, the Task Force is extremely concerned with the use of the proposed "**arbitrary new definition for recycling**" (emphasis added). The proposal, which has been formulated for an unknown and unjustifiable reason(s), would create a significant confusion among stakeholders. Needless to say, the said confusion would also have negative economic impacts on local governments and businesses in California. For the foregoing reasons, the Task Force is opposed to the proposed definition for recycling. However, should CalRecycle wants to pursue its efforts to redefine "recycling" by including "composting", among other things, into the new recycling definition, then CalRecycle should also consider defining recycling as "any techniques that divert solid waste resources from land disposal.

7. Organics Disposal Ban And Biomethane Pipeline

The draft Report suggests that banning landfill disposal of "organics" (both compostable and non-compostable organics) would help to achieve "the 75% recycling goal of AB 341" (emphasis added). The Report also indicates that injection of "landfill produced

biomethane” into the pipeline is the key market for development of organics facilities in California. While the proposals are contradictory, it is difficult to see how the in-state landfill ban of organics would generate more revenues from landfill produced biomethane unless the goal is to further increase the importation of biomethane from out-of-state landfills which needless to say would negatively impact the economic well-being of California and its regulated communities.

8. Banning Green Waste Used as ADC will undermine AB 341 Goal

As a strategy to achieve the AB 341’s 75% goal, the draft Report recommends elimination of the recycling credit for the use of green waste as ADC. The Task Force does not see any justifiable rationale for the proposal by CalRecycle. Use of green waste ADC in Southern California is a result of a lack of markets for compost, lack of composting infrastructure, and contamination issues with curbside collected green waste. Preventing this material from being used as ADC will almost certainly result in more material being disposed in landfills.

9. The Other 25%

This implementation strategy attempts to identify ways to manage the remaining 25% of the waste stream after all source reduction, composting, and recycling have taken place. Suggested ways to manage the other 25% are beneficial uses of solid waste, waste-to-energy, and landfills. If 91% of materials are source reduced, composted, and/or recycled, that only leaves 9% of the solid waste stream to be processed in these other ways. It is very likely that this 9% will be comprised of inert and other low-value materials unsuitable for energy or biofuel production.

As compared to transformation and/or conversion technology processes, the strategy also favors landfilling of post-diverted waste residuals, since there are no hurdles placed for the landfill disposal of the waste residuals. However, the draft Report proposes new requirements to further extract recyclable and compostable materials from the post-diverted waste residuals before the remaining residuals can be used for any other beneficial purpose, including any form of energy generation. This appears as an attempt by the draft Report to formulate a revised waste management hierarchy by placing transformation and conversion technology processes as the last preferable solid waste management technique in California. This proposal contradicts the main goal of the California Integrated Waste Management Act which is to reduce our dependence on landfills.

10. Implementation Costs

The draft Report discusses sustainable funding for use mostly by CalRecycle to implement the state recommended “command and control” policies. However, the draft Report fails to recognize and address the significant increased costs for implementation of the recommended programs to achieve the AB 341 policy goal of 75% by local governments, residents and businesses in California. This is a critical issue for local governments and other impacted stakeholders that needs to be thoroughly analyzed by CalRecycle in concert with impacted communities prior to inclusion in the required Report to the Legislature.

Ms. Caroll Mortensen
May 30, 2012
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We appreciate the opportunity to offer our preliminary comments on the draft Report and we look forward to continuing to work with CalRecycle while the draft Report is being refined during the coming months. Should you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
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Integrated Waste Management Task Force and
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Enc.

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Cliff Rechtschaffen, Office of Governor Brown
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Each Member of the Facility and Plan Review Subcommittee



Mike Mohajer's Testimony of May 21, 2012

On

The CalRecycle Draft Report "California's New Goal: 75% Recycling" Dated May 9, 2012

My name is Mike Mohajer and I am before you on behalf of the Los Angeles County Integrated Waste Management Task Force. The Task Force addresses solid waste management issues on a Countywide basis. The Los Angeles County consists of 88 cities and over 120 unincorporated communities with a population of over ten million. Needless to say approximately one third of the California population live in Los Angeles County.

We have reviewed the CalRecycle draft report entitled "California New Goal: 75% Recycling," dated May 9, 2012 (Report). The Task Force welcomes the Report's intent "to take advantage of AB 341's invitation to define the future" and "to offer a vision of a new paradigm for solid waste management in California." However, it is disheartening to see that the Report continues to promote the almost ¼ century old policies while failing to offer a new workable paradigm. Specifically, I would like to offer the following three general comments:

What Does 75% Recycling Mean?

The Report attempts to provide an "intellectually honest definition of recycling." As substantiated by our almost ¼ century experience, a major portion of our claimed "recycled materials" are shipped out of State to foreign countries where they may get incinerated, landfilled or dumped inappropriately. While the Report disregards these facts, it also fails to recognize that CalRecycle does not have any systems/tools to measure what percentage of solid waste materials "redirected" from California landfills are actually "recycled" as defined in Section 40180 of the Public Resources Code (PRC). While disregarding the said facts, the Report elects to "define the future" by proposing to eliminate diversion credits for use of ADC, beneficial use of waste materials and the limited diversion credit currently available to the three existing waste-to-energy facilities in California, maintaining the current waste diversion rate measurement, and raising the AB 341 diversion goal of 75% to 91%. Such a proposal for increasing the diversion rate to 91% without a life-cycle analysis and economic evaluation of impacts on local governments is unjustified and without a merit. Further to be fair and "intellectually honest" in justifying the said proposal, CalRecycle must first quantify the amount of waste materials that are currently being redirected from California landfills under the umbrella of "recycling" as defined in Section 40180 of the PRC (emphasis added).

Emerging Technologies

As previously mentioned, the Report claims that it wants “to take advantage of AB 341’s invitation to define the future.” However, in re to emerging technologies, the Report takes the opposite direction. Specifically, the Report disregards the provision of AB 341 [Subdivision 41780.02(b), Paragraph (1)] which would require CalRecycle to update the data for proper management and development of market for materials consider “new and emerging trends in resource management.”

CalRecycle is well aware of conversion technologies and the Study that was conducted by its predecessor, the California Integrated Waste Management Board, pursuant to AB 2770 (Chapter 740 of the of the state statute of 2002) at a cost of over \$1.5 million. The Study findings well substantiated the viability of these technologies as compared to recycling, composting and landfilling . Unfortunately, unlike the subject Report which is “taking advantage of AB 341’s invitation to define the future”, the AB 2770 Study was not given a similar opportunity and as such the CIWMB was not able to provide the complete details of the Study’s findings to the Legislature.

We strongly believe that AB 341 is providing CalRecycle with a great opportunity to promote the development and operation of conversion technology facilities in California. Let’s use the knowledge we have gained from nearly 25 years of implementing AB 939 programs to move into a new paradigm, the 21st Century waste resources management system.

Waste Management Hierarchy

The Report indirectly has redefined the AB 939 waste management hierarchy by placing landfilling ahead of transformation and conversion technologies, as a preferable waste management technique for the “posted-diverted” waste residuals (emphasis added). Specifically, the Report is perfectly satisfied with land disposal of “post-diverted” waste residuals. However, as recommended by the Report (Item 10a), the same “post-diverted” waste residuals cannot be managed at a waste-to-energy or a conversion technology facility unless a yet to be defined quantity of “recyclable” materials that may potentially be found in the AB 341 “post-diverted” waste residuals are removed and potentially disposed of in a landfill. Needless to say, one can conclude that the Report does not see any place for any type of transformation and/or conversion technology facilities in California. This is extremely unfortunate and it seems that there is no room for knowledge and science in the Report’s “new paradigm.”

Thank you for allowing me to speak on the subject matter. The Task Force will be forwarding you a detailed comments in writing within the next few days. Thank you

Mike Mohajer

Member, Los Angeles County IWM Task Force

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LOS ANGELES COUNTY
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GAIL FARBER, CHAIR
MARGARET CLARK, VICE-CHAIR

December 13, 2012

Ms. Caroll Mortensen, Director
Department of Resources Recycling and Recovery (CalRecycle)
1001 I Street
Sacramento, CA 95812-4025

Dear Ms. Mortensen:

COMMENTS REGARDING CALRECYCLE'S PROPOSED MATERIAL RECOVERY FACILITY STANDARDS: TECHNICAL APPROCHES – NOVEMBER 26, 2012, ASSEMBLY BILL 341 WORKSHOP

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the continued commitment of you and your staff to engage stakeholders regarding material recovery facility (MRF) performance standards. The Task Force in concert with its previously submitted input of November 14, 2012, would like to provide comments on the following key issues as discussed at the November 26, 2012, workshop hosted by Los Angeles County Department of Public Works:

1. The intent of Assembly Bill 341 was to accommodate the use of mixed waste processing facilities (MWPF) to manage materials collected from businesses where source separation was not feasible. CalRecycle has interpreted this clause as requiring a performance standard that would ensure MWPFs achieve diversion results that are "comparable" to MRF handling source separated recyclables/divertible materials, but this is not evident in the law. It is also unclear how the performance of MWPFs can be compared to "source separation" when no standard for "source separation" has been established by statutes, emphasis added. Therefore we feel this issue needs to be evaluated further and better defined with emphasis on GHG reduction and availability of markets for the divertible materials in California, and/or those located in other states or foreign

countries providing their use causes a reduction in GHG emissions verified by an appropriate lifecycle analysis, emphasis added.

2. We have an ongoing concern regarding CalRecycle's proposal to establish standards that would require additional materials to be separated, without any consideration for the availability of sufficient local markets for those recyclable or compostable materials. As previously stated, this is a critical factor that must be considered by CalRecycle before pursuing a mandatory performance standard.
3. The process undertaken by CalRecycle seems to have lost sight of the original intent of the Mandatory Commercial Recycling requirement, which was focused on the reduction of GHG emissions; this is highlighted by the lack of actual performance data for the recycling facilities located in foreign countries where much of California's recyclables are shipped for processing.
4. There appears to be very little support for the proposed Option A of the "Topic 1" ("Specify Amount of Certain Materials Allowed in Residuals") from jurisdictions and other key stakeholders in Southern California. The Task Force is greatly concerned this option would establish additional prescriptive measurement and quantification schemes (a.k.a. "bean-counting") that would reverse the progress we've collectively made over the last decade to move away from expending resources on quantification of minutia, and focusing more on the quality of program implementation. We encourage CalRecycle to pursue options that are more reasonable and broader support.
5. CalRecycle's push for establishing a performance standard for residuals that may be used for energy recovery or other beneficial uses (the so called "Topic 2") seems counterproductive to CalRecycle's mission, in that placing additional requirements for the processing of materials prior to beneficial use only serves to make such options more difficult and costly, thereby creating an incentive to send residual wastes to landfills for disposal. We encourage CalRecycle to establish policies that would strongly encourage residual wastes to be sent to beneficial uses rather than disposal, such as conversion technologies which can convert residual solid waste into marketable products, green fuels and renewable energy while complementing the State's recycling infrastructure.

Ms. Caroll Mortensen
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We appreciate the opportunity to comment on this important issue and we look forward to continuing to work with you and your staff during the coming months. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,

Margaret Clark

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

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cc: CalRecycle (Scott Smithline, Howard Levenson, John Sitts, Nancy Carr)
League of California Cities
California State Association of Counties
Each Member of the Los Angeles County Board of Supervisors
Rita Robinson, Los Angeles County Chief Executive Office
Each City Mayor/Manager in the County of Los Angeles
South Bay Cities Council of Governments
San Gabriel Valley Council of Governments
Gateway Cities Counsel of Governments
Southern California Association of Governments
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each Member of the Alternative Technology Advisory Subcommittee
Each Member of the Facility Plan Review Subcommittee