

Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force

Minutes of May 21, 2009

County of Los Angeles Department of Public Works
900 South Fremont Avenue
Alhambra, California

COMMITTEE MEMBERS PRESENT:

Margaret Clark, League of California Cities-Los Angeles Division
Betsey Landis, Environmental Organization Representative
Mary Ann Lutz, League of California Cities-Los Angeles Division
Mike Mohajer, General Public Representative
Sam Perdomo, Business/Commerce Representative

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Gail Farber, represented by Carlos Ruiz, County of Los Angeles Department of Public Works
Dr. Jonathan Fielding, rep. by Gerry Villalobos, County of Los Angeles Department of Public Health
Stephen Maguin, rep. by Charles Boehmke, County Sanitation Districts of Los Angeles County
Greig Smith, represented by Nicole Bernson, City of Los Angeles
Dr. Barry Wallerstein, represented by Jay Chen, South Coast Air Quality Management District
Enrique Zaldivar, represented by Karen Coca, City of Los Angeles Bureau of Sanitation

COMMITTEE MEMBERS NOT PRESENT:

Carl Clark, Institute of Scrap Recycling Industries, Inc.
Michael Conway, City of Long Beach
David Kim, City of Los Angeles
Gerry Miller, City of Los Angeles
Ron Saldana, Los Angeles County Disposal Association (Formerly GLASWMA)

OTHERS PRESENT:

Mike Dean, Waste Connections, Inc.
Rogelio Gamiño, County of Los Angeles Department of Public Works
Rafael Garcia, Republic/BFI
Bahman Hajialiakbar, County of Los Angeles Department of Public Works
Ray Hamada, City of Irwindale
Linda Lee, County of Los Angeles Department of Public Works
Ben Lucha, City of Palmdale
Tobie Mitchell, County of Los Angeles Department of Public Works
Dave Nguyen, County of Los Angeles Department of Public Works
Mark Patti, City of Santa Clarita
Scott Schrieber, Waste Connections, Inc.
Coby Skye, County of Los Angeles Department of Public Works
Peter Zorba, City of Lancaster

I. CALL TO ORDER

Meeting was called to order at 2:05 p.m.

II. APPROVAL OF MINUTES OF MARCH 19, 2009

A motion was made to approve the corrected minutes of April 16, 2009. The motion passed unanimously.

III. REPORT FROM THE PUBLIC EDUCATION AND INFORMATION SUBCOMMITTEE

Mr. Mike Mohajer reported that the Subcommittee met earlier in the day and considered articles from the cities of Inglewood, Malibu, Calabasas, Downey, Irwindale and Santa Clarita. The subcommittee also considered the following articles from County Public Works staff:

- County Free Community Clean-up Services
- Single-use Bag Reduction and Recycling Programs
- Merger of Republic and Allied Waste and Its Impact on Chiquita and Sunshine Canyon Landfills
- Update on the County and Task Force Conversion Technology Project and
- County Department of Public Works Going Green

Mr. Mohajer mentioned that several articles left over from the previous submittals that the Spring issue was not able to accommodate, will get priority for publication in the Summer issue of *Inside Solid Waste*.

Mr. Mohajer disclosed that he has attended public information meetings and submitted comments on the proposed development of a Materials Recovery Facility in the City of Irwindale. He also indicated that he will be working with the City of Irwindale on their upcoming article. Mr. Mohajer noted that he will excuse himself from voting on the project when it comes before the Task Force for consideration.

IV. UPDATE ON AB 2296 (LANDFILL CLOSURE, POSTCLOSURE, CORRECTIVE ACTIONS AND FINANCIAL ASSURANCE)

Mr. Mohajer reported that the Task Force had submitted comments expressing concern and opposition for the proposed Phase II regulations, including the Rolling 30X with a step down to a Rolling 15X provision.

Mr. Mohajer explained that current regulations require a landfill operator to project their expenditures for post-closure maintenance (PCM) for 30 years but allow operators, at the end of each year, to reduce the funds in reserve for PCM to 29 years, 28 years, and so on. The State provides for various funding mechanisms to satisfy the financial assurance requirement; these mechanisms include letters of credit, pledges of revenue, bond insurance, trust fund or enterprise fund.

Mr. Mohajer stated that California Integrated Waste Management Board (Waste Board) staff had proposed a system that allows for annual step-downs until year 15. After year 15 operators can ask for step-downs every five years. He stated that, however, the newly proposed regulations would not provide for a draw down from the Financial Assurance Fund after the 15th year of the postclosure. This would have a significant negative financial impact on County Sanitation Districts since they use the Trust Fund (cash) mechanism to provide for their Financial Assurance and the new proposal would essentially prevent access to these funds.

Mr. Mohajer reported that on May 19, the Waste Board voted to adopt the Rolling 30X with a step down to a Rolling 15X ([see attachment](#)) subject to performing standards established by Waste Board staff. The new regulations will be available for public review for 45 days.

With regard to the issue of landfill corrective actions, Mr. Mohajer stated the proposed regulations allow for the use of financial assurance funds for corrective actions involving water quality issues to be used for non-water related issues, such as gas migration. Funding for non-water corrective actions would be equivalent to the amount projected for water quality corrective actions or replacement of the landfill final cover, whichever is greater.

Mr. Mohajer noted that the proposed revised regulations would apply to closed landfills and operating landfills close to completing their filling activities. He indicated this will represent a hardship for agencies because they will have to change their financial mechanisms to make up for the funds set aside for PCM that will not be available for the last 15 years of the PCM period. Mr. Mohajer cited the case of the County Sanitation Districts, whose Puente Hills landfill is scheduled to close in 2013.

Mr. Mohajer also reported that the AB 2296 report that is due to the State Legislature in July contains a recommendation for the implementation of a pooled fund and its uses. He indicated that because of issues of divestiture related to the private sector, the Task Force favors a pooled fund approach that looks at private and public sector operators separately.

V. UPDATE ON AB 222 (CONVERSION TECHNOLOGIES), AB 283 (EXTENDED PRODUCER RESPONSIBILITY), AND SB 25 (75 % DIVERSION RATE AND MANDATORY COMMERCIAL RECYCLING)

Mr. Mohajer reported that he attended the April 27, 2009 Utilities and Commerce Committee meeting. The AB 222 was unanimously passed by the Committee, subject to changes agreed by the Bill authors.

Mr. Mohajer stated that one of the changes agreed on was that jurisdictions will not be able to count any diversion credit for solid waste sent to conversion technology facilities towards the first 50 percent diversion rate. Another change proposed called for the removal of all recyclables from waste destined for conversion technology facilities. This change was not agreed on as it is impossible to remove all the recyclables from the waste stream. Mr. Mohajer reported that AB 222 was amended on May 5, and went for a vote in the Appropriations Committee on May 21. The Bill was voted out of the Committee 14 to 1.

Mr. Mohajer reported that the Extended Producer Responsibility (EPR) Bill, AB 283 was considered on April 23. He noted that the California Chamber of Commerce opposed the Bill and because of its tremendous lobbying pressure, the Bill barely made it out of the Assembly Natural Resources Committee and is under suspense at the Appropriations Committee.

Mr. Mohajer stated that expected amendments to the Bill will make it shorter and will likely eliminate any references to pharmaceutical and electronic waste. He stated that given the formidable opposition the Bill faces, it's unlikely that it will pass. However, AB 283 has prompted producers and manufacturers to recognize the critical role local governments play in the issue.

Mr. Mohajer also reported that SB 25, authored by Senator Padilla and modeled after AB 479, was amended. He stated that SB 25 requires a 60 percent diversion rate by 2015 and a 75 percent diversion rate by 2020. The Bill also requires jurisdictions to adopt mandatory commercial recycling and restricts the use of greenwaste as alternative daily cover (ADC). Mr. Mohajer stated that the Task Force continues to oppose this Bill because it is in detriment of local jurisdictions. He noted that the Bill, which is also opposed by the California Chamber of Commerce, will likely pass in the Senate but will become a two-year Bill in the Assembly.

VI. WASTE BOARD CONVERSION TECHNOLOGIES STATUS REPORT

Ms. Tobie Mitchell provided a presentation ([see attachment](#)) on the Waste Board Conversion Technologies Status Report (Report). Ms. Mitchell noted that the Report

was short and summarized the results of a survey released in May to conversion technology vendors worldwide. The survey was conducted by the Waste Board and University of California Davis and its purpose was to update conversion technology projects and vendor information.

The survey asked a variety of questions regarding system status, scale, feedstock (focusing on municipal solid waste), and mass/energy balance. The goal of the survey was to determine what conversion technology companies have operating facilities to be used in coordination with reports already available. The Waste Board is particularly interested in conversion technologies that have the ability to process MSW to produce electricity, biofuels, and reduce landfill disposal.

Ms. Mitchell reported that upon review of the survey, staff would suggest that for future Waste Board-sponsored surveys and reports, they provide a more in depth discussion on air emissions and discharge data, more information on marketing of products/byproducts, and more discussion of barriers to conversion technologies such as market incentives, level playing field, and additional research. Staff also noted that in the 2005 and 2007 conversion technology reports, the Waste Board identified 130 operating facilities but that did not appear to be reflected in this survey. Staff recommended to continue working with the Waste Board staff as they develop resources so future materials are comprehensive and beneficial to local governments.

Mr. Mohajer indicated that while the Task Force has been addressing the issue of permitting for conversion technologies facilities for years, the report dedicated just one paragraph of the report to the issue of permitting. Furthermore, the survey should take into account data from the Waste Board released in 2005 that looked at emissions data from operating facilities in Europe and Japan.

A motion was made to forward a letter to the Waste Board expressing concern over the issues identified by Mr. Mohajer as well as those identified by staff. The motion passed unanimously.

VII. UPDATE ON CHIQUITA CANYON LANDFILL

Mr. Scott Schrieber of Waste Connections, Inc. (Waste Connections) provided a presentation on the acquisition of Chiquita Canyon Landfill ([see attachment](#)).

Mr. Schrieber stated that Folsom based Waste Connections is the third largest solid waste company in the country. The company started in 1997 and is traded on the U.S. stock exchange. He indicated that the company has operations in 25 states and owns 44 landfills and projects \$1.2 billion in sales for this year.

Mr. Schrieber stated that as a condition for the merger of Allied Waste and Republic, the U.S. Department of Justice required the sale of 10 landfills, 10 transfer stations, and 9 collection companies. Waste Connections acquired most of those assets with the purchase of 5 collection companies, 3 transfer stations and 8 landfills including Chiquita Canyon Landfill.

Mr. Schrieber stated that 8 of the 44 landfills owned by Waste Connection are in California, where the company completed 3 landfill expansions in the past 5 years. The company also owns 7 transfer stations in California. He indicated that Waste Connections is exploring conversion technologies but not in California, where the permitting process is too onerous.

Mr. Schrieber stated that 257 acres of the almost 600 acres of Chiquita Canyon Landfill are permitted. The Conditional Use Permit (CUP) allows for a remaining capacity of 8 million tons of MSW and future expansion. The landfill is also permitted for yard waste processing and MRF operations.

Mr. Schrieber explained that as part of the acquisition of Chiquita Canyon Landfill, Waste Connections retains all pre-existing third party customers. This will result in 1,500 to 2,000 tons per day (tpd) of MSW, 1,000 to 2,000 tpd of diversion materials, and about 500 tpd of greenwaste. He indicated that the Landfill Gas Project will break ground in June and is expected to be completed and operational by the end of the year.

Mr. Schrieber noted that Waste Connections did not retain any of Republic or Allied Waste collection business, which resulted in 4,000 to 4,500 tpd diverted to Sunshine Canyon and other landfills. He indicated that because of the state of the economy, the base business has decreased by about 25 percent, pushing back Chiquita Canyon's maxed-out date under the current CUP to beyond 2014.

Discussion ensued.

VIII. LEGISLATIVE UPDATE

Mr. Rogelio Gamiño provided updates on the following Legislative Bills ([see attachment](#)):

1. AB 1173—introduced by Huffman

This Bill would prohibit the distribution of moneys from energy efficiency investment funds or any other funds generated from usage-based charges on electricity distribution that are provided by California's retail sellers of electricity

to any entity for compact fluorescent lamps, unless the compact fluorescent lamps meet certain specifications, and the manufacturer or distributor of the compact fluorescent lamps has implemented a recycling program or has agreed to pay an unspecified amount for every lamp for which funding is received into a compact fluorescent lamp recycling fund.

Mr. Gamiño stated that this Bill was last amended on May 5, 2009. The amendments allow manufacturers to opt out of the recycling requirement if they pay into a state fund managed by the Department of Toxic Substance Control. Mr. Gamiño stated that due to ongoing revisions to AB 1173, staff had not processed the letter of support for the Bill. He also indicated that other stakeholders had not yet taken a position on the Bill. A motion was made to hold the letter of support for the Bill and continue to watch for further developments. The motion passed unanimously.

2. HR 2454—introduced by Waxman

This Bill would establish emission caps that reduce aggregate greenhouse gas emissions for all covered entities to 3 percent below their 2005 levels in 2012, 20 percent below 2005 levels in 2020, 42 percent below 2005 levels in 2030, and 83 percent below 2005 levels in 2050. The legislation also defines the term ‘qualified waste-to-energy’ as energy produced from the combustion of municipal solid waste, construction, demolition, or disaster debris, or the gasification or pyrolyzation of these wastes. Qualified waste-to-energy would qualify as a renewable energy.

Mr. Gamiño stated that the Bill contains the following key provisions for energy to qualify as renewable energy:

- Only the energy derived from the non-fossil biogenic portion of the waste would qualify as renewable
- Facilities must be in compliance with all Federal and State standards
- Local governments serving the areas from which the municipal solid waste or waste-to-energy is generated, must offer recycling services

A motion was made to send a letter to Representatives Waxman and Markey and other California Congressional Representatives in support of the Bill in reference to conversion technologies. The motion passed unanimously.

3. SB 696—introduced by Wright

This Bill would exempt from the requirements of California Environmental Quality Act the adoption and implementation of specified South Coast Air Quality Management District (SCAQMD) rules, and the creation or the use of specified air emission reduction credits (ERCs) for a variety of projects within the district, including thermal power plants.

Mr. Mohajer stated that the SCAQMD had been sued over the issuing of ERCs. The lawsuit resulted in a court decision declaring a moratorium on the use of those ERCs for permitting facilities under AQMD jurisdiction.

Mr. Jay Chen explained that the Bill is trying to create relief from the moratorium, which targets one of the rules that SCAQMD developed to track ERCs. ERCs are saved in SCAQMD's own emissions bank and issued to specific projects for free. These projects include essential public service projects, research and development projects, and very low emitters (under 4 tons per year). Specific projects affected by the moratorium include landfill to gas energy projects, sewage treatment projects, and projects involving schools, police stations, etc.

Mr. Chen stated that the Bill has the support of numerous jurisdictions including the League of California Cities, Riverside County and County Sanitation Districts among others. However, some Task Force members expressed concerns over the provision in the Bill regarding the development of power plants. Mr. Carlos Ruiz noted that the County Board of Supervisors adopted a resolution of oppose unless amended to exclude the power plants from the bill.

A motion was made to forward a letter of support for SB 696. The motion passed with Mses. Betsey Landis, Karen Coca and Nicole Bernson abstaining, and Messrs. Sam Perdomo and Carlos Ruiz opposing.

Ms. Bernson requested that Senator Wright's staff be invited to the next meeting to discuss the Bill.

IX. REPORT FROM WASTE BOARD

No action. Item postponed until the next meeting.

X. UPDATE ON COURT DECISION ON LAWSUIT BROUGHT AGAINST REGIONAL WATER BOARD

No action. Item postponed until the next meeting.

XI. NEXT MEETING DATE

The next meeting was scheduled for Thursday, June 18, 2009, at 1 p.m.

XII. OPEN DISCUSSION/PUBLIC COMMENT

Mr. Mohajer indicated that he recently met with Waste Board member Sheila Kuehl and has invited her to the June Task Force. Ms. Kuehl has accepted the invitation and is expected to attend the meeting.

Ms. Coca announced that the City of Los Angeles will have its fourth Zero Waste conference on Saturday, May 30, from 7:30 a.m. to 1:30 p.m. at the Cathedral of Our Lady of the Angels.

Ms. Coca also requested to include a discussion item on the June meeting regarding the U.S. Department of Transportation's new rule on the transportation of batteries destined for recycling purposes.

The meeting adjourned at 4:02 p.m.