

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

Minutes of July 21, 2011

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
Ron Saldana, Los Angeles County Disposal Association (Formerly GLASWMA)
Eugene Sun, League of California Cities-Los Angeles Division

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Gail Farber, rep. by Carlos Ruiz, County of Los Angeles Department of Public Works
Dr. Jonathan Fielding, rep. by Cindy Chen, County of Los Angeles Department of Public Health
Stephen Maguin, rep. by Chuck Boehmke, County Sanitation Districts of Los Angeles County
Mitchell Englander, rep. by Nicole Bernson, City of Los Angeles
Dr. Barry Wallerstein, rep. by Jay Chen, South Coast Air Quality Management District
Enrique Zaldivar, rep. 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
Sam Perdomo, Business/Commerce Representative

OTHERS PRESENT:

Chuck Agu, County of Los Angeles Department of Public Works
Becky Bendikson, Sunshine Canyon Landfill CAC
Dennis Callihan, Technip USA
Larry Cole, Landmark Waste Removal
Wayde Hunter, NVC/GHNNC
Jennifer Lao, HDR
Andre Martinez, Cal Met Services
Walter McKinney, Clean Waste Tech.
Tobie Mitchell, County of Los Angeles Department of Public Works
Ivan O'Neill
Coby Skye, County of Los Angeles Department of Public Works
Matt Suska, County of Los Angeles Department of Public Works
Jennifer Wallin, CalRecycle

I. CALL TO ORDER

Meeting called to order at 1:10 p.m.

II. APPROVAL OF MINUTES OF JUNE 16, 2011

A motion was made to approve the June 16, 2011, minutes with corrections. The motion passed with two abstentions from Mr. Chuck Boehmke and Ms. Mary Ann Lutz.

III. REPORT FROM THE ALTERNATIVE TECHNOLOGY ADVISORY SUBCOMMITTEE (ATAS)

Ms. Tobie Mitchell reported that Staff continues to make progress in Phases III and IV of the conversion technology program. Responses to the Request for Expressions of Interest for technology vendors and financial firms are due July 28, 2011. Ms. Mitchell also reported that the ATAS discussed the South Coast Air Quality Management District's (SCAQMD) draft energy policy, and the subcommittee requested the Task Force send a comment letter to SCAQMD to ensure that conversion technologies are treated in an equitable way with other forms of electricity generation and biofuel production. Mr. Mike Mohajer made the motion to send the letter, and it was seconded by Eugene Sun. The motion passed unanimously.

Ms. Mitchell stated that the ATAS discussed the draft cap and trade regulations developed by the California Air Resources Board (CARB). The ATAS made a recommendation that the Task Force send a comment letter to CARB regarding sections in the draft regulations that, as written in their current form, would require that many types of conversion technologies be included in the cap and trade program. Mr. Mike Mohajer made the motion to send the letter, and it was seconded by Ms. Mary Ann Lutz. The motion passed unanimously. Staff will work with Mr. Frank Caponi of the County Sanitation Districts to incorporate their comments.

IV. REPORT FROM THE FACILITY AND PLAN REVIEW SUBCOMMITTEE

Ms. Betsey Landis provided a report on the Subcommittee's discussion regarding Republic Services' (Republic) Odor Plan of Action for the Sunshine Canyon Landfill. Ms. Landis stated that at the end of Republic's presentation of their plan to control and mitigate odors from the landfill operation, the Subcommittee asked Republic to work with the Van Gogh Street Elementary School to provide a weather station to allow students to take readings from the station as a science project. Ms. Landis indicated even though there is already a weather station, it automatically sends electronic readings to an air quality consultant. The

Subcommittee believes Republic should provide an opportunity for the students and teachers to participate in the daily readings of the weather station so they can understand how the weather and wind directions may affect odors from the landfill. The Subcommittee requested the Task Force to send a letter to Republic requesting a separate weather station be established at the school that provides a continuous read-out to the school. After discussing the matter with Mr. Wayde Hunter representing North Valley Coalition/Granada Hills North Neighborhood Council and Ms. Becky Bendikson, representing the Sunshine Canyon Community Advisory Committee, Ms. Nicole Bernson recommended that the motion be held until further discussion with the Granada Hills North Neighborhood Council and the Principal of the Van Gogh Street Elementary School. The motion was held.

V. UPDATE ON AB 480 AND AB 1178

Mr. Mike Mohajer reported AB 480 would allow private landfill operators to self insure for the financial assurance required for closure, postclosure, or corrective action. Currently the State of California does not allow self insurance. The Task Force opposes this bill and as a result of its efforts, at the Senate Environmental Quality Committee meeting on July 6, 2011, the author of the bill withdrew the bill and made it a two-year bill. The bill had already passed the Business and Commerce Senate with a vote of 12 to 0. Mr. Mohajer made a motion to send a letter to cities in Los Angeles County asking them to send a letter to the author of the bill and Senate Environmental Quality Committee Chair opposing AB 480. The motion passed unanimously.

Mr. Mohajer also reported that AB 1178 is in response to Solano County Measure E, a voter initiative from the 1980's, which limits the amount of imported solid waste into Solano County. AB 1178 would prohibit a city or county, including by an initiative of the voters of a city or county, from restricting or otherwise limiting the importation of solid waste into that city or county based on the place of origin. The bill has passed the Assembly and was in the Senate EQ committee.

Mr. Mohajer stated he attended the SEQ Committee on July 6 in Sacramento and spoke on behalf of the Task Force in opposition to AB 1178. Prior to the hearing he met with several Senators including Senator Fran Pavley, who as a previous City Council Member for Agoura Hills promoted the County's adoption of a wasteshed ordinance for Calabasas Landfill. During the the SEQ Committee hearing, Senator Pavley voted in favor of AB 1178, and the bill passed with a 4 to 3 vote. After a lengthy discussion, Ms. Mary Ann Lutz made a motion to send a letter to the author maintaining the Task Force's opposition to AB 1178 and also send a letter to Los Angeles County cities recommending they also oppose. The motion passed unanimously. Mr. Mohajer suggested sending a letter to Senator

Lowenthal thanking him for his committee vote in opposition. Ms. Lutz made a motion to send a thank you letter to the Senate EQ committee members who opposed the bill. Ms. Karen Coca seconded the motion. The motion passed unanimously.

Mr. Wayne Hunter requested to discuss a matter at the Sunshine Canyon Landfill since it is related to AB 1178. He indicated that the landfill was issued a Notice and Order by the Sunshine Canyon Landfill-Local Enforcement Agency (SCL-LEA) for accepting out-of-county trash. The Notice and Order was later rescinded by the SCL-LEA on the basis that the matter is a local land use issue. Mr. Hunter asked the Task Force to request Staff to look into why the requirements regarding out-of-County waste restriction in the Conditional Use Permit is not being enforced. Ms. Nicole Bernson informed Mr. Hunter the issue could not be discussed because it was not agenized and made a motion for the item to be put on next month's agenda. Ms. Bernson indicated that the SCL-LEA issued a joint City/County Notice and Order, and was thereafter admonished by CalRecycle because the issue is beyond the SCL-LEA's authority. Ms. Lutz seconded the motion. The motion passed unanimously.

VI. LEGISLATIVE UPDATE

Mr. Coby Skye gave an update on the [attached Legislative Table](#). He specifically addressed the following bills:

1. AB 341 (Chesbro)

This bill would (1) require CalRecycle, on Jan. 1, 2020, and annually thereafter, to ensure that 75% of all solid waste is diverted; (2) provide that NDFE updates are not subject to CalRecycle approval or comment/review by a LTF; (3) statutorily establish mandatory commercial recycling, including requiring a jurisdiction to implement a commercial recycling program and include that program in a jurisdiction's AB 939 compliance review; (4) require the enforcement agency to give notice of its determination to allow certain changes to the operation of a solid waste facility without a revision to the facility's solid waste facility without revision to the facility's permit.

Mr. Mike Mohajer made a motion so send a Letter of opposition to the Appropriation Committee and Senate, and Mr. Chuck Boehmke seconded. The motion passed unanimously.

2. AB 514 (Hernandez)

This bill would include in the definition of "hauling of refuse" the hauling of materials other than bona fide commodities sold at fair market value, thereby expanding the definition of "public works" and thus requiring the payment of prevailing wages for that activity. This bill would define "bona fide commodity" to mean a commodity for which a publicly traded commodity market exists, such as for copper, steel, or aluminum.

Staff recommended watching this bill.

3. AB 712 (Williams)

This bill would prohibit CalRecycle, on and after July 1, 2012, from making any payments, grants, or loans to a jurisdiction, if that jurisdiction has adopted or is enforcing a land-use restriction that prevents the siting or operation of a certified recycling center at a supermarket site.

Staff recommended to continuing opposing this bill.

4. SB 431 (Emmerson)

This bill would prohibit a reverse distributor from accepting the return of dangerous drugs that have been dispensed to a patient that are later returned by the patient or patient's agent to a pharmacy. This bill would instead require a pharmacy to report and provide to the board, within 14 days of the receipt or development thereof, the information described above regarding the ability of working, licensed individuals to practice the profession or occupation authorized by their license. This bill would require that any record pertaining to the return of dangerous drugs to a wholesaler, reverse distributor, or hazardous waste hauler include specified information, including the quantity or weight of the drugs returned.

Staff recommended opposing. Mr. Mohajer made a motion to send a letter of opposition, and Ms. Betsey Landis seconded. The motion passed unanimously.

5. SB 589 (Lowenthal)

This bill would require a manufacturer of household mercury-containing lamps (lamps), on or before April 1, 2013, individually or through a stewardship organization, to prepare and submit to CalRecycle a lamp stewardship plan to establish a recovery program for the end-of-life management of their lamps. CalRecycle would be required to post and update on its Internet Web site a list of manufacturers in compliance. The bill would require a lamp retailer to monitor CalRecycle's Web site to

determine if a manufacturer is compliant and would prohibit, on and after November 1, 2013, the sale of a lamp that is out of compliance. The bill would require a retailer to add the stewardship fee approved by CalRecycle to the retail purchase price of a lamp, as a separate line item on the customer's receipt. This bill would require, on or before July 1, 2014, and annually thereafter, a manufacturer or stewardship organization to demonstrate to CalRecycle that it has achieved continuous meaningful improvement in implementing the program. The bill would also require a manufacturer or its designated stewardship organization, by July 1, 2014, and annually thereafter to submit a report to CalRecycle describing their program. This bill would require for passage the approval of 2/3 of the membership of each house of the Legislature (Prop. 26).

Staff recommended opposing unless amended. Ms. Mary Ann Lutz made a motion to send a letter to oppose unless amended and support if amended. The motion passes unanimously.

Mr. Wayde Hunter inquired about H.R. 2284 (Green – TX 29) the Responsible Electronics Recycling Act. Mr. Skye explained that it is a Federal bill that the Task Force hasn't taken action on.

VII. MANDATORY COMMERCIAL RECYCLING STAKEHOLDER WORKSHOP

Mr. Matt Suska reported that on July 19 CalRecycle held an informal stakeholders workshop on their Mandatory Commercial Recycling regulations. The Task Force has previously sent comment letters with general and technical comments and corrections to draft regulations. The workshop provided a summary of the updates to the draft regulations as well as additional economic analysis provided by the cost study consultant. Some technical changes recommended by the Task Force were accepted; however overall, the regulations are largely unchanged from previous drafts and many Task Force concerns were unaddressed and/or never responded to. The formal rule making process will begin in September. CalRecycle is accepting unofficial comments until the end of the day on July 21.

Mr. Suska stated these regulations stem from the AB 32 Scoping Plan and aim to reduce 5 million metric tons of carbon dioxide equivalent emissions annually by 2020 through diverting 1.5 to 3.5 million tons of commercial waste. The Regulations specify that businesses, public entities, and multi-family residential complexes of five or more units producing 4 or more cubic yards of solid waste weekly must subscribe to recycling services for their commercial solid waste. Each jurisdiction will be required to implement a commercial recycling program consisting of education, outreach, monitoring, assessment, and notifying affected

entities. Jurisdictions will also be required to adopt a formal commercial recycling policy or ordinance.

Since CalRecycle was expected to receive comments until the end of the day today, Staff prepared a draft comment letter. Mr. Mike Mohajer stated there was a very short timeframe to send comments, and the letter needs to be sent to readdress a number of previously communicated issues. Mr. Mohajer made a Motion to forward the letter drafted by Staff to CalRecycle reemphasizing the Task Force's previous comments on the regulations. Ms. Karen Coca and Mr. Ron Saldana expressed concern about Staff drafting a letter that hadn't yet been voted on by the Task Force. Mr. Coby Skye explained that Staff acted in anticipation of the short deadline to present the letter for the Task Force's consideration. Mr. Skye also stated the letter is a continuation of the issues previously addressed by the Task Force and gave a brief summary of the letter. After a brief discussion, the Task Force stated if a similar situation of a short deadline comes up in the future, they would like to view a copy of the draft letter at the meeting. Ms. Coca seconded the motion to send the letter, and the motion passed unanimously.

VIII. GREEN RIBBON SCIENCE PANEL UPDATE

Mr. Matt Suska reported that according to the Notice of Public Meeting the purpose of the meeting is to discuss (1) Alternatives Assessments, (2) Tiered Alternatives Assessments, and (3) Quality Assurance for Alternatives Assessments. Mr. Suska stated the alternatives assessments that are part of the proposed Green Chemistry regulations is not what the Task Force is concerned with but their focus is on the end-of-life management of priority products. The alternatives assessments deal with the very "front-end" of product design and are conducted by the manufacturer and then assessed/analyzed by DTSC in an iterative process that leads toward benign products rather than toxic products. Additionally, circumstances have sent the Green Chemistry regulations back to the drawing board, and there is nothing official to review or analyze. Given our current work load, the 2-day length of the meeting, and the topic/subject inapplicability to Task Force or County, Staff suggested the Task Force consider pushing the item back until applicable topics can be presented.

IX. REPORT FROM CALRECYCLE

Ms. Jennifer Wallin reported on the following:

- The AB 939 Annual Report is due August 1.
- The Waste Reduction Award Program applications are in for businesses that want recognition for doing a good job with waste reduction. They received 51 applications, which are currently under review. Award notifications will be sent soon.

- Waste tire grants notices will be released in September. She thanked everyone for participating in the recent workshop.
- Formal rulemaking for the Mandatory Commercial Recycling is expected to begin September 5 with the release of the proposed regulations, a summary of the regulations, and the statement of purpose. The ARB Board hearing will take place October 20 or 21.
- The Institute of Local Governments' final report on commercial recycling and climate change tools are posted online.
- Formal rulemaking for carpet and paint packages will begin Friday, July 22, 2011. The public hearing for those regulations will be September 8. There may be another comment period depending on how the hearing goes.
- On July 27, the California Energy Commission is expected to adopt its AB 118 Transportation Fuels Investment plan. There is a provision for \$8 million for pre-biomethane landfill projects.
- Final Anaerobic Digestion Programmatic EIR is posted online.

X. NEXT MEETING DATE

The next meeting is scheduled for Thursday, August 18, 2011, in Conference Room B.

XI. OPEN DISCUSSION

The meeting adjourned at 3:13 p.m.

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