

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

Minutes of October 15, 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
Ron Saldana, Los Angeles County Disposal Association (Formerly GLASWMA)

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Gail Farber, represented 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 Charles Boehmke, County Sanitation Districts of Los Angeles County
Dr. Barry Wallerstein, represented by Jay Chen, South Coast Air Quality Management District

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
Greig Smith, City of Los Angeles
Steve Tye, League of California Cities-Los Angeles Division
Enrique Zaldivar, City of Los Angeles Bureau of Sanitation

OTHERS PRESENT:

Chuk Agu, County of Los Angeles Department of Public Works
Russell Bukoff, County of Los Angeles Department of Public Works
Suk Chong, County of Los Angeles Department of Public Works
Chip Clements, Clements Environmental
Rogelio Gamiño, County of Los Angeles Department of Public Works
Barbara Hamilton, Eco-Stream
Sevak Khatchadorian, County of Los Angeles Department of Public Works
Travis Lange, City of Santa Clarita
Virginia Maloles-Fowler, County of Los Angeles Department of Public Works
Mary Matava, Agri Service
John McCabe, GHG Climate Team
Tobie Mitchell, County of Los Angeles Department of Public Works
Pat Proano, County of Los Angeles Department of Public Works
Coby Skye, County of Los Angeles Department of Public Works
Steve Uselton, CIWMB
Cynthia Vant Hul, GHG Climate Team

I. CALL TO ORDER

Meeting was called to order at 1:08 p.m.

II. APPROVAL OF MINUTES OF SEPTEMBER 17, 2009

Staff was instructed to make corrections to the September 17 minutes and bring the item back to the next meeting for approval.

III. STATUS UPDATE ON AB 222

Mr. Mike Mohajer reported that AB 222 stalled in the Senate Environmental Quality Committee and as a result is now a two-year bill. He reported that there are proposed amendments to the latest version of the bill ([see attachment](#)), which will be submitted for consideration by the Committee in January 2010. One of the amendments precludes energy generated from fossil fuel sources from being considered renewable energy. This means that energy generated from municipal solid waste (MSW) containing fossil fuel products would not be eligible to be considered renewable energy. Also proposed is to remove language that will prevent MSW diverted to conversion technology processes from being counted as part of the diversion rate.

A motion was made to send a letter to cities in Los Angeles County, including a sample support letter, urging them to send letters of support for AB 222, with the proposed amendments, to the authors of the bill and the Senate Environmental Quality Committee. The motion also called for the Task Force to forward a second letter of support for AB 222, with the proposed amendments, to the authors of the bill and the Committee members. The motion passed unanimously.

IV. LEGISLATIVE UPDATE

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

1. AB 64 and SB 14—introduced by Krekorian and Simitian

These bills would increase the use of renewable energy from 20 percent to 33 percent by 2020, but would exclude energy produced by conversion technologies processes using MSW as feedstock. The Governor vetoed the bills as requested by the Task Force.

2. AB 274—introduced by Portantino

This bill would establish a voluntary solid waste postclosure and corrective action trust fund on or after July 1, 2011, by paying the State a fee of \$0.12 per ton of waste disposed at landfills. The Task Force requested that the Governor veto the bill. However, the Governor signed the bill.

3. AB 473—introduced by Blumenfield

This bill would require an owner of a multifamily dwelling consisting of five or more living units, on and after July 1, 2010, to arrange for recycling services consistent with State or local laws. The Governor vetoed the bill as requested by the Task Force.

Mr. Mohajer noted that the Governor's veto message substantiates what the Task Force has been communicating to the California Integrated Waste Management Board (CIWMB) with regards to mandatory recycling issues.

4. AB 1085—introduced by Mendoza

This bill would require the California Air Resources Board (CARB) to make available to the public any report or similar document, if any, on which the agency relies, related to, but not limited to, air emissions, public health impacts, and economic impacts, before the comment period for any regulation proposed by the CARB. The Governor signed the bill as requested by the Task Force.

5. AB 1173—introduced by Huffman

This bill would place responsibility for the proper management of residential fluorescent lamps (RFL) on manufacturers or distributors that receive a subsidy from the Public Goods Charge Efficiency Program. The bill would also allow the manufacturer to opt out of the RFL recycling requirement. The Governor vetoed the bill as requested by the Task Force.

6. SB 402—introduced by Wolk

This bill would revise the term "beverage" within State statute to include vegetable, fruit, nut, grain, or soy drinks. The Governor vetoed the bill as requested by the Task Force. Mr. Mohajer noted that the Governor's veto message concurs with the concerns expressed by the Task Force in its letter requesting that he veto the bill.

7. SB 486—introduced by Simitian

This bill would require, on or before July 1, 2010, and annually thereafter, a pharmaceutical manufacturer that sells or distributes medication that is self-injected through the use of hypodermic needles and similar devices to submit to the Waste Board or its successor agency, a plan that describes how the manufacturer would support, if at all, the safe collection and proper disposal of home-generated sharps waste. The Task Force requested that the Governor veto this bill. However, the Governor signed the bill.

8. AB 1318 and SB 827—introduced by Perez and Wright

AB 1318 (and its corresponding bill in the State Senate, SB 827) would exempt from the requirements of the California Environmental Quality Act, the adoption and implementation of specified district rules, and the creation or use of specified air emission reduction credits pursuant to a variety of projects within the district, including thermal power plants. The bill's provisions would sunset January 1, 2012. The bill was chartered on October 11, 2009.

9. HR 1158 and SB 306—introduced by Higgins and Nelson

These bills, known as the Biogas Production Incentive Act of 2009, would allow a business-related tax credit for the production, sale, or use of biogas. "Biogas" is defined as a gas that is derived by processing qualified energy feedstock in an anaerobic digester, provided certain conditions are met.

A motion was made to send a letter of support for HR 1158 and SB 306 to the authors of the bills. The motion passed with Ms. Betsey Landis abstaining.

10. HR 2091—introduced by Moran

This bill, known as the Plastic Bag Reduction Act of 2009, would supersede State statutes and impose a retail tax on single-use carryout bags in the amount \$0.05 on and after January 1, 2010, and \$0.25 on and after January 1, 2015. It would also establish the Single-Use Carryout Bag Trust Fund where the impending fees will be collected for allocation.

Staff was instructed to prepare a report on the bill and bring it back for further discussion at the next meeting.

V. OVERVIEW OF US SENATE BILLS 1462 AND 1733

Mr. Rogelio Gamiño stated that SB 1462 (introduced by Bingaman) would establish a Federal standard that requires utilities to obtain an increasing percentage of their base quantity of electricity that they sell to consumers from renewable energy or energy efficiency. The bill would establish credit trading program under which utilities would submit credits to comply with this standard. The standard would start by implementing a three- percent requirement from 2011 to 2013, and increase to 15 percent by 2039. This bill is significant because it defines renewable energy to include qualified waste-to-energy. The bill defines qualified waste-to-energy as energy derived from the combustion of post-recycled MSW, allowing for the inclusion of thermal conversion technologies as renewable energy at the federal level.

A motion was made to send a letter to support and amend SB 1462 to include a broader definition of qualified waste-to-energy. The motion passed with Mr. Charles Boehmke abstaining.

Mr. Gamiño then stated that SB 1733 establishes a cap and trade program for green house gases (GHG) while adding provisions that would enhance the bill in the realm of renewable energy. The proposed cap and trade system program on GHG would create credits, some of which would be allotted for renewable energy generating facilities. The bill would define renewable energy as energy created from MSW. A point of concern about the bill is that it uses the same definition for renewable energy as HR 2454 (introduced by Waxman and Markey) which excludes biological and chemical conversion technologies.

Staff was instructed to provide bill language applicable to the Task Force for further discussion at the next meeting.

VI. OVERVIEW OF EXECUTIVE ORDER – FEDERAL LEADERSHIP IN ENVIRONMENTAL, ENERGY, AND ECONOMIC PERFORMANCE

Ms. Tobie Mitchell stated that President Obama's Executive Order ([see attachment](#)) entitled *Federal Leadership in Environmental, Energy, and Economic Performance* (Executive Order) establishes an integrated strategy towards sustainability in the Federal Government and makes reduction of GHG emissions a priority for Federal agencies. The Executive Order's goals include minimizing the generation of waste and pollutants through source reduction, and diverting at least 50 percent of non-hazardous solid waste, excluding construction and demolition debris, by the end of Fiscal Year 2015. While these goals are commendable, there is concern over a lack of clarity on the definition of the terms "diversion," "waste-to-energy," and "renewable energy," as stated in the

Executive Order. She stated that it is also important to have clarity on what role this integrated strategy will play in federally funded projects.

A motion was made to send a letter to the White House requesting clarification on the issues aforementioned. The motion passed unanimously.

VII. PRESENTATION ON ALTERNATIVE LANDFILL TECHNOLOGIES SIMI VALLEY LANDFILL DRAFT EIR

Ms. Mitchell provided an update on the Draft EIR ([see attachment](#)) for the Simi Valley and Recycling Center released for public comment by the County of Ventura. The project consists of an application for a Major Modification to the conditional use permit (CUP) to allow additional recycling facilities; consolidation of local refuse, and recycling collection operations; a lateral and vertical expansion of existing landfill operations; and an extension of the disposal capacity and life of the landfill.

Consistent with CEQA requirements, this EIR had to evaluate a reasonable range of feasible alternatives. The following five alternatives were selected for impact assessment along with the proposed project and their associated environmental impacts: Reduced Landfill Capacity; Anaerobic Bioreactor Technology; Phase Permitted Daily Tonnage; Graduated Surcharge; and No Project.

The EIR evaluated thermo-chemical technologies but did not consider them as an alternative because of problems associated with cost, and difficulty in obtaining pollution control permits. Anaerobic digestion was ultimately deemed not environmentally superior because of the projected impact on water resources. The EIR's evaluation of conversion technologies did not cover the breadth of technologies currently available. Furthermore, the assessment of thermo-chemical technologies cited air pollution control concerns but did not appear to consult studies—such as those from UC Riverside, Los Angeles County, and the California Integrated Waste Management Board (CIWMB)—that substantiate the suitability of many of these technologies to meet air quality standards. The EIR's analysis focused on in-situ bioreactors and did not fully evaluate self-contained anaerobic digestion systems.

A discussion followed and a motion was made to send comments to the County of Ventura expressing concerns regarding the evaluation of conversion technologies in the EIR. The motion passed with Mr. Jay Chen opposing, and Ms. Cindy Chen, and Mr. Boehmke abstaining.

VIII. PRESENTATION FROM AGRI SERVICE, INC.

Ms. Mary Matava provided a presentation on strategies to manage green waste ([see attachment](#)). She stated that using a local composting facility yields significant environmental and economic benefits, and according to the Morris Environmental Calculator, the cost of composting mixed organic material is lower than using that same material to create energy. She cited Agri Service's composting facility in Oceanside, California, a 15-acresite that processes 75,000 tons of material per year, and is strategically sited within 15 miles of generators and end-users. She stated that proven environmental benefits from Agri Service composting operations include less transportation impacts, less use of landfill space, and less use of water and petrochemicals in the planted landscape.

Discussion and questions followed.

IX. OVERVIEW OF CALIFORNIA GREENHOUSE GAS EMISSIONS REPORTING AND VERIFICATION PROCEDURES, CAP AND TRADE

Ms. Cynthia Vant Hul provided a presentation on the California GHG emissions reporting and verification procedures ([see attachment](#)). She stated that AB 32 requires GHG emission reductions in California to 1990 levels by 2020, and that the AB 32 Scoping Plan recommends developing a cap and trade program in order to create a regional market system. She also noted that a cap and trade system allows facilities to comply with AB 32 mandates by letting them purchase emission credits from other facilities. However, facilities such as landfills, whose throughput rates depend on population increase and will show an increase in CO2 emissions, would be impossible to comply with AB 32 without cap and trade.

Ms. Vant Hul stated that GHG reporting is mandatory for facilities such as cement plants, oil refineries, electric generating facilities, and general stationary combustion facilities, among others. Hospitals, primary and secondary schools, and electricity generated from nuclear, solar, hydro, and wind sources, among others, are exempt from the reporting requirement. A verification body accredited and required to rotate after six years by the CARB audits emission reports. Full verification is required every three years with one due in 2010. However, for facilities such as refineries, electricity generators, and general stationary combustion facilities in the oil and gas sectors, an annual verification is required.

X. REPORT FROM THE CIWMB

Mr. Steve Uselton reported that the CIWMB removed the cities of Torrance, Hermosa Beach, and Lynwood from the compliance order they were under. He also reported that the CIWMB sent a response letter ([see attachment](#)) to the Task Force on September 29, regarding the AB 32 Mandatory Commercial Recycling Measure.

Mr. Mohajer stated that the Task Force acknowledged and appreciated the response from the CIWMB but noted that the letter failed to address the specific concerns that the Task Force had communicated in its letter of September 11.

A motion was made to send another letter to the CIWMB reiterating the concerns the Task Force has regarding the Mandatory Commercial Recycling Measure and making reference to the Governor's veto message for AB 473, which concurs with the Task Force's position regarding mandatory recycling issues. The motion passed unanimously.

XI. UPDATE ON COURT DECISION REGARDING LAWSUIT BROUGHT AGAINST REGIONAL WATER BOARD

No action. Item postponed until the next meeting.

XII. NEXT MEETING DATE

The next meeting was scheduled for Thursday, November 19, 2009, at 1 p.m.

XIII. OPEN DISCUSSION/PUBLIC COMMENT

There was no public comment. The meeting adjourned at 3:43 p.m.