

**Sanitation Districts of Los Angeles County
OC Waste and Recycling
Riverside County Waste Management Department
San Bernardino County Solid Waste Management
Ventura Regional Sanitation District
Kern County Waste Management Department**

August 15, 2012

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Honorable Wesley Chesbro, Chair
Assembly Committee on Natural Resources
1020 N Street, Room 164
Sacramento, CA 95814

Dear Chairman Chesbro:

Concerns Regarding Proposed Mandatory Organics Diversion Legislation

The signatories to this letter represent the majority of the solid waste management agencies in Southern California. We are writing to express concerns about elements of proposed legislation that may be introduced this legislative session in the Assembly Committee on Natural Resources to mandate local jurisdictions divert 50 percent of organic waste from landfills by 2020. This initiative would have major impacts on local government and businesses, particularly in the highly urbanized areas where there is very limited, if any, organics management infrastructure in place. Implementation of new organic waste diversion infrastructure in urban areas of Southern California may not be feasible given current regulatory and siting impediments.

Our agencies are currently participating in CalRecycle's stakeholder process to develop a 75 percent recycling plan, which became a requirement with the enactment of your AB 341, and is due to the Legislature in January 1, 2014. Many of the proposed elements of organics diversion legislation are similar to those contained in CalRecycle's plan. Introducing a bill at this time would short-circuit the 18-month stakeholder process that CalRecycle has committed to in order to vet these proposals and sends a very troubling message to stakeholders.

Furthermore, with the Legislature adjourning on August 31, there is insufficient time in the remaining session for local government and business stakeholders to fully engage in the legislative process and conduct a meaningful examination of the challenges and cost implications of this new ambitious mandate. Therefore, we collectively urge you to carry over this proposal to the 2013-14 legislative session so that stakeholders can provide input on this significant proposed legislation.

In the interim, we want to provide you with our initial concerns with the proposed elements of organics diversion legislation so that we can begin a deliberative discussion:

- Many areas of Southern California are highly urbanized with a dense population and real property developments in place or planned. Siting new solid waste management or composting facilities in these metropolitan areas is very difficult given the land use permitting process, proximity of residential communities, and the very stringent air district rules. Therefore, composting facilities

in Southern California are generally located in remote, rural areas and may be required to have partial or full enclosure and effective odor control systems in order to comply with current or future air district rules. These requirements make composting very expensive for most urban jurisdictions. Additionally, hauling compostable organics to these distant locations result in additional greenhouse gas (GHG) emissions from truck exhaust, negatively impacting efforts to comply with AB 32 GHG reduction goals.

- Local jurisdictions in Southern California have taken into account the challenging siting and regulatory impediments in developing the existing, diverse solid waste management infrastructure, and are in the best position to select technologies and facilities that would be viable and economically sustainable. Your AB 341 recognized the important role local jurisdictions play in achieving diversion goals and included Section 40004(a)(3) in the bill, which indicated the State's desire to preserve the broad discretion conferred to local agencies regarding the management of municipal solid waste.
- One of the successful recycling programs in Southern California has been the use of green waste as alternative daily cover (ADC), which has reduced the use of dirt for cover material and has conserved landfill space. This recycling program spurred the separate collection of green waste in the region. Over the last 20 years, local governments and private industry have invested millions of dollars and infrastructure to implement separate green waste collection and recycling programs. We believe it is inappropriate to impose a tip fee surcharge of \$1.40 per ton to green waste recycled in this manner. We also believe that until there is sufficient infrastructure capacity to manage this material and robust markets for the composted end products the state should not ban or limit the ADC program. Additionally, local governments are struggling financially and currently are not able to make significant new investments in more expensive programs.
- As currently proposed, your bill would require 50 percent diversion of all organics by 2020, only eight years from now. Similar to AB 939, consideration should be given to a phased approach with interim goals. This would allow specific streams to be targeted first rather than all organics. Targeting food waste, for example, may be more manageable and achievable. The lessons learned from each goal could be used to improve the implementation of the next one. Additionally, different organics streams may require different approaches or technologies and may have unique challenges. By allowing CalRecycle's current stakeholder process to proceed, viable organics management alternatives could be identified.

Please feel free to contact us if you have any questions or would like to discuss our concerns further.

Very truly yours,

Charles E. Boehmke
Head, Solid Waste Management Department
Sanitation Districts of Los Angeles County
(562) 908-4288, extension 2403

Michael B. Giancola
Director, OC Waste & Recycling
(714) 834-4122

Hans Kernkamp
General Manager & Chief Engineer
Riverside County Waste Management Department
(951) 486-3232

Arthur L. Rivera, P.E.
Solid Waste Management Division Manager
San Bernardino County Department of
Public Works
(909) 386-8775

Sally Coleman
Director of Operations
Ventura Regional Sanitation District
(805) 658-4674

Douglas E. Landon
Director
Kern County Waste Management Department
(661) 862-8936

CB:GA:rvr

Attachment

cc: Assembly Speaker John Perez
Senate Pro Tem Darrell Steinberg
Senator Joe Simitian, Chair, Senate Committee on Environmental Quality
Martha Guzman-Aceves, Deputy Legislative Secretary, Governor's Office
Caroll Mortensen, Director, CalRecycle