



CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR – MICHAEL RANALLI, EL DORADO COUNTY
EXECUTIVE DIRECTOR – GREG NORTON

TECHNICAL ADVISORY GROUP (TAG)
TAG CHAIR – JIM MCHARGUE, AMADOR COUNTY
TAG VICE CHAIR – RACHEL ROSS, TEHAMA COUNTY
PROGRAM MANAGER – MARY PITTO

**Rural Counties' Environmental Services Joint Powers Authority
Board of Directors' & Technical Advisory Meeting
1215 K Street, Suite 1650 Conference Room
Sacramento, CA**

Thursday, December 7, 2017 9:00 a.m. – 3:00 p.m.

Only those items that indicate a specific time will be heard at the assigned time. All other items may be taken out of sequence to accommodate the Board, the staff, and the general public. Indicated time allocations are for planning purposes only and actual times will vary from those indicated.

I. Call to Order, Self-Introductions, and Determination of Quorum

II. Business Matters

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Discussion and possible action related to the following:

- A. Approval of Minutes from the Meeting of October 19, 2017 – Supervisor Kobseff, ESJPA Chair (*pp 3-9*)
- B. Approval of Lake County to join the ESJPA and Adoption of Resolution No. 17-04 to amend the Joint Exercise of Power Agreement for the Rural Counties' ESJPA to reflect the addition of Lake County – Mary Pitto, ESJPA Program Manager (*pp 11-25; 5 minutes*)
- C. Review and approval of the 2018 Budget – Lisa McCargar, RCRC Chief Financial Officer (*pp 27-29; 10 minutes*)
- D. Review and approval of the 2018 Contract Services Agreement between ESJPA and RCRC – Mary Pitto, ESJPA Program Manager (*pp 31-40; 5 minutes*)
- E. Review of Solid Waste Policy Principles – Mary Pitto (*pp 41-44; 5 minutes*)

III. Public Comment

Any person may address the Board on any matter relevant to the Authority's business, but not otherwise on the agenda.

IV. Presentations

- A. Solutions for Edible Food Recovery – Rachel Oster, Owner & Principal, Diversion Strategies (*30 minutes*)
- B. Public-Private Partnerships – Ahmad Alkhayat, Public Works Director, Madera County (*30 minutes*)
- C. A Case Study of Negotiating Replacement Franchise Contracts (Primarily Using In-House Staff) – John Kolb and Bob Perreault, Plumas County (*20 minutes*)

D. Report from CalRecycle – Carol Mortensen, Supervisor, Environmental Program Manager, CalRecycle (10 minutes)

V. Legislative Update

(This item may be heard at any time during the meeting depending upon the availability of staff) Discussion of Legislation – Paul Smith, Vice President of Government Affairs (pp 45-48; 10 minutes)

VI. Member County Concerns/Comments

VII. Solid Waste/Regulatory Update

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Discussion and possible action related to the following:

A. Air Resources Board

- Cap and Trade Program Update – Staci Heaton, RCRC Regulatory Affairs Advocate (5 minutes)
- 2017 Climate Change Scoping Plan Update – Mary Pitto (pp 51-58; 5 minutes)

B. CalRecycle

- SB 1383 Regulations – Mary Pitto (pp 59-110; 5 minutes)
- Beverage Container Recycling Program Processing Payment Emergency Rulemaking – Mary Pitto (page 111; 5 minutes)
- SB 458 Beverage Container Pilot Projects – Mary Pitto (pp 13-120; 5 minutes)

C. Extended Producer Responsibility

- CA Product Stewardship Council Update – Heidi Sanborn, Executive Director, CPSC (pp 121-122; 10 minutes)
- Carpet America Recovery Effort (CARE) Update – Lisa Mekis, CA Senior Associate, CARE (pp 123-130; 5 minutes)
- PaintCare Update – Daria Kent, Northern California Regional Coordinator, PaintCare (5 minutes)
- Mattress Recycling Council Update – Liz Wagner, CA Territory Representative, MRC (pp 131-137; 5 minutes)

D. Grant Program Update – Larry Sweetser (page 139; 5 minutes)

E. Highlights of November CalRecycle Meeting – Larry Sweetser (pp 141-144; 5 minutes)

F. Other Regulatory Announcements/Issues of Interest

- Green Team San Joaquin – Refreshments with the Recyclers (page 145)
- AB 245 Hazardous Waste Enforcement Fines (page 147)
- CalRecycle E-Waste Updates (pp 149-151)
- Cal EPA CUPA Newsletters (pp 153-168)

VIII. Agenda Suggestions, Member County Presentation Volunteer, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday, March 15, 2018.

IX. Articles of Interest (pp 171-212)

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X. Resolutions of Appreciation

XI. Adjournment



12:00 PM Holiday Luncheon



1:00 PM

Technical Advisory Group Breakout Session

This afternoon session will be a training session by our very own ESJPA consultant. You are invited and encouraged to participate in this afternoon session.

The Down and Dirty on Used Oil and Filters – and Other Handling Headaches – The one and only Larry Sweetser, ESJPA Consultant



Meeting facilities are accessible to persons with disabilities. By request, alternative agenda document formats are available to persons with disabilities. To arrange an alternative agenda document format or to arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting, please contact our offices at least 72 hours prior to the meeting by calling (916) 447-4806.

Agenda items will be taken as close as possible to the schedule indicated. Any member of the general public may comment on an agenda item at the time of discussion. In order to facilitate public comment, please let staff know if you would like to speak on a specific agenda item.

The final agenda for this meeting of the Board of Directors of the Rural Counties' Environmental Services Joint Powers Authority will be duly posted at its offices: 1215 K Street, 16th Floor, Sacramento, California at least 72 hours prior to the meeting.

Agenda Item II

BUSINESS MATTERS



CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR – MICHAEL RANALLI, EL DORADO COUNTY
EXECUTIVE DIRECTOR – GREG NORTON

TECHNICAL ADVISORY GROUP (TAG)
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PROGRAM MANAGER – MARY PITTO

**Minutes of the Rural Counties'
Environmental Services Joint Powers Authority
Board of Directors Meeting
1215 K Street, Suite 1650, Sacramento, CA**

Thursday October 19, 2017

MEMBERS REPRESENTED

Jim McHargue, Director Solid Waste
Eric Miller, Solid Waste Manager
Bill Mannel, Deputy Director
Steve Rodowick, Recycle Coordinator
Natalie Sauerland, Program Coordinator
Greg Stanton, Division Director
Michael Ranalli, Supervisor
Paula Wesch, Program Coordinator
Ahmad Alkhayyat, Public Works Director
Todd Storti, Solid Waste Manager
Justin Nalder, Solid Waste Supervisor
David Garcia, Solid Waste Program Manager
Bob Perrault, Director of Public Works
Michael Kobseff, Supervisor
Ulysses McKeown, General Svcs.
Arthur Boyd, Recycling Coordinator
Rachel Ross, Agency Manager
Diane Rader, Deputy Director Solid Waste
Belinda Barlow, Solid Waste Manager

Amador County
Butte County
Butte County
Butte County
Calaveras County
El Dorado County
El Dorado County
Lassen County
Madera County
Mariposa County
Mono County
Nevada County
Plumas County
Siskiyou County
Siskiyou County
Siskiyou County
Tehama County
Trinity County
Tuolumne County

STAFF IN ATTENDANCE:

Mary Pitto, ESJPA Program Manager
Larry Sweetser, ESJPA Consultant
Paul Smith, VP Governmental Affairs
Staci Heaton, Regulatory Affairs Advocate
Julie Lunn, RCRC Office Assistant

RCRC Governmental Affairs
Sweetser and Associates, Inc.
RCRC Staff
RCRC Staff
RCRC Staff

GUEST SPEAKERS:

Shirley Willd-Wagner, CalRecycle
Dave Miles, Noble Resources
Liz Wagner, MRC
Joanne Brasch, CPSC
Daria Kent, PaintCare

Carol Mortensen, CalRecycle
Justine Fallon, MRC
Lisa Mekis, CARE
Nicole Dorr, PaintCare

OTHERS IN ATTENDANCE:

Terry Brennen, CalRecycle
Spencer Fine, CalRecycle
Rhiannon McCollough, CalRecycle
Lars Ewing, Lake County
Joanne Brasch, CA Conservation Corps
Curt Fujii, Fujii Civil Engineering
John Pabst, ACES Waste Services

Roberta Jetter, CalRecycle
Alex Souza, CalRecycle
Kristen Yee, CalRecycle
Gretchen Olsen, City of Stockton
Deb Phillips, CA Conservation Corps
Alan Davis, Caglia Environmental
Jeanette Alonso, Gambi Disposal

MEMBERS NOT REPRESENTED

Alpine County, Colusa County, Del Norte County, Glenn County, Imperial County, Inyo County, Modoc County, Shasta County, Sierra County.

I. Call to Order, Determination of Quorum and Self Introductions

Michael Kobseff Supervisor Siskiyou County ESJPA Chair, called the meeting to order at 9:06 a.m. A quorum was determined. Self-introductions were made.

II. Business Matters

A. Approval of Minutes August 17, 2017 Meeting.

Supervisor Kobseff ESJPA Chair, called for the approval of the minutes from the August 17, 2017, Board of Directors meeting. The motion to approve minutes was made by Jim McHargue, Amador County and seconded by Greg Stanton El Dorado County. The motion passed unanimously.

B. Review and Approval of ESJPA 2018 Meeting Schedule.

A motion to approve the 2018 ESJPA Meeting Schedule was made by Arthur Boyd, Siskiyou County, and Seconded by Michael Ranalli, Supervisor El Dorado County. The motion passed unanimously.

III. Public Comment

None

IV. Legislative Update

Paul Smith, Vice President of Governmental Affairs, reported that the legislative session had ended and noted that there were only a few relevant bills of limited impact. Mr. Smith called attention to SB 458, a bottle bill, that creates five geographic pilot projects to create Enterprise zones with limited regulations to address the closure of buy-back centers. One pilot area is earmarked for a rural area. San Francisco is likely to be one of the other five areas.

Jim McHargue, Amador County, asked if SB 458 is targeted at reopening buyback centers. Mary Pitto indicated that there will be flexibility for the types of projects to be considered. Mr. Smith indicated that these programs are only a modest attempt for the program. Ms. Pitto indicated that the Administration's emphasis is on a long term fix rather than short term fixes. Someone asked if private parties will be eligible for funding. CalRecycle will be looking to jurisdictions for input.

As a reminder, Mr. Smith expected that there will be discussions in 2018 on bottle bill reform and solid waste funding including tip fee and generator fee concepts.

V. Presentations

A. **Mattress Recycling Council Program Updates** – Liz Wagner introduced Justine Fallon as Operations Manager for California, Connecticut, and Rhode Island. The Mattress Recycling Council (MRC) was established due to 2013 legislation in California and was formed by manufacturers. MRC is charged with creating mattress recycling opportunities with no cost drop-off. The branding is “Bye Bye Mattress”. The funding is from a fee on mattress sales and was recently changed from \$11.00 to \$10.50 per mattress, which funds the entire program with enforcement and oversight by CalRecycle. The website has a location finder where mattresses can be recycled. Ms. Wagner provided a link for “Bed Bugs and Mattress Recycling”. This month the MRC is advertising the Dead Bug ad to go with Halloween. The first annual report was just conditionally approved by CalRecycle. A revised report will be submitted soon. Highlights of the year and a half implementation of the program include: launching a retailer remittance and reporting portal, extensive outreach program to stakeholders, established a state-wide collection network, and launched consumer incentive payment program to pay individuals three dollars per delivered mattress to a center. Program data from the 2015 report showed collection of 955,000 which is now at over 1.9 million mattresses, 122 locations in first year now at 152 locations in state, held 50 collection events now at 110 events, collected 23,000 illegal dump units and now at 50,000 units. Ms. Wagner responded that MRC uses the jurisdiction to collect illegal dumped mattresses. Goal is to have a site or collection event in every county. The first year had 49 counties served and now there are 55. Specifically, 20 ESJPA counties have service. Sixty-three percent of the material was recycled, reused, or sent to biomass facilities. The rest went to a waste-to-energy facility. The goal is to get each recycler to 70%. Ms. Wagner responded to Paul Smith’s question on how events are marketed by indicating that the outreach team partners with an advertising company on the best means of advertising for the area in conjunction with local programs. Events are also conducted with other programs like PaintCare. Ms. Wagner asked for questions. She clarified that some material goes to biomass and other trash like material goes to waste-to-energy and counted as disposal. Eric Miller, Butte County, commented that Butte County collected a surprising amount of mattresses. Jim McHargue, Amador County, inquired as to whether each state’s income is maintained separately. Each state is a separate LLC. Dave Garcia, Nevada County, asked if there is progress in getting haulers on board. Ms. Wagner indicated MRC is continuing to work on that aspect and is also seeking out independent sites in those areas. Larry Sweetser mentioned that some areas reported issues with bed bugs and other things. Ms. Wagner recommended segregation near the container. Ms. Fallon indicated guidance available on the website. Steve Rodowick, Butte County, requested information on water threshold. Ms. Wagner provided some ideas to minimize water. If the mattress is too saturated, landfill could be the best option. Greg Stanton, Nevada County, asked about out-of-state guidelines. Ms. Wagner indicated out-of-state mattress are tracked. Ms. Wagner requested input on the illegal disposal initiative. Only about 40 of 95 entities reported collected mattresses in first year. Steve Rodowick mentioned issues with mattresses from homeless encampments. Bill Mannel, Butte County, asked about more advertising to prevent illegal dumping. Ms. Wagner provided information on the afternoon tour.

B. **The Future of Electronic Waste Management in California** - Shirley Willd-Wagner reported on the current program and recent workshops on how to address the program for the future.

A flow chart was distributed on potential program expansion options for additional materials. Stakeholders urged the addition of more devices to the program. There are different ways to add more devices. Other states and counties have programs such as the WEEE Directive.

Another option is a Product selection exercise with criteria focused on resource recovery and recycling and possibly moving away from a toxic material based system. Ms. Willd-Wagner reviewed the handout categories and requested input on various areas. These ideas are not CalRecycle proposals at this time. Issues to consider are: how to assess a fee on new products, statewide public education campaign, and increasing manufacturer responsibility, product labeling, establish product longevity standards, establish incentives for reuse and repair, how to cancel returned products to avoid multiple payments, more grant programs, new research activities, minimizing documentation, developing sustainable funding, establishing convenience goals, and enforcement standards. CalRecycle is requesting feedback on program options. Steve Rodowick, Butte County, indicated possible non-profit coalitions of manufactures could be formed. Supervisor Kobseff wondered how to recoup state costs and how enforcement would be allocated. Belinda Barlow, Tuolumne County, provided comments on convenience. Steve Rodowick suggested starting with a staged approach with the larger items.

- C. **What Happens when Emergency Response to as Wildfire Winds Down-** Bill Mannel provided a review of measures Butte County implemented during the recent three large wildfires. Every fire and debris removal situation is different. The first consideration is how to establish a recovery and operations center. How many structures are involved. Who will coordinate the response. CalRecycle deals with 75% of cost and the county covers the rest. Will public health declare a public health emergency which sets in motion how fire debris will be collected, how reimbursement works, and protocols on allowing entry to property for salvage. Butte County created system after 2008 fires. The team is composed of: administration, development services like building departments and code enforcement, assessor's office, environmental health, public works for debris removal, community ombudsman. Soon after fire starts, damage assessment team is formed to assess damage which is essential for funding. A local assistance center is established with team and others like PG&E and DMV. This morphs in the fire assistance center to address questions like how to get power back, how get temporary trailer permitted, how to get camping permit. This includes SBA for getting loans, Finally, there are community meetings in affected community. A goal of removal program is to prevent pollution from metals and other chemicals. Butte County waived fees for rebuilding. Right of entry forms are needed. A bin participation agreement is used to allow access to local bins for fire debris with a provision to pass on insurance reimbursement to county. A waiver of waste discharge requirements is needed to accept some wastes in landfills. Also, there is a need to check in with air quality agencies for wastes containing asbestos and other materials. Federal asbestos NESHAP regulations may apply. LEAs may also have requirements or can approve waivers. A site specific health and safety plan is needed. Air sampling during debris acceptance was conducted but measures were sufficient to not require respirators after enough sampling. There were some personnel issues with implementing the respirator program. Some measures included: sampling at source, wetting down debris upon acceptance. There were federal NESHAP issues with transporting the debris which required tarping, wetting, or containerizing the debris. Contracts with haulers were needed. State reimbursement required bins in the right-of-way which had issues with other wastes. The state will inspect and clear the property which is tracked at the center. Butte counties decision tree and forms are available. Waste accepted at the landfill needs certification form DTSC or County Environmental Health. Private hazardous waste contractors can be used for cleanup and must provide certification. The landfill will accept by appointments. There is much frustration by residents for the free program due to all of the coordination needed. Some issues when attempting service include locked gates and overloaded bins. Landfill BMP include: isolate fire debris, wet debris to control dust, cover

gently each night and advance cell. Take GPS coordinates making potential asbestos areas in case of future drilling on site.

- D. **Discussion of AB 876 Organics Planning Requirements** – David Miles of Noble Resources discussed organics planning even though many rural counties are exempt for now. Good quantified data is important for a good plan. Some data categories include: feedstock, who uses it, how waste managed, who are haulers in county. Different types of systems and uses were presented. Agriculture usage is a large potential market. Watershed management is another potential market. Energy production through anaerobic digestion is a consideration. Better organic management is possible with good data on options. Noble Resources is offering free assistance to collect and track county data on feed stocks and where, and markets. Reports can be generated as planning tools and assist with potential investments. Their system provides estimates of staffing needs for various options.
- E. **Report from CalRecycle** - Carroll Mortensen provided an update on CalRecycle updates. CalRecycle continues to work with other agencies on fire cleanups and reminded counties to track disaster debris disposal separate from regular disposal to utilize the disaster debris exemption. EPA held a webinar on the Green Sword initiative which may result in the need to store recyclables beyond normal storage time. Ms. Mortensen mentioned several staff changes and thanked counties for annual report submittals which are now under review. There are upcoming workshops on short-lived climate pollutants and funding. Ms. Mortensen also addressed a concern on the need for in country markets.

VI. Member County Concerns/Comments

Supervisor Kobseff, Siskiyou County, provided an update on the rare wolf activity in Siskiyou County. Supervisor Kobseff also mentioned that Montana does accept carcass composting and is investigating steps needed in California since the rendering option is limited.

VII. Solid Waste Regulatory Update

Discussion and possible action related to the following:

A. Air Resources Board

- Cap and Trade Program Update - Staci Heaton reported on cap and trading funding efforts. The final plan included \$40 million for CalRecycle waste diversion programs, the agriculture industry nearly \$300 million dollars for digesters and engine retrofits, and \$200 Million for forest and Watershed (CALFIRE) efforts. The auction should be healthy going forward. Staci responded that funds were not earmarked for certain activities but the agencies decide how to spend funds.
- 2017 Climate Change Scoping Plan Update - Mary Pitto reported that ARB updated the scoping plan in January and was waiting on the cap and trade program. In July AB 398 and AB 617 became effective and the cap and trade program will go beyond 2020 to 2030. The final draft plan will be out next month. In addition, AB 617 dealt with air pollution and monitoring at community level. Final consideration is expected in December but the environmental justice meeting has not been set up and unlikely to be done within a month.

B. CalRecycle

- SB 1383 Regulations- Mary Pitto reported that the first draft regulations will be out October 30th. She directed folks to page 43, which has the ESJPA concept letter, and requested additional feedback. This proposal impacts many rural counties and the ESJPA will be looking to tier compliance using concepts like distance to markets. Other states have other methods to address requirements. Jim McHargue, Amador County, provided thanks for the letter and hopes for alternative compliance concepts for rural areas. Ms. Pitto stated CalRecycle has expressed interest in rural issues on this proposal.
- Beverage Container Recycling- Mary Pitto reported on the payment processing emergency rulemaking as a result of lack of options. Every January 1st, CalRecycle recalculates processing payments. The current proposal is to set the return rate for businesses to 6.4% for certified processing centers with a rural area rate of 11.5% to account for additional processing costs.
- AB 901 Regulations-Larry Sweetser reported the formal rulemaking package has been submitted with adoption expected in mid-2018 and effective 2019. The new system is called the Recycling and Disposal Reporting System (RDRS). There is still the exemption for rural scales.
- Packaging Reform Regulations- Larry Sweetser reported on the workshop which should not impact rural areas directly but will impact manufacturing industries. The directive is not if there will be mandatory regulations but how to shape a mandatory framework. Priority materials to start with include Fibers (Uncoated corrugated cardboard, Waxed cardboard, Aseptic containers and cartons) and Plastics (Film Plastic, Expanded Polystyrene, Pouches). CalRecycle is hoping to finalize policy model in February 2018 and then start implementation.

C. State Water Resources Control Board (SWRCB)

- Waste Discharge Permit Fees-Larry Sweetser reported lower rates of about 12% for landfill waste discharge fees approved for with payment due in late 2017.

D. Department of Toxic Substance Control

- Photovoltaic (PV) Modules Proposed Regulations-Larry Sweetser reported that photovoltaics (solar panels) are toxic hazardous waste but are expected to be regulated as universal hazardous waste in late 2018. DTSC's proposal only addresses the large panels and not the smaller items.
- Treated Wood Waste-Larry Sweetser reported DTSC is inspecting site that accept treated wood waste for their report due next year. The approach has been more fact finding but there have been some compliance issues.

E. Extended Producer Responsibility

- California Product Stewardship Council Update- Joanne Brasch introduced herself as the new special projects manager. Some current activities include: preparing comments on the proposed packaging and e-waste concepts with no visible fee with funds not going to private or industry run groups, passage of AB 1158, HHW grant implementation on meds, sharps and one pound reusable propane cylinders especially for Siskiyou, Tuolumne, and San Joaquin. Future options for phase out are being considered. CPSC held a battery webinar.
- Carpet America Recovery Effort (CARE) Update- Lisa Mekis announced the new carpet stewardship law which includes a new advisory committee and the changed reporting date to the first of the year. Ms. Mekis also reported on how they are reporting to

CalRecycle about entities that are declining to participate in the program. Ms. Mekis requested members to let them know of concerns.

- PaintCare Update-Daria Kent reported on the implementation of the program with over 800 programs in California with nearly 12 Million gallons of paint collected. There are three 1 day events in scheduled for the rest of 2017. PaintCare will assist with disaster relief and paint collection. There is also a free pick up program for paint collection at sites with over 200 gallons.
- Mattress Recycling Council Update-Reported earlier

F. Grant Program Update - Larry Sweetser reported used oil reports were due August 15th. Tire amnesty grants are starting. A survey was sent for HHW grants by CalRecycle.

G. Highlights September/October CalRecycle Meetings - Larry Sweetser reported that in addition to items mentioned by Carroll, the Mattress Advisory has vacancies and Jim McHargue submitted a request.

H. Other Regulatory Announcements/Issues of Interest – Mary Pitto reported that she would be on the Public Sector Panel on the organics issue to the Senate Select Committee on Waste and Recycling. Ms. Pitto requested information on any organics studies conducted by members.

- Forester University Preparing for Chinas Waste Ban
- CalRecycle E-Waste Updates
- Cal EPA CUPA Newsletters

VIII. Agenda Suggestions, Member County Presentation Volunteer, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday December 7, 2017

Ahmad Alkhayyat, Public Works Director for Madera County Volunteered to present at the December 7, 2017 Board Meeting on Public-Private Partnership.

IX. Articles of Interest - Mary Pitto directed Members to the Board packet.

X. Resolutions of Appreciation – Resolutions of Appreciation were presented to Belinda Barlow, Tuolumne County and Bill Mannel, Butte County, who will both be retiring.

XI. Adjournment- was called at 12:26 PM

Respectfully submitted,
Julie Lunn, Office Coordinator



CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR – MICHAEL RANALLI, EL DORADO COUNTY
EXECUTIVE DIRECTOR – GREG NORTON

TECHNICAL ADVISORY GROUP (TAG)
TAG CHAIR – JIM MCHARGUE, AMADOR COUNTY
TAG VICE CHAIR – RACHEL ROSS, TEHAMA COUNTY
PROGRAM MANAGER – MARY PITTO

MEMORANDUM

To: ESJPA Board of Directors

From: Mary Pitto, Program Manager

Date: November 29, 2017

Re: Addition of Lake County to ESJPA

At our October ESJPA meeting, Mr. Lars Ewing, Public Services Director of Lake County, informed the Board of Lake County's interest in joining the Rural Counties Environmental Services Joint Powers Agreement (ESJPA). At its November 7th meeting, the Lake County Board of Supervisors approved Resolution 2017-145 (attached) that authorized membership in the ESJPA. Supervisor Jim Steel was appointed the Board Delegate, with Lars Ewing, the Public Services Director the Alternate.

In accordance with Section 4-c of the ESJPA Joint Exercise of Powers Agreement, the ESJPA Board of Directors must approve the petition for membership and amend the Agreement to reflect the addition of Lake County to the membership by a majority vote.

Staff Recommendation

Consistent with the requirements of Section 84-c of the Joint Exercise of Powers Agreement, it is recommended that the ESJPA Board adopt the Resolution 17-04 to reflect the addition of Lake county to the ESJPA membership.

Attachments

- ESJPA Resolution 17-04 to Amend the Joint Exercise of Powers Agreement to Reflect the Addition of Lake County Membership
- Lake County Board of Supervisors Resolution 2017- 145



CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
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Resolution #17-04

RESOLUTION TO AMEND THE JOINT EXERCISE OF POWERS AGREEMENT TO REFLECT THE ADDITION OF LAKE COUNTY TO THE RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY

WHEREAS, the Board of Directors of the Rural Counties' Environmental Services Joint Powers Authority extended an invitation of membership to Lake County; and,

WHEREAS, the Board of Supervisors of Lake County adopted Resolution No. 2017- (dated November 7, 2017) authorizing membership in the Rural Counties' Environmental Services Joint Powers Authority; and,

WHEREAS, the Board of Directors of the Rural Counties' Environmental Services Joint Powers Authority acknowledges receipt of the subject notice on December 7, 2017 and has accepted Lake County's membership; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Rural Counties' Environmental Services Joint Powers Authority that the Joint Exercise of Powers Agreement is hereby amended as of December 7, 2017 to reflect the addition of Lake County to the membership in accordance with Section 4-c of the Agreement.

Signed: _____

Date: _____

Michael Kobseff, Chair
Rural Counties' Environmental Services
Joint Powers Authority

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

RESOLUTION NO. 2017-145

RESOLUTION AUTHORIZING THE COUNTY OF LAKE TO BECOME A MEMBER OF THE RURAL COUNTY REPRESENTATIVES OF CALIFORNIA ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY (ESJPA)

WHEREAS, the Rural County Representatives Of California Environmental Services Joint Powers Authority, hereinafter referred to as the "ESJPA", is a local government entity established and operated in accordance with the attached Joint Exercise of Powers Agreement (as revised December 4, 2004), hereinafter referred to as the "Agreement"; and,

WHEREAS, the ESJPA provides program support and advocacy services, as described in the Agreement, on behalf of its member counties for environmental and regulatory issues related to the planning, management and operation of solid waste programs; and,

WHEREAS, twenty-three rural California counties are currently members of the ESJPA; and,

WHEREAS, the Agreement establishes procedures for the addition of new member counties to the ESJPA; and,

WHEREAS Lake County wishes to become a member of the ESJPA and the County is eligible for membership based on the Agreement.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Lake County hereby adopts the attached Joint Exercise of Powers Agreement (as revised December 4, 2004) and agrees to abide by the provisions therein;

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BE IT FURTHER RESOLVED that the Lake County Board of Supervisors is hereby appointed as Lake County's authorized delegate to the ESJPA Board of Directors and that the County Public Services Director, or his/her designee, shall serve as Alternate Delegates and, in the absence of the Delegate, may exercise all the rights and privileges of the Delegate as described in the Agreement.

THIS RESOLUTION was passed by the Board of Supervisors of the County of Lake on the 7th day of November, 2017, by the following vote:

AYES: Supervisors Simon, Steele, Scott, Brown and Smith

NOES: None

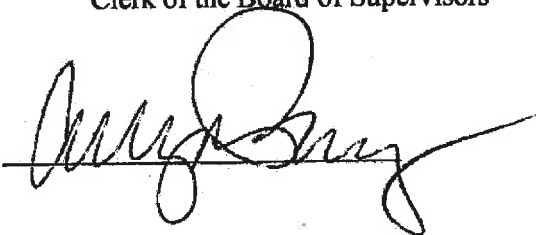
ABSENT OR NOT VOTING: None

COUNTY OF LAKE



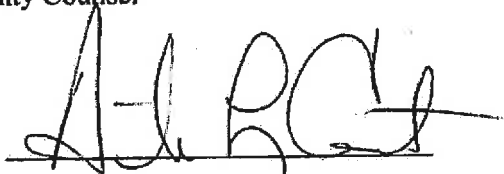
Chairman, Board of Supervisors

ATTEST: **CAROL J. HUCHINGSON**
Clerk of the Board of Supervisors

By: 



APPROVED AS TO FORM:
ANITA L. GRANT
County Counsel

By: 

**RURAL COUNTIES' ENVIRONMENTAL SERVICES
JOINT POWERS AUTHORITY**

JOINT EXERCISE OF POWERS AGREEMENT

March 11, 2004

(Attachment 1 amended: December 16, 2004)

THIS JOINT EXERCISE OF POWERS AGREEMENT ("Agreement"), is entered into by and among the counties listed on Attachment 1 hereof and incorporated herein by reference. All such counties are referred to herein as "Members" with the respective powers, privileges and restrictions provided herein.

RECITALS

A. WHEREAS, the Joint Exercise of Powers Act (commencing with Article 1 of Chapter 5 of Division 7 of Title I of the Government Code of the State of California, hereinafter, the "Act") authorizes two or more public agencies, by agreement, to form a joint powers agency to exercise jointly any powers common to any or all of the contracting public agencies; and

B. WHEREAS, the Members are each responsible under California law for planning for the disposal of solid waste generated within their respective boundaries and for complying with other related environmental requirements; and

C. WHEREAS, the Members have determined that a joint exercise of powers authority should be formed to exercise their respective powers for the purpose of providing environmental services for their respective jurisdictions; and

D. WHEREAS, by this Agreement the Members desire to create and establish the Rural Counties' Environmental Services Joint Powers Authority ("Authority") for the purposes set forth herein and to exercise the powers described herein and as provided by law,

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Members individually and collectively agree as follows:

1. Definitions

Unless the context otherwise requires, the following terms shall for purposes of this Agreement have the meanings specified below:

"Act" means the Joint Exercise of Powers Act, commencing with Article 1 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California.

"Agreement" means this Joint Exercise of Powers Agreement as now exists or as it may from time to time be amended as provided herein.

"Associate Member" means a county, city or other public agency which is not a voting member of the Rural County Representatives of California, a California nonprofit corporation

("RCRC"), with legal power and authority similar to that of the Members, admitted pursuant to paragraph 4.d. below to associate membership herein by vote of the Board.

"Authority" means the Rural Counties' Environmental Services Joint Powers Authority created hereby.

"Board" means the governing board of the Authority.

"Delegate" means the supervisor designated by the governing board of each Member to serve on the Board of the Authority.

"Member" means any county which is a member of RCRC, has executed this Agreement and has become a member of the Authority.

"Obligations" means bonds, notes, warrants, leases, certificates of participation, installment purchase agreements, loan agreements and other securities or obligations issued by the Authority, or financing agreements entered into by the Authority pursuant to the Act and any other financial or legal obligation of the Authority under the Act.

"Program" or "Project" means any work, program, project or service provided by the Authority.

" Rural County Representatives of California" ("RCRC") means the nonprofit entity incorporated under that name in the State of California.

2. Purpose

The purpose of the Authority is to provide Programs for planning, management and operation of solid waste programs, and for other environmental services including, but not necessarily limited to, legislative and regulatory advocacy, solicitation of grant funding, and implementation of grant-funded projects. In pursuit of this purpose, this Agreement provides for the joint exercise of powers common to any of its Members and Associate Members as provided herein, including assisting in financing as authorized herein, jointly exercised in the manner set forth herein.

3. Principal Place of Business

The Authority's principal office shall be 1215 K Street, Suite 1650, Sacramento, CA 95814.

4. Creation of Authority; Addition of Members or Associate Members

a. The Rural Counties' Environmental Services Joint Powers Authority, formerly known as the Regional Council of Rural Counties Authority for Environmental Services, is hereby created pursuant to the Act. As provided in the Act, the Authority shall be a public entity separate and distinct from the Members or Associate Members.

b. The Authority will cause a notice of this Agreement or any amendment hereto to be prepared and filed with the office of the Secretary of State of California in a timely fashion in the manner set forth in Section 6503.3 of the Act.

c. A county that is a member of RCRC may petition to become a member of the Authority by submitting to the Board a resolution adopted by its governing body adopting this Agreement. The Board shall review the petition for membership and shall vote to approve or disapprove the petition. If the petition is approved by a majority of the Board, such county shall immediately become a Member of the Authority.

d. Associate Members may be added to the Authority upon the affirmative approval of their respective governing board and pursuant to action by the Board upon such terms and conditions, and with such rights, privileges and responsibilities, as may be established from time to time by the Board. Such terms and conditions, and rights, privileges and responsibilities may vary among the Associate Members. Associate Members shall be entitled to participate in one or more Programs of the Authority as determined by the Board, but shall not be voting members of the Board. The Executive Director of the Authority shall enforce the terms and conditions for prospective Associate Members to the Authority as provided by resolution of the Board and as amended from time to time by the Board. Changes in the terms and conditions for Associate Membership by the Board will not constitute an amendment of this Agreement.

5. Term and Termination of Powers

This Agreement shall become effective from the date hereof until the earlier of withdrawal of all Members or termination by the then remaining Members. The Authority shall continue to exercise the powers herein conferred upon it until termination of this Agreement, except that if any Obligations are outstanding, in no event shall the exercise of the powers herein granted be terminated until all outstanding Obligations and any interest thereon shall have been paid or provision for such payment shall have been made.

6. Powers; Restriction upon Exercise

a. To effectuate its purpose, the Authority shall have the power to exercise any and all powers of the Members under the Act and other applicable provisions of law, subject, however, to the conditions and restrictions herein contained. Each Member or Associate Member may also separately exercise any and all such powers. The powers of the Authority are limited to those of a general law county.

b. The Authority may adopt, from time to time, such resolutions, guidelines, rules and regulations for the conduct of its meetings and the activities of the Authority as it deems necessary or desirable to accomplish its purpose, including the payment of fees and/or dues.

c. The Authority shall have the power to develop Programs for and with any or all of its Members or Associate Members upon such terms and conditions, including the payment of fees, early withdrawal from or late entry into a Program, as the Board may prescribe for such Program. Each Member or Associate Member shall appoint an employee of such Member or

Associate Member as technical liaison between such Member or Associate Member and the Authority for Program purposes.

d. The Authority is hereby authorized to do all acts necessary for the exercise of its powers, including, but not limited to:

- (1) executing contracts,
- (2) employing agents, consultants and employees,
- (3) acquiring, constructing or providing for maintenance and operation of any building, work or improvement,
- (4) acquiring, holding or disposing of real or personal property wherever located, including property subject to mortgage,
- (5) incurring debts, liabilities or obligations,
- (6) receiving gifts, contributions and donations of property, funds, services and any other forms of assistance from persons, firms, corporations or governmental entities,
- (7) suing and being sued in its own name, and litigating or settling any suits or claims, and
- (8) doing any and all things necessary or convenient to the exercise of its specific powers and to accomplishing its purpose.

e. Subject to the applicable provisions of any indenture or resolution providing for the investment of monies held thereunder or the terms of any grant, the Authority shall have the power to invest any of its funds as the Board deems advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code of the State of California.

f. All property, equipment, supplies, funds and records of the Authority shall be owned by the Authority, except as may be provided otherwise herein or by resolution of the Board.

g. Pursuant to the provisions of Section 6508.1 of the Act and Public Resources Code Section 40970, Obligations of the Authority shall not be debts, liabilities and obligations of the Members. The Obligations, together with any interest and premium thereon, shall not constitute debts, liabilities or obligations of any Member. The Members hereby agree that any such Obligations shall not constitute general obligations of the Authority but shall be payable solely from the moneys pledged to the repayment of principal or interest on such Obligations under the terms of the resolution, indenture, trust, agreement or other instrument applicable to such Obligations. Neither the Members nor the Authority shall be obligated to pay the principal of or premium, if any, or interest on the Obligations, or other costs incidental thereto, except from the revenues and funds pledged therefore, and neither the faith and credit nor the taxing power of the Members or the Authority shall be pledged to the payment of the principal of or premium, if any, or interest on the Obligations, nor shall the Members of the Authority be obligated in any manner to make any appropriation for such payment. No covenant or agreement contained in any Obligation shall be deemed to be a covenant or agreement of any Member, Delegate, or any officer, agent or employee of the Authority in an individual capacity, and

neither the Board nor any officer thereof executing the Obligations or any document related thereto shall be liable personally on any Obligation or be subject to any personal liability or accountability by reason of the issuance of any Obligations.

7. Governing Board

a. The Board shall consist of the number of Delegates equal to one representative from each Member.

b. The governing body of each Member shall appoint one of its supervisors to serve as a Board Delegate. A Member's designation of its Delegate shall be delivered in writing to the Secretary and shall be effective until he or she is replaced by such governing body or is no longer a supervisor; any vacancy shall be filled by the governing body of the Member in the same manner provided above.

c. The governing body of each Member of the Board shall designate one or more alternates to act on its behalf in the absence of the Delegate; an alternate need not be a supervisor and may exercise all the rights and privileges of the Delegate, including the right to be counted in constituting a quorum, to participate in the proceedings of the Board, and to vote upon any and all matters. In the absence of the Delegate, only one alternate may vote at any meeting of the Board. Any Member's designation of an alternate shall be delivered in writing to the Secretary and shall be effective until such alternate is replaced by his or her governing body, unless otherwise specified in such writing; any vacancy shall be filled by the governing body of the Member in the same manner provided above.

d. Any person who is not a Delegate or a properly designated alternate and who attends a meeting on behalf of such Member may not vote or be counted toward a quorum but may, at the discretion of the Chair, participate in open meetings he or she attends.

e. Each Associate Member may designate a non-voting representative to the Board who may not be counted toward a quorum but who may attend open meetings, propose agenda items and otherwise participate in Board Meetings.

f. Delegates shall not receive compensation for serving as Delegates, but may claim and receive reimbursement for expenses actually incurred in connection with such service pursuant to rules approved by the Board and subject to the availability of funds.

g. The Board shall have the power, by resolution, to the extent permitted by the Act or any other applicable law, to exercise any powers of the Authority and to delegate any of its functions to one or more Delegates, officers or agents of the Authority, and to cause any authorized Delegate, officer or agent to take any actions and execute any documents for and in the name and on behalf of the Board or the Authority.

h. The Board may establish such committees as it deems necessary for any lawful purpose; such committees are advisory only and may not act or purport to act on behalf of the Board or the Authority.

i. The Board shall develop, or cause to be developed, and review, modify as necessary, and adopt each Program.

8. Meetings of the Board

a. The Board shall meet at least once annually, but may meet more frequently upon call of any officer or as provided by resolution of the Board.

b. Meetings of the Board shall be called, noticed, held and conducted pursuant to the provisions of the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part I of Division 2 of Title 5 of the Government Code of the State of California.

c. The Secretary of the Authority shall cause minutes of all meetings of the Board to be taken and distributed to each Member as soon as possible after each meeting.

d. The lesser of ten (10) Delegates or a majority of the number of current Delegates shall constitute a quorum for transacting business at any meeting of the Board, except that less than a quorum may act to adjourn a meeting. Each Delegate shall have one vote.

e. Meetings may be held at any location designated in notice properly given for a meeting and may be conducted by telephonic or similar means in any manner otherwise allowed by law.

9. Officers; Duties; Official Bonds

a. The Board shall elect a chair and vice chair from among its properly designated Delegates at the Board's annual meeting who shall serve a term of one (1) year or until their respective successor is elected. The chair shall conduct the meetings of the Board and perform such other duties as may be specified by resolution of the Board. The vice chair shall perform such duties in the absence or in the event of the unavailability of the chair.

b. The Board shall contract annually with RCRC for administration of the Authority, and the President and Chief Executive Officer of RCRC shall serve *ex officio* as Executive Director, Secretary, Treasurer, and Auditor of the Authority. As chief executive of the Authority, the Executive Director is authorized to execute contracts and other obligations of the Authority, unless prior Board approval is required by a third party, by law or by Board specification, and to perform other duties specified by the Board. The Executive Director may appoint such other officers as may be required for the orderly conduct of the Authority's business and affairs who shall serve at the pleasure of the Executive Director. Subject to the applicable provisions of any indenture or resolution providing for a trustee or other fiscal agent, the Executive Director, as Treasurer, is designated as the custodian of the Authority's funds, from whatever source, and, as such, shall have the powers, duties and responsibilities specified in Section 6505.5 of the Act. The Executive Director, as Auditor, shall have the powers, duties and responsibilities specified in Section 6505.5 of the Act.

c. The Legislative Advocate for the Authority shall be the Rural County Representatives of California.

d. The Treasurer and Auditor are public officers who have charge of, handle, or have access to all property of the Authority, and a bond for such officer in the amount of one hundred thousand dollars (\$100,000.00) shall be obtained at the expense of the Authority and filed with the Secretary or Assistant Secretary. Such bond may secure the faithful performance of such officer's duties with respect to another public office if such bond in at least the same amount specifically mentions the office of the Authority as required herein. The Treasurer and Auditor shall cause periodic independent audits to be made of the Authority's books by a certified public accountant, or public accountant, in compliance with Section 6505 of the Act.

e. The business of the Authority shall be conducted under the supervision of the Executive Director by the personnel of the Regional Council of Rural Counties.

10. Disposition of Assets

Upon termination of this Agreement, all remaining assets and liabilities of the Authority shall be distributed to the respective Members and Associate Members in such manner as shall be determined by the Board and in accordance with law.

11. Agreement Not Exclusive; Operation in Jurisdiction of Member

This Agreement shall not be exclusive, and each Member or Associate Member expressly reserves its rights to carry out other Projects or Programs provided for by law and to issue other obligations for those purposes. This Agreement shall not be deemed to amend or alter the terms of other agreements among the Members or Associate Members, except as expressly provided herein; provided, however, that the Authority shall not conduct a Project or Program within the jurisdiction of a Member or Associate Member financed by Obligations without the consent of that Member or Associate Member, and that the giving or withholding of that consent is in the sole and absolute discretion of the Member or Associate Member, but if given by the Member or Associate Member and then relied upon by the Authority for purposes of entering into agreements with contractors, developers, lenders, other Members or Associate Members, or others, such consent may not be revoked.

12. Conflict of Interest Code

The Authority shall by resolution adopt a Conflict of Interest Code as required by law.

13. Contributions and Advances

Contributions or advances of public funds and of personnel, equipment or property may be made to the Authority by any Member, Associate Member or any other public agency to further the purpose of this Agreement. Payment of public funds may be made to defray the cost of any contribution. Any advance may be made subject to repayment, and in that case shall be repaid in the manner agreed upon by the advancing Member, Associate Member or other public agency and the Authority at the time of making the advance.

14. Fiscal Year; Accounts; Reports; Annual Budget; Administrative Expenses

a. The fiscal year of the Authority shall be the period from January 1 of each year to and including the following December 31, except for any partial fiscal year resulting from a change in accounting based on a different fiscal year previously.

b. Prior to the beginning of each fiscal year, the Board shall adopt a budget for the succeeding fiscal year.

c. The Authority shall establish and maintain such funds and accounts as may be required by generally accepted accounting principles. The books and records of the Authority are public records and shall be open to inspection at all reasonable times by each Member and its representatives.

d. The Auditor shall either make, or contract with a certified public accountant or public accountant to make, an annual audit of the accounts and records of the Authority. The minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California, and shall conform to generally accepted auditing standards. When an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as public records with each Member (and also with the auditor of each county which is a Member) within 12 months after the end of the fiscal year.

e. In any year in which the annual budget of the Authority does not exceed five thousand dollars (\$5,000.00), the Board may, upon a unanimous approval by the Board, replace the annual audit with an ensuing one-year period, but in no event for a period longer than two fiscal years.

15. Duties of Members or Associate Members; Breach

If any Member or Associate Member shall default in performing any covenant contained herein, such default shall not excuse that Member or Associate Member from fulfilling its other obligations hereunder, and such defaulting Member or Associate Member shall remain liable for the performance of all covenants hereof. Each Member or Associate Member hereby declares that this Agreement is entered into for the benefit of the Authority created hereby, and each Member or Associate Member hereby grants to the Authority the right to enforce, by whatever lawful means the Authority deems appropriate, all of the obligations of each of the parties hereunder. Each and all of the remedies given to the Authority hereunder or by any law now or hereafter enacted are cumulative, and the exercise of one right or remedy shall not impair the right of the Authority to any or all other remedies.

16. Indemnification

To the full extent permitted by law, the Board may authorize indemnification by the Authority of any person who is or was a Board Delegate, alternate, officer, consultant, employee or other agent of the Authority, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a Delegate, alternate, officer, consultant, employee or other agent of the Authority. Such indemnification may be made against

expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Authority and, in the case of a criminal proceeding, had no reasonable cause to believe his or her conduct was unlawful and, in the case of an action by or in the right of the Authority, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

17. Immunities

All of the privileges and immunities from liabilities, exemptions from law, ordinances and rules, all pension, relief, disability, workers' compensation and other benefits which apply to the activity of officers, agents or employees of any of the Members or Associate Members when performing their respective functions, shall apply to them to the same degree and extent while engaged as Delegates or otherwise as an officer, agent or other representative of the Authority or while engaged in the performance of any of their functions or duties under the provisions of this Agreement.

18. Amendment

This Agreement may be amended by the adoption of the amendment by the governing bodies of a majority of the Members. The amendment shall become effective on the first day of the month following the last required member agency approval. An amendment may be initiated by the Board, upon approval by a majority of the Board. Any proposed amendment, including the text of the proposed change, shall be given by the Board to each Member's Delegate for presentation and action by each Member's board within 180 days, which time may be extended by the Board.

19. Withdrawal of Member or Associate Member

If a Member withdraws as member of RCRC, its membership in the Authority shall automatically terminate. A Member may withdraw from this Agreement upon written notice to the Board; provided, however, that no such withdrawal shall result in the dissolution of the Authority as long as any Obligations of the Authority remain outstanding. Any such withdrawal shall become effective thirty (30) days after a resolution adopted by the Member's governing body which authorizes withdrawal is received by the Secretary of the Board. Notwithstanding the foregoing, any termination of membership or withdrawal from the Authority shall not operate to relieve any terminated or withdrawing Member or Associate Member from Obligations incurred by such terminated or withdrawing Member or Associate Member prior to the time of its termination or withdrawal.

20. Miscellaneous

a. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

b. **Construction.** The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section referred to.

b. **Construction.** The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section referred to.

c. **Approvals.** Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

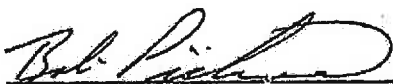
d. **Jurisdiction; Venue.** This Agreement is made in the State of California, under the Constitution and laws of such State and is to be so construed; any action to enforce or interpret its terms shall be brought in Sacramento County, California.

e. **Integration.** This Agreement is the complete and exclusive statement of the agreement among the parties hereto, and it supersedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the parties relating to the subject matter of this Agreement.

f. **Successors; Assignment.** This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member or Associate Member may assign any right or obligation hereunder without the consent of the Board.

g. **Severability.** Should any part, term or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms or provisions hereof shall not be affected thereby.

The parties hereto have caused this Agreement to be executed and attested by their properly authorized officers.



Supervisor Bob Pickard, Chair

AS ADOPTED BY THE MEMBERS:

July 1, 1993

Amended and restated June 19, 1996

Amended and restated August 22, 2002

Amended and restated March 11, 2004

ATTACHMENT 1

MEMBERS

As of March 11, 2004

Alpine County
Amador County
Butte County
Calaveras County
Colusa County
Del Norte County
El Dorado County
Glenn County
Inyo County
Lassen County
Madera County
Mariposa County
Modoc County
Mono County
Nevada County
Plumas County
Sierra County
Siskiyou County
Tehama County
Trinity County
Tuolumne County

Added Members

Imperial County	December 16, 2004
Shasta County	October 15, 2015

Terminated or Withdrawn Members

Name of County	Date of Termination or Withdrawal
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CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR – MICHAEL RANALLI, EL DORADO COUNTY
EXECUTIVE DIRECTOR – GREG NORTON

TECHNICAL ADVISORY GROUP (TAG)
TAG CHAIR – JIM MCHARGUE, AMADOR COUNTY
TAG VICE CHAIR – RACHEL ROSS, TEHAMA COUNTY
PROGRAM MANAGER – MARY PITTO

MEMORANDUM

To: ESJPA Board
From: Lisa McCargar, RCRC Chief Financial Officer
Date: November 29, 2017
RE: ESJPA Budget – FY 2018

The proposed 2018 Environmental Services Joint Powers Authority (ESJPA) Operating Budget constitutes our continued commitment to the core functions of providing solid waste planning, solid waste services, regulatory advocacy, and other environmental services. The proposed ESJPA budget for the 2018 calendar year is shown on the following page.

Summary

To better understand the budget, it is necessary to understand the inter-relationship between the ESJPA and Rural County Representatives of California (“RCRC”). ESJPA and RCRC are two separate legal entities, each with their own by-laws and Board of Directors. RCRC is a non-profit mutual benefit corporation with a Board of Directors consisting of County Supervisors who are representatives of the 35 participating counties. The ESJPA, however, is a governmental agency with a Joint Powers Agreement. The Board of Directors of ESJPA consists of delegates (or designated staff “alternates”) from the 23 member counties. ESJPA does not employ staff, but instead contracts with RCRC to provide management, technical, and administrative services as directed by the ESJPA delegates. This contract is subject to annual review and follows the budget on today’s agenda.

The proposed ESJPA budget includes total revenues of \$224,850, proposed expenditures of \$201,920, and results in a budget surplus of revenues over expenses of approximately \$22,930 for the year ending December 31, 2018.

Revenues

ESJPA’s proposed 2018 revenue includes \$124,800 in membership dues, unchanged from prior year. ESJPA’s 2018 revenue also includes grant reimbursements in the amount of \$100,000, an increase of \$35,000 (53.8%) from the year ended December 31, 2017. The increase is a result of greater anticipated reimbursement related to the Tire Amnesty Grant. The following is a list of current grant activities that are included in the CY 2018 budget.

CalRecycle Used Oil Block Grants (Alpine, Colusa, and Mariposa Counties)
CalRecycle Local Government Waste Tire Amnesty Grant (Colusa, Inyo, Mariposa,
Sierra, and Tuolumne Counties)

Expenditures

The proposed 2018 ESJPA expenditure budget is designed to provide the resources necessary to carry out core functions. The most significant budgeted expenditures are those associated with grant activities. Grant expenses of \$100,000 are reimbursable and therefore approximate grant revenues. As described above, anticipated services related to the Tire Amnesty grant increase by \$35,000 and thus proposed grant expenditures increased 53.4 percent.

Other non-grant related expenses include RCRC Contract Services in accordance with the Board approved ESJPA/RCRC Agreement. As noted above, ESJPA staffing and other allocated expenses are reflected in the \$63,000 contract fee to RCRC. Other expenditures include ESJPA's share of rent, auditing and insurance costs.

Other Items

From time to time, ESJPA experiences cash shortfalls due to the timing of grant reimbursements. While the current year operating budget reflects a surplus of revenues over expenditures, in 2015, the RCRC Board provided a standing short term revolving loan facility to ESJPA of up to \$100,000. . This standing facility remains in effect until cancelled.

Recommendation

It is recommended that the ESJPA Board adopt the 2018 ESJPA Budget as shown on the following page.

ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY
FY 2018 BUDGET
For the Year Ended December 31, 2018

	2018	2017	
Income:	Budget	Budget	Change
Member County Dues	124,800	124,800	0
Contracts-grants/projects	100,000	65,000	35,000
Contribution from RCRC	0	0	0
Interest	0	0	0
Miscellaneous	50	50	0
Total Income	224,850	189,850	35,000
Expenditures:			
Auditing	3,750	3,750	0
Community Relations	1,000	1,000	0
Conferences Attended by Staff	1,250	1,250	0
Contract Support Services	63,000	73,352	(10,352)
Delivery Services	1,200	1,200	0
Dues, Fees and Subscriptions	2,000	2,000	0
Equipment & Furniture	250	250	0
Grants and Contracts	100,000	65,000	35,000
Insurance	6,500	3,657	2,843
Legal Fees	1,000	1,000	0
Meetings	4,500	4,500	0
Board Member Travel and Reimburseme	1,500	1,500	0
Miscellaneous	1,000	1,000	0
Office Expense	500	500	0
Off-site Storage	1,320	1,320	0
Rent	11,150	14,231	(3,081)
Training	500	500	0
Travel-Employees	1,500	1,500	0
Total Expenditures	201,920	177,510	24,410
Net Revenues over Expenditures	22,930	12,340	10,590



CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR – MICHAEL RANALLI, EL DORADO COUNTY
EXECUTIVE DIRECTOR – GREG NORTON

TECHNICAL ADVISORY GROUP (TAG)
TAG CHAIR – JIM MCHARGUE, AMADOR COUNTY
TAG VICE CHAIR – RACHEL ROSS, TEHAMA COUNTY
PROGRAM MANAGER – MARY PITTO

MEMORANDUM

To: ESJPA Board of Directors

From: Mary Pitto, Program Manager

Date: November 29, 2017

RE: ESJPA – RCRC Contract Services Agreement – CY 2018

The proposed ESJPA – RCRC Contract Services Agreement for the 2018 calendar year is shown on the following pages and is presented for your consideration and approval.

The purpose of this agreement is to provide personnel services for technical and grant-related activities. RCRC will continue to provide technical and grant-related personnel services to the ESJPA. The terms and conditions of the 2018 contract remain consistent with the 2017 contract, with the exception of the Technical Support services, which decreased slightly. The ESJPA will pay RCRC \$63,000 this coming year out of the membership dues for direct ESJPA activities.

The Agreement also provides that the ESJPA will pay RCRC for reimbursable grant-related activities (principally staff time) on a per hour basis calculated monthly. This amount includes direct and indirect personnel costs consistent with the terms and conditions of each grant or contract ESJPA is assigned to implement on behalf of participating member jurisdictions.

Recommendation:

It is recommended that the ESJPA Board adopt the 2018 ESJPA – RCRC Contract Services Agreement.

AGREEMENT

THIS AGREEMENT ("Agreement"), dated as of January 1, 2018, is entered into by and between the Rural Counties' Environmental Services Joint Powers Authority, a joint powers authority organized and operated under Articles 1-4 of Chapter 5 of Division 7 of Title I (commencing with Section 6500) of the California Government Code (hereinafter "ESJPA"), and the Rural County Representatives of California, a California nonprofit mutual benefit corporation (hereinafter "Contractor").

R E C I T A L S

WHEREAS, ESJPA desires to obtain the services of Contractor; and,

WHEREAS, Contractor is competent and willing to provide such services to ESJPA,

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, ESJPA and Contractor (each a "party," or collectively, the "parties") agree as follows:

1. Contractor's Services.

Contractor shall perform the services described herein and otherwise as specified in **Exhibit A** hereto which is incorporated herein by this reference, under the supervision of ESJPA's Contract Manager. Contractor understands that ESJPA may desire Contractor to perform certain additional services related to the scope of services hereunder, and Contractor agrees to perform such additional services when requested by ESJPA in writing. All such additional services shall be performed as provided herein, unless otherwise provided by written amendment hereto, subject only to an adjustment reflecting the cost of such additional services and the time for performance.

2. Contractor's Personnel.

Contractor acknowledges that the personal services of Contractor's personnel are essential to the performance of Contractor's obligations hereunder, and that no substitution of Contractor's personnel so identified may be made without the prior written approval of ESJPA. Contractor shall not subcontract or assign any portion of the services provided hereunder without the prior written approval of ESJPA, except any subcontracted services identified in **Exhibit A**.

Contractor, and its agents and employees, in the performance of this Agreement, shall act in an independent capacity and not as officers, employees or agents of ESJPA. By initialing this Agreement in the space provided immediately below, Contractor acknowledges that this Agreement is complete, that it does not create an employer-employee relationship between ESJPA and Contractor or any person performing services hereunder on behalf of

11/29/17

Contractor, and that this Agreement cannot and will not be modified by any oral representation of employment.

Contractor's Initials: _____

Contractor further acknowledges that its taxpayer identification number is 94-1366200, and warrants that it is responsible for paying payroll or any other kind of taxes resulting from compensation paid to Contractor hereunder.

3. Term.

This Agreement shall cover services rendered hereunder from January 1, 2018, until the earlier of completion of Contractor's work hereunder, termination of this Agreement as provided herein, or December 31, 2018, unless the term of the Agreement is otherwise extended by mutual consent of both parties. Contractor specifically acknowledges that time is of the essence with respect to completing its obligations hereunder, and that any failure to meet deadlines provided herein will result in material damage to ESJPA.

4. Compensation.

For services described in **Exhibit A** as "Non-Grant Related," Contractor shall be paid the sum of \$5,250 per month which shall be deemed to include all reasonable actual ordinary and necessary personnel expenses incurred for work performed hereunder.

For services described as "Grant Related" in **Exhibit A**, Contractor shall be compensated in the amount of the actual cost of personnel provided, including direct salary, benefits and related overhead expenses, all as specified in Contractor's invoices. However, if a specific grant program ("**Grant Program**") that the Contractor is administering, hereunder, includes a limitation on the right of Contractor to receive compensation for overhead costs, Contractor's compensation for such overhead costs shall be subject to the limitation specified in the Grant Program. The actual overhead for each hour of work performed by Contractor under this Agreement shall be the amount determined by Contractor's auditors, as adjusted from time-to-time. Nothing herein shall preclude ESJPA from directly contacting granting authorities for each Grant Program to seek the authority to modify any limitation on overhead compensation to be charged against a Grant Program.

Contractor shall submit invoices for services rendered and reimbursable expenses incurred to date not more frequently than monthly for compensation and reimbursement of allowable expenses. Approved invoices shall be paid by ESJPA within ninety (90) calendar days of receipt of such invoices.

The fees provided in this paragraph shall be the entire compensation due Contractor for these services and ESJPA shall not be liable for additional compensation for any of Contractor's time or expense except as provided herein.

5. Work Product; Confidentiality.

Contractor understands and agrees that all documents, information and reports developed in the course of performing its obligations hereunder shall be the property of ESJPA. Contractor agrees to exert its best efforts in the production of such work product of this Agreement. Contractor may retain copies of materials collected or produced hereunder during the term hereof, but in the event of termination of this Agreement, Contractor shall promptly deliver any such materials to ESJPA without exception or reservation.

If, in the course of performing its obligations hereunder, Contractor comes into possession of information known or reasonably expected to be confidential information from any source, Contractor will respect and maintain such confidentiality, whether under state, federal or common law, and be solely liable to any injured person in the event of its wrongful distribution of such confidential material.

6. Nonassignability.

No assignment of the rights nor delegation of the duties of Contractor whether in whole or in part shall be valid unless specifically agreed to in writing by ESJPA.

7. Termination.

A. Either party may terminate this Agreement at any time in the event the other party defaults in performance, fails to perform services in a timely fashion, or otherwise fails to comply with the terms of this Agreement. Either party's default or failure to perform shall be excused if prevented by acts of God, labor disputes or strikes, or other forces beyond such party's control.

B. Either party may terminate this Agreement without cause or default after having given thirty (30) calendar days notice to the other party which indicates which services and/or expenses hereunder are suspended from the date of such notice and the date of termination. Upon such termination, Contractor shall be entitled to compensation for services not suspended and actually rendered and/or expenses allowed to the date of termination and for any unreimbursed expenses otherwise payable hereunder.

8. Attorney's Fees, Costs.

If any action at law or in equity is brought to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs, in addition to any other relief to which that party may be entitled. This provision for the recovery of attorney's fees and costs shall be construed as applicable to the entire Agreement.

9. Indemnification and Insurance.

Contractor shall indemnify, defend and hold harmless ESJPA, its officers, directors, agents, employees and attorneys, from any and all claims, causes of action, damages and losses, whether in law or equity (collectively, "Claim") arising from or related to the services performed by Contractor under this Agreement or accruing or resulting to any and all

contractors, subcontractors, materialmen, laborers and any other person, firm or corporation furnishing or supplying work, services, materials or supplies, in connection with Contractor's willful misconduct or negligent acts or omissions in the performance of Contractor's duties and services hereunder.

ESJPA shall promptly notify Contractor of any Claim made in connection with the performance of services rendered hereunder.

In order to ensure Contractor's obligations hereunder, Contractor shall maintain insurance as follows:

(1) Contractor shall maintain a commercial general liability insurance policy in the amount of not less than \$1 million per occurrence, and not less than \$2 million in the aggregate, from a carrier admitted in the State of California with a Best rating of not less than A-, VIII;

(2) Comprehensive business or commercial automobile liability coverage, including non-owned and hired automobile liability, in the amount of not less than \$1 million from a carrier admitted in the State of California with a Best rating of not less than A-, VIII;

(3) Worker's Compensation Insurance as may be required by the California Labor Code for Coverage A (statutory limits) and not less than \$1 million for Coverage B (employer liability limits) from a carrier admitted in the State of California with a Best rating of at least B+, VIII;

(4) All such policies shall remain in force during the term of this Agreement and shall be payable on a "per occurrence" basis unless otherwise accepted in writing by ESJPA, and shall be in form acceptable to ESJPA and its insurance advisers. ESJPA shall be named as an "additional insured" on any policy as may be requested by ESJPA and Contractor shall provide certificates of insurance and any endorsements required signed by Contractor's insurer prior to the commencement of Contractor's services hereunder. Any such policies or endorsements shall provide for 30 days prior notice to ESJPA in the event of any termination or reduction in coverage of such insurance.

(5) Nothing contained herein shall be construed as or constitute a limitation of Contractor's liability or Contractor's responsibility in law or equity to indemnify and hold harmless from any and all claims, damages, losses and expenses that may arise by reason of Contractor's willful misconduct or negligence, and all remedies provided hereunder shall be cumulative with all other remedies under law or equity.

10. Jurisdiction and Venue.

This Agreement shall be governed by the laws of the State of California without regard to choice of law if an action is brought in California based on activities outside California. Any action to enforce or interpret the terms of this Agreement shall be brought in Sacramento County, California.

11. Miscellaneous Provisions.

A. Partial Invalidity.

If any provision of this Agreement shall be declared invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions hereof shall not in any way be affected or impaired.

B. Contractor's Qualifications.

Contractor covenants that it is competent to provide the services required hereunder and is licensed and qualified as necessary to perform such services in California and/or as provided herein. Contractor covenants that it will comply with all applicable federal, state and local laws affecting services provided hereunder.

C. Records and Audit.

Contractor shall maintain current and complete books and records relating to this Agreement, including, but not limited to, documents supporting all bids, income and expenditures. Books and records kept shall be original entry books with a general ledger itemizing all debits and credits for work performed hereunder. In addition, where applicable, Contractor shall maintain detailed payroll records including subsistence, travel and field expenses, and canceled checks, receipts and invoices for all such items. Contractor's documents, books and records shall be retained for at least five (5) years from the date of completion of this Agreement, and Contractor shall permit access to audit its books, accounts and records relating hereto, and such records of all business entities controlled by Contractor who participated in the performance of this Agreement. Any audit by ESJPA may be conducted on Contractor's premises, or at the option of ESJPA, Contractor shall provide all such records to ESJPA for such audit elsewhere. Contractor shall refund any moneys erroneously paid; if Contractor has erroneously billed for an amount exceeding five percent (5%) of the compensation paid hereunder, Contractor shall also be liable for the cost of audit in addition to any other penalty.

D. Nondiscrimination Clause.

During the performance of this Agreement, Contractor shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, sex or sexual orientation, ancestry, physical handicap, medical condition, marital status, or age (over 40).

E. Cooperation.

The parties shall cooperate with each other in the performance of their respective obligations hereunder. ESJPA's Contract Manager shall be Mary Pitto or such other person designated in writing by ESJPA. Contractor's representative for the purpose of any approvals or requests made hereunder shall be Greg Norton.

F. Entirety, Amendments.

This Agreement supersedes any and all other agreements, oral or in writing, between the parties hereto with respect to the subject matter hereof and contains all of the covenants and agreements between the parties with respect to said matter, and each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied or referred to herein, and that no other agreement, statement, or promise not contained or referred to in this Agreement shall be valid or binding.

This Agreement is entire as to all of the performances to be rendered under it. Breach of any of the performances to be rendered by Contractor shall constitute a breach of the entire Agreement and shall give ESJPA the right to terminate this Agreement. ESJPA's breach of any of the obligations created by this Agreement shall constitute a breach of the entire Agreement and give Contractor the right to terminate this Agreement.

No amendment or modification of the provisions of this Agreement shall be valid unless made in writing and signed by the parties hereto.

G. Disclosure.

Contractor agrees to make any necessary disclosures and filings required of Contractor under the California Government Code, if applicable.

H. Notice.

Any notice, tender, or delivery to be given hereunder by either party to the other may be effected by personal delivery in writing or by mail, postage prepaid, and shall be deemed communicated as of the date of actual receipt. Mailed notices shall be addressed as set forth below, but each party may change its address by written notice in accordance with this paragraph.

To Contractor: Rural County Representatives of California
1215 K Street, Suite 1650
Sacramento, California 95814
Attn: Greg Norton, President and CEO

To ESJPA: Rural Counties' Environmental Services
Joint Powers Authority
1215 K Street, Suite 1650
Sacramento, California 95814
Attn: Mary Pitto, Program Manager

WHEREFORE, the parties hereto have executed this Agreement as of the date set forth above.

CONTRACTOR:

RURAL COUNTY REPRESENTATIVES OF CALIFORNIA, A CALIFORNIA NONPROFIT MUTUAL BENEFIT CORPORATION

By: _____
Greg Norton
President and CEO

ESJPA:

RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY, A JOINT POWERS AUTHORITY

By: _____
Michael Kobseff
ESJPA Board Chair

EXHIBIT A

Contractor shall provide professional, technical, administrative, and related support services to the ESJPA as follows:

A. Non-Grant Related Work: For the purposes of this Agreement, "non-grant related work" shall include all services provided by the Contractor for which the ESJPA does not receive reimbursement from a grantor agency. Under the direction of the ESJPA Board of Directors, this work shall include providing advocacy services on behalf of the member county interests; providing technical support services and information distribution; organizing, scheduling, preparing agendas, and recording minutes for ESJPA Board meetings, for the ESJPA Technical Advisory Group, and for the ESJPA Legislative Task Force; representing the ESJPA at conferences, workshops, and seminars, as well as to governmental agencies, trade associations, private industry, and other organizations; facilitating coordination and cooperation between member counties; preparing reports, technical memoranda, grant applications, and other documents on behalf of the ESJPA; managing ESJPA contracts and performing associated administrative and clerical duties; and other related services and projects as may be requested by the ESJPA Board of Directors.

B. Grant Related Work: Upon request by the ESJPA and/or member counties, Contractor shall provide services for the administration and implementation of grant-related projects. Services shall be provided by the Contractor in accordance with the requirements of the grantor agency and shall be consistent with the approved scope of work as described in the grant agreement between the ESJPA and grantor agency.

Contractor may provide requested services to the ESJPA for the following grant programs:

- Household Hazardous Waste Grants
- Waste Tire Grants
- Used Oil Opportunity Grants
- SB 332 City/County Recycling Programs
- USDA Universal Waste Management Training

Upon mutual agreement, RCRC may provide additional grant-related services, in accordance with the terms of this agreement, for other grant programs as may be requested by the ESJPA in writing.

C. Additional Work: Upon mutual written agreement of the parties, RCRC may provide additional services to the ESJPA beyond those specified above. The basis for compensation to RCRC for these additional services shall be as specified in writing and as agreed to by both parties.

11/29/17



CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR – MICHAEL RANALLI, EL DORADO COUNTY
EXECUTIVE DIRECTOR – GREG NORTON

TECHNICAL ADVISORY GROUP (TAG)
TAG CHAIR – JIM MCHARGUE, AMADOR COUNTY
TAG VICE CHAIR – RACHEL ROSS, TEHAMA COUNTY
PROGRAM MANAGER – MARY PITTO

MEMORANDUM

To: ESJPA Board of Directors
From: Mary Pitto, Program Manager
Date: November 29, 2017
RE: RCRC Proposed Waste Management and Recycling Policy Principles

Each year, the RCRC Board of Directors adopts the Policy Principles to help serve as a guide to RCRC staff when reviewing legislation and regulations to determine the appropriate position for the organization and its members.

Traditionally, the Policy Principles are provided to the RCRC Board of Directors in draft form at the December RCRC Board of Directors Meeting and are formally adopted at the January RCRC Board of Directors Meeting. Additionally, the Policy Principles may also be updated periodically to reflect new issues or policy changes made by the RCRC Board of Directors.

RCRC staff reviewed the current Policy Principles and determined that a major overhaul was necessary to improve the overall effectiveness of the document. This proposed overhaul would remove redundancies and tighten up content, making the document shorter, less-cluttered, and more practical. The proposed 2018 Policy Principles for Waste Management and Recycling are provided in draft form for review, and will not be acted upon until the January 17, 2018 RCRC Board of Directors Meeting.

In order to facilitate discussion at the January 2018 RCRC Board of Directors Meeting and to allow all member counties to review the proposed changes, please provide any proposed edits to the ESJPA in writing no later than January 3, 2018 so that they can be included in the January 2018 RCRC Board Packet and considered at the January RCRC Board of Directors Meeting.

Recommendation:

It is recommended that the ESJPA Board review the proposed Waste Management and Recycling Policy Principles and provide any verbal or written comments prior to January 3, 2018.

Attachment

2018 Proposed Waste Management and Recycling Policy Principles

WASTE MANAGEMENT AND RECYCLING

Alternative Daily Cover. ~~State and federal law require that the working face of landfills be covered at the end of each working day with dirt, tarps, or “alternative daily cover (ADC),” such as shredded automobile fluff or green waste. For many rural counties, green waste is the preferred ADC. Commencing January 1, 2020, state law will provide the use of green material as alternative daily cover does not constitute diversion. RCRC strongly supports preserving the use of green waste materials for alternative daily cover (ADC) as a viable option, and does not support having the Tipping Fee apply to green waste materials that are used as ADC under the current fee structure.~~

Disposal Bans. RCRC supports advanced statewide planning and infrastructure for convenient identification and recovery of all materials and products prior to banning from California landfill disposal or requiring separate handling or processing. ~~RCRC maintains that supports active contributions~~ from manufacturers and retailers must actively contribute to establish programs to cover the costs for disposal, recycling, special handling, and/or any public education required for their end-of-life products, before any such disposal bans are implemented.

Increasing Diversion/Decreasing Disposal Mandates. ~~State law requires municipalities divert at least 50 percent of the solid waste generated in their jurisdiction. The California Department of Resources Recycling and Recovery (CalRecycle), which enforces this mandate, allows some rural counties flexibility in meeting these mandates through either a ‘Rural Reduction in diversion requirements’ or compliance through a ‘Good Faith Effort.’ Recent legislation now establishes a statewide goal of 75 percent of solid waste to be reduced, recycled or composted. As the State works towards the 75 percent statewide goal, RCRC believes supports appropriate tools for municipalities should be given additional tools that allow them to assist in achieving to achieve the new statewide diversion goals, Such tools should include, but are not limited to, including extended producer responsibility, an easing of the permitting restrictions for organic waste processes and other solid waste activities, model program guidelines, and increased funding. RCRC recognizes that organic materials in landfills are a major contributor to methane gas production, and alternative treatment systems need to be pursued. However, any opposes regulatory requirements needs to that do not consider existing infrastructure and capacity and the economic feasibility of new facilities, and that do not provide the flexibility for phasing-in various regions and areas of the state, especially in rural counties.~~

Electronic and Universal Waste. RCRC supports the proper disposal of electronic and universal waste through programs that place the cost of compliance on manufacturers and consumers rather than on county-operated landfills or waste management programs.

Extended Producer Responsibility. RCRC supports producer responsibility for financing and arranging the collection and recycling of their products at end-of-life. ~~Producer responsibility removes the financial burden from local governments and makes recycling a cost of doing business. Placing the responsibility with manufacturers/retailers will additionally provide incentive for products to be redesigned in a manner to eliminate or reduce their impact, and to increase their recyclability. RCRC prefers producer responsibility preferably through product take-back by the manufacturers/retailers. RCRC will consider the reasonable use of Advanced Recycling Fees and Advanced Disposal Fees.~~

Financing State Solid Waste Disposal Programs. State law requires that \$1.40 be collected for every ton of solid waste disposed in a California permitted landfill, commonly referred to as the "Tipping Fee." ~~Proceeds from the current tipping fee are deposited into the Integrated Waste Management Account (IWMA) and used by CalRecycle to enforce solid waste laws, permit facilities, provide local assistance, administer programs and rulemaking, and provide grants to municipal jurisdictions to assist in the management of many solid waste products. As solid waste disposal decreases due to a number of recent events (economic factors, new recycling mandates, and consumer awareness), proceeds from the tipping fee are not sufficient to sustain CalRecycle programs into the future. CalRecycle and other agencies with enforcement authority over solid waste facilities are turning to their fee authority to augment decreasing IWMA funds. A similar dynamic is occurring at the local level where local tipping fee revenues are not generating enough funds to sustain local programs including the direct management of landfills.~~

RCRC believes *supports* a wide range of options should be considered to reform the financing mechanisms for the management of solid waste programs, *including* ~~Options include:~~ increasing the current tipping fee as a temporary measure; applying new solid waste management fees on aspects of the waste stream that currently have no levies; reforming the programs that CalRecycle manages to limit costs; or a combination of these options. ~~Any new financing scheme should be comprehensive and lead to a stable and equitable source of funding that also assists counties in complying with solid waste management programs. Implementation of any new financing mechanism needs to consider lead time for county processing and budgeting purposes. RCRC does not support~~ *opposes* an increase in the Tipping Fee or other funding mechanisms for projects and programs that are not part of a direct effort to manage and reduce the overall amount of solid waste.

Incentives. RCRC favors the use of "incentive-based" policies to promote local waste diversion activities and to encourage regulatory compliance at publicly operated solid waste facilities, rather than the threat of State imposed financial penalties. Rural considerations should be incorporated into these policies to properly reflect the costs commensurate with the impact of the regulatory effort at rural sites, whenever appropriate.

~~**Incentive Funding.** Recognizing that the costs for solid waste regulatory compliance are disproportionately high in rural areas of the state, RCRC supports the continuation and expansion of grant programs and funds that provide needed financial assistance to implement and maintain local waste diversion activities and support community-based household hazardous waste management programs.~~

Jurisdictional Compliance. RCRC supports using program-based criteria to determine jurisdictional compliance with statutory waste diversion requirements that incorporate rural considerations. RCRC opposes numerical justifications on program implementation that do not include rural considerations.

~~**Local Control.** RCRC opposes any loss of local land use control with respect to the siting and environmental review of new solid waste collection, disposal, and processing facilities.~~

Permitting. RCRC supports “tiered” solid waste facility permitting and operating requirements with reduced administrative and operational requirements that are commensurate with the limited environmental and public health risks associated with small-volume facility operation in low-density population areas.

Agenda Item V

LEGISLATIVE UPDATE

2018 TENTATIVE LEGISLATIVE CALENDAR
 COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE
 Revised 11/16/16

DEADLINES

JANUARY						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

MARCH						
S	M	T	W	TH	F	S
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18	19	20	21	22	23	24
25	26	27	28	29	30	31

APRIL						
S	M	T	W	TH	F	S
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

MAY						
S	M	T	W	TH	F	S
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20	21	22	23	24	25	26
27	28	29	30	31		

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** Legislature Reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 12** Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house in the odd-numbered year (J.R. 61(b)(1)).
- Jan. 15** Martin Luther King, Jr. Day.
- Jan. 19** Last day for any committee to hear and report to the floor bills introduced in that house in the odd-numbered year (J.R. 61(b)(2)). Last day to submit bill requests to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3), (Art. IV, Sec. 10(c)).

Feb. 16 Last day for bills to be introduced (J.R. 61(b)(4), (J.R. 54(a)).

Feb. 19 Presidents' Day.

Mar. 22 Spring Recess begins upon adjournment of this day's session (J.R. 51(b)(1)).

Mar. 30 Cesar Chavez Day observed.

Apr. 2 Legislature Reconvenes from Spring Recess (J.R. 51(b)(1)).

Apr. 27 Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house (J.R. 61(b)(5)).

May 11 Last day for policy committees to hear and report to the floor nonfiscal bills introduced in their house (J.R. 61(b)(6)).

May 18 Last day for policy committees to meet prior to June 4 (J.R. 61(b)(7)).

May 25 Last day for fiscal committees to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)).
Last day for fiscal committees to meet prior to June 4 (J.R. 61(b)(9)).

May 28 Memorial Day.

May 29- June 1 Floor Session only. No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61 (b)(10)).

*Holiday schedule subject to Senate Rules committee approval

2018 TENTATIVE LEGISLATIVE CALENDAR
 COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE
 Revised 11/16/16

JUNE						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- June 1** Last day for each house to pass bills introduced in that house (J.R. 61(b)(1)).
- June 4** Committee meetings may resume (J.R. 61(b)(12)).
- June 15** Budget Bill must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).
- June 28** Last day for a legislative measure to qualify for the Nov. 6 General Election ballot (Elections code Sec. 9040).
- June 29** Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees (J.R. 61(b)(13)).

JULY						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- July 4** Independence Day.
- July 6** Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)). **Summer Recess** begins upon adjournment provided Budget Bill has been passed (J.R. 51(b)(2)).

AUGUST						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- Aug. 6** Legislature Reconvenes (J.R. 51(b)(2)).
- Aug. 17** Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).
- Aug. 20-31 Floor Session only.** No committees, other than Conference and Rules Committees, may meet for any purpose (J.R. 61(b)(16)).
- Aug. 24** Last day to **amend** on the floor (J.R. 61(b)(17)).
- Aug. 31** Last day for **each house to pass bills**, except bills that take effect immediately or bills in Extraordinary Session (Art. IV, Sec. 10(c), (J.R. 61(b)(18)). **Final Recess** begins upon adjournment (J.R. 51(b)(3)).

*Holiday schedule subject to Senate Rules committee approval

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

2018

- Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).
- Nov. 6 General Election
- Nov. 30 Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).
- Dec. 3 12 Noon convening of the 2019-20 Regular Session (Art. IV, Sec. 3(a)).

2019

- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Agenda Item VII

SOLID WASTE REGULATORY UPDATES



Public Workshop 2017 Scoping Plan Update

*The Proposed Strategy for Achieving California's 2030
Greenhouse Gas Target*



October 12, 2017
Sacramento, California

Workshop Materials

Slides

<https://www.arb.ca.gov/cc/scopingplan/meetings/meetings.htm>



2

Outline

- ▣ Background and Process
- ▣ Recent Legislation
- ▣ Scoping Plan Analyses
- ▣ GHG and Air Quality Analyses
- ▣ Economic Refinements
- ▣ Schedule

Background and Process



3



4

Scoping Plan Background

- ❑ First Scoping Plan required by Assembly Bill 32
 - ❑ Must be updated at least every 5 years
- ❑ Initial Scoping Plan (2008) and First Update (2014)
- ❑ Executive Order B-30-15
 - ❑ Establishes GHG emissions reduction target of 40% below 1990 levels by 2030
 - ❑ Directs CARB to update Scoping Plan to incorporate 2030 GHG target
- ❑ Senate Bill 32 codifies 2030 GHG target
- ❑ AB 398 directs CARB to update Scoping Plan no later than January 1, 2018



5

2017 Scoping Plan Update Process

- ❑ Coordination with State agencies and Legislature since 2015
- ❑ Presentations at 5 Board Hearings
- ❑ Over 15 Public Workshops
- ❑ Over 19 Environmental Justice Advisory Committee (EJAC) Meetings and 19 EJAC Community Meetings
- ❑ Over 500 public comments received and reviewed



6

2017 Scoping Plan Update Objectives

- ❑ Achieve 2030 target
- ❑ Provide direct GHG emissions reductions
- ❑ Provide air quality co-benefits
- ❑ Protect public health
- ❑ Minimize emissions "leakage" – increase to non-CA GHG emissions
- ❑ Support climate investment in disadvantaged communities
- ❑ Facilitate sub-national and national collaboration
- ❑ Support cost-effective and flexible compliance
- ❑ Support Clean Power Plan and other federal action



7

Alternatives Considered

- ❑ No Cap-and-Trade (Prescriptive Regulations)
- ❑ Carbon Tax
- ❑ All Cap-and-Trade
- ❑ Cap and Tax



8

Reference for Updates

January 2017 Draft Scoping Plan

<https://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>

March Workshop Analyses

<https://www.arb.ca.gov/cc/scopingplan/meetings/032817/sp-march-workshop-slides.pdf>



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Recent Legislation Since January 2017 Draft Scoping Plan



10

Recent Legislation

- July 17, 2017 Legislature passed AB 398 and AB 617
 - AB 398 provides direction on a post-2020 Cap-and-Trade Program and updates to the recent Scoping Plan Update
 - AB 617 focuses on reducing exposure to criteria and toxic pollutants in California's most burdened communities
- Initiate a new rulemaking to design a post-2020 program that conforms to the requirements in AB 398
- Work underway to implement new community-focused air quality program including monitoring and emission reduction plans



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Scoping Plan Scenario

- *SB 350 - increase renewable energy and energy efficiency
- *SB 1383 - Short-Lived Climate Pollutant Plan
- *Mobile Source Strategy - help State achieve its federal and state air quality standards
- *Enhanced Low Carbon Fuel Standard
- *Sustainable Freight Action Plan
- *SB 375 - support sustainable community development
- Post-2020 Cap-and-Trade Program

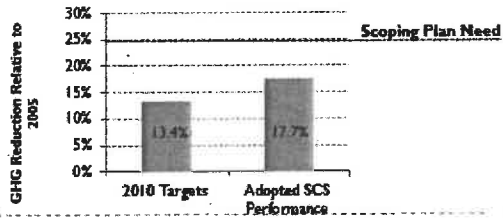
*Existing commitments



12

SB 375 GHG Reduction Targets

- ❑ Targets advance local and regional planning and exploration of land use and transportation strategies
- ❑ To meet Scoping Plan goals, more is needed from regions
- ❑ Board considering update this November



13

Scoping Plan Analyses



14

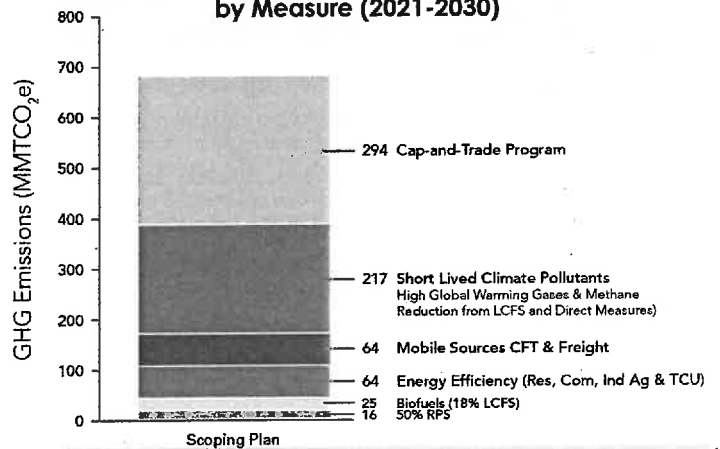
Emissions Modeling Refinements

- ❑ Refinery measure removed
- ❑ Modeling updates
 - ❑ Electricity sector updates
 - Updates to reflect RPS compliance
 - Exclusion of pumping loads from retail sales
 - Inclusion of banked RECs
 - Inclusion of out-of-state PCC3 RECs
 - ❑ Other: Motorcycle energy demand, behind-the-meter CHP, refrigeration measure



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Scoping Plan – Estimated Cumulative GHG Reductions by Measure (2021-2030)



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GHG Emissions by Sector in 2030

Table ii-3. Estimated Change in GHG Emissions by Sector

Estimated GHGs by Sector [MMTCO ₂ e]			
	1990	2030 Scoping Plan Ranges	% change from 1990
Agriculture	26	24-25	-8 to -4
Residential and Commercial	44	38-40	-14 to -9
Electric Power	108	30-52 ⁸⁸	-72 to -52
High GWP	3	8-11	167 to 267
Industrial	98	83-88	-15 to -10
Recycling and Waste	7	8-9	14 to 29 ⁸⁹
Transportation (Including TCU)	152	103-111	-32 to -27
Net Sink*	-7 ⁹⁰	TBD	TBD
Sub Total	431	294-336	-32 to -22
Cap-and-Trade Program	n/a	34-76	n/a
Total	431	260	-40

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Natural and Working Lands (NWL)

Objectives

- Net zero or negative GHG emissions and
- Minimize, where appropriate, net GHG and black carbon emissions

Goal

- Preliminary intervention-based goal for sequestering and avoiding emissions by at least 15-20 MMT CO₂e by 2030 through existing pathways and new incentives

NWL Implementation Plan

- Set pathway to meet sector objectives and intervention-based goal
- First workshop on Friday October 13, 2017
- Ongoing development and feedback in 2018



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Appendices

- Additional appendices since January 2017 Draft Scoping Plan
 - Alternatives Evaluation, Estimations for AB 197, and Health Impacts (presented at March 2017 workshop)
 - Major Climate Statutes and Regulations
 - Green Buildings Strategy



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GHG and Air Quality Analyses



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Scoping Plan: 2030 GHG and Air Quality Reductions

Scenario	Range of GHG Reductions (MMTCO ₂)*	Range of NO _x Reductions (Tons/Day)	Range of VOC Reductions (Tons/Day)	Range of PM _{2.5} Reductions (Tons/Day)	Range of Diesel PM Reductions (Tons/Day)
Scoping Plan Scenario	100-184	48-73	5.1-7.3	1.4-2.4	5-12

- Mobile Sources measures primary drivers of benefits in air quality
 - Mobile Source Strategy, Sustainable Freight, 18% LCFS
- In 2030, Cap-and-Trade Program estimated to deliver 58-119 MMTCO₂e reductions—included in GHG range in table



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Estimated Health Impacts Due to Emissions Reductions in 2030

	Proposed Scenario (annual reductions)
Mortality	140-210
Hospitalizations	20-31
ER Visits	58-88

- Totals include impacts of diesel particulate matter and NO_x
- Individual incidents in 2030, does not include cancer risk
- Does not include impacts of Cap-and-Trade
- Estimates only account for emissions uncertainty and not health benefits model uncertainty
- Emissions from power plants are weighted to reflect reduced exposure from tall smoke stack



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Additional Information

- Additional details on GHG and air quality reductions, health impacts analyses, and estimating health co-benefits presented at March 28, 2017 workshop:
 - <https://www.arb.ca.gov/cc/scopingplan/meetings/032817/sp-march-workshop-slides.pdf>



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Economic Refinements



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Economic Modeling

- ❑ Includes capital and fuel costs from PATHWAYS
- ❑ Impacts of carbon pricing are calculated outside of PATHWAYS
- ❑ Results include monetization of health impacts from changes in emissions of diesel particulate matter and NOx
 - ❑ Avoided premature mortality
 - ❑ Hospitalizations
 - ❑ ER visits
- ❑ Results do not include
 - ❑ Benefits of active transportation
 - ❑ Avoided environmental damages as calculated with the social cost of carbon or the social cost of methane



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Direct Cost Estimates in 2030 Relative to Reference Case (Billion \$2015)

Scenario	2030 Stock Costs (Billion \$2015)	2030 Fuel Costs (Billion \$2015)	2030 Cost of Reductions due to Carbon Pricing (Billion \$2015)	2030 Total Cost (Billion \$2015)
Scoping Plan Scenario	\$6.0	\$5.9	\$1.6 to \$5.1	\$1.7 to \$5.2



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Scoping Plan: 2030 Macroeconomic Impacts

	Absolute Change	Percentage Change
California GDP (Billion \$2015)	-\$9.7 to -\$19.4	-0.3% to -0.6%
Employment (Thousand Jobs)	-43.4 to -81.3	-0.2% to -0.3%
Personal Income (Billion \$2015)	-\$4.2 to -\$1.7	-0.1%

- ❑ Relative to Reference scenario in 2030
 - ❑ California GDP: \$3.4 trillion
 - ❑ Employment 23,500,000
 - ❑ Personal income: \$3.0 trillion
- ❑ The average growth rate of State GDP, employment personal income are unchanged relative to the Reference scenario



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Estimated Economic Valuation of Avoided Health Impacts Due to Emissions Reductions in 2030

(Million \$2015)	Scoping Plan Scenario
Mortality	\$1,200 - \$1,810
Hospitalizations	\$970 - \$1,500
ER Visits	\$0.04 - \$0.065
Total	\$1,210 - 1,810

- ❑ Economic Valuation includes avoided health impacts related to reductions in diesel particulate matter and NOx relative to the reference case
- ❑ Does not include carbon related disease health impacts included in the Social Cost of Carbon
- ❑ Does not include any potential benefit associated with active transportation



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Regional Impact Methodology

- ▣ Disaggregate State-wide impacts to California counties
 - ▣ REMI California County model
- ▣ Estimate relative economic impact of scenarios to DACs
 - ▣ DACs identified using CalEnviroScreen 2.0
 - ▣ County employment information from American Community Survey (ACS) provides census-tract level estimates of jobs by occupation



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Schedule

- ▣ November 2017: Full Final Scoping Plan
- ▣ EJAC meeting(s)
- ▣ December 14/15, 2017: Final Board consideration



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Additional Information

▣ Scoping Plan

<http://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>



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Contact Details

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ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA
DEL NORTE, EL DORADO, GLENN, IMPERIAL, INYO, LASSEN



MADERA, MARIPOSA, MODOC, MONO, NEVADA, PLUMAS,
SHASTA, SIERRA, SISKIYOU, TEHAMA, TRINITY, TUOLUMNE

CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR – MICHAEL RANALLI, EL DORADO COUNTY
EXECUTIVE DIRECTOR – GREG NORTON

TECHNICAL ADVISORY GROUP (TAG)
TAG CHAIR – JIM MCHARGUE, AMADOR COUNTY
TAG VICE CHAIR – RACHEL ROSS, TEHAMA COUNTY
PROGRAM MANAGER – MARY PITTO

November 15, 2017

Mr. Hank Brady
Senate Bill 1383 Manager
California Department of Resources
Recycling and Recovery
1001 I Street
Sacramento, CA 95814

Transmittal Via E-mail: SLCP.Organics@calrecycle.ca.gov

RE: Comments on Senate Bill 1383 Proposed Regulation

Dear Mr. Brady:

The Rural Counties' Environmental Services Joint Powers Authority (ESJPA), consisting of twenty-three rural counties, exists to assist member counties in their efforts to comply with State and Federal solid waste requirements. We appreciate the opportunity to provide input into the development of Senate Bill 1383 (Lara, 2016) regulations for organics diversion from our landfills. Our counties' solid waste managers are dedicated to providing meaningful, environmentally-conscious, and cost-effective solid waste services to their residents and businesses.

The ESJPA counties contain only 3.8 percent of the state's population and contribute only 4.2 percent to California's solid waste disposal tonnage. These counties contain nearly 32 percent of California's square miles. The average population density of the ESJPA member counties is 34 persons per square mile, with nine counties having less than ten persons per square mile. Most of the population in each county is concentrated within a few population areas. In contrast, the state's average population density is 240 persons per square mile with the major populous areas having population densities of over 5,000 persons per square mile. The economies of scale are vastly different and often prohibitive for rural California compared to the urban areas.

The ESJPA has appreciated CalRecycle conducting the public workshops and presentations to the ESJPA Board of Directors soliciting input for drafting the organics regulations and would like to offer some thoughts and comments related to the proposed regulations. First, we believe that the task before us all is unachievable within the time frames provided in Assembly Bill 1826 (Chesbro, 2014) Mandatory Commercial Organics Recycling, SB 1383, and the Air Resources Board (ARB) March 2017 Short-Lived Climate Pollutant Reduction Strategy. That is not to say we should not begin to work towards its implementation. We also believe that rural counties are partners in working towards

Mr. Hank Brady
Comments on Senate Bill 1383 Proposed Regulation
November 15, 2017
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achieving the state's goals. But we must be mindful of proposals that do not result in unintended negative consequences.

We summarize some very general concerns below and provide detailed comments in the attachment. The central premise to our concern is that a vast majority of rural California cannot economically (and in many cases practically) meet the same level of service for organics diversion as urban California. The ESJPA recommends that the regulation be tiered based upon population density, travel distances, and infrastructure capacity. The following highlights our general concerns with the proposed regulations:

- The disposal definition excessively includes all beneficial reuse at landfills as disposal.
- Rural areas need more flexibility to meet the requirements of these regulations due to the small amount of solid waste generated and minimal greenhouse gas impact, low population density, and lack of easily accessible organics facilities.
- Rural residents predominately self-haul their own wastes and it is not feasible to have residents meet the extensive compliance and reporting requirements of the proposed regulations.
- There are currently insufficient existing organic processing facilities in the state to handle the amount of organics to be diverted. The proposed requirements need to allow sufficient flexibility for jurisdictions making a reasonable, but unsuccessful, effort.
- The ESJPA believes the "good faith effort" provisions are imperative to compliance with the SB 1383 regulations being developed and have proven successful in determining compliance with the Integrated Waste Management Plan. It is the responsibility of the jurisdiction to document their compliance efforts, including those that are unsuccessful efforts.
- A significant generator of organic waste in rural areas are state and federal agencies. The proposed regulations should clarify that compliance, inspection, and enforcement provisions also cover State Entities and how the state will engage federal cooperation.
- The reporting and enforcement requirements are excessive and need to be streamlined and coordinated between local jurisdictions and contractors.

Thank you for the opportunity to provide input into the regulatory process, and we look forward to continue working with CalRecycle on viable organics programs for rural communities. If you have any questions, please contact me at mpitto@rcrcnet.org or (916) 447-4806.

Sincerely,



MARY PITTO
Regulatory Affairs Advocate

ESJPA Specific Comments on SB 1383 Proposed Regulations

Article 1 Definitions

The comprehensive nature of this regulatory challenge incorporates many other regulatory requirements (e.g. mandatory organics, solid waste permitting, proposed AB 901 reporting). The mandates the need for the proposed SB 1383 regulations to use consistent definitions. In addition, a number of terms utilized in the proposed SB 1383 regulations lack definitions in this proposal or in existing regulations, and there are definitions included here that are not used in the proposed regulations.

Definitions that need clarification include:

(6) "County Health Director" has the same meaning as in section 113774 of the Health and Safety Code.

This term is not used in the proposed regulations and should be removed. In addition, Section 113774 defines "Enforcement Officer" not "County Health Director."

(12) "Contamination", or "contaminants" means human-made inert material contained within organics including, but not limited to, glass, metal, and plastic.

This definition is too restrictive by limiting contamination to human-made inert material. As used in Section xxx30.15 Contamination of Source-Separated Organic Waste, this definition would not allow for non-inert human made contamination in an organics waste container. For example, a container with manure laced textiles would not be acceptable at a textile manufacturer but would not be considered contaminated with this definition.

(21) "Food Handler" has the same meaning as in section 113790 of the Health and Safety Code,

This term is not used in the proposed regulations and should be removed.

(22) "Food Processing Establishment" has the same meaning as in section 111955 of the Health and Safety Code.

This term is not used in the proposed regulations and should be removed. The referenced Health and Safety Code Section 111955 excludes restaurants and cottage food operations.

(30) "Large Commercial Edible Food Generator" & (33) "Medium Commercial Edible Food Generator"

One criteria for both of these terms is the number of employees. Many food facilities use part-time staff. It would be most appropriate to clarify that the number is based upon full-time employee equivalents. An alternative criteria might be use of annual gross sales

similar to that used for the definition of supermarkets or under the beverage container facility requirements.

(31) Large Event and (32) Large Venue

To maintain consistency with current statute, these definitions should revert to the ones in PRC Section 42648. There is no benefit to the minor modifications in these definitions.

(34) "Mixed waste organics collection service" means a waste collection service that collects organic waste with other solid waste in a mixed waste collection container or a disposal container and sends the material to a high diversion mixed waste processing facility that recovers the organic waste at the level specified in xxx30.2.

Section xxx30.2 does not specify recovery levels. It does reference transport of mixed waste organics to the undefined "high diversion facility" complying with section 17409.5.1. Section 17409.5.1. is for "Organics Diversion at Mixed Waste Processing Facilities" but does not reference what "high diversion" means.

The term "Mixed Waste Organic Collection Service" is defined a little different later in section 17402 (19.5) as "Mixed Waste Organic Collection Service" means a collection service that is provided to a generator pursuant to section xxx30.2.

(35) "Mixed waste organics container" indicates "a container that is intended for the collection of solid waste including organic waste that will be are separated at a high diversion mixed waste facility".

Both (34) "Mixed waste organics collection service" and (35) "Mixed waste organics container" should, and do not clearly, indicate management of organic wastes with other solid waste that are not sent for separation at a high diversion mixed waste processing facility. Some of these mixed waste containers may be sent for transfer or disposal.

(37) "Organic Waste" means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food waste, green waste, landscape and pruning waste, applicable textiles and carpets, wood, lumber, fiber, manure, biosolids, digestate and sludges.

This definition is extremely broader than the Mandatory Commercial Organics Recycling definition of "Organic waste" in PRC Section 42649.8 which is:

"Organic waste" means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

Jurisdictions have devoted significant resources to the compliance with the Mandatory Commercial Organics Recycling requirements. It is not clear how a jurisdiction is expected to transition from this existing program.

(39) Organics waste generator means a person or entity that is responsible for the initial creation of organic waste.

This definition covers every possible generator, even an individual household, and would consider all generators to be a "regulated entity" under Section xxx10.2.

This is excessive for rural jurisdiction or areas without curbside service.

(49) "Self-hauler" means a person who hauls solid waste, organics or recyclable material they have generated to another person. Self-hauler also includes a person who back-hauls waste.

This definition covers every person hauling their own solid waste, organics or recyclable material. As used in Section xxx60.2, Self-haulers would be required to source-separate organics, keep records of the amount of organics wastes delivered which are subject to inspection by the local enforcement agency, and report annually to the jurisdiction. Expecting each resident to comply with these procedures is excessive and the cost impact to jurisdictions is not realistic.

Under the proposed AB 901 regulations, self-haul waste is not tracked individually by the receiving facility. These regulations should establish a larger threshold for compliance such as the 12 or more cubic yards limit used for food waste self-haulers. This definition should refer to the proposed AB 901 term.

(52) "State Entity" means an entity that is an organic waste generator but is not subject to the control of city or count regulations related to solid waste. These entities include but are not limited to special districts, school districts, community college districts, public universities, and all state agencies.

Independent special districts are local agencies, not state agencies.

(53) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

This definition would not include online retailers that only offer home-delivery of these items since these entities are not self-service. The following change is recommended

(53) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

Additional Definitions Needed

There are a number of terms used in the proposed regulations that do not have definitions but ones should be developed to provide clarity. These definitions including the following:

- "Generator"
- "High Diversion Facility"
- "High Diversion Mixed Waste Processing Facility."
- Local Enforcement Agency should also include Enforcement Agency for cases where CalRecycle functions as the Local Enforcement Agency.
- Metabolic waste products

Article 2 Landfill Disposal and Reductions in Landfill Disposal

General Comments

- The Article Title should use consistent punctuation. The following change is recommended:

Article 2 Landfill Disposal Aand Reductions in Landfill dDisposal

- Definitions in this article should be included in Article 1.

Section xxxx20.1 (a)

This proposed language excessively includes all beneficial reuse at landfills as disposal. This proposal is also inconsistent with current statute. Section 41781.3 (a)(1) indicates that beneficial reuse, except green material as alternative daily cover under some circumstances, is not considered disposal. There are many other uses of organic waste at landfills that provide legitimate uses and benefits such as slope stability and landscaping. If the same organic waste is processed offsite and then delivered as a material to the landfill for the same use, this would not count as disposal; therefore, son-site generation should not be considered disposal.

Section xxxx20.1 (b) (3) An "In-vessel Digestion Operation of Facility" as defined in section 17896.2(a)(14)

This specific definition is not defined in the referenced section. There are several similar terms used in the existing regulations. There are a number of references in this section for

in-vessel including "Dairy", "Distribution Center", "Digester", "Large Volume", "Limited Volume", "Medium". Is this definition intended to refer to all of the above types?

There are other uses of the term in other sections including the following:

Section 17852 (a) (41) "Within-vessel Composting Process" means an aerobic process in which compostable material is enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost, maintained under uniform conditions of temperature and moisture where air-borne emissions are controlled.

Is the proposed definition intended to include "Within-vessel Composting Process" activities also?

Section xxx20.2 Verification of Technologies That Constitute a Reduction in Landfill Disposal

Section (a)(1) limits approval of "operations" to those where "methane emission reductions are equivalent to, or greater than those which are assumed from a composting operation in the California Air Resources Board (CARB) adopted Short-Lived Pollutant Reduction Strategy (March 2017)". Given the lack of available facilities that will be available by the effective date of these proposed regulations, imposing this threshold will severely limit development of activities that could provide some benefit.

In addition, the term "operation" has specific definitions in the permitting regulations that are distinct from a "facility". This term should be changed to "activities" to avoid confusion.

Section (a)(2) lists the information needed from an applicant to demonstrate reduction in landfill disposal including "calculations, assumptions, or emission factors". This section should reference what approved formulas and procedures are acceptable for these concepts.

Article 3 Mandatory Organic Waste Collection

Section xxx30 Collection of Organic Waste

Nineteen low-population counties of California have been granted an exemption to the requirements of Assembly Bill 1826 (Chesbro, 2014), Mandatory Commercial Organics Recycling (MORe), until 2020 when the program will be reevaluated. This exemption recognized the unique needs of rural areas and the limited impact of rural programs on the statewide numbers. ESJPA requests that these same 19 counties, which collectively

represent 2 percent of the state's solid waste¹, be granted an exemption to the requirements of these proposed regulations until 2025 or five years following initiation of the MORE programs in these counties. If the extension ends in 2020, the counties will need additional time to phase in the MORE requirements and the additional mandates from these regulations. We propose the following be added to section xxxx30:

- (a) *Except as provided in section xxxx30.b, every jurisdiction shall be responsible for the collection and recycling of organic waste generated within the territory subject to its authority in a manner that complies with the requirements of this chapter.*
- (b) *Low population counties that were granted the exemption provided in section 42649.82 of the Public Resources Code (PRC) are exempted from the requirements of this chapter until 2025 or five years following the initiation of the requirements of PRC Chapter 12.9.*

It is economically infeasible for these counties to be mandated to participate in an organics collection program. And it would be difficult to justify the state spending any of their valuable resources ensuring compliance within one-third of the state's counties for such a small fraction of the waste stream. There are other rural jurisdictions that should also be considered for the exemption. In addition to the 19 above mentioned counties, there are an additional five counties without any urban areas (cities of 50,000 or greater), as defined by the US Census. These counties should be included in the exemption as well.

Section xxxx30.1 Source-separated Organic Waste Collection Service

This section requires jurisdictions to provide source-separated organic waste collection to every generator, except for jurisdictions that have mixed waste organic collection services that meet certain criteria. However, section xxxx30.3 provides for waivers in certain situations. Therefore, ESJPA recommends xxxx30.3 be added to xxxx30.1 (a) as follows:

- (a) Except as provided in sections xxxx30.2 and 30.3 a jurisdiction shall provide a source-separated collection service that complies with the following:

Section xxxx30.1 (a)(2)(C) states that disposal containers shall only be intended for non-organic wastes and shall not be used for the collection of organic waste. And section xxxx30.1(b) requires jurisdictions to require generators to comply with the Article 5, including placing materials in proper bins. This appears to constitute an outright ban of organic wastes, when the goal of SB 1383 is 50 percent by 2020 and 75 percent by 2025. We recommend the following change to section xxxx30.1 (a)(2)(C):

¹ This figure has increased from 1.4 percent in 2012, the year used when AB 1826 was approved, due to the Lake and Calaveras counties 2016 fire debris clean-up.

(C) The disposal container shall ~~only~~ be intended for the collection of non-organic solid wastes ~~and shall not be used for the collection of organic waste.~~

Section xxx30.1 (a)(2) requires every generator to be provide a container or containers for organic waste. Since many rural areas do not have curbside service or any solid wastes, mandating an individual to be provided a container with no collection service is not possible. This requirement should be allowed to be met by providing community drop-off locations instead of individual containers. These drop-offs could be at solid waste facilities or operations or other locations. Paragraph (a)(2)(D) should be added that states:

(D) In lieu of separate containers for each generator, drop-off locations can be established for organic wastes.

The proposed explicit labeling requirements for containers in section xxxx30.1 (a)(3) are too prescriptive. Many jurisdictions have already implemented container label requirements for their programs at significant expense. This prescriptive list also limits a jurisdiction's efforts if a once prohibited material is added to their program, new labels would need to be prepared and installed at significant expense. Stick-on labels also have limited life on a container exposed to weather. Under this proposal, missing labels would be a violation.

The waste container labeling requirements of xxxx30.1 (a)(3)(D) allows for a jurisdiction or hauler to use educational material provided by CalRecycle to comply with the labelling requirements. This provision is useful provided the types of materials can be tailored to the jurisdiction's ability to recycle certain materials.

ESJPA recommends the following be added to section xxx30.1 (a)(3)(D):

(D) A jurisdiction or hauler may use educational material provided by CalRecycle, as *appropriate to the jurisdiction*, to comply with the labelling requirements of (A)-(C) of Paragraph (3).

Section xxxx30.15 Contamination of Source-Separated Organic Waste

Paragraph (b) allows a hauler to refuse to collect the container or may dispose of a container that has contamination of greater than 10 percent. If the container is not picked up, what is expected to happen to the container? Is the generator expected to sort through it and leave it until the next pick-up? Does this violate section 17331 Frequency of Refuse Removal?

In addition, a hauler performing a random check is unable to quantify the extent of the contamination since the entire load cannot be reviewed at the curb. They can only identify contamination in the top of the load. Significant contamination can exist at the bottom of the container. Significantly contaminated waste in the container is allowed to be disposed of as solid waste. The container itself does not need to be disposed of as waste.

The following change is recommended:

(b) A hauler, who, in the course of his or her duties, or during a random check for contamination, notices or identifies contamination ~~of greater than 10 percent~~ in an organics container may refuse to collect the container, or may dispose of the *waste in the container*.

Paragraph (b)(3) requires a jurisdiction to implement certain measures when notified by a hauler or solid waste facility operator of contaminated material. There should be an allowance for reviewing and investigating the notification rather than automatically targeting each reported generator. In addition, if a notice is to be placed on a container that would likely be conducted by the hauler and not the jurisdiction. The targeted education of a generator is best performed immediately by the hauler at the time of detection. Many haulers currently utilize tags or notices to the customer of many issues (overweight, contamination). Similarly, solid waste facility operators detecting contamination in a load should notify the hauler as well as the jurisdiction. The hauler should be required to notify the jurisdiction of the measures the hauler has taken to correct the problem.

Section xxx30.2 Mixed Waste Organic Collection Services

Paragraph (a)(2) prohibits the transport of mixed organics collection containers to any other facility than a high diversion facility. This requirement is overly restrictive since it does not account for transfer of small loads of mixed organics at a transfer station to larger loads of mixed organics.

This section should be changed as follows:

(b) A jurisdiction, or the hauler acting on behalf of a jurisdiction, shall not transport mixed organics solid waste to facilities, *or operations*, that are not High Diversion Mixed Waste Processing Facilities, *except for locations where the mixed organics are consolidated for transfer to High Diversion Mixed Waste Processing Facilities*.

As proposed in paragraph (c), after January 1, 2022 if a Mixed Waste Processing Facility (MWPF) does not meet the specified requirements for a high diversion facility "at any time", the jurisdiction is required to begin implementing a source-separated collection service within a year and a half of the due date of an implementation schedule. Operators of a MWPF should have the option to make operational improvements to the facilities that have been already heavily invested in and have the same year and a half to demonstrate compliance. In addition, there should be an allowance to find another High Diversion Mixed Waste Processing Facility rather than mandate a switch to a source-separated program that requires significant cost to change an existing system. Many High Diversion Mixed Waste Processing Facilities will be utilized by multiple jurisdictions. The failure to meet

requirements by the High Diversion Mixed Waste Processing Facility may not be related to the jurisdiction's mixed organics. The ESJPA suggests the following amendment:

(c) If the mixed waste organic collection service provided by the jurisdiction does not meet the requirements of (a) and (b) ~~at any time~~ after January 1, 2022 the jurisdiction shall begin implementing a source-separated collection service, *work with the High Diversion Mixed Waste Processing Facility on compliance, or contract with a different High Diversion Mixed Waste Processing Facility, within a year and half of the due date of an implementation schedule.*

Section xxx30.3 Waivers

Because most counties have rural areas that are similarly constrained as the 19 low-population counties in the MORE, those areas of the counties should be considered for a separate tier of compliance. It is economically infeasible to collect organics from residential development in these areas due to the low density and travel distances. For those counties that are subject to MORE, the effects of small geographic size, low-population density, the availability, or lack thereof, of sufficient organic waste processing infrastructure, organic waste recycling facilities and other nondisposal opportunities and markets needs to be considered during a jurisdiction's performance review. These same considerations for compliance will be necessary in the SB 1383 regulations.

In many rural areas, there is not mandatory or even voluntary curbside recycling programs. Self-hauling waste and recyclables to drop-off locations is a common practice. These rural areas that are distant to urban areas could be responsible for developing and implementing organics diversion programs to reduce the amount going to landfills from a suite of programs that are suitable for the jurisdiction, such as education and outreach, food rescue programs, and encouraging backyard and small-scale community composting.

ESJPA recommends adding a waiver to section xxx30.3 (4) to accommodate more encompassing areas of the counties appropriate for reduced organics diversion requirements as follows:

Section xxx30.3 Waivers *and Reduced Levels of Requirements*

- (4) *Rural Waiver. A jurisdiction may waive or reduce levels of requirements in areas of the counties due to small geographic size; low-population density; the lack of sufficient organic waste processing infrastructure, organic waste recycling facilities, and other nondisposal opportunities and markets within a reasonable distance. The jurisdiction shall specify a date at which time the waiver will be reevaluated.*

The mechanics to divert organics from landfills is only part of the problem. Building the necessary infrastructure needed to process the organics once diverted will be challenging

not only financially, but due to the constraints of the state and local permitting process. CalRecycle estimated it will require an additional 100 new or expanded facilities to process the diverted organics from AB 1826. Since 2014, only seven new or expanded facilities have been permitted.

The local land use permitting process involves the public. Organic processing facilities are considered undesirable land uses and are very difficult to site due to the public participation. In addition, if a project can make it through the local permitting process, there are still the permit requirements from the State Water Board and local air permits, which make approving a new facility difficult and costly. To get through the permitting process for compost or anaerobic facilities generally takes five to ten years. Quite frankly, it is unrealistic to believe that 93 or even 50 new facilities can be built within the next two years given the challenges of the permitting process.

We also recommend that even in the urban areas there be a distance requirement and access to a processing facility requirement before a jurisdiction is mandated to collect organics for processing. Once a facility is located within the acceptable distance and the jurisdiction is capable of securing access to the facility, the jurisdiction could then be required to use the facility. An additional waiver should be added as follows:

(5) Facility Access Waiver. A jurisdiction may temporarily waive some or all the requirements that apply to a generator, if the generator provides documentation satisfactory to the jurisdiction that there is not organic facility processing capacity economically feasible available.

Article 5 Generators of Organic

Section xxx50.1 Organic Waste Generator

Section xxx50.1 (d) allows generators that subscribe to source-separated organics recycling service to have collection once every fourteen days, provided the Local Enforcement Agency (LEA) agrees that greater than a seven day pick up will not result in a public health and safety, or nuisance issue. It is the organic waste, particularly the food waste, that generally causes the public health and safety or nuisance concerns. What criteria will be used for the LEA determination?

This section should clearly allow for generator compliance with the proposed waivers. A new provision should be added as follows:

(a)(3) compliance with the waiver process in xxx30.3

Section xxx50.4 State Entities and State Facilities

This section should be expanded to include specific provisions for separate containers, contamination, labelling, education and outreach, food recovery, reporting, and enforcement upon the state entities and facilities.

Local jurisdictions do not have direct oversight of many generators and stakeholders. The state should take direct responsibility for those state and federal agencies located within a jurisdiction, such as state prisons and school facilities, federal parks and forests, and tribal lands. These are significant generators of food waste, especially in rural counties, that the local jurisdiction has no control but significantly impact jurisdiction waste generation and disposal.

Nearly 60 percent of the ESJPA rural counties' land is owned by the federal government and member counties have limited control over the waste management activities. Alpine and Inyo counties contain 92 percent federally owned lands and Mono County has 86 percent federal ownership. Yosemite National Park had over 5.2 million visitors in 2016 which is equivalent to 78.5 percent full time residents of Mariposa's population. Most of the solid waste generated from these forest and parks are attributed to the counties. There are also 24 casinos located in 14 ESJPA rural counties. Food wastes and other solid wastes generated at these casinos are typically disposed of within that county. Given these challenges, how will a local jurisdiction meet the requirements of section xxx30.15 and other requirements when the generator is a state or federal agency? Rural agencies cannot impose recycling mandates on these federal and tribal facilities despite the significant impact on waste generation. Jurisdiction's should not be penalized for s state or federal agencies non-compliance.

Rural areas are also severely impacted by wildfires and the associated debris which is often managed by state or federal agencies. A consequence of these fire debris clean-ups is the generation of organic waste, especially edible food, from the fire camps. These fire camps direct significant amounts of edible food to disposal and not diversion. One requirement of these regulations should require fire camps and their associated state and federal agencies to work with local edible food organizations to divert edible food for use rather than disposal.

It is our recommendation to add another section to include requirements on the Department to deal with the federal and tribal facilities that outlines the required measures preferably in compliance with or comparable to local jurisdiction requirements:

Section xxx50.5 Federal and Tribal Facilities

Article 6 Regulations of Haulers

Section xxx60.2 Self-haulers of Organic Waste

In section xxx50.1 (f), a generator that subscribes to source-separated organics recycling service may have collection once every fourteen days, provided the LEA agrees that greater than a seven day pick up will not result in a public health and safety, or nuisance issue. However, in section xxx60.2 (b) (3) self-haulers are subjected to the provisions of section 17331, which is seven days. And section (5) of this paragraph provides that if a self-hauler only generates enough to haul once a month, the generator is not subject to comply with source separation of organics at all. If the organic waste must be stored for no more than seven days how can these other provisions work?

The provisions in sections xxx60.2 (b)(4) and (5) for record keeping and reporting do not seem appropriate for residential generators that self-haul. If the residential generator has a facility that accepts residential organics, the quantities do not warrant the extra time and effort providing receipts and weight tickets by the facility, nor is it likely the generator would keep them. Facilities and operations without scales will not issue weight tags. In addition, for areas that do not have curbside pickup, the resources necessary to comply are not justified to the jurisdiction.

Under the proposed AB 901 regulations, haulers would be reporting directly to the facility and to CalRecycle. Requiring self-haul generators of organic waste to also report to the jurisdiction seems contradictory to the proposed AB 901 regulations.

Article 7 Green Building Standards

Section xxx70.1 CAL Green Building Code

Local jurisdictions are already required to adopt and require compliance with the entire California Green Building Standards Code (CALGreen), including sections 4.410.2 and 5.410.1 and 4.408 and 5.408. If this is intended to clarify CalRecycle has the authority of enforcement of these standards upon a jurisdiction, the local enforcement authority is the Building Department, not the Solid Waste Management authority. CalRecycle staff should therefore work directly with the Building Departments, as the solid waste staff has no authority over other departments, much like CalRecycle has no authority over the Air Resources Board or State Water Resources Control Board.

Article 8 Restrictions on Locally Adopted Standards and Policies

Section xxx80.1 Organic Waste Recycling Standards and Policies

Section xxx80.1 (c) prohibits a jurisdiction from restricting a facility to accepting organic waste based upon the geographical origin of the waste. Current statutory restrictions (PRC Section 40059.3) limits this restriction to privately owned facilities, but not publicly owned facilities. Often times during the local environmental permitting process, it is the public that

insists on a facility be restricted to only the jurisdiction's waste and it becomes a condition of approval. ESJPA recommends section 80.1 (c) be deleted:

~~A jurisdiction shall not prevent a facility or activity from accepting organic waste solely based upon the geographical origin of the waste.~~

Instead, to encourage regional facilities that transcend jurisdictional boundaries, CalRecycle should develop a robust incentive program for jurisdictions.

Article 9 Food Generators and Food Recovery

Section xxx90.1 (b) requires an operator to arrange for food recovery services or food recovery organizations to collect all of the excess edible food. Finding services that will "collect all of the excess edible food that was not sold or served by the operator" and that are "capable of accepting every type of edible food", that also meets the health standards is an extensive undertaking beyond most operators. There should be some de minimis level of edible food amounts and types.

Paragraph (b)(2)(A) requires. "An operator shall arrange for ready-to-eat food that cannot be sold or served the next day to be collected each day the operator serves ready-to-eat food." Imposing a daily collection of food is not feasible for many organizations. An operator serving food prior to closing would need to make arrangements for collection of edible food late in the day at significant expense.

Article 9.9 Organic Waste Recycling Capacity Planning

Section xxx99.1 Planning by Cities and Counties

This section requires "every county, in cooperation with the Cities and Regional Agencies in the County" to prepare an estimate of organic wastes and capacity. Existing Public Resources Code Section 41821.4 that in the annual report "a county or regional agency" estimate the amount of organics and capacity. Since a Regional Agency prepares the annual report for its members, cities and county, the reporting proposed in Section xxx99.1 should continue to be conducted by the Regional Agency. Regional reporting is a primary activity of a Regional Agency. This entire section should be revised to reflect existing statute in Section 41821.4 and only add additional reporting requirements if needed to meet SB 1383 requirements.

The meaning of section xxx99.1 (a)(2)(B)(2) is unclear. One option to verify available capacity is to contact the facility to determine if capacity is available pursuant to (b)(2), which deals with estimating the amount of edible food that will be disposed by large and medium generators.

Section xxx99.1 (a)(4) requires jurisdictions to identify new and expanded facilities that will be available in 2025 and every year thereafter. A jurisdiction cannot predict or guarantee when a facility will become available. There are too many factors that are out of a jurisdiction's control to be able to comply with this requirement. Since there is an insufficient number of facilities to process all organic waste and there may not be existing facilities within a reasonable distance, at best, jurisdictions may only be able to provide information on efforts being made to locate viable facilities.

ESJPA recommends xxx99.1 (a)(4) be amended to read:

(4) Provide information on efforts being made to locate viable new or expanded organic waste recycling capacity.

Sections (d) and (e) should be deleted. The only new requirement in xxx99.1(d) is the reference to the implementation schedule in (e) that requires jurisdictions to submit a report on how it will secure access to new or expanding capacity by 2025, including obtaining funding and securing capacity. As stated above, a jurisdiction cannot guarantee facilities being built to meet the goals of SB 1383; jurisdictions will only be able to provide information on efforts being made to locate viable facilities.

Article 10 Enforcement

Section xxx10.2 Definitions

These definitions should be relocated to Article 1 so that all definitions are in one place. And "regulated entity" should include state agencies in the definition:

- (1) "Regulated entity" means a person, including organics waste generators, haulers and facilities, including state agencies and facilities, subject to the requirements of this Chapter or subject to local ordinances or policies adopted pursuant to the Chapter.

Section xxx10.3 Jurisdiction Inspection and Enforcement Requirements

Paragraph (b)(3)(A) requires a jurisdiction to develop a plan to inspect every entity that generates organic wastes and not just those subject to PRC 42649.2 and 42649.81. Since every business and residence will generate organics waste, it is not feasible to expect a jurisdiction to inspect every single business and all residences in their area. Inspections should be limited to those businesses subject to PRC 42649.2 and 42649.81.

Section xxx10.5. Investigation of Complaints of Alleged Violators by a Jurisdiction

Since there are more complaints filed than most jurisdictions can deal with, many jurisdictions have adopted policies for code enforcement that are based upon their

resources and severity of the alleged violations. Depending upon many other forces that compete with staff resources, a thirty day investigation may not be reasonable. The time frame should be dependent upon a local jurisdiction's adopted inspection and enforcement plan.

Section xxx10.6. Enforcement by a Jurisdiction

This section outlines a jurisdiction's efforts for enforcement even if there is no viable option for a business or residents to divert organics. Paragraph (d) allows extensions to the compliance deadline. Once a jurisdiction determines that, despite its good faith efforts, viable infrastructure does not exist there should be no need to continue enforcement actions on other businesses.

Article 11 Enforcement Oversight by the Department

Section xxx11.2. Department Inspections and Audits of Regulated Entities and Jurisdictions

Section xxx11.2 (f) indicate that "an authorized Department employee or agent, shall be allowed to enter a regulated entity during normal working hours to conduct inspections and investigations, to examine organic recycling activities and records pertaining to the regulated entity to determine compliance with this chapter". Yet, paragraph (f)(1) indicates that this inspection and audit function by the Department "is not intended to permit an employee or agent of the department to enter a residential property." Since the proposed regulations include residential properties as regulated entities how will the verification of compliance be determined? Is the expectation that the jurisdiction will be conducting the inspections of residential property under Article 10?

As indicated in earlier comments, these proposed regulations, especially the enforcement provisions, should not apply to residents.

In addition, there should be a section on enforcement efforts by the Department on other state and federal agencies. The ESJPA proposes to include them in the definition of Regulated Entity in Section xxx10.2. Regardless if other state and federal agencies are not included as a "Regulated Entity", there should be enforcement provisions applied to state agencies. The only provisions currently included in the proposed regulations for a State Entity is for edible onsite food facilities in Section xxx90.1. State Entities contribute far more organic waste to a local jurisdiction than food waste, especially in rural areas. There should be additional compliance and inspection requirements similar to jurisdictions with enforcement provisions.

Section xxxx11.3. Actions by Department over Jurisdictions and Regulated Entities

Section xxxx11.3 (a)(3) gives the department authority to require a jurisdiction to demonstrate that it has sufficient staff and adequate budget resources for implementing the provisions of this Chapter. The proposed regulations are onerous and financially infeasible for rural jurisdictions to comply, especially when considering the amount of waste contributed to the state's overall tonnage. It is not reasonable to expect our local governments to commit scarce resources to comply with the proposed regulations for a De Minimis amount of waste compared to other more urgent needs.

Article 12. Penalties

Section xxxx12.2. Amount of Civil and Administrative Penalty Schedule

Paragraph (a) (1)(B) indicates that, "Separate penalties shall accrue for each separate violation and for each day of violation." There are no Base Tables included for Generators in xxx12.2 (b)(3), it is not possible to determine the magnitude of the penalties. Since Regulated Entity includes every person, including each resident, this penalty provision implies potential significant penalties "for each separate violation and for each day of violation". It is not appropriate for a jurisdiction, or the Department, to impose these magnitudes of penalties against residents. Residents should be excluded from these proposed penalty provisions unless a jurisdiction selects penalties as an option.

Paragraph (b) imposes various penalties but the Base Tables are missing.

Section xxxx12.3 Organics Recycling Noncompliance Inventory

This proposed section indicates that noncomplying regulated entities will be listed on CalRecycle's website inventory list and various timelines for notices. As indicated above, these measures are not realistic for residents and residents should be excluded from this measure.

Amendments to Existing Title 14 Regulations

Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements

(6.1) "Hauler" has the same meaning as defined in section 18815.2 (a)(28) of Title 5 of the 22 California Code of Regulations (CCR).

This referenced regulation does not exist. There is a definition of Hauler in the proposed AB 901 regulations which is currently referenced as Title 14, Section 18815 (a)(28)

(28) "Hauler" means a person who collects solid waste, organics and/or recyclable material from a generator and delivers it to a reporting entity, end user, or a destination outside of the state. "Hauler" includes public contract haulers, private contract haulers, food waste self-haulers, and self-haulers. A person who transports material from a reporting entity to another person is a transporter not a hauler.

(18.5) "Organic Waste" and (18.6) "Source Separated Organic waste".

This section is too broad in that it implies that all the defined organics wastes can be mixed into a single container at the point of generation with future additional sorting sufficient enough for the separated wastes to be returned to the economic mainstream. There is no viable recycling system that will separate biosolids from textiles and carpet. Part of the education program will need to clarify what proper source segregation of organics is allowed. These definitions need to be tightened up to clearly indicate proper source segregation at the point of generation.

Article 6.3. Record Keeping Requirements

Section 17414. Record Keeping and Reporting Requirements

This proposed section (a) removes the reporting requirements for solid waste operations and facilities that are not involved in receiving mixed waste or source separated organics.

There are numerous references in paragraphs (a) and (b) for recording "weights and volumes". Tracking both units is excessive. In addition, many rural operators do not have weigh scales available and rely on volume conversions. These references should be changed to "weights or volumes". This proposed language should also not allow an EA to impose a requirement for weighing materials if that facility is not required to install a scale under the proposed AB 901 regulations.

Paragraph (c)(1) imposes a requirement for operators to report monthly to the jurisdiction of origin. Under the proposed AB 901 regulations, facilities reporting to jurisdictions has been removed. This paragraph also requires operators to report monthly to haulers. The proposed definition of hauler from the AB 901 regulations includes all self-haulers, including residents. This provision in (c)(1) would require operators to notify each resident monthly. This provision should be removed or at least limited to the AB 901 regulations reporting.

Chapter 3. Criteria for All Waste Management Units, Facilities, and Disposal Sites

Subchapter 4. Criteria for Landfills and Disposal Sites

Article 2: Alternative Daily Cover Material and Beneficial Reuse

§20700.5. CalRecycle—Long-Term Intermediate Cover.

This section indicates:

(a) Compacted earthen material at least 36 inches shall be placed on all surfaces of the fill where no additional solid waste will be deposited within 30 months to control methane emissions.

(b) For waste classification, composition, and liquid percolation requirements of intermediate cover, refer to the SWRCB requirements set forth in section 20705 of this article.

The allowance to temporarily cease operations for a portion of a landfill could be beneficial in some cases.

Currently, if a fill area reaches capacity or stops filling, intermediate cover of at least twelve inches of compacted earthen material is applied. Existing fill with intermediate cover is monitored for emission of landfill gas.

As written, this proposed standard required that 36 inches of compacted earthen material be placed if no solid waste is deposited within 30 months. This additional amount of material is excessive and costly endeavor. First, what is the basis for the additional two feet of earthen material will control methane emissions?

This proposed provision could also be interpreted to imply that when the time comes to close the fill area, the final cover will need to be placed upon the 36 inches of earthen material. Unless that long-term intermediate cover is allowed to be removed, the addition of the final cover, which can be four to five feet, could result in the landfill exceeding its maximum permitted height. Landfills are designed to use the maximum amount of air space and this additional 36 inches of earthen material will result in significant loss of capacity.

If some of that long-term intermediate cover is allowed to be removed, the additional cost is a significant expense that is not necessary.

The proposed requirement would require 36 inches of compacted earthen material to be placed on all surfaces of the fill. This would include side slopes. This could be a dangerous practice and may result in unstable side slopes.

Another excessive proposed requirement is that final cover has depth requirements for various materials that are required to be applied and then compacted. To ensure that the long-term intermediate cover meets the proposed standard more than 36 inches of earthen material will need to be applied resulting in additional excessive expense.

In addition, the term used through other CalRecycle regulations is "earthen" not "earthern" as proposed and should be corrected.

Article 3: CalRecycle—Enforcement Agency (EA) Requirements

§21660.2. Informational Meeting for New and Revised Full Solid Waste Facilities Permit Applications.

Paragraph (c) (3) requires multilingual notices be issued for the informational meetings. Shouldn't these notices follow the same five percent or more criteria in Section xxx40.1 for "limited English speaking household," or as "linguistically isolated" by the U.S Census Bureau."

Article 3.2. CalRecycle-Other Requirements

§21695. CalRecycle—Organic Disposal Reduction Status Impact Report

Imposing an additional reporting requirement for all disposal sites to prepare and submit at one time will require significant local and state resources for preparation and review.

It would be more productive if this report was incorporated into the next five-year review permit process already required for disposal sites under Section 21865 or similar to the staggered submittal of nonwater release corrective action cost estimates under Title 27, Section 22101.

In addition, a number of the listed impacts need to be revised or removed including:

(1) Site Development

There is no significant change to site development other than potential slower development.

(3) Daily and intermediate cover and beneficial use;

As indicated in earlier comments for Section Xxx20.1 (a), this requirement should consider green material use as directed in statute. Impacts for Daily and intermediate cover and beneficial use are already part of the required solid waste permit documents.

(4) Volumetric capacity based on the disposal site experiencing a reduction of organics disposal of 50% by 2020 and 75% by 2025;

The volumetric capacity of a disposal site will not change due to reduction in organics. The physical capacity will remain the same. The site life will increase due to decreased tonnage. However, the resulting change in site life or closure will likely trigger a CEQA review which cannot be completed in the proposed timeframe.

(5) Waste handling methods;

Waste handling methods do not really change due to reduction in organics.

(8) Operation and closure design (individual cells and overall site geometry);

The operation and closure design will not change due to a reduction in organics.

(9) Grading Plan;

The grading plan also will not change due to decrease organics in a disposal site.

(11) Ancillary facilities.

There is no change in ancillary operations due to a reduction in organics.

Paragraph (d) imposes a 120 days submittal requirement for the SIR. This short time frame will inundate the limited number of qualified registered civil engineer or certified engineering geologists with requests for preparation of SIRs.

Paragraph (e) imposes a 60-day limit for CalRecycle's review of SIR. Since there will be over 200 SIRs submitted, it will be difficult for CalRecycle to conduct a thorough review of these plans.

Paragraph (g) authorizes CalRecycle to require an updated JTD. What criteria will CalRecycle use to evaluate if an updated JTD is required?

Paragraph (h) requires the operator to submit an updated JTD. An updated JT cannot be submitted without CEQA review as indicated above especially if the closure date is extended to a reduction in organics wastes.



LASSEN REGIONAL SOLID WASTE MANAGEMENT AUTHORITY

(a California public agency)

Board of Directors:

Kathie Garnier, Chairman
Tom Hammond, Vice Chairman
Ralph Ellis
Chris Gallagher
Kevin Stafford
Jeff Hemphill (County Alternate)

Staff:

Manager: Tom Valentino
Program Coordinator: Paula Wesch
Counsel: Josh Nelson
Landfill Foreman: Gary Gillis
Clerk of the Board: Deborah Rivas

November 15, 2017

Mr. Hank Brady, Senate Bill 1383 Manager
California Department of Resources, Recycling and Recovery
1001 I Street
Sacramento, CA 95814

Re: Comments on Proposed Regulation Text, Implementation of SB 1383

Dear Mr. Brady:

Contained herein are comments on proposed regulations for implementation of Senate Bill 1383 in the City of Susanville and Lassen County. Our comments generally focus on the new text contained in Chapter 12 – Short-Lived Climate Pollutants regulations, as part of Title 14 of the California Code of Regulations. We also have one comment on a proposed amendment to Title 27.

The Lassen Regional Solid Waste Management Authority is a JPA formed in 1998 to administer solid waste programs in the city of Susanville and Lassen County. We also operate two active landfills and nine transfer stations and manage refuse collection services through a franchised hauler. The agency serves a population of just over 30,000 (including 9,000 state and federal prison inmates).

We are the eighth largest county in California by surface area. In 2016, less than 20,000 tons of municipal solid wastes were generated for landfill disposal in Lassen County, which is about 0.05% of the total amount of the landfilled solid waste generated in California (35,200,000 tons) that year.

Our comments generally pertain to those areas of the proposed regulations which the LRSWMA would be responsible. Comments are listed by Articles in Chapter 12 and are shown as *italics*.

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e-mail: lrswma2@citlink.net

At the end of this document, we provide a summary of our comments and what we think is feasible in Lassen County for diversion and recycling organic wastes.

Article 1 Definitions

1(a)(13) Edible Food. The definition provides mostly subjective criteria on what is edible food.

There should be some reference to expiration and/or use-by dates in the definition, consistent with applicable food labeling regulations.

1(a)(16) Disposal Container. Means a container to collect solid waste.

1(a)(37) Organic Waste.

The definition is so broad that it leaves us wondering what is solid waste (that which can be disposed of in a Disposal Container). We think a definition for Solid Waste is needed.

There may also be a need for a definition of "Generator," based on some of our comments below.

Article 2 Landfill Disposal and Reductions in Landfill Disposal

20.1(a)(2) Beneficial reuse of organic wastes as alternative daily and intermediate cover will be deemed landfill disposal.

At our operating landfills, green wastes are accepted for a low fee (\$10/ton), the materials are stockpiled and ground, and then used as ADC. This is an important and economic program for LRSWMA operations. We are concerned that organic waste beneficial reuse will be deemed landfill disposal and will subject those materials to the Integrated Waste Management fee.

20.1(b)(4) states that organic waste can be sent to a Biomass Conversion Facility and it will be deemed a reduction of landfill disposal.

We appreciate that biomass conversion was included as an option for organic waste recycling. In Lassen County, we do have an operating biomass conversion facility although it's future operations are uncertain. The facility, however, has not wanted the ground materials from the green waste stockpiles at our landfills due to excess contamination.

Article 3 Mandatory Organic Waste Collection

30.1(a)(1) and (2) every "generator" of organic waste shall be provided a separate container for the collection of food waste, soiled paper, green waste, landscape and pruning.

Since everybody is a generator of organic waste under the proposed definition of Organic Waste, this regulation implies mandatory organic waste collection service for all residents and businesses/government agencies/non-profit organizations. Instead of "generator" the regulation should state "customers of the refuse hauling company/entity" or something similar. This concern also led to our comment above about the need for a definition of the term "generator."

30.1(b) a jurisdiction shall require generators to place materials in proper bins.

While it is feasible to write city and county ordinances to require generators to place materials in proper bins, enforcement of this requirement is infeasible on a practical basis, especially in a rural area with limited resources for enforcement activities.

30.15 Contamination of Source, very specific proposed regulations on maximum contamination level, number of daily load checks and written notifications of violators by the organic waste collector to the jurisdiction, and required written notifications from jurisdiction to the generator.

These proposed requirements are burdensome on the collector and the jurisdiction and should be modified to allow for flexibility on reducing contamination in the organic waste. Note that section 30.3 – Waivers does not provide the needed flexibility for efficient implementation of 30.15 in rural jurisdictions.

Article 5 Generators of Organic Waste

50.1 Organic waste generators shall... separate organic waste and not place it in a disposal container, and self-haul organic waste to an organic waste recycling facility.

Requiring organic waste self-haulers to go to a "facility that recycles source separated organic waste" (50.1(a)(2)) is problematic if 1) that facility doesn't exist within a reasonable proximity to the generator's location and 2) the only reasonable location is a transfer station that accepts mixed MSW for disposal in a landfill. Many rural customers

only access a transfer station once or twice a month and typically dispose of organic wastes. If the rural, self-haul generator cannot lawfully dispose of organic wastes (especially household food wastes) at a permitted landfill or transfer station, there will likely be an increase in illegal disposal.

Article 6 Regulations of Haulers

60.1 Approval of Haulers, the jurisdiction shall require haulers to comply with the SLCP regulations as a condition for collection of organic wastes.

Since the definition of organic waste is so broad, how do haulers comply if no recycling facilities exist within a reasonable hauling distance? Disposal of organic wastes, such as textiles, carpet, wood, lumber and fiber (as defined), often occurs through use of debris boxes. If a recycling facility that accepts one or more of those materials does not exist within a reasonable proximity, does the hauler not allow those materials to be placed in a debris box scheduled for ultimate disposal at a landfill?

60.2 Self-Haulers of Organic Waste shall... separate all organic wastes, haul to an organic waste facility, maintain records on organic waste delivered to facilities and prepare annual reports for submittal to jurisdictions.

Need clarification who this section would apply to. Self-haulers include residential generators, self-employed gardeners, small and large landscape companies, carpet installers and carpenters/contractors who haul their own solid wastes to a landfill or transfer station. Are all required to maintain records and submit annual reports? How is this regulation enforced? Definitions of a "generator" and "self-hauler" appears to be necessary to make clear who the requirements of 60.2 apply to.

Article 9.9 Organic Waste Recycling Capacity Planning

99.1(e) states that if a county or city does not have access to a facility, the entity must submit an implementation schedule demonstrating how access and/or funding will be secured by 2025.

There needs to be allowance for economic feasibility. For example, if the option for an organic waste recycling facility has access costs significantly higher than landfill disposal, how will generators be compelled to use the facility? If access costs are too high, generators will dispose of organic wastes at a landfill or a transfer station hauling to a landfill. If organic waste disposal is banned at the landfill, and the organic waste facility access cost remains high, generators will dump illegally.

Article 10 Enforcement

This article contains very specific enforcement mandates required by a jurisdiction.

There needs to be clarification of what a jurisdiction is with respect to this article. The jurisdiction, as used in other articles of these proposed regulations, could be a joint powers agency established as a regional agency by a county and its cities. JPA's exist for operation of the solid waste collection and management system. However, they typically do not perform enforcement activities. This section should clearly state that enforcement is the responsibility of a city or county, unless expressly delegated to the solid waste JPA.

Amendment to Title 27 Article 2 §20700.5 – Long-Term Intermediate Cover

This new section of the Title 27 regulations require landfill operators to place, compact and grade 36 inches of soil cover over disposed solid wastes where no disposal activities will occur within 30 months. The stated reason is for control of methane emissions.

It's unclear that additional intermediate soil cover will impede emissions of methane, as the gas will move laterally and emit to the ground surface along adjacent areas of the landfill site. There is also considerable expense and increased heavy equipment emissions to mine, load, haul, place, compact and grade an additional two feet of soil cover (as compared to the currently required one foot of intermediate soil cover). At certain landfill sites, import of soil cover may be required to meet this new regulation. And there is substantial loss of air space for refuse disposal at all landfill sites with an increased intermediate cover soil thickness requirement.

SUMMARY

The following summarizes LRSWMA comments on the proposed SLCP regulations:

- ▶ The proposed regulations establish aggressive mandates and deadlines for recycling of organic wastes. The proposed regulations appear to be based on programs in-effect in the city and county of San Francisco. While use of those regulations are fine in itself, it will be very problematic to extend those programs to other areas of the state with very different demographics, economies and population densities than San Francisco.

- ▶ The regulations seek significant change to how putrescible solid wastes are handled by residential generators. We are concerned about the unintended consequences of such sweeping changes, especially in rural areas where illegal dumping is an easy option.
- ▶ The definition of Organic Waste is very broad. Since the proposed regulations ban placement of Organic Wastes in a Disposal Container (a container for solid waste), we think a definition of "Solid Wastes" is needed to clearly state what is and what is not acceptable for disposal in a landfill.
- ▶ Definitions are also needed for "Generator" and "Self-Hauler" based on our concerns we described above. "Jurisdiction" should also be defined with respect to the Article 10 enforcement regulations.
- ▶ Enforcement of the regulations will be difficult and expensive in rural areas and may result in the higher collection costs and increases in illegal dumping.
- ▶ It's important that the regulations contain consideration of the economics of organic waste recycling. If the cost of compliance is too high, generators will opt out of the organic waste recycling system, likely resulting in increased contamination of all recyclables and illegal dumping.
- ▶ Allowance for flexibility or a good-faith effort for a jurisdiction's attempts to comply with the SLCP regulations should be included. While anything is possible when it comes to recycling, not everything is possible at a reasonable cost that attracts and maintains generators in the solid waste management system. Our goal at the LRSWMA is to get and keep people in the established solid waste management system in Lassen County. High fees and difficult to implement requirements are antithetical to our agency's goal.

What is Possible in Lassen County

During the course of our review of the proposed SLCP regulations, we spoke to our franchise refuse hauler and several organic waste recycling facilities outside of Lassen County. It is clear to us that establishment and ongoing operation of an organic waste recycling facility in Lassen County would be very difficult due to high costs and the poor economy of scale. We simply do not have enough raw material to recover and recycle at a cost that would attract the typical county organic waste generator.

We did, however, gather enough information to determine that recovery and recycling of food wastes in the more populated areas of Lassen County could be cost-competitive with landfill disposal. This is based on the food waste tipping fee at a

Mr. Hank Brady
November 15, 2017

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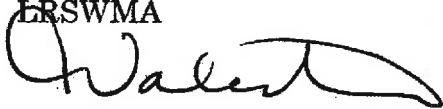
Nevada facility who our franchise refuse collector could haul to. The disposal fee at Bass Hill Landfill is \$76.50 per ton. The out of state food waste facility is \$45/ton. When we add in the cost of collection carts, the separate collection route and the hauling cost to the Nevada facility, the total cost to the food waste recycling customer could be close to or slightly exceed the landfill disposal cost option.

We could also divert green wastes we accept at Bass Hill and Westwood landfill to the out of state recycling facility, however the fees at the landfill sites would have been significantly higher than the current charge (\$10/ton). Higher fees for green waste disposal will likely result in less material being received and increases in illegal dumping.

Recovery and recycling of textiles, wood, lumber and fibers is also possible in Lassen County, however we are concerned that the fees to do so would be so high that the participation in that recycling program would be low.

Thank you for the opportunity to submit comments on the proposed Short-Lived Climate Pollutants regulations. We hope CalRecycle considers our comments.

Sincerely,
LRSWMA



Tom Valentino
Manager

cc: LRSWMA Board of Directors
C&S Waste Solutions
Rural County Representatives of California

**Informal Rulemaking Stakeholder Workshop Agenda
SB 1383 Short-Lived Climate Pollutants (SLCP)**

October 30, 2017, 9:00 AM – 4:15 PM
Cal/EPA Building, Byron Sher Auditorium,
2nd floor, 1001 I Street, Sacramento, CA 95814

9:00AM-9:15AM

Welcome/Introduction

- Scott Smithline, Director, CalRecycle

9:15AM – 10:00AM

**ARB and CalRecycle Presentation on Methane and Disposal
Quantification and 2014 Baseline data**

- Evan Johnson, Senior Environmental Scientist, CalRecycle
- David Mallory, Manager, Climate Change Policy Section,
California Air Resources Board

10:00 AM-11:00 AM

Draft Regulatory Language for Collection and Planning

- Cara Morgan, Branch Chief, Materials Management and Local Assistance Division, CalRecycle
- Howard Levenson, Deputy Director, Materials Management and Local Assistance, CalRecycle

11:00 AM – 12:00 PM

Speaker Panel:

- Rob Hilton, Vice President, HF&H Consultants: Rate Increases and Proposition 218
- Peter Slote, Solid Waste and Recycling Program Supervisor,
City of Oakland: Funding and Providing Organics Collection Services
and Processing Facilities

---- Lunch Break (12:00 PM - 12:45 PM) ----

Lunch is not provided, but there are options on-site and close by off-site.

12:45 – 1:45 PM

Draft Regulatory Language for Edible Food Recovery

- Kyle Pogue, Manager, Materials Management Section, CalRecycle
- Martine Boswell, Environmental Scientist, CalRecycle
- Marshalle Graham, Senior Environmental Scientist, CalRecycle

1:45 – 3:15 PM

Solid Waste Facilities and Reporting

- Draft Regulatory language on Solid Waste Facility Standards
 - Mark de Bie, Deputy Director, Waste Permitting, Compliance, and Mitigation, CalRecycle
 - Martin Perez, Senior Environmental Scientist, CalRecycle
 - Diane Vlach, Senior Environmental Scientist, CalRecycle
- Presentation on SB 1383 Reporting Concepts and existing reporting requirements in AB 901 (RDRS)
 - Julia Dolloff, Legislative & External Affairs Office, CalRecycle
 - Marshalle Graham, Senior Environmental Scientist, CalRecycle
 - Paulina Lawrence, Manager, Solid Waste Enforcement Section, CalRecycle
 - Jane Mantey, Environmental Scientist, CalRecycle

3:15 – 4:15 PM

Draft Regulatory Language for Enforcement

- Georgianne Turner, Branch Chief, Waste Evaluation and Enforcement Branch, CalRecycle
- Mark de Bie, Deputy Director, Waste Permitting, Compliance, and Mitigation, CalRecycle

SB 1383 Informal Rulemaking

Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions

October 30th & November 2nd 2017

Contact

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SB 1383 Informal Rulemaking

Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions

Organics Baseline, Disposal & Recycling, CalRecycle & ARB Methane Calculations

The Scope of Draft Definitions

Organics Waste Definition

- ▶ Used to assess statewide success
- ▶ Determines what material types need to be addressed either through local recycling programs or statewide programs
- ▶ Will not impact Mandatory Commercial Organics Recycling, or other existing programs or regulations

Baseline

- ▶ Used to assess statewide success
- ▶ Will not impact AB 939 accounting

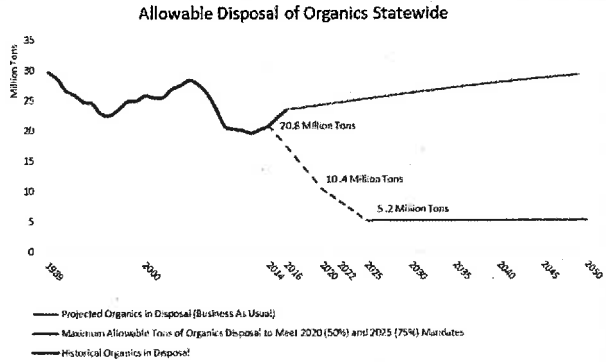
Article 1 - Draft Definition of Organic Waste

“Organic Waste” means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food waste, green waste, landscape and pruning waste, applicable textiles and carpets, wood, lumber, fiber, manure, biosolids, digestate and sludges.

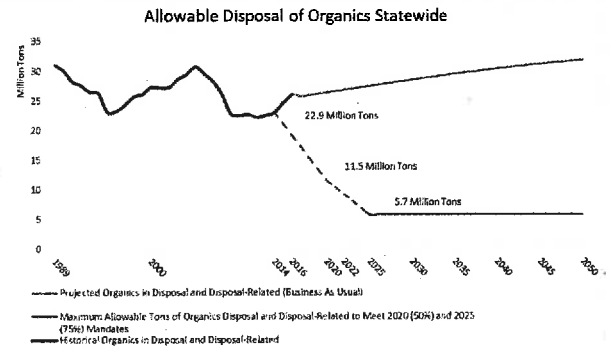
Article 2 - What Counts as Landfill Disposal for Short-Lived Climate Pollutant Goals

- ▶ Final deposition at a landfill.
- ▶ Beneficial Reuse at a landfill, including but not limited to Alternative Daily Cover and Alternative Intermediate Cover.
- ▶ Any other disposition not called out as a reduction in landfilling (see following slides).

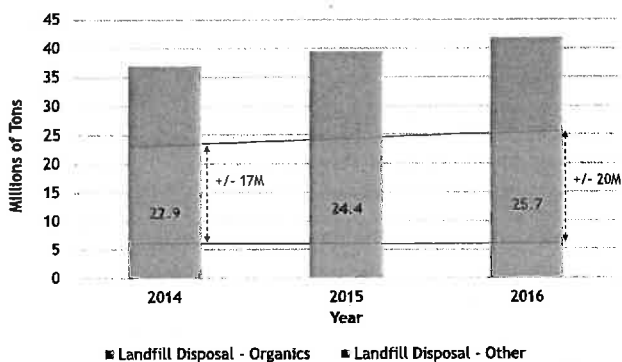
Previous Estimate of Disposal Reductions



Current Estimate of Disposal Reductions Including Disposal-Related



Statewide Disposal



Article 2 - What Counts as a Reduction in Landfill Disposal for Short-Lived Climate Pollutant Goals

Material sent to:

- ▶ An operation that qualifies as a "Recycling Center" as set forth in section 17402.5(d), or is listed in section 17402.5(c);
- ▶ A "Compostable Material Handling Operation or Facility" as defined in section 17852(a)(12), or small composting activities that would otherwise be excluded from that definition pursuant to section 17855(a)(4));
- ▶ An "In-vessel Digestion Operation or Facility" as defined in section 17896.2(a)(14);
- ▶ A Biomass Conversion operation or facility as defined in section 40106 of the Public Resources Code;
- ▶ Other operations or facilities with processes that reduce short-lived climate pollutants as determined by the Executive Officer of the California Air Resources Board pursuant to section xxxx20.2.

Article 2 - What Counts as a Reduction in Landfill Disposal For Short-Lived Climate Pollutant Goals

(Plain language version)

- ▶ Recycling
- ▶ Composting
- ▶ In-vessel digestion
- ▶ Biomass conversion
- ▶ Other operations or facilities that reduce methane as determined by ARB

Importance of GHG Reductions from Organics Diversion

- ▶ The Draft 2030 Target Scoping Plan describes how the State can reach its 2030 target of greenhouse gas emissions by 40 percent from 1990 levels
- ▶ The Short-lived Climate Pollutant Plan (SLCP) is an important component of the 2030 Plan and sets statewide targets (consistent with SB 1383) for:
 - ▶ a 40 percent reduction of methane emissions from the 2013 baseline by 2030,
 - ▶ a 40 percent reduction of HFC emissions from the 2013 baseline by 2030, and
 - ▶ a 50 percent reduction of anthropogenic black carbon emissions from the 2013 baseline by 2030.
- ▶ Diversion of organics from landfills is an important component of the overall strategy to achieve a 40 percent reduction in methane emissions
 - ▶ Forecasted to achieve an emission reduction of 4 MMTCO₂e per year by 2030

Importance of GHG Reductions from Organics Diversion

- ▶ The Draft 2030 Target Scoping Plan describes how the State can reach its 2030 target to reduce greenhouse gas emissions by 40 percent from 1990 levels
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 - ▶ a 50 percent reduction of anthropogenic black carbon emissions from the 2013 baseline by 2030
- ▶ Diversion of organics from landfills is an important component of the overall strategy to achieve a 40 percent reduction in methane emissions
 - ▶ Forecasted to achieve an emission reduction of 4 MMTCO₂e per year by 2030

What is CARB's Role?

- ▶ Partner and collaborate with CalRecycle to develop the organics diversion regulation
- ▶ Assist in developing a verification process to determine if technologies qualify as recycling
- ▶ Develop a method to quantify emissions reductions from proposed processes

Proposed Verification Process

- ▶ Determines if technologies not specifically listed in proposed regulation qualify as "Recycling"
- ▶ Collects emission-relevant data for organic waste projects and technologies
- ▶ Establishes new data reporting, quantification and emission calculation tools and requirements
- ▶ Applicants are required to demonstrate that methane reductions are comparable to, or greater than, those from composting operations, as defined in the SLCP.

Technology Verification Process

1. Applicant submits data to CalRecycle as required by the regulation
2. CalRecycle consults with CARB to verify data submitted by applicant
3. CARB uses quantification methodology and calculates methane emissions data
4. Based on CARB's calculations, CalRecycle determines if proposal qualifies as diversion

Organic Waste Quantification Methodology

- ▶ CARB and Cal Recycle will develop method using a transparent public process
- ▶ Propose using portions of the waste diversion GGRF quantification methodology
- ▶ Method should ensure consistent data calculations using best available science and factors
- ▶ Method should account for unique circumstances of individual innovative technologies

Proposed Information to be Requested

- ▶ Name and address of facility
- ▶ Type of organic material being processed
- ▶ Mass in tons of organic material processed
- ▶ Average moisture content of the material
- ▶ Explanation of the technologies used
- ▶ All calculations, assumptions or emission factors
- ▶ Any other information relevant to making a determination

Stakeholder Input

- Are there other types of organic material that should be included in the baseline
- What additional information could be used to quantify methane reductions
- How can the proposed verification process be modified
- Are there alternative methods to quantify methane reductions

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SB 1383 Informal Rulemaking

Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions

Collection and Planning

Article 3 -Mandatory Organic Waste Collection

- ▶ **Section 30.1 - By January 1, 2022, jurisdictions shall provide source-separated collection service to all generators of organic waste**
 - ▶ With exception of section 30.2 (mixed organic waste collection)
 - ▶ Services include source-separated recycling container(s) for organic waste (i.e. food waste, soiled paper, green waste landscape and pruning waste)
 - ▶ Services include non-putrescible organics (i.e., paper, cardboard, cartons in curbside bins ("blue bins"))
 - ▶ Services must include separate labeled and color-distinct container(s)
 - ▶ Must haul source-separated organic waste to facility that processes and/or recycles source-separated organic waste
 - ▶ Must haul commingled recyclables to facility that processes those materials
 - ▶ Require generators to place materials in proper bins

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Article 3 (continued)

- ▶ **Section 30.15 - Contamination**
 - ▶ Jurisdiction must reduce contamination
 - ▶ Hauler may refuse to collect container if finds contamination > 10%
 - ▶ Hauler to inform jurisdiction of contamination
 - ▶ Jurisdiction must conduct targeted education and outreach

23

Article 3 (continued)

- ▶ **Section 30.2 - Mixed-waste collection allowed**
 - ▶ Provided service was in place before January 2020 and mixed waste is sent to "High Diversion Mixed Waste Processing Facility" that recovers specified % of organic waste from mixed waste stream
 - ▶ E.g., no less than 50% by 2022 and no less than 75% by 2025.
 - ▶ If service does not meet specified recovery % any time after January 2022, jurisdiction shall begin implementing source-separated collection.
 - ▶ Implementation schedule
- ▶ **Section 30.3 - Waivers**
 - ▶ Emergency, *de minimus*, and physical space

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Article 4 - Education and Outreach

- ▶ **Section 40.1 - Conduct education/outreach to all generators to promote organics waste prevention and recycling.**
 - ▶ Utilize annual electronic, print, and direct contact methods
 - ▶ Provide bi-lingual education/outreach if certain % or more of households are linguistically isolated.
 - ▶ To address contamination, inform generators about placing organic materials in proper bins.
 - ▶ May reduce frequency if load checks at facilities show low contamination rates from jurisdiction
- ▶ **Section 40.2 - Jurisdictions shall maintain list of food recovery services and organizations, and provide guidance to medium and large edible food generators re: food donation**

Article 5 - Generators of Organic Waste

- ▶ **Section 50.1 - Generators (residential and commercial) shall manage organics by one of the following:**
 - ▶ Comply with jurisdiction's mandatory organics waste recycling services, *including placing material in proper bins*, and/or
 - ▶ Self-haul organics to an organics recycling facility.
 - ▶ Caveat: generators can still source-reduce or otherwise prevent generation, recycle onsite, back-haul, or donate edible food
- ▶ **Section 50.1 - Generators have to separate organic material in place in proper bin**
 - ▶ E.g., food/green waste in green bin, cardboard in blue bin
 - ▶ Back and front of business

Article 5 (continued)

- ▶ **50.1(f) Source-separated organics bins collected weekly (at least other bins (e.g., refuse, curbside recycling) may be collected every other week.**
- ▶ **Section 50.2 - Landlords/property owners shall not prevent lessees from recycling organic waste**
- ▶ **Section 50.4 - Schools and state agencies not subject to jurisdiction collection program also must:**
 - ▶ Subscribe to organics recycling service or self-haul
 - ▶ Prohibit employees from putting non-organic material in source-separated organic bins and vice versa
 - ▶ Educate employees about contamination issues and these requirements

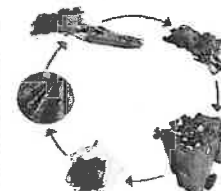
Article 6 - Regulation of Haulers

- ▶ **Section 60.1 - Hauler licensing/permitting**
 - ▶ Hauler must obtain local government license, permit, approval
 - ▶ Jurisdiction must require compliance and maintain records
 - ▶ Per Section 30.15, hauler must monitor for contamination and report it to the jurisdiction
- ▶ **Section 60.2 - Self-haulers**
 - ▶ Must comply with specified provisions

Articles 7 and 8

- ▶ **Article 7 - CalGreen Building Codes**
 - ▶ **Section 70.1 - Jurisdiction shall meet or exceed 2016 Building Standards Commission's CalGreen requirements (or subsequently adopted standard) for organics from residential and non-residential construction**
- ▶ **Article 8 - Restrictions on Locally Adopted Standards and Policies**
 - ▶ **Section 80.1 - Restrictions on jurisdiction ordinances or policies that prevent lawful recycling of organic waste or that result in materials being taken to facilities with lower recycling rates**
 - ▶ **Section 80.2 - Restrictions on jurisdictions adopting ordinances or policies that impair food recovery**

Article 9.9 - Organic Waste Recycling Capacity and Planning



Article 9.9 (continued)

- **Section 99.1(a) - County, in coordination with cities in county, in 2025 and every year thereafter (covering 15-year period) shall:**
 - Estimate amount of organic waste currently disposed and that would be disposed
 - Identify existing organic waste recycling capacity that is verifiably available *(for all organic waste, including wood and paper)*
 - Based on above, identify amount of additional capacity needed to ensure that 75% of organic waste can be recycled by 2025 and thereafter
 - Identify amount of existing (beyond what was identified above), new, or expanded organic waste recycling capacity that will be available.

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Article 9.9 (continued)

- **Section 99.1(b) - County, in coordination with cities in county, in 2025 and every year thereafter (covering a 15-year period) shall:**
 - Identify medium and large generators of recoverable edible food located within county and its cities
 - Estimate amount of edible food that will be disposed by county and cities in 2025 and every year thereafter
 - Identify existing capacity at edible food recovery organizations that is available to recover food from edible food generators
 - Based on above, ID amount of edible food that needs to be recovered to ensure 20% of edible food is recovered in 2025 and thereafter
 - Identify amount of existing (additional to above), new, or expanded food recovery capacity that will be available by 2025

32

Article 9.9 (continued)

- **Section 99.1(c) - Conduct community outreach**
 - Inform citizens, including disadvantaged communities, about areas considered for potential expanded or new facilities
 - Seek input on benefits and impacts associated with expansions/new facilities
 - Consult with LEAs, LTFs, owners/operators of existing facilities
- **Section 99.1(d) - Report annually on implementation**

33

Article 9.9 (continued)

- **Section 99.1(e) - If jurisdiction has not been able to adequately demonstrate it has secured or plans to secure the needed capacity, then it must:**
 - Submit Implementation Schedule that demonstrates how it will secure access to existing, new, or expanded capacity by 2025 and annually thereafter
 - Including timelines and milestones for planning efforts, planned or previous rate increases, and identifying how additional capacity will be secured

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Stakeholder Input

- Are there any changes/additions that you would recommend for Jurisdictions, Generators, Haulers?
- Do these draft requirements help to manage or reduce contamination?
- Are there any changes/additions that you would suggest for the jurisdiction education activities?
- Do the proposed performance standards for mixed waste processing ensure a sufficient recovery rate?

35

Stakeholder Input

- Should jurisdictions be required to implement programs to reduce disposal of other organic materials such as composite paper and textiles?
 - Should there be education for existing options like textile drop curbside programs, etc?
 - Should large quantity generators be required to recycle textiles e.g., prisons, hospitals?
 - What type of programs would help address composite paper?

36

Stakeholder Input

- Are there other aspects of capacity planning that could or should be conducted at the local level?
- How can jurisdictions demonstrate that they have “secured capacity”?
- What other regulatory agencies should be engaged when local governments are identifying new/expanded organic waste recovery options?
- Are there other factors that should be incorporated into an implementation schedule for capacity planning?

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SB 1383 Informal Rulemaking

Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions

Edible Food Recovery

Article 4, Education and Outreach

Section xxx40.2 Edible Food Recovery Education and Outreach

- Jurisdictions shall develop and maintain a list of all food recovery services and organizations operating within the jurisdiction.
- Jurisdictions shall develop a food donation guide for large and medium commercial edible food generators.

40

Article 8, Restrictions on Locally Adopted Standards and Policies

Section xxx80.2 Edible Food Recovery Standards and Policies

- Jurisdiction shall not adopt an ordinance or implement a policy that requires the disposal or recycling of edible food that could be recovered for human consumption.
- Jurisdiction shall not adopt an ordinance or policy that prohibits share tables in schools.

41

Article 8, Restrictions on Locally Adopted Standards and Policies

Section xxx80.2 Edible Food Recovery Standards and Policies

- Nothing in this chapter shall be construed to limit or conflict with the provisions of the California Good Samaritan Act.
- Operators are not required to donate food that they still intend to serve or sell to a consumer.

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Article 8, Restrictions on Locally Adopted Standards and Policies

Section xxx80.2 Edible Food Recovery Standards and Policies

- ▶ **Food recovery services and organizations are not required to accept edible food that they cannot properly handle.**

Article 9, Food Generators and Food Recovery

Section xxx90.1 Edible Food Generators

- ▶ **Large Venue**
- ▶ **Large Event**
- ▶ **Certified Farmers' Market**
- ▶ **Community Event that includes a temporary food facility**
- ▶ **Large Commercial Food Generator**
- ▶ **Medium Commercial Food Generator**
- ▶ **State Entity that includes an onsite food facility**

Edible Food Generators

Large Venue

- ▶ Permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility.

Large Event

- ▶ An event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location.

Edible Food Generators

Community Event that includes a temporary food facility

- ▶ Event conducted for not more than 25 consecutive or nonconsecutive days in a 90-day period and that is of a civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other public gathering events approved by the local enforcement agency.

Edible Food Generators

Large Commercial Edible Food Generator

- ▶ Supermarket; or
- ▶ Food facility, including a restaurant with X or more employees; or
- ▶ Hotel with an onsite food facility and more than 200 rooms

Medium Commercial Edible Food Generator

- ▶ Food facility, including a restaurant with X or fewer employees
- ▶ Hotel with an onsite food facility and between 100-200 rooms
- ▶ Commercial business that includes an onsite food facility that serves more than 100 meals per day

Edible Food Generators

State Entity that includes an onsite food facility

- ▶ These entities include but are not limited to special districts, school districts, community college districts, public universities, and state agencies.

Article 9, Food Generators and Food Recovery

Section xxx90.1 Edible Food Generators

- ▶ An operator shall arrange for food recovery services and/or food recovery organizations, to collect all of the excess edible food that was not sold or served by the operator.

Article 9, Food Generators and Food Recovery

- ▶ Maintain a record of their arrangement with each edible food recovery service or organization.
- ▶ Education
- ▶ Contracted entities
- ▶ An operator shall not intentionally spoil or discard edible food that could be collected by a food recovery service or organization.

Article 9, Food Generators and Food Recovery

Section xxx90.2 Edible Food Recovery Organizations

Maintain records that include the following:

- ▶ Total amount of edible food collected from each entity
- ▶ Final disposition of the edible food
- ▶ Amount of food that was rejected from each entity

Stakeholder Input

- ▶ Food health and safety
- ▶ Generators
- ▶ Donation dumping from generators
- ▶ Food recovery services and organizations
- ▶ Reporting from food recovery services and organizations

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Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions

Solid Waste Facility Regulations

&

Reporting Concepts

Solid Waste Facility Regulations

- ▶ Amendments to existing Title 14 and Title 27 Regulations relative to :
 - ▶ Transfer/Processors
 - ▶ Compost Facilities
 - ▶ In Vessel Digestion Facilities
 - ▶ Landfills
 - ▶ Local Enforcement Agencies

Title 14

(Amend) Section 17402. - Definitions.

- ▶ Addition of the following definitions:
 - ▶ Contamination
 - ▶ Hauler
 - ▶ Organic Waste
 - ▶ Source Separated Organic Waste (SSO)
 - ▶ Source Separated Organic Waste Stream
 - ▶ Mixed Waste Organics (MO) Collection Service
 - ▶ Mixed Waste Organics Collection Stream

(New) Section 17409.5.1 - Organics Diversion at Mixed Waste Processing Facilities

- ▶ Processing efficiency standard for transfer/processing activities
 - ▶ January 1, 2022 - 50% organics diverted from disposal
 - ▶ January 1, 2025 - 75% organics diverted from disposal
- ▶ Determine baseline amount of incoming organics within MO stream either:
 - ▶ Through a site-specific waste characterization study; or
 - ▶ By utilizing latest statewide waste characterization study prepared by CalRecycle
- ▶ Organics recovered from SSO or MO shall not have more than 10% contamination by volume prior to leaving the site

(New) Section 17409.5.2 - Measuring Organics in Residual Removed from Mixed Waste Organic Collection Stream

- ▶ Operators of transfer/processing activities measure the amount of organics by volume in residuals being sent for disposal removed from the mixed waste organics (MO) stream
 - ▶ Organics in residual measurement is a monthly average
 - ▶ One measurement per operating day
- ▶ Records of measurements are maintained and available for review
- ▶ Measurement protocol described

(New) Section 17409.5.3 - Measuring Contamination in Organics Recovered from Mixed Waste Organic Collection Stream

- ▶ Operators of transfer/processing activities measure the amount of contamination in each organic material type recovered from MO stream after processing
 - ▶ One measurement every other month
- ▶ Records of measurements are maintained and available for review
- ▶ Measurement protocol described

(New) Section 17409.5.4 - Source Separated Organics Handling.

- ▶ Source separated organics (SSO) handling kept separate from other solid waste streams
- ▶ SSO after processing shall be:
 - ▶ Transport to another solid waste facility or operation for additional processing, composting, in-vessel digestion, or other recycling, or;
 - ▶ Used in a manner approved by local, state, and federal agencies, or;
 - ▶ Sent for disposal

61

(New) Section 17409.5.5 - Loadchecking - Contamination in Source Separated Organic Waste

- ▶ Operators of transfer/processing facilities and operations measure the amount by volume of contamination in incoming SSO
 - ▶ One loadcheck for every 500 tons received per operating day
 - ▶ If less than 500 tons received, a minimum of one loadcheck per day
 - ▶ At least one loadcheck per month of each hauler type and collection route
- ▶ The operator shall maintain records of loadchecks and be available for review
- ▶ The operator shall conduct a loadcheck in the presence of EA when requested

62

(New) Section 17409.5.6 - Measuring Contamination Level in Organics Recovered from Sources Separated Organic Waste

- ▶ Operators of transfer/processing activities measure the amount of contamination in each organic material type recovered from the SSO stream after processing
 - ▶ One measurement every other month
- ▶ Records of measurements are maintained and available for review
- ▶ Measurement protocol described

63

(New) Section 17409.5.7 - Measuring Organics in Residual Removed from Source Separated Organic Waste

- ▶ Operators of transfer/processing activities measure the amount of organics in residuals being sent for disposal
 - ▶ Organics in residual measurement is a monthly average
 - ▶ One measurement per operating day
- ▶ Records of measurements are maintained and available for review.
- ▶ Measurement protocol described

64

(Amend) Section 17414. - Record Keeping and Reporting Requirements

- ▶ For MO stream, maintain records of following:
 - ▶ Incoming weights/volumes of MO
 - ▶ Outgoing weights/volumes of residuals sent to disposal
 - ▶ Outgoing weights/volumes of organics recovered
- ▶ For SSO stream, maintain records of following:
 - ▶ Incoming weights/volumes of SSO
 - ▶ Outgoing weights/volumes of organics sent for recycling
 - ▶ Outgoing weights/volumes of contaminants sent to disposal
- ▶ Records are reported monthly to EA, jurisdiction of origin, haulers, and CalRecycle

65

(Amend) Section 17867. - General Operating Standards

- ▶ Amendment to existing loadcheck requirement
- ▶ Operators of composting activities shall measure the amount of contamination in incoming SSO stream:
 - ▶ One loadcheck for every 500 tons received
 - ▶ If less than 500 tons received, a minimum of one loadcheck per day

66

(Amend) Section 17869. - General Record Keeping Requirements

- ▶ Amendment to existing record keeping requirement
- ▶ Operators of composting operations and facilities shall record:
 - ▶ the number of loadchecks performed (existing language),
 - ▶ loads with contamination exceeding 10 percent, and
 - ▶ loads rejected and reasons for rejection.

(New) Section 17896.25.1. - Loadchecking - Contamination in Source Separated Organic Waste

- ▶ Operator of an in-vessel digestion site to measure the amount by volume of contamination in incoming SSO
 - ▶ One loadcheck for every 500 tons received per operating day
 - ▶ If less than 500 tons received, a minimum of one loadcheck per day
 - ▶ At least one loadcheck per month of each hauler type and collection route
- ▶ The operator shall maintain records of loadchecks and be available for review
- ▶ The operator shall conduct a loadcheck in the presence of EA when requested

(Amend) Section 18083. LEA Duties and Responsibilities for Inspections.

- ▶ The EA shall oversee a minimum of one operator loadcheck of contamination in SSO during each inspection

Title 27

(New) Section 20700.5. Long-Term Intermediate Cover

- ▶ Compacted earthen material at least 36 inches shall be placed on all surfaces of the fill where no additional solid waste will be deposited within 30 months

(New) Section 20750.1. Organics Handling

- ▶ New or expanded solid waste disposal sites must implement organics recycling activities
 - ▶ Organics recycling activities means activities that constitute an organic disposal reduction
- ▶ Receipt of solid waste that have already been sufficiently process to remove organics may be sent to the working face for disposal
 - ▶ Sufficiently processed means solid waste that was previously handled at a facility that meets or exceeds organics handling requirements

(New) Section 20901. Loadchecking - Contamination in Source Separated Organic Waste

- ▶ For solid waste disposal sites, measure the amount of contamination in source separated organic waste received
- ▶ Maintain loadchecking records
- ▶ Conduct a loadcheck in the presence of the EA when requested.
- ▶ Measurement protocol described
- ▶ Provide a written notice to the collection service operator when loads exceed 10 percent of contamination

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Section 21570. Filing Requirements

- ▶ Additional operator outreach to disadvantaged communities prior to submitting permit application to EA
- ▶ The operator provides evidence that a public meeting was held with any affected groups or disadvantaged communities
- ▶ Public meeting held within 180 days from submittal of the permit application package
- ▶ Application package includes a summary of the comments received, responses to public comments and any other steps taken by the applicant relative to those comments

74

(Amend) Section 21650. EA Processing Requirements

- ▶ The EA will be required to submit to CalRecycle information regarding responses to public comments and any other steps taken by the EA relative to those comments

75

(Amend) Section 21660.2. Informational Meeting for New and Revised Full Solid Waste Facilities Permit Applications

- ▶ Improve outreach to disadvantaged communities affected by new or revised permit applications
- ▶ The EA shall identify communities in a manner that meets or exceeds the methods of the identification tools developed by the California EPA
- ▶ The EA shall undertake additional measures to ensure disadvantage communities are noticed

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(New) Section 21695. Organic Disposal Reduction Status Impact Report

- ▶ Operator prepares a Status Impact Report (SIR)
- ▶ The SIR describes the potential and expected impacts to the disposal site resulting from the implementation of the organic disposal reduction requirements
- ▶ The Operator submits the SIR to CalRecycle
- ▶ SIR shall be prepared by a California registered civil engineer or certified engineering geologist
- ▶ Based on the review of the SIR an update to the Joint Technical Document may be required

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New Concept ! Potential Amendment to 17402.5 (c)(6)

- ▶ In addition to unsold produce, an excluded distribution center could receive packaged food from stores to which it was originally sent
- ▶ The unsold food would remain the property of the distribution center and/or stores
- ▶ The distribution center would be allowed to process the food to collect data to assist in source reduction
- ▶ The distribution center would be allowed to depackage the food prior to sending it to recycling

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Stakeholder Questions and Input

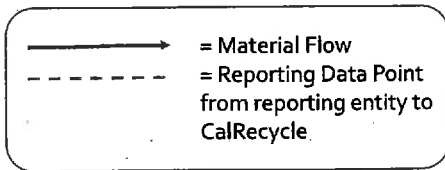
- ▶ Are there other methods to measure organic waste recovery at solid waste facilities?
- ▶ Are there additional or alternative concepts that can help increase the recovery of organic waste handled at solid waste facilities?
- ▶ Are there other types of facilities/operations that should be considered?
- ▶ How can the state best plan for and manage the impact reductions in organic waste disposal will have at landfills?

SB 1383 and AB 901 Reporting Flow Charts

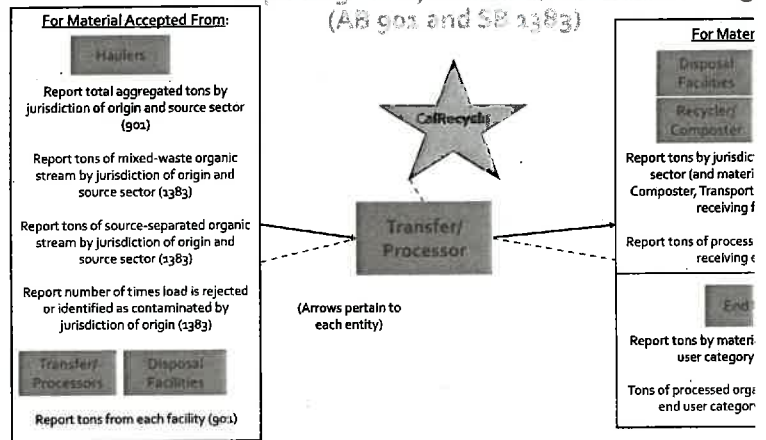
- The flow charts that follow outline the proposed reporting data for entities under both AB 901 & SB 1383
- All data would be reported quarterly to CalRecycle through the Recycling and Disposal Reporting System (RDRS)
- For SB 1383, any reporting entity receiving organic material from a hauler or generator will report on inputs, specifically jurisdiction of origin and source sector for the source separated organic waste stream and the mixed organic waste stream.

Note: Nothing in the existing AB 901 rulemaking will be modified by proposed SB 1383 reporting data points or informal rulemaking

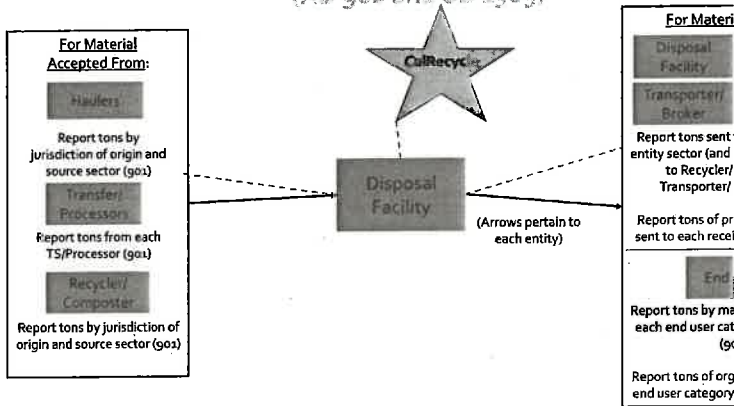
Legend



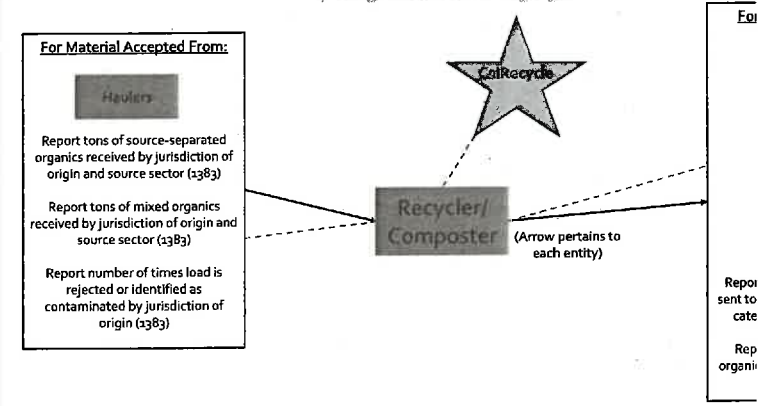
Reporting Entity: Transfer/Processors (AB 901 and SB 1383)

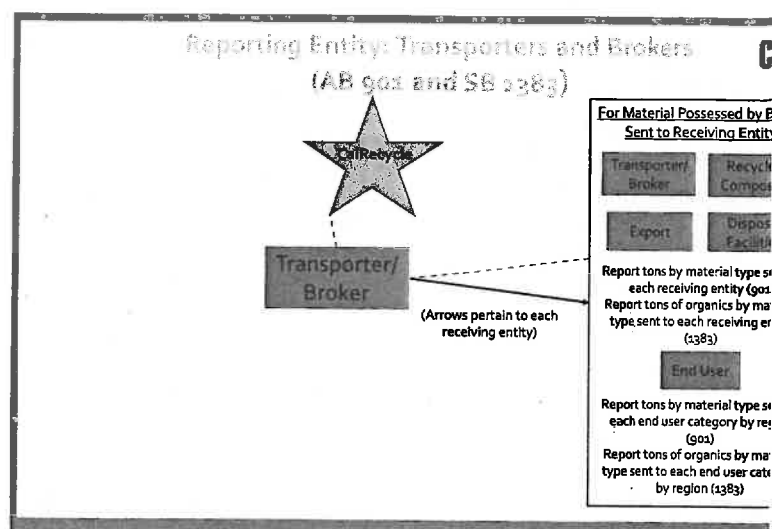
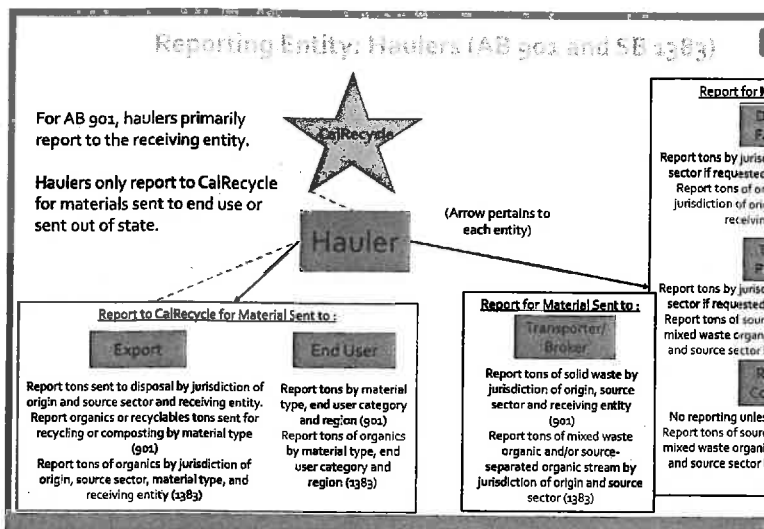


Reporting Entity: Disposal Facilities (AB 901 and SB 1383)



Reporting Entity: Recyclers and Composters (AB 901 and SB 1383)





Contact

Web Page: <http://www.calrecycle.ca.gov/Climate/SLCP/>

Listserv: <http://www.calrecycle.ca.gov/Listservs/Subscribe.aspx?ListID=152>

Inbox: SLCP.Organics@calrecycle.ca.gov

For submitting comments after the workshop, please use the SLCP Comment Form:

<http://www.calrecycle.ca.gov/Climate/SLCP/Comments/Form1/default.htm>

We are prioritizing comments received by November 15, 2017.

SB 1383 Informal Rulemaking

Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions

ENFORCEMENT

ARTICLE 10: ENFORCEMENT

Section XXXX10.1. Scope of Jurisdiction Requirements.

- ▶ By January 1, 2022, a jurisdiction shall adopt ordinances/procedures requiring equivalent or stricter requirements than the regulations over the following:
 - ▶ Source-separated organic waste collection or mixed waste organic collection services
 - ▶ Organic waste generator requirements
 - ▶ Requirements on haulers
 - ▶ CalGreen building standards
 - ▶ Edible food requirements
 - ▶ Must include inspection and enforcement provisions at least as strict as those in regulations

ARTICLE 10: ENFORCEMENT

Section XXXX10.3. Jurisdiction Inspection and Enforcement Requirements

- ▶ Jurisdiction to submit inspection and enforcement plan by Jan 1, 2022:
 - ▶ Ordinance, policies required by regulations
 - ▶ List of regulatory entities responsible for
 - ▶ Jan 1, 2022-2024, inspect businesses subject to MCR/MORE requirements & that produce organic waste
 - ▶ Re-inspect within 30 days when noncompliant
 - ▶ Inspect new business within 1 year
 - ▶ Inspect 20% or more of regulated business each year after 2024
 - ▶ Enforcement procedures and penalties used for noncompliant business
- ▶ Department enforcement for a jurisdiction not meeting this requirement

ARTICLE 10: ENFORCEMENT

Section XXXX10.4. Maintenance of Records

- ▶ Jurisdiction shall maintain records of all inspection and enforcement documents:
 - ▶ Inspections, notices, orders, penalties, etc.
 - ▶ May be electronic
 - ▶ Must be available for review
 - ▶ Retained for 5 years

ARTICLE 10: ENFORCEMENT

Section XXXX10.5. Investigation of Complaints by Jurisdictions

- ▶ Any person may file a complaint:
 - ▶ Must be in writing
 - ▶ Name, address and telephone number of complainant, anonymous complaints allowed
 - ▶ Regulated entity, alleged violation, location, other information
- ▶ Jurisdiction shall investigate complaints:
 - ▶ Investigate the complaint within 30 days
 - ▶ Notify the complainant of the results
 - ▶ Keep records of the complaints and response
 - ▶ Take enforcement action
- ▶ Department may forward a complaint to the jurisdiction

ARTICLE 10: ENFORCEMENT

Section XXXX10.6. Enforcement by a Jurisdiction

- ▶ Jan 1, 2022 - Jan 1, 2024, if a regulated entity is in violation, the jurisdiction shall serve a Notice of Noncompliance to the regulated entity within 30 days. The Notice shall:
 - ▶ Require compliance within 30 days
 - ▶ Include a description of the violation
 - ▶ Include educational material on the regulated entity's responsibility and potential penalties for noncompliance
- ▶ After Jan 1, 2024, if jurisdiction finds that a regulated entity is in violation it shall take progressive enforcement action for violations specified

ARTICLE 10: ENFORCEMENT

Section XXXX10.6. Enforcement by a Jurisdiction

- ▶ Progressive enforcement must be as strict as:
 - ▶ For a first offense after January 1, 2024:
 - ▶ Issue Notice of Violation (NOV) - 30 days to comply
 - Issued w/in 30 days;
 - ▶ Issue Notice and Order to Correct (NOTC) - 15 days to comply or penalties
 - Issue w/in 60 days of NOV issuance
 - ▶ Impose a penalty
 - Commence action within 120 days of NOV issuance
 - ▶ For a second offense:
 - ▶ Notice and Order to Correct - 15 days to comply or penalties
 - Issued w/in 30 days
 - ▶ Impose a penalty
 - Commence action within 90 days of NOTC issuance
 - ▶ For all subsequent offenses:
 - ▶ Commence action within 30 days of inspection

ARTICLE 10: ENFORCEMENT

Section XXXX10.6. Enforcement by a Jurisdiction

- ▶ Jurisdiction may extend compliance deadlines if it can find that:
 - ▶ Regulated entity is making timely progress toward compliance, and
 - ▶ Its lack of compliance with deadline is due to:
 - ▶ Delays caused by extenuating circumstances outside entity's control, or
 - ▶ Examples: Acts of God such as inclement weather, earthquakes, or delays in obtaining discretionary permits or other government agency approvals
 - ▶ The correction requires a long term infrastructure or capacity change which requires a correspondingly longer length of time to achieve compliance
- ▶ A jurisdiction may use an alternative progressive enforcement if:
 - ▶ Timeframes for remedies are equivalent or stricter
 - ▶ Remedies (penalties) are equivalent or stricter

ARTICLE 10: ENFORCEMENT

Section XXXX10.6. Enforcement by a Jurisdiction

- ▶ Any notice of noncompliance must include:
 - ▶ The name or names of each person or entity to legal responsible party, such as business owner, property owner, etc.
 - ▶ The list and description of the violations
 - ▶ The regulations, or local condition being violated
 - ▶ A compliance date that business operator must act
 - ▶ The penalty for not complying
- ▶ The department may take enforcement action directly and seek penalties if a jurisdiction fails to take enforcement

ARTICLE 11: ENFORCEMENT OVERSIGHT BY DEPARTMENT

Section XXXX11.2. Department Inspections and Audits of Regulated Entities and Jurisdictions

- ▶ Department may audit a jurisdiction to assure compliance with the regulations
- ▶ Audits will include:
 - ▶ Notification of audit timeframe
 - ▶ Inspections of some regulated entities
 - ▶ Department notification prior to conducting inspections
 - ▶ Review of jurisdiction's reports and recordkeeping

ARTICLE 11: ENFORCEMENT OVERSIGHT BY DEPARTMENT

Section XXXX11.2. Department Inspections and Audits of Regulated Entities and Jurisdictions

- ▶ Audit Report
 - ▶ If jurisdiction is in compliance or violation of following standards:
 - ▶ Source-separated organic waste collection or mixed waste organic collection services
 - ▶ Organic waste generator requirements
 - ▶ Requirements on haulers
 - ▶ CalGreen building standards
 - ▶ Edible food requirements
 - ▶ Inspection and enforcement

ARTICLE 11: ENFORCEMENT OVERSIGHT BY DEPARTMENT

Section XXXX11.3. Actions by Department over Jurisdictions and Regulated Entities

- ▶ If the department finds that a jurisdiction is not fulfilling one or more of its responsibilities, the department may:
 - ▶ Conduct more frequent inspections and audits
 - ▶ Take direct enforcement
 - ▶ Establish a schedule and probationary period for improved performance by the jurisdiction
 - ▶ Work plan to correct the deficiencies prior to seeking penalties
 - ▶ Require a jurisdiction to demonstrate it has sufficient staff and adequate budget resources for implementing the provisions of this Chapter
 - ▶ Issue notices and seek administrative civil penalties

ARTICLE 11: ENFORCEMENT OVERSIGHT BY DEPARTMENT

Section XXXX11.3. Actions by Department over Jurisdictions and Regulated Entities

- ▶ If the department finds that a jurisdiction is not taking enforcement:
 - ▶ Department may take enforcement against a regulated entity after:
 - ▶ Requesting the jurisdiction to take enforcement
 - ▶ Offering technical assistance
 - ▶ If the jurisdiction fails to respond within 30 days, the department shall notice the jurisdiction and regulated entity it will take enforcement
 - ▶ Department may also seek administrative penalties against the jurisdiction
 - ▶ For failure to take enforcement within 30 days of request

ARTICLE 11: ENFORCEMENT OVERSIGHT BY DEPARTMENT

Section XXXX11.4. Actions regarding Organic Waste Generators Located in more than one Jurisdictions and Generators Outside the Authority of a Jurisdiction

- ▶ For violations at an organic waste generator that is located in more than one jurisdiction, or is an organic waste generator that is not subject to the jurisdiction's authority:
 - ▶ Jurisdiction may refer the case to the department, if
 - ▶ Prior to the referral, the jurisdiction has inspected the entity and implemented progressive enforcement
- ▶ If the department has found violations at an organic waste generator that is located in more than one jurisdiction or is not subject to the authority of a referring jurisdiction, it may take enforcement

ARTICLE 11: ENFORCEMENT OVERSIGHT BY DEPARTMENT

Section XXXX11.5. Written Complaints of Alleged Violations of Jurisdictions and Regulated Entities

- ▶ Any person may file a complaint on a jurisdiction to the department:
 - ▶ Must be in writing
 - ▶ Name, address and telephone number of complainant, anonymous complaints allowed
 - ▶ Regulated jurisdiction or entity, alleged violation, location, other information
- ▶ Department shall follow-up:
 - ▶ Investigate the complaint within 30 days
 - ▶ Notify the complainant of results
 - ▶ Keep records of the complaints and response
 - ▶ Take enforcement action
- ▶ If the department receives a complaint on a regulated entity, it shall refer the complaint to the jurisdiction with authority over the regulated entity



ARTICLE 11: ENFORCEMENT OVERSIGHT BY DEPARTMENT

Section XXXX11.6. Departments Duties and Responsibilities for Enforcement

- ▶ Jan 1, 2022 thru January 1, 2024, if a regulated entity is in violation, the department shall serve a Notice of Noncompliance to the regulated entity within 30 days. The Notice shall include:
 - ▶ Require compliance within 30 days
 - ▶ Description of the violation
 - ▶ Educational material on the regulated entity's responsibility and potential penalties for noncompliance
- ▶ After Jan 1, 2024, if department finds that a regulated entity is in violation it shall take progressive enforcement action for violations specified



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ARTICLE 11: ENFORCEMENT OVERSIGHT BY DEPARTMENT

Section XXXX11.6. Departments Duties and Responsibilities for Enforcement

- ▶ **Progressive enforcement:**
 - ▶ For a **first offense** after January 1, 2024:
 - ▶ Issue Notice of Violation (NOV) - 30 days to comply
 - ▶ Issued w/in 30 days
 - ▶ Issue Notice and Order to Correct (NOTC) - 15 days to comply or penalties
 - ▶ Issue w/in 60 days of NOV issuance
 - ▶ Impose a penalty
 - ▶ Commence action within 120 days of NOV issuance
 - ▶ For a **second offense:**
 - ▶ Notice and Order to Correct - 15 days to comply or penalties
 - ▶ Issued w/in 30 days
 - ▶ Impose a penalty
 - ▶ Commence action within 90 days of NOTC issuance
 - ▶ For all **subsequent offenses:**
 - ▶ Commence action within 30 days of inspection

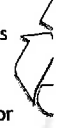


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ARTICLE 11: ENFORCEMENT OVERSIGHT BY DEPARTMENT

Section XXXX11.6. Departments Duties and Responsibilities for Enforcement

- ▶ Department may extend compliance deadlines if it can find that:
 - ▶ Regulated entity is making timely progress toward compliance, and
 - ▶ Its lack of compliance with deadline is due to:
 - ▶ Delay was caused by extenuating circumstances outside entity's control, or
 - ▶ Examples: Acts of God such as inclement weather, earthquakes, and delays in obtaining discretionary permits or other government agency approvals
 - ▶ The correction requires a long term infrastructure or capacity change which requires a correspondingly longer length of time to achieve compliance

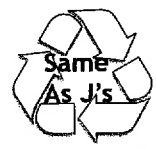


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ARTICLE 11: ENFORCEMENT OVERSIGHT BY DEPARTMENT

Section XXXX11.6. Departments Duties and Responsibilities for Enforcement

- ▶ Any notice of noncompliance must include:
 - ▶ The name or names of each person or entity to legal responsible party, such as business owner, property owner, etc.
 - ▶ The list and description of the violations
 - ▶ The regulations, or local condition being violated
 - ▶ A compliance date that business operator must act
 - ▶ The penalty for not complying



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ARTICLE 12: PENALTY

Section XXXX12.2. Amount of Civil and Administrative Penalty Schedule

- ▶ Penalties imposed administratively using the Penalty Tables
- ▶ Penalty determined by:
 - ▶ What violations have occurred; and
 - ▶ The number of days the violations have occurred; and
 - ▶ Whether it is a first, second, or third offense for each violation; and,
 - ▶ The severity of violations identified in the Table
- ▶ Separate penalties for each separate violation and for each day of violation
 - ▶ Each violation penalty amount X number of days of violation
 - ▶ Starting on the day the Notice of Violation is issued
 - ▶ Add the results for each violation to determine a total base penalty amount

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ARTICLE 12: PENALTY

Section XXXX12.2. Amount of Civil and Administrative Penalty Schedule

- ▶ Penalties for second, third and all other violations assessed per Tables when entity committed a prior violation at the same or a separate location.
- ▶ The total penalty amount may not exceed maximum penalty amounts for each day of violation, as set forth in PRC 42652.5.

ARTICLE 12: PENALTY

Section XXXX12.2. Amount of Civil and Administrative Penalty Schedule

- ▶ The department, jurisdiction, hearing officer or judge may apply the facts to determine the final penalty within the range of the base penalty. The following factors are:
 - ▶ The nature, circumstances, of the violation(s)
 - ▶ The size of the violator
 - ▶ Ability for the violator to pay
 - ▶ The willfulness of the violator's misconduct
 - ▶ Whether the violator took good faith measures to comply with this chapter and the period of time over which these measures were taken
 - ▶ Evidence of any financial gain resulting from the violation(s)
 - ▶ The economic effect of the penalty on the violator
 - ▶ If there were conditions outside the control of the regulated entity

ARTICLE 12: PENALTY

Section XXXX12.2. Amount of Civil and Administrative Penalty Schedule

- ▶ A jurisdiction shall impose these penalties in accordance with its ordinances and procedures and its enforcement plan
- ▶ A jurisdiction may use alternative, nonmonetary remedy if:
 - ▶ The remedy is a revocation, suspension, or denial of a permit, registration; license or other authorization, or a lien on real property, or
 - ▶ Jurisdiction receives written approval from the department for the use of a remedies that have the same or equal effect

Are there other remedies?

ARTICLE 12: PENALTY

Section XXXX12.2. Amount of Civil and Administrative Penalty Schedule

- ▶ Penalty Tables will establish a base range of penalty

Requirement	Description of Violation	1 st Offense	2 nd Offense	3 rd and subsequent Offense
Section xxx3.1	A jurisdiction or hauler that fails to comply with the requirements of this section	Level 3	Level 4	Level 5

- ▶ The penalty severity levels are as follows:
 - ▶ Level 1, base penalty = \$100 - \$500 per day.
 - ▶ Level 2, base penalty = \$500 - \$1000 per day.
 - ▶ Level 3, base penalty = \$1,000 - \$5000 per day.
 - ▶ Level 4, base penalty = \$1000- \$10,000 per day.
 - ▶ Level 5, base penalty = \$5000- \$10,000 per day.

ARTICLE 12: PENALTY

Section XXXX12.4 Organics Recycling Noncompliance Inventory

- ▶ For same violation(s) for two consecutive inspections
 - ▶ Department may send a notice to the regulated entity intends to place the entity on the Inventory
- ▶ If the violation(s) are not corrected within 90 days
 - ▶ Department will send a notice to the regulated entity that it has been placed on the Inventory
 - ▶ Inventory would be listed on its department website
- ▶ Jurisdiction must provide inspection reports and compliance documentation as requested by the department in order for this section to be carried out

What violations would this remedy work for?

ARTICLE 12: PENALTY

Section XXXX12.5 CalRecycle Procedure for Imposing Civil Penalties

- ▶ Civil penalties may be administratively imposed by the department in accordance with the procedures outlined in the Administrative Procedure Act
- ▶ Accusation or complaint and all accompanying documents may be served on the respondent by the following means:
 - ▶ Personal service.
 - ▶ Substitute service by using the same service procedures as described in section 415.20 of the Code of Civil Procedure.
 - ▶ Certified Mail
- ▶ Civil penalties may be imposed pursuant to Section 12.2.

ENFORCEMENT

FEEDBACK ON KEY ELEMENTS

Inbox: SLCP.Organics@calrecycle.ca.gov

- ✓ Are there other ways to assess compliance than through inspections?
- ✓ Are there other businesses we should be targeting with inspection frequency requirements?
- ✓ What is the appropriate ongoing inspection frequency to assure ongoing compliance? Are there other methods to assess ongoing compliance or targeting enforcement?
- ✓ What other remedies should be listed as equivalent to penalties?
- ✓ Is the Inventory remedy useful? What type of violations are appropriate?
- ✓ Is there enough flexibility for jurisdictions to use their own enforcement effectively? If not, what would help?
- ✓ Could the progressive enforcement process easily be adopted by a jurisdiction that does not what to develop their own? If not, what change should be made?

OTHER COMMENTS AND QUESTIONS?

Contact

Web Page: <http://www.calrecycle.ca.gov/Climate/SLCP/>

Listserv: <http://www.calrecycle.ca.gov/Listservs/Subscribe.aspx?ListID=152>

Inbox: SLCP.Organics@calrecycle.ca.gov

For submitting comments after the workshop, please use the SLCP Comment Form:

<http://www.calrecycle.ca.gov/Climate/SLCP/Comments/Form1/default.htm>

We are prioritizing comments received by November 15, 2017.

115

Processing Payment Emergency Regulations Proposed Text
September 18, 2017

Underline *Proposed Permanent Additions*
~~Strikeout~~ *Proposed Permanent Deletions*

Division of Recycling
Department of Resources Recycling and Recovery
California Code of Regulations
Title 14. Natural Resources
Division 2. Department of Conservation
Chapter 5: Division of Recycling

SUBCHAPTER 12. DOR REQUIREMENTS

Article 2. Processing Fees and Processing Payments

§ 2975. REASONABLE FINANCIAL RETURN CALCULATION.

(a) The statewide average reasonable financial return for recycling centers shall be equal to the statewide average allowable costs calculated in section 2960 of this subchapter, multiplied by the average return on costs for the scrap and waste materials industry as determined from data contained in the most recent Dun and Bradstreet Standard Three Year Norm Report (Published by Dun and Bradstreet Credit Services).

(b) Notwithstanding paragraph (a), for the period of January 1, 2018 to December 31, 2018, the reasonable financial return shall be calculated as follows:

(1) The reasonable financial return shall be equal to eleven and five-tenths percent (11.5%) of the statewide average allowable costs calculated in section 2960 of this subchapter, except as follows:

(A) The reasonable financial return for recycling centers located in rural regions, as defined by Public Resources Code Section 14571(b)(2)(A), shall be equal to sixteen and six-tenths percent (16.6%) of the statewide average allowable costs calculated in section 2960 of this subchapter.

Authority: Section 14530.5(b), 14536, and 14536.1, Public Resources Code. Reference: Sections 14501(f) and (g), 14518.5 and 14575(a) and (b), Public Resources Code.



Public Meeting Notice: SB 458 Pilot Projects Workshop

[Back to Public Notices Search](#)

Event Information

Start Date: December 13, 2017 10:00AM

End Date: December 13, 2017 12:00PM

Location: 1001 I Street, Sacramento CA 95814, Coastal Hearing Room

Contact(s): DORWorkshops@calrecycle.ca.gov

Summary

Description: Governor Brown signed Senate Bill 458 (Wiener, Chapter 648) into law on October 10, 2017. This legislation authorizes CalRecycle to approve pilot projects proposed by jurisdictions to provide convenient beverage container redemption opportunities in underserved areas. CalRecycle is seeking feedback from interested parties on the pilot project program and the factors that may be considered in the approval of a pilot project.

Workshop Details:

- ⇒ To attend the meeting in person, see 'Event Information'.
- ⇒ To participate via webcast, go to: [Broadcast](#).
- ⇒ Send comments/questions to: DORWorkshops@calrecycle.ca.gov.
Workshop participants are encouraged to submit questions in advance. Comments and questions will be accepted before, during, and after the workshop.

Type: Workshop: Beverage Container Recycling Program

Title: SB 458 Pilot Projects Workshop

Public Notice Date: December 13, 2017

Contact Name: [Donkor, George](#)

[Back to Public Notices Search](#)

Senate Bill No. 458

CHAPTER 648

An act to add Sections 14515.8 and 14571.9 to the Public Resources Code, relating to recycling, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 10, 2017. Filed with
Secretary of State October 10, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 458, Wiener. Beverage container recycling: pilot projects.

Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires that every beverage container sold or offered for sale in this state have a minimum refund value. A beverage distributor is required to pay a redemption payment to the Department of Resources Recycling and Recovery for every beverage container sold or offered for sale in the state to a dealer, and the department is required to deposit those amounts in the California Beverage Container Recycling Fund. The money in the fund is continuously appropriated to the department to, among other things, pay handling fees to certified recycling centers. The act requires processors to pay refund values, administrative costs, and processing payments to certified recycling centers, dropoff or collection programs, and curbside programs.

The act requires the department to annually designate convenience zones, as defined, statewide and requires at least one certified recycling center or location within every convenience zone that accepts all types of empty beverage containers and pays the refund value, if any, at one location, and that is open for business 30 hours per week.

This bill would, until January 1, 2020, authorize up to 5 limited-term recycling pilot projects, subject to department approval, that are designed to improve redemption opportunities in unserved convenience zones. The bill would subject the pilot projects to certain requirements, including, among others, that the pilot project is served by a pilot project recycler meeting certain requirements. The bill would require dealers within the jurisdiction of a pilot project to post certain information relating to pilot project locations, as specified, and a department-established toll-free number for information relating to beverage container recycling opportunities. The bill would authorize the department to issue a probationary certificate of operation to a pilot project recycler, to be valid for no more than 3 years, and would make that pilot project recycler eligible to apply for handling fees from the department and to receive refund values, administrative costs, and processing payments from processors. By authorizing the use of moneys in a continuously appropriated fund for a new purpose, this bill would make

an appropriation. The bill would require dealers in a convenience zone served by a pilot project to comply with general act requirements if a pilot project ceases to operate or if the pilot project's certification is revoked.

This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 14515.8 is added to the Public Resources Code, to read:

14515.8. (a) "Pilot project recycler" means a recycling location established pursuant to Section 14571.9.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2022, deletes or extends that date.

SEC. 2. Section 14571.9 is added to the Public Resources Code, to read:

14571.9. (a) Until January 1, 2020, the department may approve up to five recycling pilot projects that meet the requirements of this section.

(1) The pilot projects, which shall be submitted by applicant jurisdictions, shall be designed to improve redemption opportunities in unserved convenience zones. It is the intent of the Legislature to create new, convenient recycling opportunities to improve consumer redemption of eligible beverage containers and increase recycling rates in jurisdictions served by pilot projects.

(2) Unless otherwise specified in or authorized by the department pursuant to this section, an operator of a pilot project shall be subject to all requirements imposed on recycling centers as specified in this division and any implementing regulations.

(3) If a pilot project ends before January 1, 2020, the department may consider additional pilot project proposals, but not more than five pilot projects may operate at the same time.

(b) Notwithstanding Sections 14570, 14571, and 14571.6, a convenience zone that falls within the area of a pilot project approved by the department under this section shall be deemed served while the pilot project is operational.

(1) (A) Every dealer within the jurisdiction of a pilot project shall post a clear and conspicuous sign of at least 10 inches by 15 inches at each public entrance to the dealer's place of business that specifies the name of the pilot project location nearest to the dealer, as provided by the department, the days and hours of operation of the pilot project location, and the toll-free telephone number established by the department pursuant to subparagraph (B). This information shall be kept accurate and up to date.

(B) The department shall establish a toll-free number for the purpose of disseminating information regarding beverage container recycling opportunities.

(2) If a pilot project ceases operation or the pilot project's certification has been revoked by the department, a dealer in the convenience zone served by the pilot project shall comply with Sections 14570, 14571, and 14571.6. The department shall inform all dealers within a convenience zone of any change in status of a pilot project serving that convenience zone within 10 days.

(c) No later than 90 days after the effective date of this section, the department shall hold at least one public workshop with interested stakeholders to solicit feedback on the pilot project program described in this section, including feedback on the factors that may be considered in the approval of a pilot project.

(d) The requirements for a pilot project shall include, but not be limited to, all of the following:

(1) A pilot project shall serve one of the following:

(A) At least three unserved convenience zones.

(B) One or more convenience zones impacting a total of at least 30 dealers in unserved convenience zones.

(C) A rural region.

(2) A pilot project shall be in a jurisdiction that, as of the effective date of this section, meets at least one of the following conditions:

(A) Had at least six unserved convenience zones.

(B) Had 75 percent of the convenience zones in the jurisdiction unserved.

(C) Is located in a rural region.

(3) A pilot project shall not establish a location for redeeming a beverage container for its refund value that is outside of a convenience zone.

(4) A convenience zone in the pilot project shall be served by only one pilot project recycler.

(5) A pilot project shall be served only by a pilot project recycler that meets all of the following requirements:

(A) The pilot project recycler shall be cumulatively open for a minimum of 30 hours per week.

(B) The pilot project recycler shall be open a minimum of one day per week for at least eight hours.

(C) The pilot project recycler shall be open at least five hours per week during periods other than from Monday through Friday from 9 a.m. to 5 p.m.

(D) The pilot project recycler shall accept and pay the refund value for all eligible beverage container types.

(E) The operator of the pilot project recycler shall notify the department in writing 10 days before any change of the location where redeemed empty beverage containers are stored.

(F) The pilot project recycler shall only redeem eligible empty beverage container material purchased from consumers for recycling, and shall not accept material from any other certified or noncertified person or entity, including, but not limited to, recycling centers, dropoff or collection programs, curbside programs, and processors.

(G) A pilot project operator shall keep separate transaction records for each location within the pilot project, and in the case of mobile collection programs, separate transaction records for each location served by the mobile unit.

(6) No processor shall issue an authorization to cancel pursuant to subdivision (b) of Section 2110 of Title 14 of the California Code of Regulations to a pilot project recycler.

(7) Additional requirements as deemed necessary by the department.

(e) A pilot project established pursuant to this section may provide stationary dropoff locations or mobile collection programs.

(f) A jurisdiction that opts to be served by a pilot project shall submit its pilot project proposal to the department for approval. The proposal shall include all of the following elements:

(1) A map of the pilot project area, including intended locations for pilot project recyclers.

(2) A list of proposed operators of pilot project recyclers.

(3) Contact information for the jurisdiction.

(4) Planned dates of operation.

(5) A description of how the pilot project will meet the requirements of this section.

(6) Additional elements as determined by the department.

(g) The department may issue probationary certificates of operation to pilot project recyclers participating in an approved pilot project. A certificate issued under this section shall be valid, and shall specify that the certificate is valid, for a period of not more than three years or until the end of the pilot project, whichever comes first. Notwithstanding certification requirements imposed by this division or implementing regulations, the following application review timelines shall apply to pilot projects:

(1) The department shall notify each applicant and the appropriate pilot project contact within 30 calendar days of receipt of the proposal, or receipt of additional information if the proposal was initially deemed incomplete, that the proposal for certification is either complete and accepted for further review or incomplete and the reasons for incompleteness.

(2) Upon determining that a proposal is complete, the department shall notify the applicant and appropriate pilot project contact in writing within 30 calendar days that the application is either approved with probationary status or denied and the reasons for denial.

(h) In approving pilot projects, the department shall consider all of the following factors:

(1) The number of unserved convenience zones that will be served by the pilot project.

(2) The total number of hours per week the pilot project recycler will operate.

(3) The total number of locations that will be served under the pilot project.

(4) Whether the jurisdiction has actively prevented the siting or operation of a certified recycling center at a supermarket site.

- (5) The geographic distribution of jurisdictions proposing a pilot project.
- (6) Potential impacts to existing certified recycling centers.
- (7) Additional factors deemed relevant by the department.

(i) (1) The department may revoke the approval of a pilot project or the associated probationary certification of a pilot project recycler participating in the pilot project, or both, at any time if the jurisdiction or operator of the pilot project recycler fails to meet the conditions outlined in the department's approval of the application or violates this division or a regulation adopted pursuant to this division, except as to violations of the division or regulations that are inconsistent with the operation of an approved pilot project. If the department revokes a probationary certification of a pilot project recycler, the department may require the jurisdiction or operator of the pilot project to take the steps necessary to ensure that the pilot project achieves its goals consistent with the approved pilot project application.

(2) If the approval of a pilot project is revoked, the review process described in Section 14571.7 shall apply to each convenience zone that was a part of the pilot project.

(j) A pilot project recycler that has been certified by the department on a probationary basis pursuant to an approved pilot project shall be eligible to apply for handling fees pursuant to Section 14585 and to receive from certified processors the amounts specified in subdivision (a) of Section 14573.5 for refund values, administrative costs, and processing payments. For purposes of handling fee eligibility, a pilot project recycler may be located anywhere within a convenience zone.

(k) The department may adopt emergency regulations for the purpose of implementing this section. Any emergency regulations, if adopted, shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare. Any emergency regulations adopted pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect until amended or repealed by the department or January 1, 2022, whichever comes first.

(l) This section shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2022, deletes or extends that date.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to address the recent closures of recycling centers throughout the state, and to ensure that convenient recycling opportunities are available as soon as possible, it is necessary that this act take effect immediately.

O

Mary Pitto

From: hhwie@yahoogroups.com on behalf of Heidi Sanborn heidi@calpsc.org [hhwie] <hhwie-noreply@yahoogroups.com>
Sent: Wednesday, November 22, 2017 2:27 PM
To: HHWIE CA List Serve (hhwie@yahoogroups.com)
Subject: [hhwie] FW: Invite: Edgar Institute Holiday Open House 2017- Dec 14th

November 22, 2017

[View this email in your browser](#)



Join Us to Celebrate 2017 at our Annual Holiday Open House!

Join us at The Edgar Institute – the home of CPSC
and our national organization NSAC – to celebrate a year
of hard work and success protecting California!



Thursday, December 14, 2017
The Edgar Institute
5 - 7:30 PM
1822 21st Street
Sacramento. CA 95811





The Edgar Institute is a consortium of environmental organizations combining the Art of Politics and Science in Midtown Sacramento.

Delicious food provided with beer from Sierra Nevada, and wine will be available for your enjoyment.

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A Special Thanks Our Sponsors:

Mary Pitto

From: California Carpet Stewardship Program <info@carpetrecovery.ccsend.com> on behalf of California Carpet Stewardship Program <bjensen@carpetrecovery.org>
Sent: Monday, October 30, 2017 11:05 AM
To: Mary Pitto
Subject: Oct News: New Grant Program, Double Green Outreach, Plan Update

Having trouble viewing this email? [Click here](#)



California Carpet Stewardship Program October 2017 Update



California Carpet Stewardship Program

An initiative of CARE: Carpet America Recovery Effort

New Grants Cycle Announced; Comments Requested

CARE has released [draft solicitations](#) for Cycle 2 of our Capital Improvement grants and Product Testing grants. **Comments on the draft solicitations will be accepted through November 13, 2017**, with the final solicitations to be published on the CARE website by November 21. Submit comments to Grants Manager Abbie Beane, abeane@carpetrecovery.org. While CARE will conduct the evaluation and determination of grant recipients, final approval and disbursement of funds can only occur after a new Plan is approved by CalRecycle. Applications are due by February 28, 2018.

Capital Improvement Grant projects (Cycle 2A) must increase the quantity (pounds) of California generated post-consumer carpet reused, recycled and/or utilized in the manufacturing of Tier 2 recycled products during 2018. Maximum grant awards for Cycle 2A will be limited to \$500,000 for each grant awarded under this Program.

Product Testing Grants (Cycle 2B) support product testing, research and development, and similar market development activities to improve and enhance post-consumer carpet (PCC) recycling and utilization of recycled content product manufacturing. Maximum grant awards for Cycle 2B will be limited to \$250,000 for each grant awarded under this Program

Full details and the draft solicitations can [be read here](#).

Submit comments and requests to be put on the mailing list for grant solicitations to Grants Manager Abbie Beane, abeane@carpetrecovery.org.

Double Green™ Program Seeks Innovative Manufacturers

CARE has embarked on a campaign to attract current product manufacturers who may benefit from adding recycled carpet content to their products to gain Double Green™ certification. (Double Green™ labeled products contain recycled California post-consumer carpet material plus at least one other post-consumer recycled material.) CARE's Double Green™ manufacturers may benefit from:



- Eligibility for subsidies and future grants for recycled materials, testing and equipment.
- Technical assistance to guide manufacturers through the certification process and help improve manufacturing efficiency.
- On-going marketing support to build demand and connect manufacturers to partnering public agencies.
- Double Green™ Certification, which verifies product legitimacy and gives competitive advantage.

To learn more, visit the [CARE website here](#) or contact DoubleGreen@CarpetRecovery.org.

AB 1158 Passage Delays Submission of New CARE Plan

On October 14, Governor Brown signed [AB 1158](#) into law. AB 1158 is intended to modify the original carpet stewardship bill, AB 2398, passed in 2010. The new law's changes include:

- Requiring a recycling goal of 24% by January 1, 2020 (changed from end of 2020 in CARE's Plan)
- Requiring the Director of Resources Recycling and Recovery, the Speaker of the Assembly and the Senate Rules Committee to appoint members to an Advisory Committee.
- Requiring the carpet stewardship organization to submit to the director, in writing, its reasons for rejecting any recommendations made by the Advisory Committee.
- Requiring Department of General Services (DGS) to ensure that post-consumer carpet removed from state buildings is managed in a manner consistent with carpet stewardship laws and that carpet purchased by a state agency contains a minimum amount of post-consumer content to be determined by DGS by July 1, 2018.

In response to the law's passage, CalRecycle has extended the deadline for submission of a 2018-22 Carpet Stewardship Plan to March 16, 2018. Plans submitted after January 1 will go first to the new Advisory Committee (see next story) for review and response prior to March 16.

CARE is already working to revise the current draft Plan to comply with AB 1158.

Call for Nominations for New Advisory Committee: Nov 10 Deadline

The recently passed Assembly Bill 1158 requires CalRecycle to appoint an Advisory Committee to provide recommendations to a carpet manufacturer or stewardship organization and to CalRecycle on carpet stewardship plans, plan amendments and annual reports. CalRecycle is soliciting applications to join the Committee **until November 10, 2017**.

CalRecycle intends that the Advisory Committee be in place as of January 1, 2018 (i.e., the effective date of AB 1158). The Director of CalRecycle shall appoint members to the Advisory Committee, which may be comprised of individuals in the environmental community, the solid waste industry and local government representatives involved in the collection, processing and recycling of carpet, and other interested parties. The Director shall appoint one member to the Advisory Committee who represents carpet manufacturers and at least one member who represents either the Southern California Resilient Floor and Decorative Covering Crafts Joint Apprenticeship and Training Committee or the Northern California Floor Covering Finishing Trades Institute Joint Apprenticeship Training Committee.

CARE encourages members of the current California Council on Carpet Recycling to apply to be on the Advisory Committee. More information on the composition and duties of the Committee, as well as instructions regarding how to apply can be found on the public notice. Applications should be emailed to carpet@calrecycle.ca.gov by **November 10**.

Proposed appointments will be considered by the Director of CalRecycle on December 19, 2017 at the agency's monthly public meeting.

New Drop-Off Sites On Board

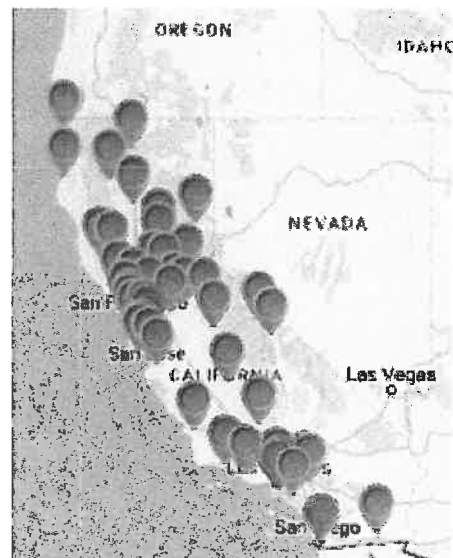
CARE welcomes two new drop-off sites:

Advance Disposal Company, Hesperia,
San Bernardino County

Western Placer Waste Management Authority, Roseville, San Bernardino
County

There are currently 44 CARE-supported drop-off sites in the state. CARE supports drop-off sites by providing:


- A container for collection
- Third party hauling to bring carpet material to recyclers
- Promotional materials for local government and the hosting facility
- Technical assistance from CARE staff.



See the map at CarpetRecovery.org/CA

To see if there is a CARE sponsored drop-off site in your county, visit the [drop-off site map here](#). If you would like to set up a carpet recycling drop-off site, please contact CA@carpetrecovery.org.

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Sent by [bjensen@carpetrecovery.org](#)

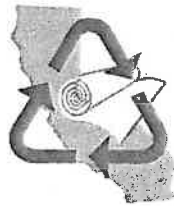
Mary Pitto

From: California Carpet Stewardship Program <info@carpetrecovery.ccsend.com> on behalf of California Carpet Stewardship Program <bjensen@carpetrecovery.org>
Sent: Tuesday, November 28, 2017 8:56 AM
To: Mary Pitto
Subject: Nov News: New California Program Director Named; Grants Available

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California Carpet Stewardship Program
November 2017 Update



California Carpet Stewardship Program

An initiative of CARE: Carpet America Recovery Effort

**Jacy Bolden Named
California Carpet Stewardship
Program Director**

CARE has named Jacy Bolden as the first full-time Director of the California Carpet Stewardship Program. Bolden comes to CARE with extensive experience in product stewardship, waste and environmental policy as the founder of consulting firm The JBC Groups. Her work includes corporate sales, solid waste systems, recycling and composting operations and nonprofit management, as well as municipal and local government program operations and policy development. In 2004, she was named Recycler of the Year by the [California Resource Recovery Association](#).

[Read more here.](#)

Carpet Tile Subsidy To Take Effect in January

CARE has announced an additional 5 cents/lb subsidy payable to Collector/Sorter Entrepreneurs on all California carpet tile collected and shipped for reuse or recycling, effective January 1, 2018. This pilot program is an effort to increase tile reuse and/or recycling. For more information on subsidies see our [website](#).

Cycle 2 Grant Solicitation Posted with February 28th Application Deadline

New grant funds are available: CARE has posted the final solicitation along with application materials for Cycle 2 Grants on the [website here](#).

A brief informational webinar on the application process will be held on Wednesday, December 6, 10:00 a.m.. [To register for the webinar, please click here](#).



CLEAR President Nick Fiore describes the benefits of the CARE grant.

Open grant solicitations include:

Capital Improvement Grant projects (Cycle 2A) must increase the quantity (pounds) of California generated post-consumer carpet (PCC) reused, recycled and/or utilized in the manufacturing of Tier 2 recycled products during 2018. Maximum grant awards for Cycle 2A will be limited to \$500,000 for each grant awarded under this Program.

Product Testing Grants (Cycle 2B) support product testing, research and development, and similar market development activities to improve and enhance post-consumer carpet (PCC) recycling and utilization of recycled content product manufacturing. Maximum grant awards for Cycle 2B will be limited to \$200,000 for each grant awarded under this Program

Full details and application materials, including required budget and work plan [templates can be found here](#).

Case studies, including video interviews, from Cycle 1 grants to [CLEAR](#) and [Sierra Mat & Rubber](#) have been published to the CARE website to document the challenges overcome and benefits of the grants to California businesses.

Plan Update

CARE's Stewardship Planning Committee (SPC) will be submitting a new 5 Year Plan on January 8, 2018 for review by the new Advisory Committee. After feedback from the new Committee, the Plan will then go to CalRecycle on March 16 for a final decision on May 20. Per CalRecycle's extension, the current Plan will remain in effect until that time.

CARE Works with UC Davis on Soil Amendment Project

CARE is working with the University of California at Davis (UCD) to conduct a study to demonstrate the beneficial use of recycled carpet backing material, known as PC4 (post consumer carpet calcium carbonate), as a soil amendment to support crop growth, with comparison to conventionally used lime.

The UCD project team will be led by Peter G. Green, Ph.D, of the Department of Civil and Environmental Engineering. The project will last four to six months and may open opportunities for CARE to participate in funding for pilot projects from the State of California Healthy Soils Initiative.

Questions or comments concerning the soil amendment study should be directed to CARE market development consultant Mike Tinney, miketinney@aol.com.

Product Presentations Offered

Market Development Consultant Mike Tinney is available to give presentations featuring the emerging line of Double Green™ products, which contain post-consumer carpet material plus another recycled material from the California waste stream. The presentations are a collaboration with CalRecycle's tire-derived products group and targeted towards facility, public works departments and design professionals involved in project development and product selection. Double Green products may qualify for subsidies.

The presentation also features information about available grants.

Email Mike with any questions or to schedule a presentation.



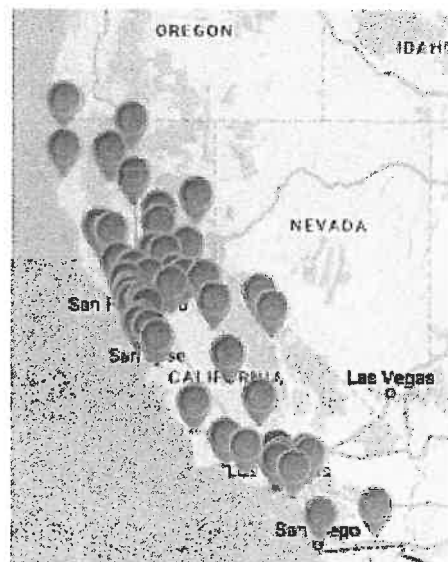
Mike Tinney and Abbie Beane along with Jennifer Caldwell from CalRecycle offer recycled product presentations.

Drop-Off Sites Mapped

There are currently 44 CARE-supported drop-off sites in the state. CARE supports drop-off sites by providing:

- A container for collection,
- Third party hauling to bring carpet material to recyclers,
- Promotional materials for local government and the hosting facility,
- Technical assistance from CARE staff.

To see if there is a CARE sponsored drop-off site in your county, visit the [drop-off site map](#) here. If you would like to set up a carpet recycling drop-off site, please contact CA@carpetrecovery.org.



See the map at CarpetRecovery.org/CA

Save the Date: CARE Conference

The CARE 16th Annual Conference will be held May 9, 2018 at the Orlando Convention Center in Orlando, FL. The event will be in partnership with the Plastics Recycling and

Refocus conferences. Hotel reservations can be made by [clicking here](#). Further information will be coming soon.

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Sent by [bjensen@carpetrecovery.org](#)

Mary Pitto


From: Mattress Recycling Council <ispa@sleepproducts.ccsend.com> on behalf of Mattress Recycling Council <info@mattressrecyclingcouncil.org>
Sent: Monday, October 30, 2017 7:03 AM
To: Mary Pitto
Subject: October Program Update

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You may [unsubscribe](#) if you no longer wish to receive our emails.





MRC Program Update



Mattress Recycling Council

October 30, 2017

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MRC NEWS: Connecticut & Rhode Island's Annual Reports Submitted

Connecticut's Annual Report was submitted September 29 and Rhode Island's Annual Report was submitted October 13. Both reports summarized the Program's performance between 2016-2017.

To read Connecticut's full report, click [here](#).
To read Rhode Island's full report, click [here](#).

MATTRESS INDUSTRY: New Customer Education Materials Coming Soon

New and improved customer educational materials are coming

1

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COLLECTION SITES:
[Verify Your Locator Listing](#)

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In Every Issue

Customer Education Reporting & Payment Deadlines
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FOR RETAILERS

Customer Education Materials

[Online Order Form](#)

Samples:
[Information Card](#)
[Customer Q & A](#)
[Customer Q & A Spanish](#)

[Request artwork or logos](#)

Reporting & Payment Deadlines

<u>Collection Period</u>	<u>Due</u>
Sep. 1-30	Oct. 30
Oct. 1-31	Nov. 30
Nov. 1-30	Dec. 30
Dec. 1-31	Jan. 30

Submit Reports & Payments via
MRCreporting.org



your way. Thanks to your feedback, we have been able to improve our Customer Education Materials to better fit your needs and communicate the Program more effectively to consumers. These redesigned materials will **debut next year**, so stay tuned! More updates will follow. To give you a preview, here is Rhode Island's updated poster.

In the meantime, if you need to order more materials, please [complete this form](#).

IN THE COMMUNITY: Mattress Disposal Doesn't Have to be a Nightmare!

We've developed a seasonal PSA (Dead Bed) for use through October 31 which encourages finding the nearest free collection site and ending the nightmare of figuring out what to do with an old mattress.



Thanks County of Santa Clara for featuring our print ad!

Ask your local media to use our TV, radio or print ads. This will help drive volume to collection sites and collection events, which ultimately keeps mattresses out of landfills and combats illegal dumping.

View and download Dead Bed or the Sandman print, radio and TV files from our redesigned Media Center [here](#).

MATTRESS INDUSTRY: New Mailing Address for Payments by Check

Please note that the address to which to send payments (collected recycling fees) by check has changed. The new PO Box for Mattress Recycling Council is:

PO Box 223594
 Chantilly, VA 20153-3594

PUBLICITY TOOLKITS

Collection Site Hosts:

Find press releases, flyers, site signage and more!

[Site Host Toolkit](#)

Event Hosts:

Media alerts, flyers, posters, signage and more!

[Event Host Toolkit](#)

For payment questions, please contact us at 1-888-646-6815, or support@mattressrecyclingcouncil.org.

MATTRESS INDUSTRY: Submit Outstanding Reports

The year is coming to a close, so please make sure you have submitted all outstanding reports and payments.

See the [MRC Guidelines](#) for how to check and resolve outstanding reports and payments.

Per our [Fee Policy](#), penalties and fines may apply.

Recyclers in Your Area

CALIFORNIA:

Businesses need to make arrangements directly with recyclers.

[Blue Marble-Commerce](#)

[Blue Marble - Fresno](#)

[Blue Marble-San](#)

[Leandro](#)

[Cleaner Earth Company](#)

[Cristal Materials](#)

[DR3 Oakland](#)

[DR3 Woodland](#)

[Goodwill of Silicon](#)

[Valley](#)

[R5 Recycling](#)

CONNECTICUT & RHODE ISLAND

Businesses should contact our Northeast Program Coordinator [Kate Caddy](#) for arrangements.

[Park City Green-CT](#)

[Ace Mattress Recycling-RI](#)

[Express Mattress Recyclers-RI](#)

Get SleepSavvy Today!

IN THE COMMUNITY: Seeking 2018 Opportunities for Booth Tour Stops



MRC is finalizing the **2018 interactive booth tour schedule**. If you have an Earth Day Celebration, Spring Festival or another kind of family-friendly or green-living focused event, let us know!

To be considered for a 2018 tour stop, please contact our [Marketing & Communications Department](#) with your event details.

COLLECTION LOCATIONS: Join the California Illegally Dumped Mattress Collection Initiative

The California Illegally Dumped Mattress Collection Initiative continues to grow. More than 90 California sites have joined the initiative, and so far **20,585 units have been collected in 2017**.

This initiative allows agencies responsible for the collection of illegally dumped mattresses from public spaces and rights-of-

Sleep Savvy is the go-to, hands-on resource for mattress retailers who want to sell more and better bedding. With features, tips and ideas, it's designed to make your business grow.



Check out the latest issue at sleepsavvymagazine.com

Subscriptions are FREE!

way to receive payment from MRC for the collection of illegally dumped mattresses. MRC has allotted \$750,000 to fund this effort for 2017.

Eligible entities that wish to receive reimbursement must register and begin tracking the number of illegally dumped mattresses collected.

The following organizations recently signed up for the program in 2017: **City of El Monte, City of Highland, City of Palmdale and City of Vallejo.** We hope to see many more.

If interested in participating in the program or looking for more information and eligibility requirements, check out <https://connect.re-trac.com/registration/mrc-idp> or contact [Mark Patti](#).



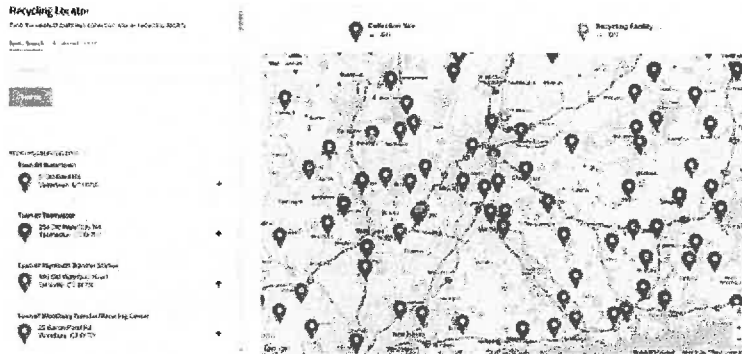
MATTRESS INDUSTRY: Recycling Fee Changes

CalRecycle approved MRC's proposal to decrease California's recycling fee from \$11 to \$10.50. It will go into effect January 1, 2018.

As a reminder, Rhode Island's fee increase from \$10 to \$16 began October 1, 2017.

For more information visit MattressRecyclingCouncil.org.

COLLECTION LOCATIONS: Is Your Listing Accurate in Our Locator?



To ensure we have the latest details about your location, please [complete this form](#).

Upcoming Events

Southern California Waste Management Forum Annual Conference & Exhibit

November 8

Sheraton Fairplex Hotel and Conference Center

Pomona, CA 91768

[Event website](#)

Each year, the Forum puts on an Annual Conference at which our members meet to hear presentations about trends in the field of environmental stewardship in general, and waste management in particular. Mark Patti, MRC's Southern California Program Coordinator, will be attending and we have a booth. If you plan to attend, be sure to stop by.

Southern California Furniture & Accessory Market

November 9-10

Long Beach Convention Center

Long Beach, CA

[Event website](#)

Take advantage of incredible beginning-of-the-year promotions offered by the many furniture, bedding, and home decor/accessory companies on display. The Market is for the trade only and open to individuals that are involved on a professional basis in the furniture, bedding, interior design and home decor industry. MRC will be exhibiting, so be sure to stop by our booth.

Northeast Recycling Council (NERC) Fall Conference

November 13-14

Lord Jeffery Inn

Amherst, MA

Event website

NERC's events are designed to provide attendees with the opportunity to learn, share ideas, discuss the issues, and network with others. The events are focused on the most timely topics in the source reduction, reuse, recycling, composting, and green purchasing industry sectors.

Connecticut Conference of Municipalities (CCM)

Annual Convention

November 28-29

Foxwoods Resort Casino

Mashantucket, CT

Event website

The Convention is CCM's marquee event bringing together Connecticut municipal and state personnel of all levels. The events allow attendees to share experiences and discuss current regional, state, and national trends affecting their communities. MRC will be exhibiting, so be sure to look out for us.

ISPA EXPO

March 14-16, 2015

Charolette, NC

Event website

Your colleagues, your clients, your competition, your prospects--mattress industry leaders and innovators from all corners of the globe--will converge at ISPA EXPO to gain a competitive edge, get inspired and do business. And you are invited to join them. You can't beat EXPO's three action-packed days of unparalleled networking, informative presentations and efficient one-stop shopping. Discover ISPA EXPO's powerful potential and register today!

WELCOME: New Collection Sites

We are always adding new sites to the program. Visit the recycling locator at ByeByeMattress.com for the latest details. If you would like to become a collection site, please contact [MRC](#) today.

Here are some recent additions to our locator directory:

California

Guerneville Transfer Station

Guerneville, CA 95446

Pacific Manufacturing & Distributing

Oxnard, CA 93033

Free drop-off for retailers & public!

Mattress Recycling Council (MRC) is a non-profit organization formed by the industry to operate recycling programs in states which have enacted mattress recycling laws. Connecticut's program launched on May 1, 2015, California launched December 30, 2015 and Rhode Island began May 1, 2016. Each state's program is funded by a recycling fee that is collected when a mattress or box spring is sold. The fees pay for the transportation and recycling of the mattresses.

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Mattress Recycling Council, 501 Wythe Street, Alexandria, VA 22314

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Water & Waste Disposal Technical Assistance & Training Grants

What does this program do?

This program helps qualified, private nonprofits provide technical assistance and training to identify and evaluate solutions to water and waste problems; helps applicants prepare applications for water and waste disposal loans/grants; and helps associations improve the operation and maintenance of water and waste facilities in eligible rural areas.

Who may apply?

Nonprofits that have the proven ability, background, experience and capacity to provide technical assistance or training on a national, regional or state basis.

What is an eligible area?

- Rural areas and towns with populations of 10,000 or less – **check eligible addresses**
- Tribal lands in rural areas

How may the funds be used?

- To identify and evaluate solutions to water problems related to source, storage, treatment, distribution, collection, treatment and disposal.
- To provide technical assistance and training to improve management, operations and maintenance of water and waste disposal systems.
- To prepare water and waste disposal loan and grant applications

Are there terms for grants?

- The project period for these grants is one year starting Oct. 1 and ending Sept. 30
- Applicant contributions must be used before USDA grant funds
- This is a reimbursement grant
- Grants are subject to the availability of funds

How do we get started?

Download the latest Technical Assistance & Training Grant Application Guide. Single-state applications are accepted annually through your **local RD office**

from October 1 - December 31. Multi-state or national applications are accepted through the **RD national office**. Program resources are available online (forms, guidance, certifications, etc.).

Who currently participates in this program?

- **Previous year Technical Assistance and Training Grant Recipients**

Who can answer questions?

- Contact your **local RD office**
- National Office contact: **Anita O'Brien** - (202) 690-3789

What governs this program?

- Code of Federal Regulations **7 CFR 1775**
- Section 306(a)(14)(A) of the Consolidated Farm and Rural Development Act 7 U.S.C. 1921 et seq.

Why does USDA Rural Development do this?

This program helps small communities extend and improve water and waste treatment facilities for households and businesses. Good practices can save tax dollars, improve the natural environment and may be necessary for manufacturers and other types of businesses to locate or expand operations.

NOTE: Because citations and other information may be subject to change please always consult the program instructions listed in the section above titled "What Governs this Program?" You may also contact your local office for assistance. You will find additional forms, resources, and program information at www.rd.usda.gov. *USDA is an equal opportunity provider, employer, and lender.*



Monthly Public Meeting

CalRecycle
10:00 A.M., November 21, 2017
Cal/EPA Building – Byron Sher Auditorium

A. DIRECTOR'S REPORT

Presentations or discussions by the Director and/or Executive Offices regarding department matters, legislative updates, public affairs or 75% initiative/legislative report.

B. PUBLIC COMMENT*

People may speak on any matter concerning CalRecycle with the exception of items appearing elsewhere on this agenda or items related to pending adjudicative (certification or enforcement) proceedings.

*Please note that while CalRecycle affords members of the public the opportunity to participate by Webcast, CalRecycle strongly encourages public comments to be made in person.

C. PROGRAM AND ISSUE UPDATES

Action Items

No actions at this time

Information Items

1. Disposal Reporting System 2017 Quarterly Station Notification Update
Department Staff Contact: Eileen.Nathaniel@CalRecycle.ca.gov

D. BEVERAGE CONTAINER RECYCLING PROGRAM

Possible decisions or announcements regarding BCRP matters including fund condition, rates, approval of new/renewed certifications, or enforcement actions.

Action Items

No actions at this time

Information Items

Nothing to report at this time

E. ELECTRONIC WASTE RECYCLING PROGRAM

Possible decisions or overview regarding the reuse, recycling, and handling of covered electronic devices; including matters related to fees, recyclers, enforcement, claim reviews and adjustments.

Action Items

1. Adoption of Regulations Amending the Electronic Waste Recycling Program
Department Staff Contact: Ana-Maria.Stoian-Chu@CalRecycle.ca.gov
Public Notice

Information Items

1. 2017 Covered Electronic Waste Net Cost Reporting Requirement
Department Staff Contact: Andrew.Hurst@CalRecycle.ca.gov
Public Notice

F. LOCAL ASSISTANCE

Possible approval or discussion of locally adopted planning documents, bi-annual reviews, compliance and enforcement actions, or other program-related proceedings.

Action Items

No actions at this time

Information Items

1. Five-Year Review Report For The Countywide Integrated Waste Management Plan For The County Of Tuolumne
Department Staff Contact: Harnak.Samra@CalRecycle.ca.gov
Public Notice
2. Five-Year Review Report For The Countywide Integrated Waste Management Plan For The County Of Fresno
Department Staff Contact: Melissa.Vargas@CalRecycle.ca.gov
Public Notice

G. GRANT AND LOAN PROGRAMS

Possible decisions or overview regarding matters related to the used oil and household hazardous waste programs.

Action Item

1. Awards for the Recycled Fiber, Plastic, and Glass Grant Program (Greenhouse Gas Reduction Fund, Fiscal Year 2016-17)
Department Staff Contact: Michelle.Martin@CalRecycle.ca.gov
Public Notice

Information Item

1. Awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Solid Waste Management Cleanup and Abatement Account, Fiscal Year 2017-18)
Department Staff Contact: Carla.Repucci@CalRecycle.ca.gov
Public Notice

H. SOLID WASTE AND TIRE FACILITIES

Possible decisions or reconsiderations to petitions for a facility or landfill permit or modification; and, possible determinations of enforcement actions, clean-up requirements; or LEA training.

Action Items

1. Central Processing Facility – Contra Costa County, Modified Solid Waste Facilities Permit, Action Needed November 15, 2017
Department Staff Contact: Beatrice.Poroli@CalRecycle.ca.gov
Public Notice
2. Johnson Canyon Sanitary Landfill – Monterey County, Revised Solid Waste Facilities Permit, Action Needed November 30, 2017
Department Staff Contact: Eric.Kiruja@CalRecycle.ca.gov
Public Notice
3. Yolo County Central Landfill - Yolo County, Revised Solid Waste Facilities Permit, Action Needed November 30, 2017
Department Staff Contact: Alyssa.Gagnon@CalRecycle.ca.gov
Public Notice

4. Coachella Valley Compost – Riverside County, Revised Solid Waste Facilities Permit, Action Needed December 18, 2017
Department Staff Contact: Megan.Emslander@CalRecycle.ca.gov
Public Notice
5. Waste Recovery West, Inc. – San Joaquin County, Major Waste Tire Facility Permit, Action Needed January 02, 2018
Department Staff Contact: Christine.Karl@CalRecycle.ca.gov
Public Notice
6. Lakin Tire West, Inc. Building #3 – Los Angeles County, Major Waste Tire Facility Permit, Action Needed March 18, 2018
Department Staff Contact: Jeff.Hackett@CalRecycle.ca.gov
Public Notice

Information Items

Nothing to report at this time

I. POLICY MANDATES/WORKSHOPS/RULEMAKING PROCEEDINGS

Possible decisions or discussions by department staff regarding any order instituting a rulemaking proceeding to develop and adopt regulations and/or policy guidelines specifying the procedures to implement or revise program guidelines or requirements such as Product Stewardship, Commercial Recycling, Organics Roadmap or the 75% initiative.

Action Item

1. Consideration of Proposed State Mattress Recycling Baseline and Goals
Department Staff Contact: Nicole.Castagneto@CalRecycle.ca.gov
Department Staff Contact: Heather.Beckner@CalRecycle.ca.gov
Public Notice

Information Items

1. Workshop to Discuss Eligibility, Scoring Criteria, and Evaluation Process for CalRecycle's Greenhouse Gas Reduction Fund Grant Program Appropriation for FY 2017-18
December 19, 2017 1:00PM – 4:00PM (Sacramento)
Department Staff Contact: Michelle.Martin@CalRecycle.ca.gov

J. OTHER

Possible decisions or discussions regarding the development or implementation of a new or an amendment to policies and procedures for grants, loans and contracts. Please note that grants, loans, or scopes of work will be agendized specific to program area unless otherwise noted here.

Action Items

No actions at this time

Information Items

Nothing to report at this time

K. COMPLIANCE AND ENFORCEMENT HEARINGS

Hearings for Compliance and Enforcement matters and Administrative Appeals which are required to have a public hearing prior to the Department taking action

Action Items

No actions at this time

Information Items

1. Public Hearing to Consider the Issuance of Compliance Order CO 017-004 for the City of Oakdale; Compliance Order CO 017-005 for the County of Merced Regarding each jurisdiction's compliance with the Mandatory Commercial Recycling (MCR) law (Public Resources Code Sections 42649-42649.7 – Recycling of Commercial Solid Waste.)
Date of Public Hearing: December 11, 2017 (Sacramento)
Department Staff Contact: Mark.Umfress@CalRecycle.ca.gov
(Public Notice to Follow)

We want to assure all of our stakeholders that transparency and stakeholder involvement remains a high priority for CalRecycle. In keeping with a history of providing stakeholders with information about programs, activities, and departmental decisions, CalRecycle has a public noticing site. To review Final CalRecycle Decisions and other department activities, please go to: <http://www.calrecycle.ca.gov/Actions/> or <http://www.calrecycle.ca.gov/BevContainer/Notices>. For meeting participation, listserv, and feedback information, please go to: <http://www.calrecycle.ca.gov/PublicMeeting/>.

Green Team
San Joaquin

Refreshments with the Recyclers

*Annual luncheon and toy drive
benefitting the
Child Abuse Prevention Council
of San Joaquin County*

Wednesday, December 13
11:30 AM - 1:30 PM

Waterloo Gun & Bocce Club
4343 N. Ashley Lane
Stockton 95215

Sponsored
& Catered by



HERITAGE
dining & provisions



Stockton Chamber of Commerce



StocktonChamberOfCommerce



StknChamber



StocktonChamber.org



a program of the
GREATER STOCKTON
CHAMBER OF COMMERCE

Bring a new, unwrapped toy for
the Child Abuse Prevention Council
and lunch is on us!

RSVP to gogreen@stocktonchamber.org by 12/11

For more information contact us at (209) 547-2770 or email gogreen@stocktonchamber.org

Register now



Mary Pitto

From: Green Team San Joaquin <gogreen=stocktonchamber.org@mail121.sea61.rsgsv.net> on behalf of Green Team San Joaquin <gogreen@stocktonchamber.org>
Sent: Tuesday, November 28, 2017 8:56 AM
To: Mary Pitto
Subject: Refreshments with the Recyclers - 12/13/17

[View this email in your browser](#)

Join us for our annual luncheon and toy drive as we welcome our guest speaker Evan Edgar with the California Compost Coalition. Bring a new, unwrapped toy and lunch is on us. All toys collected will be donated to the Child Abuse Prevention Council. Lunch is sponsored and catered by Heritage Dining & Provisions.

Please register [here](#).



AB 245 (Quirk) Chapter 499, Statutes of 2017 – Hazardous waste: enforcement

AFFECTED PROGRAM(S): HWMP

- | | |
|--|--|
| <input type="checkbox"/> New Program or Requirements | <input type="checkbox"/> Additional Requirements for an Existing Program |
| <input checked="" type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB245

Summary:

Assembly Bill 245 increases various administrative and civil penalties within the hazardous waste control laws from a maximum amount of \$25,000 to \$70,000 per day.

Specifically, this bill:

- Increases the maximum penalty from \$25,000 to \$70,000 for the following:
 - Not complying with an order pursuant to Health and Safety Code section 25187.
 - Intentionally or negligently making a false statement or representation in an application, label, manifest, record, report, permit, or other documents filed, maintained, or used under the hazardous waste control laws.
 - Intentionally or negligently violating a permit, rule, regulation, standard, or requirement.
 - Intentionally or negligently disposing or causing the disposal of a hazardous or extremely hazardous waste not authorized.
 - Intentionally or negligently treating, storing, or causing the treatment or storage of a hazardous waste not authorized.
 - Making a false statement or representation in an application, label, manifest, record, report, permit, or other document filed, maintained, or used for purposes of compliance under the hazardous waste control laws.
 - Violating a permit, rule, regulation, standard, or requirement issued or adopted.
 - Disposing, or causing the disposal of, a hazardous or extremely hazardous waste that is not authorized.
 - Treating or storing, or causing the treatment or storing of a hazardous waste that is not authorized.

Departmental Mandate(s):

- None.

Mary Pitto

From: CalRecycle Electronic Waste Management ListServ <EWaste@calrecycle.ca.gov>
Sent: Thursday, November 09, 2017 11:49 AM
To: Mary Pitto
Subject: California Electronic Waste Recycling –Stakeholder Workshops, Regulatory Actions, and Net Cost Reports

November 9, 2017

Dear Electronic Waste Stakeholder:

This listserv newsletter is an update on the implementation of California's Electronic Waste Recycling Act of 2003 (Act) and other electronic waste (e-waste) management developments in California.

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In this issue:

INFORMAL RULEMAKING WORKSHOP – DESIGNATIONS

CEW PROGRAM PROPOSED REGULATORY ACTION – REQUEST FOR APPROVAL

ANNUAL NET COST REPORT REQUIREMENTS

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Informal Rulemaking Workshop – Designations

Stakeholders are hereby noticed of an informal workshop hosted by the Department of Resources Recycling and Recovery (CalRecycle) to be held prior to the initiation of formal rulemaking under the Electronic Waste Recycling Act.

The workshop will be held November 15, 2017, from 1:00 p.m. to 4:30 p.m. at the Cal/EPA Building, Coastal Hearing Room, 2nd floor, 1001 I Street, Sacramento, CA 95814.

The workshop will focus on Article 7 within Chapter 8.2 of Division 7 of Title 14 of the California Code of Regulations, more commonly known as the Covered Electronic Waste (CEW) recycling program's Designated Approved Collector provision. The eventual rulemaking will serve as a vehicle to modify, as necessary, existing emergency regulations adopted on March 16, 2017.

There is no cost to attend the workshop; the courtesy of an RSVP sent to ewaste@calrecycle.ca.gov is requested for facility planning purposes. Please see the workshop Public Notice for more information:

<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=2218&aiid=2025>

Please visit CalRecycle's Designated Approved Collector webpage for additional information about the Designation provision.

<http://www.calrecycle.ca.gov/Electronics/Locals/Designations/default.htm>

CEW Program Proposed Regulatory Action – Request for Approval

CalRecycle is scheduled to consider an agenda item at its November 21, 2017 Monthly Public Meeting seeking approval of proposed final regulations affecting the CEW recovery and recycling program. This action will finalize two current emergency rule packages as well as modify and clarify other rules within the CEW program. A Public Notice is posted on the CalRecycle website, which contains the Request for Approval and associated documents:

<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=2242&aiid=2049>

Archive information approving the initiation of this rulemaking can be found at:

<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=1994&aiid=1818>

The proposed regulations will affect areas within Chapter 8.2 of Division 7 of Title 14 of the California Code of Regulations. They will serve as a vehicle to finalize two existing emergency regulation packages that address: 1) the assessing of civil liabilities pursuant to the authority granted under Public Resources Code (PRC) section 42474, and 2) the management of treatment residuals derived from the dismantling of covered electronic waste (CEW). In addition to other general edits, the proposed rules will also amend and clarify aspects of definitions, applicability and limitations, documents and records, net cost reports, applications, prohibited activities, appeals, requirements for collectors and recyclers, claims, cancellation, and manufacturer payments.

Information on the November 21, 2017 Monthly Public Meeting can be found at:

Annual Net Cost Report Requirements

CalRecycle has posted a Public Notice detailing the requirement that approved collectors and recyclers in California's CEW recovery and recycling program calculate and submit Net Cost Reports for operations conducted in 2017. The notice can be found here:

<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=2247&aiid=2054>

Net Cost Reports, required pursuant to Title 14 of the California Code of Regulations (CCR), section 18660.10, are intended to describe the costs and revenues associated with the handling of CEW within the scope of the CEW program. Early in the New Year, approved collectors and recyclers will receive an invitation from CalRecycle to submit their reports online. Reports will be due on or before March 1, 2018.

Historically, approximately 98 percent of CEW cancelled and claimed through the CEW payment has been cathode ray tube (CRT) devices. Times have changed. This past year nearly ten percent by weight of CEW cancelled and claimed were non-CRT devices. It is recognized that a growing proportion of non-CRT devices will enter the electronic waste stream in the coming years and collide with dynamic material markets and regulatory considerations.

CalRecycle is seeking supplemental cost and revenue information relating to the management of non-CRT CEW under the provision that "...an approved collector or an approved recycler may submit test results, studies or other information for CalRecycle to consider when the Standard Statewide Recovery Payment Rate and/or the Standard Statewide Combined Recovery and Recycling Payment Rate is reviewed and, if necessary, adjusted..." (Please see 14 CCR 18660.10(h)...))

More information about the Net Cost Report can be found at:

<http://www.calrecycle.ca.gov/Electronics/Recovery/NetCost/default.htm>

Other Resources

Covered Electronic Waste (CEW) Recycling Program Information:

<http://www.calrecycle.ca.gov/Electronics/Act2003/>

CEW Recycling Payment System Regulations:

<http://www.calrecycle.ca.gov/Laws/Regulations/Title14/Chap08pt2/default.htm>

DTSC Universal Waste Electronics Handler and Recycler Information:

<http://www.dtsc.ca.gov/HazardousWaste/EWaste/>

California Statutes and Bills, including Public Resources Code (PRC) and Health and Safety Code (HSC):

<http://leginfo.legislature.ca.gov/>

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Please note that e-mail correspondence with the Department of Resources Recycling and Recovery (CalRecycle) related to e-waste management in general, and implementation of the Electronic Waste Recycling Act in particular, should be directed to ewaste@calrecycle.ca.gov

Also note that an archive of past distributions of this newsletter is available at:

2004 to Present:

<http://www.calrecycle.ca.gov/listservs/archive/?ListID=10>

Pre-2004:

<http://www.calrecycle.ca.gov/Electronics/Act2003/Stakeholder/Updates/>

Thank you for your interest in shaping California's e-waste management future.

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To subscribe to or unsubscribe from the E-Waste listserv or other listservs, please go to

<http://www.calrecycle.ca.gov/Listservs/>. For information on California's Electronic Waste Recycling Act of 2003 (SB 20) implementation efforts, as well as other relevant developments go to <http://www.calrecycle.ca.gov/Electronics/>.



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

UNIFIED PROGRAM NEWSLETTER - OCTOBER 2017

IN THIS ISSUE:

CalEPA- California Environmental Protection Agency

**U.S. EPA Adopts 24 New Hazard Categories for Chemical Inventory Reporting
Effective March 1, 2018**

**Tips and Tricks: Regulators Can Create an Inventory Report for a Specified Chemical Using
the CAS#.**

**CAL FIRE- Office of the State Fire Marshal
California Fire Code**

**State Water Board- State Water Resources Control Board
Red Tag and Fill Pipe Bag Requirements**

**DTSC- Department of Toxic Substances Control
Hazardous Waste Penalties Increased To \$70,000 Per Day
New and Improved EnviroStor Public Website**

CalEPA- California Environmental Protection Agency

U.S. EPA Adopts 24 New Hazard Categories for Chemical Inventory Reporting Effective March 1, 2018

In June, 2016, the United States Environmental Protection Agency (U.S. EPA) amended its hazardous chemical reporting regulations (40 CFR part 370) of the Emergency Planning and Community Right-to-Know Act (EPCRA) as a result of the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (HCS). OSHA's HCS (29 CFR 1910.1200) was revised to conform to the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS). The revised HCS requires chemical manufacturers and importers to:

- evaluate their chemicals according to the new criteria adopted from GHS to ensure chemicals are classified and labeled appropriately, and
- develop standardized Safety Data Sheets and distribute them to users of their chemicals.

Following EPCRA, to incorporate the adoption of the OSHA HCS in 40 CFR part 370, the U.S. EPA is:

- replacing the use of "Material Safety Data Sheets (MSDS)" with "Safety Data Sheets (SDS)" as both terms have the same meaning;
- revising the definition of "hazardous chemical" to any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified (HNOC); and

- replacing the existing five federal hazard categories for list reporting (Section 311) and annual inventory reporting (Section 312) with 24 new physical and health hazard categories established by GHS as follows:

Existing Federal Hazard Categories (40 CFR part 370.66)		NEW Federal Hazard Categories: to be used for submitting annual Tier II emergency and hazardous chemical inventories starting March 1, 2018	
<i>PHYSICAL</i>	<i>HEALTH HAZARD</i>	<i>PHYSICAL</i>	<i>HEALTH HAZARD</i>
Fire	Acute (Immediate)	Flammable (gases, aerosols, liquids, or solids)	Carcinogenicity
Reactive	Chronic (Delayed)	Gas under pressure (compressed gas)	Acute toxicity (any route of exposure)
Sudden release of pressure		Explosive	Reproductive toxicity
		Self-heating	Skin corrosion or irritation
		Pyrophoric (liquid or solid)	Respiratory or skin sensitization
		Oxidizer (liquid, solid or gas)	Serious eye damage or eye irritation
		Organic peroxide	Specific target organ toxicity (single or repeated exposure)
		Self-reactive	Aspiration Hazard
		Pyrophoric gas	Germ cell mutagenicity
		Corrosive to metal	Simple asphyxiant
		In contact with water emits flammable gas	Hazard Not Otherwise Classified (HNOC)
		Combustible dust	
		Hazard Not Otherwise Classified (HNOC)	

In order to incorporate the 24 new hazard categories into the California Environmental Reporting System (CERS) Data Dictionary, CalEPA has submitted a rulemaking package to the office of administrative law to revise CCR Title 27. This rulemaking will have no regulatory effect.

As required by the U.S. EPA, by January 1, 2018, CalEPA will complete an update to CERS to accommodate electronic reporting of Tier II information utilizing the new hazard categories, including the "Hazardous Material Inventory Upload" (MS Excel template).

California regulated businesses must use the new hazard categories to complete annual hazardous materials inventory reporting effective 2018 (per Section 312, by March 1st). Though the five previous hazard categories (fire, reactive, pressure release, acute and chronic health) will remain in the CERS Data Dictionary for historical reporting purposes, they will not be available for selection when completing and submitting Tier II reporting on or after January 1, 2018.

Regulated businesses having no changes to the Hazardous Material Inventory of the previous year for their facilities and regulated businesses utilizing the "Hazardous Material Inventory Upload" (MS Excel template) for their facilities will need to create and submit a revised CERS submittal in 2018 to apply the new hazard categories to the chemical inventory for each facility.

CalEPA will also revise the CERS Chemical Library to include the new hazard categories for the most frequently reported hazardous materials. However, for any chemical, if hazard category information is

not available from the CERS Chemical Library, it can be obtained from the current MSDS (or SDS) for that chemical.

US EPA reported in the Federal Register that adopting the new HCS hazard categories in place of the existing five federal hazard categories is supported by regulated businesses and the regulatory community as it is far less burdensome to replicate and compare chemical hazard information from the corresponding MSDS (or SDS) with the information provided on a list of hazardous chemicals and inventories.

In utilizing the standardized categories of hazardous chemicals set forth by the OSHA HCS and GHS, CalEPA and U.S. EPA will further provide greater clarification and consistency and promote facilitation of emergency planning and response among the community regarding the presence of hazardous chemicals and the related physical effects of human and environmental health.

For more information please contact John Paine, Unified Program Manager, at (916) 327-5092 or John.Paine@calepa.ca.gov.

Tips and Tricks

CERS Tips and Tricks includes helpful explanations and resolutions regarding current issues recently received by the CERS Technical Support Team. If you have questions or concerns please email the CERS Technical Support Team at cers@calepa.ca.gov.

Regulators can create an inventory report for a specified chemical using the CAS#.
Here's how:

A. Select the "Reports" tab.

California Environmental Reporting System Regulator

Construction Activities Account Sign Out Help Search Help

CERS Regulator Home Submittals Facilities Businesses **Regulators** Compliance Responders Reports

Regulator Home
Home

Instructions/Help

Welcome to the CERS Regulator Portal. Review the Dashboard and Action Required Panels below for submittals and requests requiring attention by your agency. Select the links across the top of the page to access other CERS data. New users may wish to review the [Help](#) and [Getting Started](#) pages.

I would like to...

- [Access/Manage Agency's Submittals](#)
- [View All Agency Records](#)
- [Search/Generate Reports/Statistics](#)
- [Agency Submittals and Submissions](#)

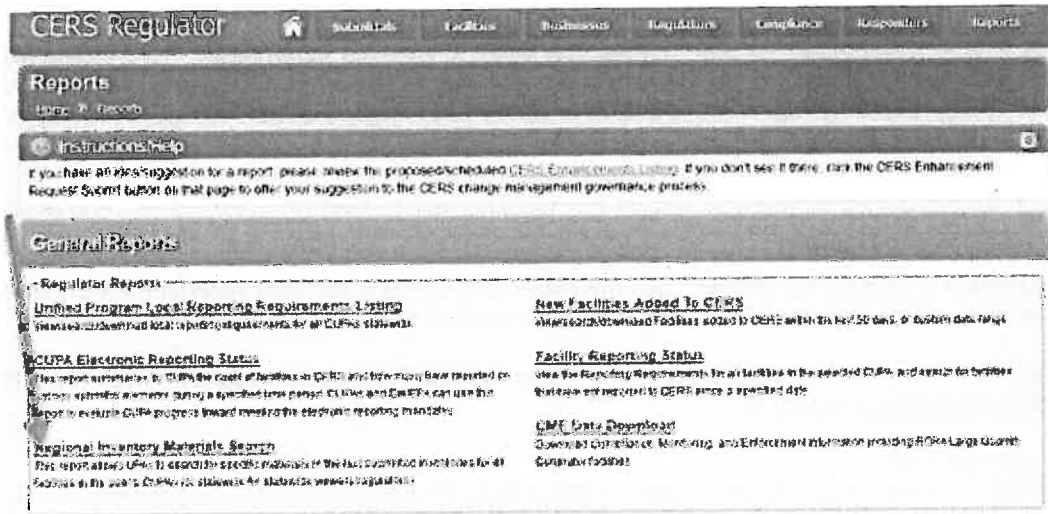
Other Tools:

- [All CERS Regulator Reports](#)
- [Regulator Agency Reports](#)
- [CERS Enforcement Issues](#)

Dashboard View Statistics Search Submittals

Agency	Total	New (4-7 days)	Overdue (21 days)
Unreviewed Submittal Elements Awaiting Review ("Submitted")	71,856	1,735	55,663
Submitted Elements with status "Under Review"	17,297	592	14,851

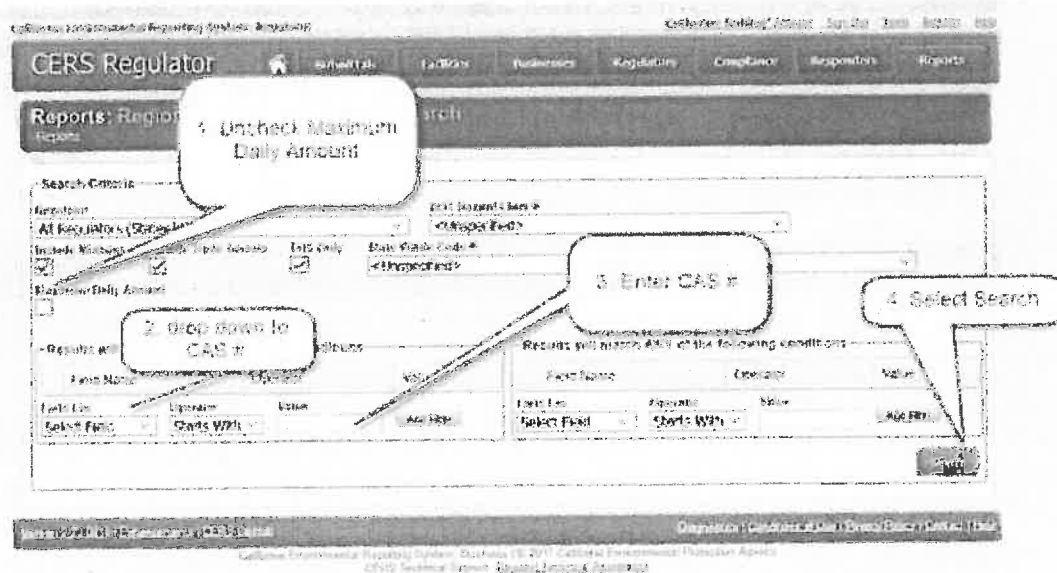
B. Select “Regional Inventory Materials Search.”



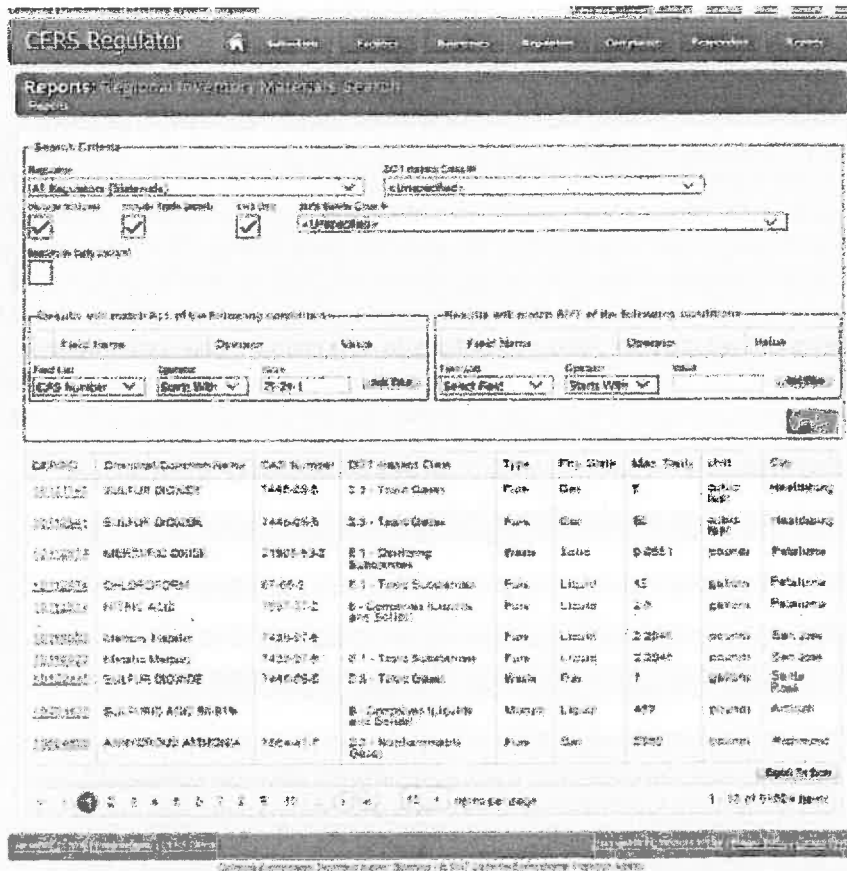
C. In order to do an inventory materials search, search by the Chemical Abstracts Service Registry Number (CAS#), not the chemical name. A CAS# is a unique identifier assigned to each chemical substance. For example, though acetone and dimethyl ketone are actually the same substance, each is identified by a different CAS#.

To search by CAS#:

1. Uncheck "Maximum Daily Amount"
2. From the "Field List" drop down menu, select "CAS#"
3. In the "Value" field, enter the actual CAS# of the chemical you are searching for
4. Select "Search"



D. Export search results to MS Excel to sort returned values.



CAL FIRE- Office of the State Fire Marshal

California Fire Code

Building standards code proposals were reviewed and adopted by the California Building Standards Commission at their meeting on August 14 – 15, 2017. Proposals that will be incorporated in the 2016 California Building Standards Code (Cal. Code Regs., Title 24, Part 9), as an Intervening Code Supplement, include fire code requirements for (or amendments to) the following:

- a. Tanks in Underground Areas – secondary containment and leak detection requirements per Senate Bill 612 (Jackson, Stats. 2015, Ch. 452)
- b. On-Demand Mobile Fueling Operations
- c. Energy Storage Systems – such as storage of batteries/battery systems
- d. Plant Processing and Extraction – cannabis
- e. Carbon Dioxide Enrichment Systems & Compressed Gases Not Otherwise Regulated

All approved standards are scheduled for publication on or before January 1, 2018, and have an effective date of July 1, 2018.

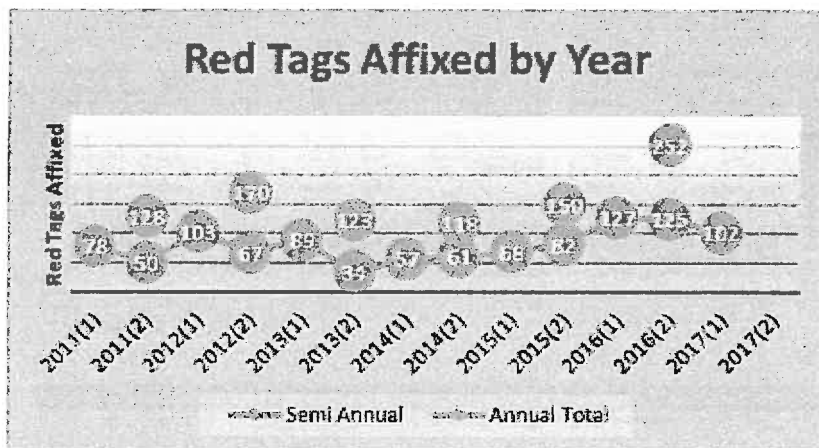
The final express terms may be viewed online at the [California Building Standards Commission's website](http://www.bsc.ca.gov/rulemaking/adoptcycle/2016interveningcodeadoptioncycle/approvedstandards) (<http://www.bsc.ca.gov/rulemaking/adoptcycle/2016interveningcodeadoptioncycle/approvedstandards>)

august2017.aspx). Refer to the approved amendments to the 2016 California Fire Code (Cal. Code Regs., Title 24, Part 9) under the Office of the State Fire Marshal section.

State Water Board- State Water Resources Control Board

Red Tag and Fill Pipe Bag Requirements

The State Water Resources Control Board (State Water Board) has observed a general increase in the use of red tags over the past several years. The red tag is a very powerful enforcement tool available to Unified Program Agencies (UPAs), however the State Water Board has observed the red tags are not consistently affixed in accordance with California Code of Regulations, title 23, division 20, chapter 16, section 2717.1. The red tag must always be affixed to the fill pipe and visible to anyone attempting to deliver product. The fill pipe bag by regulation, while recommended, is optional. The State Water Board recommends installing both the fill pipe bag and red tag because of the visual impact and the physical covering of the fill pipe, however the red tag must be attached at a minimum.



For questions regarding the red tag and fill pipe bag requirements or requests for red tag supplies, please contact Mr. Tom Henderson at (916) 319-9128 or tom.henderson@waterboards.ca.gov.

DTSC- Department of Toxic Substances Control

Hazardous Waste Penalties Increased To \$70,000 Per Day

On October 5, 2017, Governor Brown signed Assembly Bill 245 (AB245) which increases the hazardous waste administrative and civil penalties from \$25,000 to \$70,000 per day. This change affects Health and Safety Code Sections 25188, 25189, and 25189.2 and California Code of Regulations, Title 22, sections 66272.60 – 66272.69. DTSC is in the process of determining how to incorporate the new amount into applicable regulations. The text of AB245 can be found at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB245.

New and Improved EnviroStor Public Website

On September 29, 2017, DTSC launched new features to the EnviroStor public website. The new website includes features, such as:

- **Improved search tools and reports** – The search tools have been simplified, and reports have been updated and added to make it easier for public users to locate the site or facility they are interested in.
- **New map features** – New map features allow public users to further refine their search visually and share their map with others.
- **CalEnviroScreen 3.0 data** – CalEnviroScreen uses environmental, health, and socioeconomic information to produce scores for every census tract in the state. The CalEnviroScreen 3.0 data has been added so that public users can view the CalEnviroScreen data along with DTSC's site and facility information.

For an introduction to the new website, please take a tour:

<https://www.envirostor.dtsc.ca.gov/public/default?tour=True>

You may visit the new website at www.envirostor.dtsc.ca.gov.



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

UNIFIED PROGRAM NEWSLETTER - NOVEMBER 2017

IN THIS ISSUE:

CalEPA- California Environmental Protection Agency

**Notice of Proposed Regulatory Action: Title 27 Unified Program Regulations
U.S. EPA Adopts 24 New Hazard Categories for Chemical Inventory Reporting
Effective March 1, 2018
Tips and Tricks: CERS Business User Permission Groups**

CAL FIRE- Office of the State Fire Marshal

**Aboveground Petroleum Storage Act (APSA) Advisory Committee
California Fire Code
Tanks in Underground Areas**

State Water Board- State Water Resources Control Board

**Notice of Proposed Regulatory Action: Underground Storage Tank (UST) Regulations
State Water Board Obtains Administrative Enforcement Authority
CERS Data-Mining Training Update
Renewable Gasoline Treated as Conventional Gasoline**

CalEPA- California Environmental Protection Agency

Notice of Proposed Regulatory Action: Title 27 Unified Program Regulations

The California Environmental Protection Agency (CalEPA) has begun the formal regulatory rulemaking procedure with the Office of Administrative Law to adopt the proposed revisions to existing Title 27 Unified Program regulations. A 45-day public comment period has been established beginning November 3, 2017 and ending December 18, 2017. Please see the rulemaking notice published in the California Regulatory Notice Register, page 1676 (<http://www.oal.ca.gov/wp-content/uploads/sites/28/2017/11/44z-2017.pdf>) for additional information. The proposed revisions to the Title 27 text and the Initial Statement of Reasons are available for review at: <https://calepa.ca.gov/cupa/lawsregs>.

For questions, please email: cupa@calepa.ca.gov.

U.S. EPA Adopts 24 New Hazard Categories for Chemical Inventory Reporting Effective March 1, 2018

In June, 2016, the United States Environmental Protection Agency (U.S. EPA) amended its hazardous chemical reporting regulations (40 CFR part 370) implementing the Emergency Planning and Community Right-to-Know Act (EPCRA), as a result of changes to the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (HCS). OSHA's HCS (29 CFR 1910.1200) was revised to conform to the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS). The revised HCS requires chemical manufacturers and importers to:

- evaluate their chemicals according to the new criteria adopted from GHS to ensure chemicals are classified and labeled appropriately, and
- develop standardized Safety Data Sheets and distribute them to users of their chemicals.

Following EPCRA, to incorporate the adoption of the OSHA HCS in 40 CFR part 370, the U.S. EPA is:

- replacing the use of “Material Safety Data Sheets (MSDS)” with “Safety Data Sheets (SDS)” as both terms have the same meaning;
- revising the definition of “hazardous chemical” to any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified (HNOC); and
- replacing the existing five federal hazard categories for list reporting (Section 311) and annual inventory reporting (Section 312) with 24 new physical and health hazard categories established by GHS as follows:

Existing Federal Hazard Categories (40 CFR part 370.66)		NEW Federal Hazard Categories: to be used for submitting annual Tier II emergency and hazardous chemical inventories starting March 1, 2018	
<i>PHYSICAL</i>	<i>HEALTH HAZARD</i>	<i>PHYSICAL</i>	<i>HEALTH HAZARD</i>
Fire	Acute (Immediate)	Flammable (gases, aerosols, liquids, or solids)	Carcinogenicity
Reactive	Chronic (Delayed)	Gas under pressure (compressed gas)	Acute toxicity (any route of exposure)
Sudden release of pressure		Explosive	Reproductive toxicity
		Self-heating	Skin corrosion or irritation
		Pyrophoric (liquid or solid)	Respiratory or skin sensitization
		Oxidizer (liquid, solid or gas)	Serious eye damage or eye irritation
		Organic peroxide	Specific target organ toxicity (single or repeated exposure)
		Self-reactive	Aspiration Hazard
		Pyrophoric gas	Germ cell mutagenicity
		Corrosive to metal	Simple asphyxiant
		In contact with water emits flammable gas	Hazard Not Otherwise Classified (HNOC)
		Combustible dust	
		Hazard Not Otherwise Classified (HNOC)	

In order to incorporate the 24 new hazard categories into the California Environmental Reporting System (CERS) Data Dictionary, CalEPA has submitted a rulemaking package to the office of administrative law to revise CCR Title 27. This rulemaking will have no regulatory effect.

As required by the U.S. EPA, by January 1, 2018, CalEPA will complete an update to CERS to accommodate electronic reporting of Tier II information utilizing the new hazard categories, including the “Hazardous Material Inventory Upload” (MS Excel template).

California regulated businesses must use the new hazard categories to complete annual hazardous materials inventory reporting effective 2018 (per Section 3120) by March 1st. Though the five previous hazard categories (fire, reactive, pressure release, acute and chronic health) will remain in

the CERS Data Dictionary for historical reporting purposes, they will not be available for selection when completing and submitting Tier II reporting on or after January 1, 2018.

Regulated businesses having no changes to the Hazardous Material Inventory of the previous year for their facilities and regulated businesses utilizing the “Hazardous Material Inventory Upload” (MS Excel template) for their facilities will need to create and submit a revised CERS submittal in 2018 to apply the new hazard categories to the chemical inventory for each facility.

CalEPA will also revise the CERS Chemical Library to include the new hazard categories for the most frequently reported hazardous materials. However, for any chemical, if hazard category information is not available from the CERS Chemical Library, it can be obtained from the current MSDS or SDS for that chemical.

US EPA reported in the Federal Register that adopting the new HCS hazard categories in place of the existing five federal hazard categories is supported by regulated businesses and the regulatory community as it is far less burdensome to replicate and compare chemical hazard information from the corresponding MSDS or SDS with the information provided on a list of hazardous chemicals and inventories.

In utilizing the standardized categories of hazardous chemicals set forth by the OSHA HCS and GHS, CalEPA and U.S. EPA will further provide greater clarification and consistency and promote facilitation of emergency planning and response among the community regarding the presence of hazardous chemicals and the related physical effects of human and environmental health.

For more information please contact John Paine, Unified Program Manager, at (916) 327-5092 or John.Paine@calepa.ca.gov.

Tips and Tricks

CERS Tips and Tricks includes helpful explanations and resolutions regarding current issues recently received by the CERS Technical Support Team. If you have questions or concerns, please email the CERS Technical Support Team at cers@calepa.ca.gov.

CERS Business User Permission Groups

User permissions are assigned at the business organization level. This means if Facility X and Facility Y are part of the same business organization, then user permissions for each facility are applied the same for every facility in that business organization. If there are multiple Lead Users in the business organization, each Lead User has the same authority as every other Lead User within the business organization.

Additional users can be added to the business organization by Lead Users either directly by using the People/Users link in the Business Portal, or by responding to an email that is automatically generated by a person first requesting access to the facility in CERS.

The permission groups for Business Users and the functions associated with each are as follows:

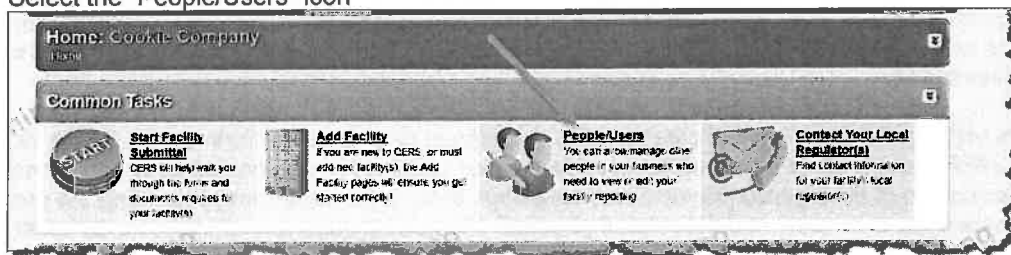
- **Lead Users** manage business organization access requests and user accounts for all facilities included in the business organization. If a business has a designated Lead User, all access requests for that business will be routed to the Lead User for that business rather than to the Certified Unified Program Agency (CUPA). Lead Users are also responsible for assigning new users to the proper permission group and removing permissions from users that should no longer have access. Best business practice is to assign at least two Lead Users, usually the business owner and one additional user. The Lead User permission includes all permissions for Approvers, Editors, and Viewers.

- **Approvers** can view, edit, and submit facility reports to the business regulator(s). A business owner may want to maintain this permission level as it carries legal ramifications.
- **Editors** can add and edit facility reports, but cannot submit reports to the business regulator(s). This permission might be given to a consultant.
- **Viewers** only have access to view facility reports (read-only).

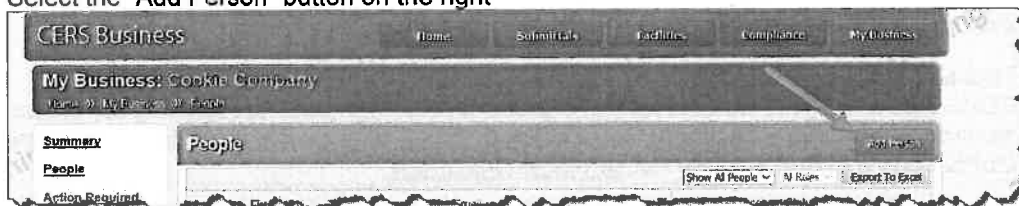
Please note: It is ONLY necessary to select one permission per user ID.

How a Business Lead User can create new users and assign permissions:

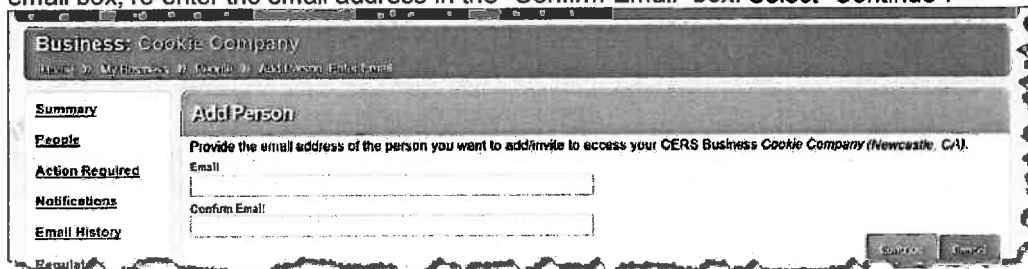
1. Log into the business CERS account (<http://cers.calepa.ca.gov/>)
2. Select the "People/Users" icon



3. Select the "Add Person" button on the right



4. Enter the email address of the person being added that will have access to the business email box; re-enter the email address in the "Confirm Email" box. Select "Continue".



5. A message will appear asking if the new user (i.e., the email address) is already known to CERS.
 - a. If yes, select "Continue".
 - b. If no, enter the first and last name of the person, and include additional information (phone and title). Select "Continue".
6. Select the "Initiate Invite" button. CERS will automatically send an email to the new user containing a link to the "CERS registration page". The registration process must be completed before the person can log in and gain access to the business facility record(s) in CERS.

7. Choose the permissions (one permission per user ID) for the new user ID by selecting the box in front of the desired permission group.

Setup New Account

You must select a Permission Group when inviting a user.
Verify the information is correct select "Save & Send Invite", otherwise select "Cancel Invitation".

Verify Person's Information

First Name	Last Name	Email
Kareem	Taylor	ktaylor@calepa.ca.gov

What permissions would you like to assign to this person?

Permission Group	Description
<input type="checkbox"/> Approvers	Can add, view, edit, and submit facility reports to their facility's regulator(s).
<input type="checkbox"/> Editors	Can add/edit facility submittals/reports, but cannot submit reports to their facility's regulator(s)
<input type="checkbox"/> Lead Users	Can view/add/edit/submit facility reports to regulators, as well as add, remove, and otherwise manage their business' user accounts, facilities, and other data about their CERS business/organization.
<input type="checkbox"/> Viewers	Can view facility submittals/reports (read-only)

Save & Send Invitation Cancel Invitation

7. Select "Save and Send Invitation".

CAL FIRE- Office of the State Fire Marshal

Aboveground Petroleum Storage Act (APSA) Advisory Committee

The next APSA Advisory Committee meeting is on December 14, 2017. For more information, visit the OSFM APSA Advisory Committee website:

http://osfm.fire.ca.gov/advisorycommittees/advisorycommittees_apsa.

California Fire Code

Building standards code proposals were reviewed and adopted by the California Building Standards Commission at their meeting on August 14 – 15, 2017. Proposals that will be incorporated in the 2016 California Building Standards Code (California Code of Regulations, Title 24, Part 9), as an Intervening Code Supplement, include fire code requirements for (or amendments to) the following:

- a. Tanks in Underground Areas – secondary containment and leak detection requirements per Senate Bill 612 (Jackson, Stats. 2015, Ch. 452)
- b. On-Demand Mobile Fueling Operations
- c. Energy Storage Systems – such as storage of batteries/battery systems
- d. Plant Processing and Extraction – cannabis
- e. Carbon Dioxide Enrichment Systems & Compressed Gases Not Otherwise Regulated

All approved standards are scheduled for publication on or before January 1, 2018, and have an effective date of July 1, 2018.

The final express terms may be viewed online at the California Building Standards Commission's website: <http://www.bsc.ca.gov/Rulemaking/adoptcycle/2016InterveningCodeAdoptionCycle/ApprovedStandardsAugust2017.aspx>. Refer to the approved amendments to the 2016 California Fire Code (California Code of Regulations, Title 24, Part 9) under the Office of the State Fire Marshal section.

Tanks in Underground Areas

With the approval of the building standards code proposals in August by the CBSC, piping requirements for tanks in underground areas become effective July 1, 2018. The full definition of a tank in an underground area, as amended by Senate Bill 612 (Jackson, Stats. 2015, Ch. 452), also becomes effective July 1, 2018.

State Water Board- State Water Resources Control Board

Notice of Proposed Regulatory Action: Underground Storage Tank (UST) Regulations

The State Water Resources Control Board (State Water Board) proposes to amend California Code of Regulations, title 23, division 3, chapter 16 (commencing with section 2610) (California UST Regulations) to make the California UST Regulations at least as stringent as part 280 of 40 Code of Federal Regulations (Federal UST Regulations). These proposed amendments are administrative and technical in nature and impose new design and construction, monitoring, notification, testing, inspecting, recordkeeping, training, and reporting requirements. The proposed amendments also include more stringent requirements necessary to implement chapter 6.7 of division 20 of the Health and Safety Code, and modifies certain requirements under existing California UST Regulations to be consistent with the Federal UST Regulations.

The 45 day public comment period for the proposed regulatory action begins on Friday, November 17, 2017 and closes on January 2, 2018 at 12:00 p.m. Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the State Water Board.

The Notice of Proposed Regulatory Action to amend California Code of Regulations, title 23, division 3, chapter 16 is available at: <https://oal.ca.gov/wp-content/uploads/sites/28/2017/11/46z-2017.pdf>

The proposed rulemaking package is available at:
http://www.waterboards.ca.gov/public_notices/comments/index.shtml

Additional information and resources related to the proposed emergency regulation are provided on the State Water Board's Underground Storage Tank Leak Prevention webpage:
https://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/fed_rec_regs

To receive email updates from the State Water Board about this proposed regulatory action please subscribe to the "Program Requirements and Guidance" topic at:
http://www.waterboards.ca.gov/resources/email_subscriptions/ust_subscribe.shtml

State Water Board Obtains Administrative Enforcement Authority

On October 6, 2017, the Governor signed into law AB 355 (Chu) Water Pollution: enforcement. This new law authorizes the State Water Board to impose administrative civil penalties for violations of underground storage tank program requirements. The new authority will streamline underground storage tank program enforcement by allowing the State Water Board to administratively prosecute more cases in a shorter period, rather than referring such cases to the Attorney General. The State Water Board will carry out these enforcement efforts in consultation with local agencies.

For more details about this new law, including the amended and added statutory language, please visit the website for California Legislative Information at:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB355.

For questions regarding the State Water Board's UST enforcement program, please contact the UST Enforcement Unit Supervisor, Amantha Henkel at (916) 341-5551 or amantha.henkel@waterboards.ca.gov.

CERS Data-Mining Training Update

State Water Board offers training to Unified Program Agencies (UPAs) to analyze their CERS data using the available Microsoft Excel reports that can be downloaded from CERS. Beginning early in 2016, trainings were piloted as part of oversight inspections. Today, an agency can obtain training via a webinar, at their facility, or with a group of UPAs. As of October 1, 2017, twenty-nine different UPAs and 107 individuals have received CERS data-mining training. The feedback has been positive and State Water Board has seen an improvement in the UST tank monitoring and construction data in CERS as a direct result of training. At the upcoming CUPA conference, Ms. Lisa Jensen will offer a session dedicated to CERS data-mining.

For more information about obtaining CERS data-mining training, please contact Ms. Lisa Jensen at (916) 319-0742 or lisa.jensen@waterboards.ca.gov.

Renewable Gasoline Treated as Conventional Gasoline

On October 24, 2017, the State Water Resources Control Board (State Water Board), in conjunction with the California Air Resources Board, issued a joint statement intended to clarify questions that have been raised regarding gasoline made from renewable blendstocks, also known as renewable gasoline. Despite renewable gasoline meeting the requirements for conventional gasoline, there have been questions regarding the ability of marketers and others to store renewable gasoline in underground storage tanks (USTs). Any finished renewable gasoline that meets California reformulated gasoline regulations and ASTM D4814 is considered conventional gasoline fuel that can be used with existing UST infrastructure and motor vehicle engines. The joint statement can be found at: https://www.waterboards.ca.gov/ust/tech_notices.shtml.

For additional clarification, please contact Mr. Cory Hootman at (916) 341-5668 or cory.hootman@waterboards.ca.gov.

Agenda Item IX

ARTICLES OF INTEREST

Composting Operations Safety Tips

RESOURCES ADDED TO NEW "FIVE TO STAY ALIVE" LANDING PAGE

SWANA is pleased to release a new installment of its "Five to Stay Alive" series that features safety tips for composting operations employees.

Like many aspects of solid waste management, composting operations involve physical labor, the use of heavy machinery, and a dynamic work environment. These factors offer the potential for serious injury or fatality if proper safety precautions are not followed.

The new composting safety tips developed for the "Five to Stay Alive" campaign provide flyers and posters that address some of the most common dangers found in this work environment. These resources are now available on a new landing page developed to accommodate this rapidly growing safety campaign.

"The release of these safety tips comes at an important time, as a growing number of state and local governments pursue food waste diversion programs, and yard waste diversion remains popular," says David Biderman, SWANA's Executive Director & CEO. "Composting is a leading disposal alternative for these materials, and it is essential for employers to provide useful safety training and information that ensure employees work safely."

With solid waste and recycling collection as the fifth most deadly job in the United States, and many serious injuries and accidents occurring in the processing and disposal of waste and recyclables, the need for practical safety information made available directly to workers is more important than ever.

Scott Gamble, Organic Waste & Composting Specialist at CH2M, worked with SWANA to help develop the new "Five to Stay Alive" installment. "In this industry, we focus a lot on training our compost operators and supervisors on the science of composting, process control and odor management, but safety is just as important, and is critical to running a sustainable

facility," says Gamble.

Frank Franciosi, Executive Director at the US Composting Council, echoed these sentiments, "We must all think about safety first, no matter the task. Work smarter and don't gamble with safety; your family and loved ones are counting on you."

SWANA is proud to offer all of the "Five to Stay Alive" safety resources in both English and Spanish. The Young Professional's group for the SWANA Caribbean and Puerto Rico Chapter has been doing the translation work and we thank them for their continued efforts. To download the "Five to Stay Alive" tips for composting operations and learn more about SWANA's award-winning safety program, please visit swana.org/safety.

BECAUSE SAFETY MATTERS.
www.swana.org/safety

Five to Stay Alive
Safety Tips for Composting Operations

- 1. Wear appropriate PPE and respiratory protection**
 Do not begin a task without having the proper training and Personal Protective Equipment (PPE). There are a number of respiratory protection options; make sure you are using the option best suited to your task. If you're unsure, ask your supervisor.
- 2. Maintain situational awareness**
 Be vigilant of mobile equipment and changing site conditions. Always give heavy equipment the right of way. Make eye contact and obtain permission from operators before approaching equipment.
- 3. Stay out of the danger zones in front of and behind windrow turners**
 The flails and augers on windrow turners spin at several hundred rpm, and routinely throw material forwards and backwards from the turner. Rocks, large pieces of wood and other heavy objects in the windrows can be turned into projectiles that travel dozens of feet.
- 4. Good housekeeping prevents accidents and nuisance conditions**
 Slips, trips or falls can result from poorly maintained operations. Watch out for spilled debris, loose material and slippery spots.
- 5. Follow lock out/tag out always!**
 No matter how quick or seemingly simple the task, always follow LOTO procedures.

SWANA wants you to go home to your family every day, safely. So, of course, never use a cell phone or text while operating machinery or moving around composting operations.

Following these rules will help keep you safe!

For more #SWANAsafety info and resources: SWANA.org/safety



CONTAMINATION LEVELS CREEPING UP IN YOUR RECYCLING STREAM?

INCREASE QUALITY

6 STEPS TO FIGHT CONTAMINATION

1. BEFORE YOU DO ANYTHING, A MRF MEETING IS A MUST.

You may think you know the biggest contaminate, but chances are your MRF might have a different list of bad actors. Set up a meeting and hit on these three topics:

- First, use **this survey** to easily guide your discussion and narrow out the five main materials causing problems.
- This is also a good time to check in and **make sure they're accepting the same things your outreach materials call for.**
- Finally, ask them to **assess your contamination rate as specifically as possible, now and regularly in the future.** Details matter! Set a baseline contamination

rate so you can measure against it later. Remember you want to be able to track progress!

2. NAME YOUR TOP ISSUE.

Fighting contamination can feel like a big job, but not if you break it into simple steps per material.

- **You now know the 5 biggest problems.** Focus on only those using the communication tools, such as the oops tags, [download here](#).
- **But be ready to dig on the baddest of the bad actors.** Based on the MRF's feedback, pinpoint and target the single misplaced material that is causing the most problems. In the months to come, can you identify the source of this material? Is there a specific neighborhood or business that may be the problem?

3. RALLY THE TROOPS.

Here's the golden nugget: consumer education alone will not solve your contamination problem. To see real change, you must engage operations after you have clearly communicated that yes/no list you developed during Step 2. Remember: boots on the ground are key to fighting contamination.

Curbside programs, do this:

- **First, you'll need staff to tip cart lids or peer in bins and tag for the top five materials causing problems for your MRF.** Look to existing staff first, and work with your hauler. Figure 3-4 hours for a standard 1,000 household curbside route.
- Be prepared to use "oops tags" or reject carts. Here are some simple operating procedures to help guide your team, easy to-follow-steps that successful programs are taking across the country. Here's a [link](#) to the artwork for that oops tag.

- Yes, we know it's different to slow down, look in, and assess. But the cost today can result in savings to come.

Drop-off programs, do this:

- First, you'll need to find some troops. **Look to existing on-site staff first, then to volunteers, and finally to temps.** The ideal candidates will be helpful, friendly, likable and chatty. Teach them the basics of your program – what is and is not accepted, where it goes, what it is recycling into. Above all, give them a simple talking point about your top issue material, and have them share that message with everyone who visits the site.
- For example, "Hi. I see you have some clothing you're trying to recycle. We don't accept that here because it causes problems and safety issues in the recycling process, but you can donate it down the street. Thanks for recycling!"
- **Why do you need humans instead of just posters?** You're trying to change behavior. Without that personal touch, your citizens are unlikely to recognize that they change you're asking for applies to them. Case study in point: **Lowell, MA.**

4. MAKE A COMMUNICATION PLAN.

Finally – the fun part you've been waiting for. Communicating with the public, eye candy included. Once you have your operations in order during Step 3 above, now it's time to reinforce the message.

Curbside programs, do this:

- **Annual info card mailer.** Print this on heavy cardstock and send it to every household you service to give them an easy reference guide to your basic YES and NO lists. (Extra credit: order it as a magnet so it's always front and center in the kitchen – the place most household recycling happens.)
- **Curbside Feedback.** Direct feedback to residents is extremely powerful. Update these Oops Tags with the top materials that are causing your MRF problems, and print enough for every household you service. (Extra credit:

order Thank You Tags as well, to provide positive feedback for those doing it right.) See #3 below for how to use these tags.

- **Top issue mailer.** In step 2 you named your top issue. One month after the Annual info card mailer goes out, send this postcard to every household on your route to double-down on this key message.
- **Top issue signage.** Post some signage in the community to reinforce the message from the top issue mailer. A-frames, billboards, bus ads, posters at local stores, and social media posts all work well.

CLICK HERE to download artwork.

And to further improve your program do this as well:

- **General promotions.** Build a culture of local recyclers by using 2 of these every year, posted for 2 to 3 months at a time.
- **Website.** Update your website with current materials, and make it as searchable as possible. If that's a stretch, upload an image of your basic YES and NO lists.

Drop-off programs, do this:

- **Assess and update signage.** Look at your sites with fresh eyes. Is your signage clear and concise, or overly detailed and too numerous? Help residents understand what to do by stating it simply.
- **Annual info card mailer.** Print this on heavy cardstock and send it to every household you service to give them an easy reference guide to your basic YES and NO lists. (Extra credit: order it as a magnet so it's always front and center in the kitchen – the place most household recycling happens.)
- **In-person feedback.** Direct feedback to residents is extremely powerful. Print a stack of these handouts – basically your info cards – to start the conversation, and get staff or volunteers to engage residents. Focus on your top issue. See #4 below for tips.
- **Top issue signage.** Post eye-catching temporary signage at your sites to reinforce the message about your top issue. A-frames work well for this.

CLICK HERE to download artwork.

And to further improve your program do this as well:

- **General promotions.** Build a culture of local recyclers by using 2 of these every year, posted for 2 to 3 months at a time.
- **Website.** Update your website with current materials, and make it as searchable as possible. If that's a stretch, upload an image of your basic YES and NO lists.

5. LAUNCH THE CAMPAIGN.

Once you've got your ducks in a row, it's time to go. Keep it up for at least three months, then repeat in smaller doses as needed. Send us photos of your good work, or tweet them us @RecycPartnership. We want to help you keep up the good work.

6. MEASURE, MEASURE, MEASURE.

You're almost there – but there's one more essential program. **Data.** Track progress with these basic metrics:

- **Contamination rate:** Work with your MRF to get this on a regular basis. Ideally they can also identify the most prevalent items.
- **Curbside tagging rate:** Record the number of Oops Tags you leave on each route from week to week. Compare progress on different routes by first dividing the number of tags by the number of recycling containers set out each week.
- **Curbside set out rate:** Track participation against your other efforts. Collect set-out rates – the number of households actually setting out recycling on a collection day divided by the total number of households on that route – every day on every route. Just arm drivers with clickers or tally counters and you've got it.
- **EXTRA CREDIT – Recovery rate study:** How much garbage is in your recycling? How much recycling is in your garbage? Grab 50 garbage and recycling containers at random, sort and weigh everything, and do the math. Or hire a

specialized firm to do it. Either way, this will be your best measure of quality, progress, and opportunities for improvement.

FEET ON THE STREET IN LOWELL, MA


Like many communities across America, the City of Lowell, Massachusetts, has been concerned with rising contamination rates in its recycling stream. Earlier this year the City launched a pilot program to address the problem

[LEARN MORE](#)

[DOWNLOADS](#)

Use these to reduce contamination.

Register for FREE campaign graphics

Name 

City / State

Organization

Email

INFO CARD

MAGNET

NO BAGS CARD

REGISTER NOW

Your email address is 100% safe from spam!

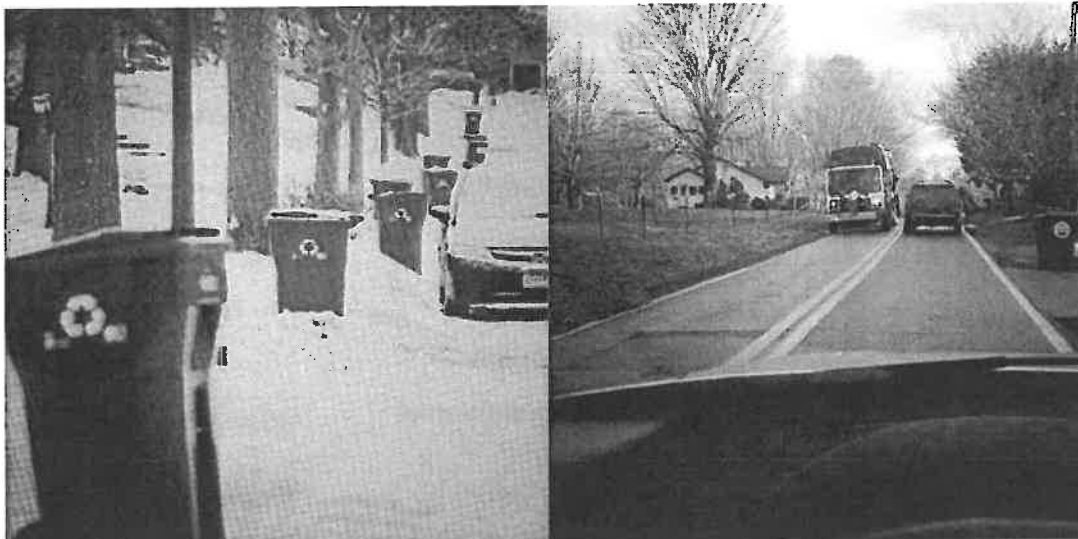
By clicking on the button, you agree to our [Terms of Use](#), [Privacy Policy](#)

OOPS TAG

CONGRATS TAG

HOW ARE YOU FIGHTING CONTAMINATION?

Let us know by posting on INSTAGRAM #MoreBetterRecycling



CONTACT US

INFO @ RECYCLINGPARTNERSHIP.ORG

THE RECYCLING PARTNERSHIP
125 ROWELL CT.
FALLS CHURCH, VA 22046 USA



DESIGNED BY ELEGANT THEMES | POWERED BY WORDPRESS

Left: Figure 1. Typical leachate riser tie-in installed following waste placement

tial point of leakage. The pre-installed tie-in can also be used for connection to a passive flare should the riser contain significant gas that needs to be mitigated prior to the GCCS installation.

Extraction Well Targets

Vertical extraction wells are an integral part of the GCCS at any landfill, but they are typically not installed until there are over 50 feet of waste in place, and they are normally offset from the bottom liner system at least 15 feet. Vertical wells provide for efficient gas collection deep within the waste mass, yet when liquid accumulates inside the well casing, this can make them ineffective and potential points of non-compliance in a regulated system. In wetter regions like the southeast United States, and at landfills where they have accepted liquids or recirculate leachate, water in the wells is a significant issue. These trapped liquids are typically removed from the well casing by pneumatic pumps and then pumped to the leachate collection system via a common or dedicated force main. There can be considerable cost associated with the purchase, operation, and continued maintenance of these pumps. The cost for pumps and routine maintenance can be thousands of dollars per gas extraction well. What if there was a way to limit or even eliminate these costs?

Extraction well targets are a possible solution to minimize the pumping of liquids from vertical gas extraction wells. The idea is that a well target is placed above the protective cover of the bottom liner system or even in the first lift of waste. The location of the target is chosen based on a gas system design performed before waste has been placed in the cell, during the design of the landfill bottom liner system. The landfill will have a fill sequencing plan for waste placement over time, and the gas system can be integrated into the sequence plan; thus, future vertical extraction well locations are known and designed before any waste is placed. The targets are then constructed in these locations from a material such as granite or other inert non-calcareous aggregates that are readily available at or near the landfill. The targets are sized to be roughly

10 feet by 10 feet and between 8–15 feet deep. Figure 2 shows the placement of these targets in early lift. The target should be surveyed in place and include, at minimum, measurements at all four corners and the center.

A vertical gas extraction well is installed directly over the target once the lifts of waste are of sufficient depth to warrant it. The bottom of the well is terminated when the target is reached and the known material is brought to the surface in the drilling spoils. The well casing is placed on top of the target at the bottom of the borehole and normal well construction continues, including aggregate material placed in the annular space to a specified depth below grade, sealed with a bentonite or other impermeable material, and then backfilled to the surface. This well casing can now drain directly to the leachate drainage layer at the bottom of the landfill and may not need to have a pump installed to remove liquids. This is a low-cost, easy to construct feature that potentially reduces the need for costly well pumps, while still maintaining a well with reduced liquid accumulation and efficient gas collection.

External Header Piping

During development of new landfill cells and overall site plans, the location of current and future infrastructure such as roads, stormwater swales, leachate force mains, and electrical lines are reviewed and considered before any construction occurs. What is usually not considered is where the landfill gas lines will be located and how they will interact with the other infrastructure onsite. Normally, all the other elements are in place and the landfill gas piping is placed in the waste along the perimeter slopes and very seldom exits the waste footprint.

Much like the blower/flare station location discussed earlier, a new methodology is to

include the location of the final gas design piping or at least allot the real estate outside the waste perimeter for landfill gas header piping during the initial planning of a landfill cell. There are several advantages in the long run if this consideration is taken. The pipes are not buried very deep, which is often the case when headers have to be placed on internal slopes. Instead, the slope of the pipe outside of waste can be minimal because the pipes will not settle and water in as they do in waste, which will lower the number of sumps required over the same distance. Although it is sometimes necessary to place the header in waste, considering the ultimate location before designing the landfill cells can lead to fewer headaches and greater cost savings.

Conclusion

What we hope to have presented here are some engineering ideas that allow landfill gas design engineers to get involved in the landfill design process early. When considerations are made for landfill gas extraction elements before landfill gas collection is required, and in some cases, before waste is placed, there can be significant benefits, not the least of which is more efficient construction of gas collection elements such as leachate riser tie-ins and exterior header piping. The gas system operator will benefit by having fewer pumps to operate and maintain and shallower headers that are more easily accessible. Like many engineering concepts, the idea of planning ahead can lead to long-term benefits for all the stakeholders at the landfill. **MSW**

Daniel R. Cooper, P.E., is vice president with SCS Engineers in Tampa, FL. Jason Timmons, P.E., is a solid waste engineer with Sarasota County Florida Public Utilities. Stephanie M. Liptak is a staff engineer with SCS Engineers in Tampa, FL.

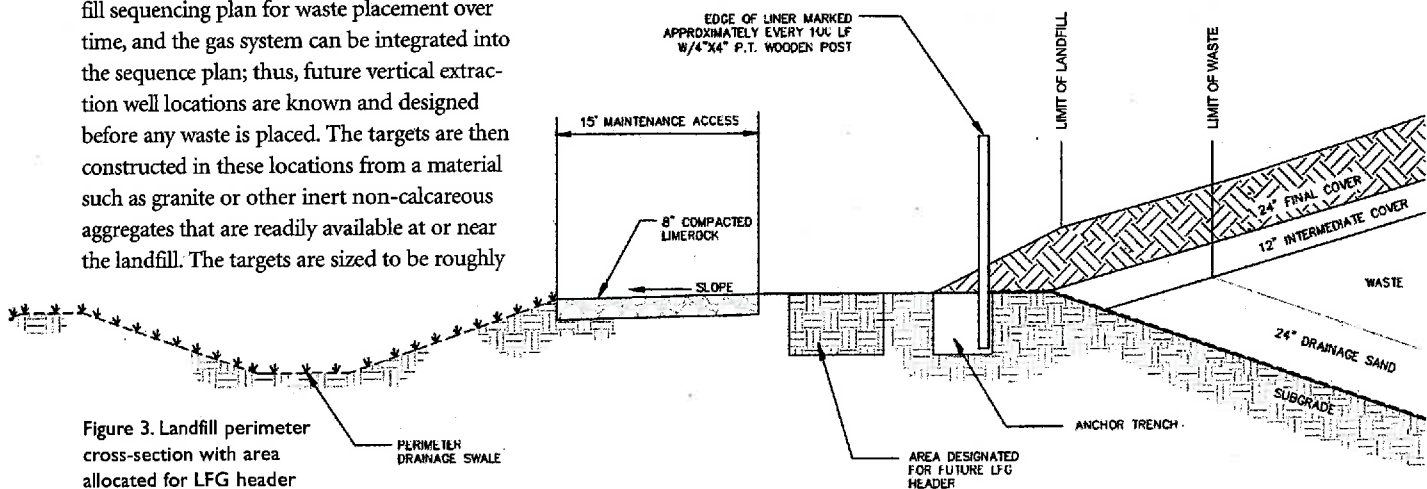


Figure 3. Landfill perimeter cross-section with area allocated for LFG header

Vegetation Control—Naturally

If you are in the landfill business, you probably spend a lot of your time trying to make your landfill look natural, organic, and environmentally sustainable. Sounds like some kind of health food supplement, doesn't it? The fact is, our image of a well-run landfill is one that is well vegetated and appears to be environmentally friendly. And we put a lot of time, money, and resources into achieving that.

So we prepare the soil, carefully select a native seed mix, add fertilizer and mulch, and try to time it all so the seasonal rain will help those seeds germinate and grow. Yes, a well-vegetated landfill is a happy landfill. And then the dry season comes, and all that lush, green vegetation dries up and becomes a very serious fuel source for wildfires.

Think about it—a wildfire at your landfill can do significant damage to your infrastructure. Your fences, monitoring wells, and heavy equipment can be at risk. Your organics processing operations can represent hundreds of tons of flammable material, but for many landfills, the greatest risk is associated with your landfill gas collection system—those wells, laterals, and headers filled with flammable, explosive gas. The thought of a wildfire raging across your landfills, methane wells, laterals, and headers is not something that gives landfill managers restful sleep.

The flames of a grass fire can reach 1,800°F, and though a grass fire moves quickly, it may have enough time to impact your landfill gas system. HDPE pipe melts at approximately 350°F. The auto ignition temperature—the point where methane will burst into flame without an ignition source—for methane is around 1,000°F, but that's really irrelevant because at 350°, the pipe melts and methane is ignited by the wildfire.

Any way you look at it, those numbers don't work. So, to avoid the potential devastating impact of a wildfire, you should have an effective vegetation management plan.

Several options come to mind; the first is herbicides. The correct herbicide applied at the right time will stop that vegetation from growing in the first place. But that's really a

bit counterproductive considering the effort you went through to try to get it to grow. Plus, you want that vegetation to establish a good root structure in order to minimize soil erosion.

Herbicides applied too late may still kill the weeds and grass, but can actually increase the risk by creating a swath of dead vegetation along the pipelines.

So, removing the above-ground portion of that vegetation, through mowing or weed whacking, is perhaps a better and more common option. But that can be labor intensive and costly. It can be difficult to get that equipment in and around your methane

with some very cool PR. So how does this process work?

Well, it's really quite simple. Somewhere between a few dozen and a few hundred sheep or goats are released at your landfill and are constrained by a simple, portable, electric fence. They are rotated section by section across your landfill, and left in place for whatever duration is required to eat down the grass before being moved to the next section.

The contractor who provides the sheep or goats also provides the electric fencing, water, and management for the entire process. In some cases where there are no local

predators, a single electric wire is sufficient to keep them in a specific section. In areas where there are predators, a more substantial electric fence is required, not just to contain the sheep, but to keep predators out. In either case, the system is quite simple.

Temporary fence posts are installed around the perimeter of the area, wire is stretched across the posts, and the fence is connected and energized by a small control box. The electricity is most often provided by a battery that may or may not be connected to a small solar panel to help maintain an adequate charge.

Depending on the size of the flock and how long they're left in a specific area, they can thin the vegetation or eat it right down to soil. It's really up to you. The cost is really quite reasonable, especially considering that sheep and goats can remove vegetation from the nooks and crannies around your monitoring and gas collection wells with very little risk of damage.

According to landfills that are using this type of vegetation management, the cost compares favorably with laborers armed with weed-wackers. It's kind of funny when you think about it: while sheep herders have been grazing their flocks for thousands of years, for us in the landfill business this newly discovered natural approach to vegetation management is state-of-the-art. **MSW**

Neal Bolton specializes in landfill operations and management.



"Old-school" vegetation control

well's piping and other infrastructures without causing damage.

But here's the real kicker: surveys indicate that nine out of 10 wildfires are caused by humans, and a high percentage of those are caused by people using machines to perform vegetation management.

Is there any good solution out there? In fact there is, and coincidentally, it falls under the category of natural, healthy, and environmentally sustainable.

An increasing number of landfills are using sheep and/or goats to control vegetation, whether it's a herd of goats, a flock of sheep, or what our Australian neighbors might call a mob. The bottom line is that when you put a bunch of grass-eating critters on your landfill, they can remove that vegetation quickly, effectively, and safely. And because landfills are, among other things, in the business of public perception, a flock of sheep can munch that grass and provide you

Alexandria, VA chose the Autocar ACMD for urban rear-loader routes. It's narrow enough for tight alleys but still comfortably seats a three-man crew.



Autocar

Continuous Improvement

The ongoing efforts to improve methods, techniques, products, and services when it comes to residential collection BY DANIEL P. DUFFY

Waste collection does not stay constant. Like any other industry, it changes and grows with each new innovation in machinery or technique. Other industries consciously adopt the formal process of "continuous improvement" to advance their capabilities and improve the quality of their products and services. Waste collection is no different. The methods of continuous improvement include ongoing efforts to improve methods, techniques, products, services, or processes. These improvements can be incremental or can occur suddenly in great leaps of innovation.

Continuous improvement for waste management is not just desirable; it is also necessary since the nature of the waste stream continues to change over time. Recycling efforts have played a major role in these changes, beginning with the reduction of organic wastes (food wastes, yard wastes, leaves, etc.) by removing them from the community waste stream and sending them to separate composting operations instead of landfills. This required changes and accommodations to residential collection procedures. Collection and shipment to single-stream material recovery facilities (a.k.a., "dirty MRFs") require different equipment and collection methods. Bulk collections from commercial and multi-family residential units require yet another method of pickup and delivery. These different applications notwithstanding, each type of waste collection and hauling operation can benefit from the process of continuous improvement. These include increased truck sizes, more efficient routing, and improved pickup and loading methods.

Improvements in Waste Collection Load Capacity —Changes in Truck Classifications

A recent development is the expanded use of Class 7 (which includes fuel trucks, heavy-duty garbage trucks, dump trucks, and beverage delivery) collection trucks instead of traditional Class 6 trucks (which includes dump trucks, garbage trucks, and concrete trucks). Class 6 is a medium truck with a 19,500- to 26,000-pound capacity (average 23,000 pounds). Class 6 waste management trucks tend to have both lower gross vehicle weight and tare weight and come equipped with three axles. Class 7, the next size up, has a capacity from 26,000 to 33,000 pounds (average 29,500 pounds) and requires a Class-B commercial driver's license (CDL). The heavier-duty Class 7 has both greater GVW and tare weight and is serviced by four axles. Aside from the volume and weight efficiencies inherent in the larger vehicle, their use requires modifications in collection and transport procedures, especially in residential areas. Still, the incremental increase in the use of larger and more efficient trucks with a higher payload-to-cost ratio represents a significant continuous improvement.

The Class 7's average increase in tare weight of 6,500 pounds represents a 28% payload increase. The average American produces 4.4 pounds of waste per day (US EPA data), with a family of four producing 6,351 pounds of waste each year. This represents a weekly pickup of 122 pounds. An average Class 6 garbage truck can collect waste from 188 residential customers. The Class 7 can accommodate an additional 54 customers per hauling route, or 242 customers. If

properly taken advantage of, this tare weight increase can result in the need for proportionally fewer trucks, and lower associated fleet operating costs. The key to efficient truck usage lies with proper routing of the trucks.

Improvements in Waste Collection Methods —Truck Routing

Even as basic a waste hauling operation as truck routing can benefit from continuous improvement. The benefits from more efficient truck utilization become obvious after examining the fuel consumption and operating costs incurred by a typical waste collection truck. These vehicles can travel up to 30,000 miles each year with a fuel efficiency rating of only 3 miles per gallon of diesel. The resultant annual fuel consumption of 10,000 gallons of diesel at a nationwide average cost of \$2.34 per gallon (“On-Highway Diesel Fuel Prices,” *Energy Information Administration, 2016 cost data*) represents a cost of almost \$25,000 each year.

A waste collection fleet serving a large metropolitan area could typically utilize 50 waste collection trucks with each servicing approximately 2,000 residential customers, or 100,000 total customers. Total fuel costs for this fleet would be \$1,259,000. For such an operation, workers’ fringe benefits and workers’ compensation could approach \$10,000,000 annually. Capital costs for truck purchase and replacement would average around \$1,600,000 per year, with maintenance expenses being another \$1.5 million annually. Total capital costs, expense, and overhead would amount to almost \$15,000,000. This represents an annual operating cost of \$150 per pickup stop or \$300,000 per truck (based on data from “The True Cost of

Garbage Collection in Pittsburgh: Can the City Compete with Private Contractors?” Allegheny Institute Report #08-02 July 2008).

So, incremental improvements in routing that minimize the amount of time required for each pick up would yield significant cost savings over time. Using the above example, even an incremental 10% decrease in average time per pickup would yield significant cost savings. First off, assuming improved routing, the truck fleet could be reduced to 45 trucks, each servicing 2,200 customers. Improved routing would reduce truck movement (and measured truck miles) by 10%, trimming annual fuel costs by \$126,000. Maintenance and capital replacement costs would also fall proportionally by \$150,000 and \$160,000 respectively. A proportional decrease in labor costs probably won’t be achieved, since management and support staff would not experience the same staffing cuts as the drivers. Yet a smaller 5% reduction in labor costs would yield savings of at least \$500,000 per year. Under this hypothetical example, total annual costs from a 10% improvement in truck routing would result in annual savings of \$936,000.

The goal of improved truck routing is to eliminate any wasted movement and inefficient allocation of trucking assets. This allows for improved per-hour waste collection rates and an increased number of households served each shift. However, there are limits to how efficient a truck’s hauling route can be. With experience and the use of routing software, a fleet operator can achieve maximum routing efficiency. This upper limit is determined by multiple local factors such as population density, road net availability, use of transfer stations and material recovery facilities, location of landfills, weather and seasons, the efficiency of landfill disposal operations



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and resultant truck queuing at the landfill entrance gate, waste compaction densities achieved by the collection trucks' internal hydraulic compaction system, and type of pickup (residential, commercial, or roll-off). A perfect, 100% efficient truck hauling route is not physically possible. So, what kind of incremental improvement can be made to further overall operational efficiency? These can be found in the individual trucks, their crews, and their methods of waste pickup and loading.

Improvements in Waste Collection Techniques —Waste Pickup and Loading

There are six types of waste collection trucks: three basic and three designed for specialized functions. The basic types are defined by the location of their loading mechanisms: front loaders, rear loaders, and side loaders. The specialized truck types rely on vacuum extraction loading or long reach automated grappling arms, or are utilized exclusively for the pickup of recyclable materials. Each is designed to service a particular market (residential, industrial or commercial, and direct recycling).

Standard trucks vary depending on the size of the waste container being loaded, which in turn depends on the source of the waste being generated. Front loaders are designed to lift and load the contents of dumpsters containing waste from industrial operations, demolition debris, commercial businesses, or multi-residential housing units. It utilizes a forklift (powered by hydraulic lift cylinder or rotary actuator) whose arms are inserted into metal loops on the exterior sides of the dumpster, which then lift and dump its contents into a hopper in the rear of the truck. Rear loaders are typically utilized for individual residential curb pickup of waste cans and containers. These are typically loaded manually by the truck's crewmen. Hydraulic blades inside the hopper take the deposited waste and sweep it forward, compacting it to a high density. Manual crew loading can be augmented by automated loading systems combined with specially designed waste cans called toters, which are larger than normal cans. These are designed to physically line up with a special groove slot in the truck with an automated loader and be lifted into place for dumping. Automated side loaders operate in the mid-range between large dumpsters handled by front end loaders and individual waste cans that are manually loaded. These mechanisms pick up medium sized dumpsters and mobile garbage bins. Some models utilize grabber arms that can reach up to 9 feet and are operated by the driver within the cab, which reduces or eliminates the need for a loading crew accompanying the truck.

In general, size and shape matter as much or more than weight. For example, a standard 95-gallon waste cart typically weighs 350 pounds when fully loaded. Available hydraulic systems can lift twice that weight. It is the dimensions of the cart, bin, can, or dumpster that determine if it mates up with the grappler or forklift arms. Design of the waste containers also has to be modified in order to fully utilize automated loading systems.

Specialized trucks are designed for unique functions. Recycling trucks are designed to manage both multi-stream (separated by the homeowner or public service into separate waste categories) or by single-stream (commingled recyclables that require separation and sorting at the MRF) waste flows. Recyclable trucks have hoppers divided into four chambers to receive four different types of recyclables (typically newsprint, cardboard, metals, and glass). Recyclables are loaded loosely without

compaction to avoid difficulties separating the material when it arrives at the MRF. As such, recyclable trucks tend to be less efficient overall and require greater labor involvement, costs that are mitigated by resale of the recycled materials on the commodities markets. Vacuum extraction trucks utilize flexible pneumatic tubes positioned by cranes and booms to apply negative pressure to suck up liquid and semi-liquid waste from tank containers. Grapple trucks utilized clamshell buckets or orange peel grapplers connected to the end of extended booms to reach down and grab large, odd-shaped waste objects typically found at industrial facilities and construction sites. These types of waste trucks usually require less labor—often just a driver and a spotter or positioner.

Improvements in Waste Collection Services —Changes in the Waste Stream

What is picked up by waste trucks is as important how it is picked up. And the biggest changes to the types of waste being collected have resulted from community commitments to recycling and composting programs. According to the EPA (2012 data), the residential waste stream on average consists of the following categories by weight:

“... newspaper/mechanical papers recovery was about 70% (5.9 million tons), and about 58% of yard trimmings were recovered. Organic materials continue to be the largest component of MSW. Paper and paperboard account for 28% and yard trimmings and food waste account for another 28%. Plastics comprise about 13%; metals make up 9%; and rubber, leather, and textiles account for 8%. Wood follows at around 6% and glass at 5%. Other miscellaneous wastes make up approximately 3% of the MSW generated in 2011.”

Recycling and composting can greatly reduce the amounts of one or multiple waste categories, depending on market conditions and the emphasis placed on the recycling program. Just sending food waste and yard waste to composting operations (or relying on local composting efforts) can cut the waste stream by more than one-fourth. Removal of other potentially valuable recyclables (ferrous and non-ferrous metals, plastic, glass, newsprint, cardboard, etc.) typically occurs at a single-stream “dirty” MRF. These materials would have to be hauled by waste trucks to the MRF and would not affect initial pickup or hauling operations. That would require source separation by homeowners and the hauling of these materials to multi-stream “clean” MRFs.

In any case, source separation of waste materials would result in a significant drop in the mass of waste being picked up at each location. A separately dedicated fleet of recycling trucks would pick up the recyclable material, but the cost of these vehicles would be accounted for in the overall recycling business plan. The primary waste-hauling truck fleet would require fewer trucks and less labor, causing a daisy chain of cost savings similar to the one described above.

The Concept of Continuous Improvement—Applying It to Waste Collection

Continuous improvement is a management concept that seeks to continuously improve operations, services, and products while reducing costs and increasing efficiency. It focuses on reducing the amount of time required to perform tasks and provide services, reducing waste materials and wasted time and effort,



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and improving responses to changing conditions and customer needs. It is formally defined by the Institute of Quality Assurance as:

“Gradual, never ending change focused on increasing the effectiveness and/or efficiency of an organization to fulfill its policy and objectives. It is not limited to quality initiatives. Improvement in business strategy, business results, customer, employee and supplier relationships can be subject to continual improvement. Put simply, it means ‘getting better all the time.’” (IQA Fact Sheet #7)

Its basic philosophy assumes that any business, production, or service related activity—even something as commonplace as trash pickup and hauling—can be improved. Furthermore, it believes that this improvement best comes from the workers on the line performing these tasks, not senior management. It is a bottom-up operation, not a top-down direction. This makes employee involvement the foundation of the whole improvement process. More than half the battle is installing this philosophy in a waste hauler’s work force.

Major Suppliers

Autocar celebrated its 120th anniversary in October and still builds waste collection trucks custom-engineered for each customer’s specific jobs and situation. In doing so, they integrate the truck chassis and body controls, fuel systems, and other components, resulting in many advantages to the truck owner. Autocar’s customers have documented significant improvements in uptime as well as

Standard trucks vary depending on the size of the waste container being loaded, which in turn depends on the source of the waste being generated.

reduced maintenance and operating costs resulting from this unique approach to integration. Their Autocar Solutions service command center provides free support from actual truck technicians, not operators, to handle technical questions and help get trucks back into service as fast as possible. They provide industry-leading after-sales service with real-time assistance, training classes, and access to technical documentation. A steady stream of advances has made their ACX Xpeditor one of the most versatile refuse trucks on the market. It comes with a wide range of powertrain choices and the ability to meet strict exhaust emission level requirements. In May, Autocar was the first truck OEM worldwide to offer FuelSense 2.0, which can reduce fuel consumption up to 6%. Autocar also offers the Class 7 ACMD Xpert truck to handle medium-sized loads while still providing a three-man cab and factory-installed dual-driving options. The new ACMD 6x4 can handle loads up to 22 yards and fit in narrow urban streets and alleys.

Labrie’s innovative designs can be found in their side loader trucks. Their Automizer right-hand side loader features a strong, light-weight body with a reliable loading arm that can reach farther (12 feet, lifting up to 1,000 pounds fully extended) than any other automated side loader. This arm is easy to operate with an electric over hydraulic joystick control, and the zero-grab low swing-out

allows for collection in narrow spaces. It is a solution for customers who want a strong, lightweight ASL that can dump inside low-ceiling transfer stations, or that just feels more comfortable to operate on soft landfill terrain.

New Way Trucks produces a wide variety of refuse and recycling collection bodies including front loaders, rear loaders, satellite bodies, and automated side loaders, but its Mammoth front loader is in a class by itself. Their new 15,550-pound Mammoth front loader includes a range of features designed for high productivity in refuse and recyclables collection. It comes with one-piece body side construction and a curved shell and floor with the highest steel specs in the industry, for superior strength and streamlined appearance.

The Mammoth’s standard features include 10,000-pound lift arms, a four-split bearing block with bronze bushings, and an easy-adjust deceleration valve, giving the operator precise control of the arm’s return to the truck body. It is also equipped with two safety cameras: one to observe the hopper and one for backing up. The Mammoth is available in all standard sizes: 34-yard, 37-yard, 40-yard (fewer options available), and 43-yard. A lighter-weight West Coast unit is also available with all the same features of their regular unit.

In addition to the size advantages provided by the Mammoth, New Way also provides equipment for specialized applications, as shown by their auger-driven ROTO PAC automated side loader for organics or MSW collection. Not only does it achieve the goal of maximizing collection efficiency, but the ROTO PAC also takes advantage of ongoing changes to the waste stream and addresses the challenge of collecting segregated organics, including food waste.

The ROTO PAC is specifically designed to handle the high liquid content of food waste from curbside residential and commercial cart-based programs and does it efficiently and productively. Customers focused on waste diversion will appreciate the benefits; organics and food waste represent a significant portion of the waste stream, and a unit specifically designed for organics with the added benefit of being able to also collect MSW can maximize diversion without compromising on equipment.

The New Way ROTO PAC side loader is a major step in achieving this goal. With multiple pickup days becoming common (organic waste on one day and residential MSW later in the week), waste haulers can either have separate specialized trucks or one truck that can do both jobs. The dual-purpose ROTO PAC is designed to provide this operational flexibility. Instead of a standard sweep and compacting hydraulic blade, it has a self-cleaning auger that not only more efficiently compacts organic materials, such as grass clipping and food waste, but will automatically reverse in the event of a jam. The 23,000 pounds of auger torque allows for quick compaction and self-cleaning, eliminating downtime to clean out behind the packer RAM. The automated arm has a 12-foot reach and can manage up to 500 pounds at maximum extension. Its high capacity 27-cubic-yard body, and the highest legal payload in the industry at 25,000 pounds, further increases its efficiency. The auger design reduces maintenance expenses because costly packing cylinders are eliminated and a sealed hopper and body design allows for a leak-free route with its 40-inch-high sealed hopper for containment of liquids. Drivers love operating the ROTO PAC too. The unit has an ergonomic design like New Way’s famous Sidewinder side loader, and the auger is simple to operate through the same joystick that controls the lift arm. **MSW**

Daniel P. Duffy, P.E., writes frequently on the topics of landfills and the environment.

Overcoming Stranded Political Investment



Getty Images

Quality, quantity, timeliness, and public involvement are the basic ingredients necessary to operate a fully-functioning, effective materials management system, starting with its strategic basis, tactical alignment, practical implementation, and carrying all the way through to the broad acceptance by the various constituencies involved. So, where do we stand?

Well, for American waste officials, the clearly demonstrable success in the quantity category seemed to have been enough to make up for shortfalls in the others. That is, until July 17 of this year when the Chinese waste officials stated that the enormous quantity no longer made up for the poor

quality of many waste materials, declaring that by the end of the year, a very large part of America's MSW exports would no longer be accepted.

What amazes me most about this initiative is not that its impact will be felt at least as much by Chinese recycling interests as by those in the US, but that it doesn't seem to have raised much comment in our press, despite the fact that wastes of various kinds are our leading export commodity, accounting for more than a quarter of the goods that are our contribution to the world marketplace.

International trade with esoteric aspects such as balance of payments may seem remote to most, but consider for a moment the impact the initiative is likely to have

on just a small aspect affecting all of our citizens—the retail price of cheap goodies to which we've all become accustomed—when the holds of all those cargo ships plow their way back to wherever, with seawater as ballast rather than the banned materials. These materials, by the way, are already bearing the not-insignificant cost burden of a system organized for the purpose of declaring them “recyclables.”

Neither you nor I know exactly what in fact will happen when January 1, 2018, rolls around. For all I know, it could be another Y2K non-event, but for argument's sake let's suppose nothing happens. Suppose, for instance, the Chinese say, “Surprise, you guys, we were only kidding. Keep on sending us your trash.” Would that mean that our

material stewardship is what it should be, or that we've met the philosophical basis on which our waste management efforts purport to exist (public health and safety)? I don't think so.

Perhaps it's time for us to view the Chinese initiative as the perfect opportunity to reassess the premises and practices on which our waste and material management systems rest.

Who Cares Where Our Stuff Goes?

The public places in our hands the responsibility for managing materials that, were they left untended, could seriously compromise health, safety, and quality of life. Subtitle D holds our feet to the fire when it comes to landfill disposal, and a host of air-quality regulations do the same with WTE, but when it comes to recyclables, all too often we seem to be satisfied trusting the good intentions of those in whose hands we place materials, content to reap whatever diversion credits apply while patting ourselves on the back for the pittance we see in return. Is this what the public expects for the proper disposition of its discards?

Even if no greater expectation of waste management than its scheduled disappearance from in front of the house is involved, the fate of those materials lies with us until they no longer represent a threat to the public's health and safety, no matter on whose turf the threat exists . . . ours, China's, or the denizens of the bottom of the deep blue sea.

Now here's the rub . . . the public and its elected officials have been led to believe that recycling is the goal of our waste management efforts, but in light of China's ban, it appears rather than panacea, the practice led us down a path of wasteful and counterproductive action fueled by the public's ignorance of waste management activities and obfuscation over the true fate of materials on the disposal side of the fence.

For the last three decades, waste management practices have followed a path of increasing regulatory control in which ideological hierarchies have supplanted the marketplace, leading inevitably to the erroneous belief that our fundamental mission is recycling rather than public health and safety—not just locally, but in whatever venue the ultimate fate of our discards reside. It's a

situation the Chinese initiative has brought into bold relief; one that when viewed dispassionately is not only unsustainable, but whose continued existence compounds the problems we face. But therein lies the daunting task of changing the public's perception on the role of waste management in its truly sustainable materials management efforts . . . what I am wont to view as that of overcoming stranded political investment.

I've made no bones about my dislike of offshoring waste materials under the questionable recyclables label when, if they are truly recyclables rather than wastes, we should be retaining and increasing their value at home without the added economic and environmental burdens imposed by handling and transporting them elsewhere. Moreover, what's the difference between offshoring and the covert practice of landfilling of supposed recyclables for which no markets exist? Good stewardship over discards belongs with those closest to their creation, and moreover, the marketplace should be the arbiter in the approach to their disposition. **MSW**

John Trotti is the Group Editor at Forester Media.

ShowCase



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Next-Gen On-Site Thermophilic Waste Digesting Extremophile Machine

A UK specialist in the on-site reduction of solid and liquid organic waste, Advetec, has launched an evolution of its Bio-Thermic Digester technology.

By Ben Messenger

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Advetec Biological Treatment anaerobic digestion composting on-site treatment organic waste food waste

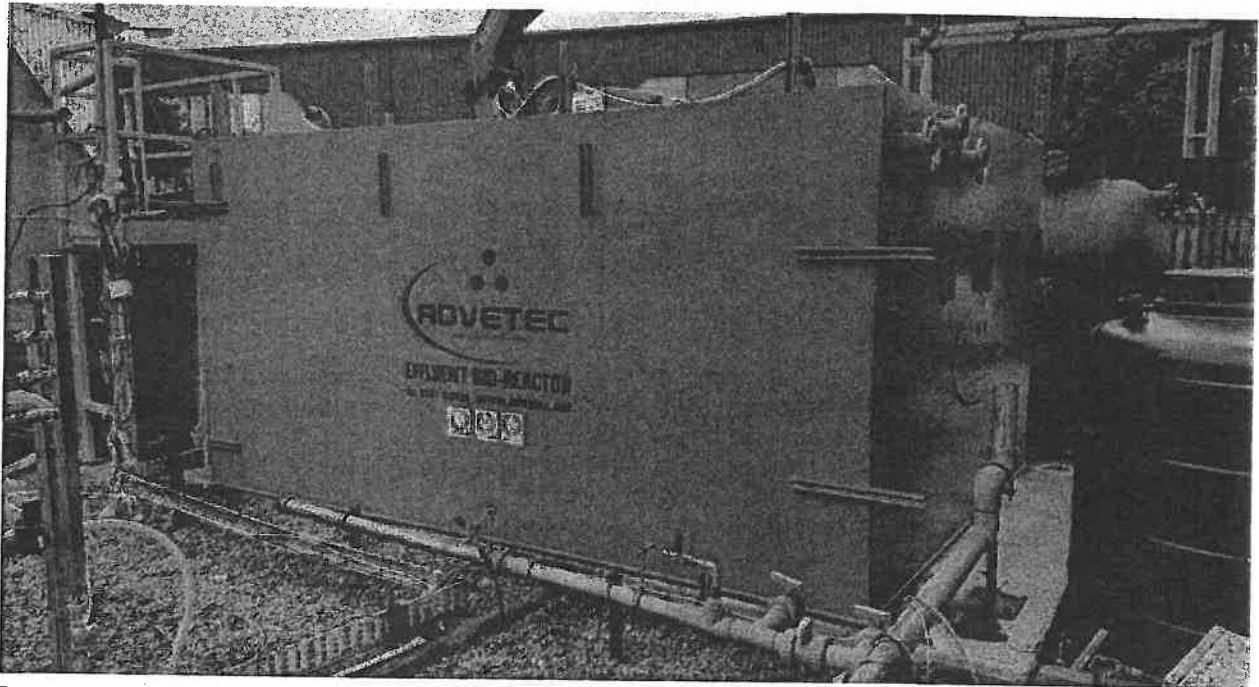


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A UK specialist in the on-site reduction of solid and liquid organic waste, Advetec, has launched the an evolution of its Bio-Thermic Digester (BTD) technology.

The Advetec XO is designed to rapidly reduce the organic content within waste at source, cutting off-site transportation and processing costs and helping companies achieve zero waste to landfill.

Designed initially for industrial food and drink manufacturers who currently pay for organic waste disposal to be collected and processed off-site, the Advetec XO is a small footprint, fully contained on-site solution, delivering a 60% to 90% reduction in mass from mixed organic waste streams, with typical OPEX cost savings of 10% to 15% from day one.

The completely re-engineered solution includes a range of improvements to both the mechanical integrity of the machine and internal processes, as well as the control software and remote monitoring systems.

These are said to ensure a more rugged and versatile machine, which is easier to optimise for individual customer requirements and changing waste stream composition at different production times.

Mechanically the new units incorporate a new exoskeleton to aid lifting and transportation, upgraded drive units with increased torque and changes to optimise the internal processes which move and mix waste as it passes through the machine. These improve performance capabilities with different waste streams, with overall efficiency gains of 10% over previous models.

Cycle times for waste digestion as material passes through the machine are now between 24 and 72 hours depending on density and composition of the waste. Importantly the Advetec XO is claimed to be the only on-site solution which can handle non-organic waste contained within the organics. This gives operators the benefits and flexibility of not needing to sort or treat waste prior to processing in the Advetec XO system.

Importantly, the company said that few infrastructure changes are required other than a power supply and a flat concrete base. In most cases operators can simply swap out existing skips or compactors and replace them with the new machine.

No additional space is required and existing automated or manual material handling systems, previously used to load skips and compactors can be adopted.

Head in the Cloud

According to Advetec, a new software and sensor package with cloud-based data monitoring provides significantly improved control capabilities to further optimise performance and ensure the Advetec XO is operating at its peak capability.

Status alerts covering key parameters enable engineers to predict issues early and make changes remotely, or visit the site. At the same time, it is now possible to look at performance trends and at the earliest signs of change take corrective actions.

The process uses a bespoke blend of thermophilic bacteria and nutrients to digest the organic content in waste utilising an exothermic reaction.

This generates heat which sustains the high temperature environment required for the thermophilic bacteria, and ensures low energy cost. Waste is digested as it moves through the Advetec XO, producing water vapour that can be condensed or vented to atmosphere. The remaining output material is dry with a potentially a high calorific value. It may be suitable for use as RDF (Refuse Derived Fuel) or as a soil improver, depending on the input waste stream.

The Advetec XO is initially available in three unit sizes to handle different daily waste volumes from one to 13 cubic meters, and is scalable when machines are operated in parallel.

This makes the solution equally attractive to organisations across the organic waste sector, food manufacturers of all sizes, but also hotels and restaurants, right through to municipal waste handlers and water utilities.

Advetec can offer machines through a Managed Service Agreement (MSA) fixed for 5 years which allows the customer to achieve OPEX savings from month one.

Machines are delivered pre-assembled and factory tested under simulated loadings following an analysis of the customer's waste stream.

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The Selection Process

Guidance on how to choose and then work with consultants BY BARBARA HESSELGRAVE

When municipalities face the demands of projects that are typically out of their scope of work, they turn to outside consultants to help them reach their objectives. These goals can span the range from enormously challenging, such as coping with natural disasters, to assistance in day-to-day administration, writing new ordinances, analyzing trash routes, and everything in between.

Long gone are the days when organizations selected outside business partners on the whim of management, or to fulfill the insistent wish of relatives to find a family ne'er do well gainful occupation. For decades, both vendors (the consultants) and their clients (the municipalities) typically enter the waters of their relationship through formal protocols of Request For Information (RFI) and Request for Proposals (RFP) that are essentially the road-map "to explore how they can work together to create something that doesn't yet exist."

In the era of increasing transparency, relationships between municipalities and outside partners have been streamlined toward fairness, ability, capacity, and, of course, budget. But while electronic communications and online documents are designed to foster these benefits and improve processes, the common denominators of a good client-consultant relationship repeatedly echoed by all still emphasize the personal touch: good communication, willingness to dialogue and be flexible, and listening, listening, listening—on both sides of the table.

Getting What You Want And Didn't Know You Needed

"We are very transparent," says Tony Miano, deputy Public Works director of Field Operations for the City of Tempe, AZ.

"We go out and do an RFP Master Plan Process and follow the rules through purchasing, and we make sure we follow our guidelines so we're not hiring our relations or a company that can't meet the scoping guidelines.

"Plus, we ensure we are consistent with all the competitors and once we go through the interview process and we select the candidates, our committee chairperson who is the contact liaison makes sure that literally what we want is what they are going to provide for us."

Miano says that prior to hiring a consultant, there is a process of first preparing the case of need, budgeting for the consultant, and then taking that to City Council for adoption.

"We look at what our revenue requirements are, we have different customers with recycling, waste diversion, organics, and different functions with the solid waste team. We develop a pricing matrix and then the Council approves the dollars for what we want and need to do. Our diversion goal is to be at 40% by 2020, so we have a lot of programs to strive toward getting us there.

He adds that they go put out an RFP that describes the scope of work. "And we describe what we are trying to achieve and then when responses come in, our team of all our different disciplines reviews

these and each one grades it with a score. Then, based on the score, we work together and negotiate a contract.”

The role of consultants, Miano says, is to supply the staff time and expertise “that you may not have internally.” And it lends objectivity and a set of skills “to help you get ordinances passed, for example, and to comply with the legal requirements of grants when we receive project funding.”

In one example, Miano cites how they used consultants “to help me redistrict the garbage collection. We found we were overloaded with work and vehicles in one area, and we had to streamline this by spreading out the operation and looking at improving efficiencies at the transfer stations and throughput in our fleet shops.”

Consultants also helped with the master planning of asset maintenance program to replace sewers.

“Tempe is a suburb of Phoenix but we are much older than most suburbs in the surrounding valley; we have some infrastructure from the 60s and 70s still out there. So, being landlocked, it’s a problem to have streets torn up during an extensive sewer/water replacement project. We had a consultant work with us to look at all our treatment plants, all of our schedules, and how many miles of sewers/water lines that need replacing, and the service to create a master plan.

“We do the same thing with rate increases by having consultants help us analyze our billing process, our costs over a ten-year period to plan for increases so that customers aren’t suddenly surprised by a new, huge utility bill. They can dig into your numbers and help provide that mastery to help you talk about your systems, your efficiencies, and how to best plan for the future.”

He adds it is also nice “to see how you compare to other cities that the consultant works with, just to see if you meet or exceed industry standards.”

The best consultants, he says, are the ones who have the capacity to get the job done and who bring information to the table that you may not have considered, and who have the patience to work with a diverse group with many expectations and views.

“If you are running your business correctly, you are asking them to find the little holes, not the big gaping ones. I use them to fine-tune my operation and provide skill sets and expertise to do what we aren’t able to do here. If they are finding big holes in your business model, you have other issues.”

But the success of the partnership isn’t the sole onus of the consultant. “You only get out of it as much as you put into it,” explains Miano.

“You need a good administrator on the client side who will hold them accountable for deliverables, and it is essential you write a good scope of information so that everyone knows what the objectives are. And you need to spend time with the applicant during the interview process to see if it’s going to be a good working relationship. In that personal encounter, you can learn if they supply the expertise, whether you feel they have the capacity to do what you need or to hire subcontractors with specific skills, and also to keep within the timeframe to meet milestone dates. Listening, on both sides, is essential.”

And Brett Wolfe, the waste sector director of HDR Inc., echoes the collaboration in vision as essential for the consultant/client partnership.

Bridging Vision to Action

“HDR is a full-service firm providing engineering, architecture, envi-

ronmental, and construction services for the built environment and we have a broad range of public and private clients we work with.

“I think that what works from a consultant perspective like ours is that we have a trusted advisor relationship. They know we are looking out for their interests and we sit at the same table to discuss challenges to their waste systems.”

Wolfe describes their role as one of serving as a partner “to get from point A to point B. And, if they view us as more than an engineer providing those design services, we are well poised to do much more.

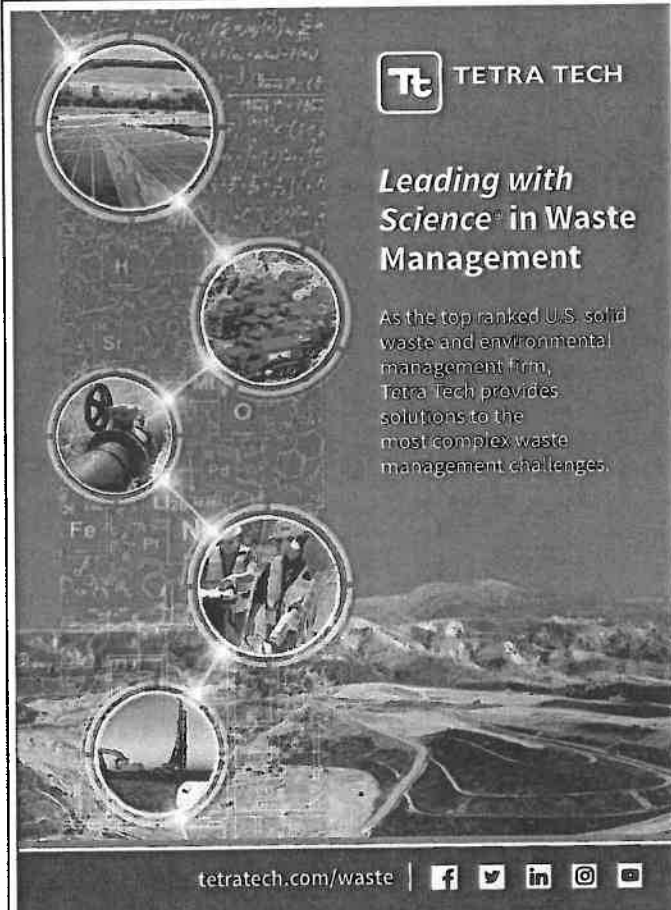
“For example, we can help them manage risk as they are working with subcontractors who are building landfills for solid waste, and make sure they meet regulatory compliance issues.”

He says it’s not unusual for clients to feel like they are on shaky ground. “They don’t often know exactly what they want which is part of our responsibility—to communicate the vision, and then, get them to partner with us to explore how to move forward to where they want to be.”

“We encourage cross communications to explore the possibilities. These can be brainstorming workshops, or a design charrette to see what ideas emerge. Of course, this isn’t always applicable as some clients do know exactly what they want, but it is our job to maximize the potential of opportunities and help them realize the full benefit of the projects.”

The company also does remediation for hazardous waste, and it has the expertise for Superfund cleanup sites and also in developing sustainability for environmental protection.






“We look at our client fees as not just our payment for service,



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but their investment in the work that ultimately compares very favorably with what we will be saving them. And this is a factor many clients don't often consider, if we do A project now, we will be saving B dollars later as a result."

He adds that they assist with engineering permitting and help clients in costing out the job, plus they have a large effort towards supporting greenhouse gas reduction, performing carbon footprint studies so that projects will have a lower carbon footprint, and "are very engaged in maximizing the use and repurposing of waste streams.

"Taking the waste and showing clients how to use advances in traditional recycling for biogas, or electricity, or some other use, helps them create a revenue stream they may not have considered."

The company has more Envision-certified staff than any other consulting firm doing this type of work. Wolfe explains this certification is the "equivalent to a LEED certification for the non-vertical environment work on sustainability."

Envision was developed by the not-for-profit Institute for Sustainable Infrastructure, who says it is their "mission is to

"Showing clients how to use advances in traditional recycling for biogas, or electricity, or some other use, helps them create a revenue stream."

help communities build more sustainable infrastructure projects. Our nonprofit organization was created for a single purpose: to develop and maintain a sustainability rating system for all civil infrastructure.

"Provided at no cost to practitioners, Envision is a plain-language guide that combines a best practices library, field-proven checklists for infrastructure projects of every size and type, and a comprehensive sustainability rating system that helps infrastructure owners gain recognition for their well-planned and executed projects."

The organization says there is no cost to help people plan their projects, but there are costs involved if you pursue third-party verification.

Wolfe adds that everyone today is "looking at their waste composition; there is a lot of planning toward some form of energy

conversion. We've invested in the expertise to provide planning activity toward that end for our clients, and we can offer capabilities to help them look at how to divert waste, and still keep revenues. We're looking at pricing structures that are basically reinventing the waste programs, and also asking clients the question, 'Where do you want to be 20 years from now?' This is crucial to defining strategies for environmental policy planning, and finding sustainable means to ensure municipalities have a consistent and favorable revenue stream."

With HDR services in several countries, Wolfe sees the changes in waste management with a global perspective. "The future of waste today is very different than that of the past and we're here to help achieve those goals."

A Six-Story Football Field

Hurricane Katrina of 2005 is forever in the minds of everyone who lived through it. For the rest of us, it was a catastrophe of epic proportions that unfolded across every media channel in an hour-by-hour drama. While New Orleans was often the focal point of headlines and images, it was in fact, nearby Biloxi, Mississippi that incurred unprecedented levels of structural damage.

Public relations specialist Cecilia Dobbs Walton from the City of Biloxi recalls today, 11 years later, how the "flood waters came in and then drained out of New Orleans, and of course, it was terrible in human tragedy, but here it was a somewhat different story.

"We had an ongoing high tide at landfall, and the storm surge that developed from the wind driving the water inland took out entire streets. It picked up buildings that then floated downstream acting as huge missiles that took out other buildings. What we lost in structure—those historic buildings can never be replaced. The roads, beaches, and other buildings can and are being rebuilt, but the others are just lost to history," affirms Walton.

Few municipalities will ever face a crisis of this magnitude, which only underscores the valuable role consultants made in helping Biloxi with its massive cleanup that has

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been quantified as a “football field six stories high of collected storm debris.”

As the weather experts mounted increasingly severe warnings of the impending storm severity, employees with the City of Biloxi Engineering were working with administrators throughout the city and state to line up assistance to help them when it was over. Contracts and funds had been arranged and consultants were in place, ready to perform the cleanup of what proved to be an unimaginable amount of debris.

Tonya Hebert, the FEMA Coordinator in the City of Biloxi Mayor’s office, says, “The City of Biloxi puts out an RFP [Request for Proposal] for emergency debris pickup, which also includes services for debris monitoring; the main debris efforts were completed by August 2006.”

Hebert explains that monitoring means keeping track of what you are picking up, where it came from, how much of it there is, and then where is it going for disposal.

“You need to have these statistics and information in order to be reimbursed by FEMA for these services,” explains Hebert. The total cost, which covered activity over nine separate categories, was just shy of \$62 million to move out and dispose of the six-story football field of post-storm debris.

This figure did not include two projects that Hebert says “were initially Category A Debris Removal FEMA Projects, but were then re-allocated as a general project because of the time frame, and done later.”

Also, Hebert says the two cement piers that had been destroyed had to be demolished by the City, who then took the cement debris and sent it out to a “Katrina Reef.”

Biloxi City engineer Christy LeBatard says that the waste management is handled

by a county-wide government agency called the Harrison County Utility Authority (HCUA) and not by the municipalities.

“So it is this group that is responsible for collecting and disposing of solid waste in the county, which includes the City of Biloxi.”

LeBatard describes how the HCUA guides the plans for using consultants to help tackle issues such as ongoing infrastructure needs, as well as future concerns like climate change and sea level rise.

“The City has a master plan currently being designed by a consultant in order to help prioritize future public works projects in areas currently without sewer and drainage. In other areas, the City sees a need with a water/sewer/drainage issue and then brings a consultant on board to design a project to fill that need.”

She says that through the RFP/RFQ process, consultants are contracted using either a lump sum contract or an hourly not-to-exceed contract, “but there are times when consultants are contracted with directly,

instead of going through those formal processes. But this is usually based on our experience with them with a specific project, such as designing phase II.”

LeBatard adds that state law does not allow engineer selection to be based on costs and that they must be retained based on qualifications, with costs negotiated after selections.

“The City doesn’t consult with any solid waste type consultants or contractors as that is handled by HCUA, but we do hire engineers and architects.”

Nonetheless, sometimes the best-laid plans have to be modified. Hebert says that one of their pre-event contractors they had on hold for Katrina cleanup was unable to handle the enormity of the subsequent hurricane debris, and while they did help out in the initial 72-hour push, “such as clearing roads for emergency vehicles, we then got submittals from various engineering firms for the debris monitoring and to help us put together the information we would need in order to obtain contractors to clear the debris.

“In the end, we used five or six different contractors for the job. In the case of doing work for FEMA reimbursement, we have to go with the lowest cost in order to comply with their regulations and get paid.”

But the FEMA reimbursements were a bit of a snarl of red tape when it came to historic properties, recalls Biloxi’s director of community development, Jerry Creel.

“We got the City Council to vote to declare a state of emergency that allowed us to put our measures in place before the storm, as we knew there was going to be a lot of debris needing to be removed and properly disposed of.”

When you have a declaration of emer-

According to reputable historical sources, the first recorded use of “red tape”—the term familiar to all bureaucracies—may first have appeared in the late 1600s. In the 1696-1717 *Maryland Laws*, a description states, “The Map upon the Backside thereof sealed with his Excellency’s Seal at Arms on a Red Cross with Red Tape.” Indeed, the rolled-up map was sealed with a red tape. However, centuries ago, tape was synonymous with ribbon or binder, not the sticky sealant we know it as today.

But the penchant to “tie up any and all documents” quickly led to spoofing of unnecessary bureaucracy, and it wasn’t long before the noun “red tape” took on a satirical meaning as an action adverb. Despite the fact that the tape is long gone, and electronic transactions are ostensibly simpler and easier, the moniker persists today and reflects the same sentiment of frustration and obstruction to fulfilling a task. Which, 300 years later, is probably an interesting insight on “progress” in handling documents.

gency, the City “can execute contracts with engineering firms that will assist us,” says Creel, but “One of the things that surprised me—and keep in mind there are several branches of this agency—FEMA first told us if you want to get reimbursed, you have to hurry up and get this debris out of there so you can be eligible for the funds.

“But then, the historic branch of FEMA stepped in and said, hold on, before you move anything, you have to submit a form for anything 50 years or older. Any demolition or removal or alternations



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need to be approved by the historic branch of the agency.

“We were trying to get the streets opened and this was a snag in the process as Katrina took out the whole lower end of the city, the section that is on the peninsula on the east end of Biloxi.”

It all worked out, Creel says, but it was something of a nail-biter as they were told

to hurry up, but then to stop and do more forms, and then wait for those approvals.

“We had to make sure we didn’t do anything that would upset the process with FEMA, but this is bit of red tape that they could probably modify, given the circumstances and crucial timing to restore some level of public safety for police, fire, and other first responders in this type of disaster.”

When the City puts out an engineering RFP, Creel says the engineering staff at the City then decides who most closely meets the specification, citing several criteria. “For one thing, we look at the number of years the staff who is actually going to be doing the work has been with the company. Then we look at their capacity. In the case of Katrina, we had to make sure they had the capacity and resources to cover a project this large.

“But I’ll tell you, it’s a close call on several occasions; sometimes, it just comes down to the judgment of the City engineer, who ultimately knows who is going to do the best job for us.”

A Primer of Client Guidelines

At Cornerstone Environmental Group, LLC, a Tetra Tech Company, business development director Mark Swyka says that “Roughly half of our work is in support of projects for municipal agencies.”

He adds that within the arena of environmental services that the company offers, “a large percentage of our professionals specialize in the area of solid waste, recyclable materials, and organics management.”

Swyka offers a range of important criteria that clients should consider when looking for partners to fulfill their municipal project needs.

“First, are you comfortable with the consultant’s representative? Does that individual or project team have a proven track record for addressing projects that are similar to yours?

“Then, does the consultant clearly demonstrate that they have your best interests at heart? Do they look you in the eye? Take time to evaluate your needs? Will they tell you the truth even if they know you probably won’t like it?”

Finally, Swyka says that when consultants are upfront, they admit that the work is outside of their scope of expertise, and offer to recommend someone better suited to the job, it is a good hallmark of credibility.

Another suggestion he advances is to ask the consultant to cite other projects similar to the one under consideration and describe

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"I am not sure that municipal agencies differ from any one of us when it comes to making the decision to enter into a new venture."

how administrative, technical, and regulatory hurdles were managed.

Choosing the right engineering partner for your project "should never be based upon an estimated fee," Swyka cautions, adding that "All too often, the pressures to reduce the amount of a fee estimate results in the avoidance or elimination of the time necessary to fully consider each of the important aspects of a project.

The possibility that "too many good consultants can be compromised in this way" results in the project reducing the scope of service or eliminating time that otherwise would be a crucial factor to the best outcomes.

"I learned very early in my career that the short way is the long way—essentially meaning that when shortcuts are taken that are not fully thought-out, they can easily com-

pound into problems that result in project delay and additional cost," says Swyka.

On the municipal agency side, he emphasizes the responsibility on their end to communicate and to hold regular dialogue as essential.

"As a consultant, we need to know what the agency is thinking so we can provide the best guidance. At the same time, we can bring in fresh ideas from outside the agency to solve current problems, as well as help them avoid future problems in their operations."

Swyka cites the current push in the industry that encourages an increase of waste segments toward recycling or conversion pathways, with organics as a primary focus of that path. He says Cornerstone's expertise in this area is well poised to offer clients the approaches best suited to their

needs to initiate or modify their organics programs.

And as technologies continue to develop, "There is a need for expanded landfill disposal capacity and optimization of the airspace volume of existing landfills. This is where our expertise in MSE's [mechanically stabilized earth] berms have proven to be an excellent solution over the existing footprint."

While there may be a tendency to view municipalities as less forward-thinking than private clients, Swyka counters the notion.

"I am not sure that municipal agencies differ from any one of us when it comes to making the decision to enter into a new venture or stay the course with existing programs and systems. After all, these agencies are made up of people just like you and me. My sense is that this comes back to the dialogue element mentioned earlier.

"When we are talking, sharing ideas, and legitimately looking for the best long-term solution, the course of action usually becomes pretty obvious for all concerned." **MSW**

Barbara Hesselgrave is a writer specializing in environmental topics.

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China's ban on some recycled materials could impact county landfills

By MARY ANN BARTON Oct. 30, 2017

Coming Chinese ban on some recycled materials could adversely affect county recycling programs



Lane County, Oregon, is seeing more trash in its landfill these days. And in Washington County, Oregon, the county is asking people to throw some plastic items into the trash that they used to recycle. In Rockland County, New York, the company the county contracts with to sell its recycled materials is working out new deals with India. And over in Doña Ana County, New Mexico, they have begun a public outreach program dubbed "Love the Planet? Recycle Right!"

Changes are coming to trash habits in Oregon, New York and New Mexico and likely other counties around the country due to a ban by China on some recycled materials that's set to begin Jan. 1, 2018. In an effort to curb pollution in its country, China will hold recycled materials to a much stricter cleanliness standard that some in the industry say is almost impossible to reach.

The proposed ban could "adversely affect municipal recycling programs throughout the country," the Solid Waste Association of America (SWANA) said Oct. 11, in a letter to all state solid waste departments.

China notified the World Trade Organization (WTO) in July that it would begin a ban of mixed paper, "most scrap plastics" and scrap metal. China is also cracking down on the cleanliness of the materials it will accept by reducing from 5 percent to 0.3 percent of allowable contamination of imported recyclables.

"I was surprised by the breadth of the prohibition as well as the 0.3 percent requirement," said David Biderman, executive director and CEO of SWANA.

More than \$5.6 billion in "scrap commodities" were exported from the United States to China last year, according to the Institute of Scrap Recycling (ISRI). The ban, the group said, will have a "devastating impact...on the global recycling industry." It notes that the scrap plastics ban includes "polymers of ethylene, styrene, vinyl chloride and PET (polyethylene terephthalate)."

Sarah Grimm, waste reduction specialist with Lane County, Oregon, said contaminants cause problems all along the recycling journey. "Food, liquids, oil or hazardous chemicals can contaminate paper and other materials in recycling bins making whole batches of materials compressed in recycling trucks unusable." Other types of contaminants, she said, include plastic bags, film plastics, liquids, food, soiled packaging, plastic clamshells, garden hoses, wire hangers, textiles, diapers, electronics and batteries.

SWANA is asking state agencies to communicate with counties about the ban and also asking that they contact industry partners, generators and other interested parties. SWANA is also advising that local governments renew efforts to encourage waste reduction and develop alternative domestic markets for recycled materials.

In Wisconsin, the state's Department of Natural Resources has created a PowerPoint presentation for counties. In Waukesha County, Rebecca Mattano, solid waste supervisor, said "at this time, Waukesha County has not felt the ripple effect of this ban but we are anticipating tightening markets."

How did the ban come about in July? "One of the things we have been told," Biderman said, "is that there is a movie called *Plastic China*, which was seen by Chinese President Xi." The film is a look at how much plastic waste is polluting China. "And this apparently was a significant motivator in the issuance of the July prohibition," Biderman added. The documentary, by Wang Jiuliang, looks at a family who spends its days sorting and recycling mountains of plastic waste. Xi mentioned the environment 89 times in a speech he made recently.

How will the ban impact the United States, the largest exporter of waste and scrap? The Oregon Department of Environmental Quality said that "considering the unprecedented challenges China's actions have caused, processors may not be able to find alternative markets for some of the mixed paper or plastics being collected for recycling. In such circumstances, DEQ may approve requests for disposal of materials where no markets exist or costs for recycling are prohibitive. This will be the first time in Oregon's decades of strong recycling programs where this may occur on a large scale."

Recycled materials exported from the United States to China last year included 13.2 million tons of scrap paper valued at \$1.9 billion and 1.42 million tons of scrap plastic valued at \$495 million. According to ISRI, roughly 30 percent of recyclables in the United States are exported overseas due to insufficient domestic demand.

China has used the recyclables as a low-cost source of raw materials for its manufacturing sector. Its waste and scrap imports climbed from \$12 billion to \$42 billion from 2005 to 2011, an increase of 246 percent, according to United Nations Comtrade.

In addition to harming recycling efforts — and jobs — in the United States, ocean freight companies could also see a drop in their business; after dropping off Chinese exports in the United States, those ships often return to China with trash from the United States.

"More than 155,000 direct jobs are supported by the U.S. industry's export activities, earning an average wage of almost \$76,000 and contributing more than \$3 billion to federal, state and local taxes," said ISRI President Robin Wiener. "A ban on imports of scrap commodities into China would be catastrophic to the recycling industry."

Lane County's Grimm noted that consumers "have the most power to change the situation by choosing, requesting and purchasing post-consumer recycled content packaging and products."

About Mary Ann Barton (Full Bio)

Senior Staff Writer

Mary Ann Barton is a senior staff writer for County News and is returning to NACo after previously working at the association. She comes to NACo after covering local news for Patch.com in Northern Virginia.



More From Mary Ann Barton

[N.J. county collects supplies for Puerto Rico Human Services](#), [IT Collaboration Boosts Service](#)

National Sword — What is It and How will it Impact My Program?

THE RECYCLING PARTNERSHIP

Dylan de Thomas, The Recycling Partnership
October 19, 2017

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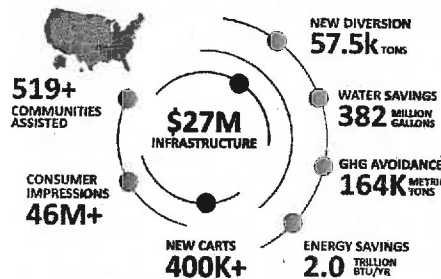
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THE RECYCLING PARTNERSHIP
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Three Years and Counting

Impacts 2014 - today



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What we're covering today:

- What is National Sword?
- Where did it come from?
- Why does it matter?
- What's happening?
- Silver linings

China is tightening the screw and we have to respond

U.S. companies concerned at China's proposed ban

Largest waste firms say their recycling loads are certified and clean.

China's War on Foreign Garbage

Imported recycling has been a boon for China. So why ban it?

What comes next after China's scrap ban surprise?

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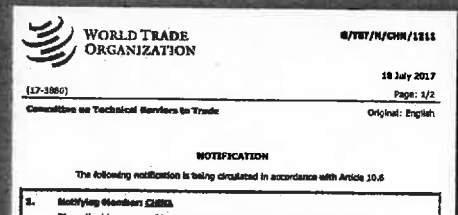
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What is National Sword?

- Inspections of plastics recycling facilities
- 900 facilities inspected, 590 with rule violations
- 53 were already closed, 383 suspended operations

China's Scrap Ban

- July 18 WTO Notice
- "4 classes, 24 kinds of scrap"
- All plastics, unsorted mixed paper, textiles, some glass and metals

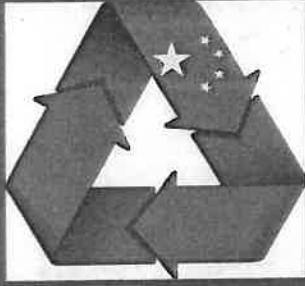


Chinese authorities seize 85,000 tons in 'Sword' raid

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What is National Sword?

- Import licenses not being renewed
- Customs enforcement in ports known for scrap
- Loads have been rejected



Where Did It Come From?

- Anti-pollution and anti-corruption measures are connected and popular
- High-profile enforcement

Xi's Speech Had 89 Mentions of the 'Environment,' Just 70 of the 'Economy'

China's Xi Looks to Strengthen His Hand at Upcoming Communist Party Congress

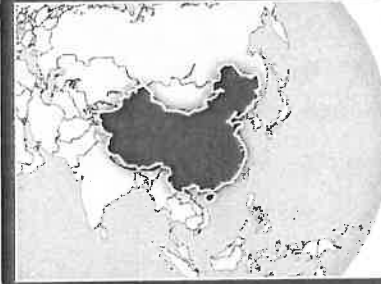
China televises raids to enforce National Sword

Where Did It Come From?

- Like Green Fence in 2013, stemmed from a media scandal
- At core, a political issue for China



Why Does It Matter?



- Approximately 30% of all recyclables collected are exported outside the U.S.
- Hong Kong and China account for 69% of all U.S. exports for plastics other than No. 1 PET

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Why Does It Matter?

- China consumes 55% of the World's scrap paper
- In 2016, 37 million metric tons of recyclables went outside the U.S., 44% to China
- 13.2 million tons of scrap fiber went to China in 2016
- ISRI estimates that 18% of scrap exports are at risk due to the ban



Impacts of National Sword

- Short-term market concerns
- West Coast looking at all options for the material
- Medium-term uncertainty
- China needs the material!
- Silver lining?



China offers clues on what will (and won't) be allowed in

Impacts of National Sword

- Prohibitive content for all fiber grades will now be 0.3%, down from 2%
- Not much excess domestic capacity
- Many looking for alternative int'l outlets



What's Happening?

- Large regional differences
- Some buying Nos. 3-7 bales
- Some having trouble moving material
- Some paying to move material
- Some producing No. 5 PP bales (Tubs and Lids)
- Some talk of landfilling



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- 1. MRFs can sort for No. 5 PP instead of Nos. 3-7 bale and sell to existing markets



- 3. Investment in domestic processing capacity for Nos. 3-7 plastics

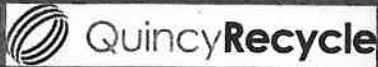
China's ban prompts US recycling investment

- Both for Chinese buyers and domestic processors who sell into overseas markets



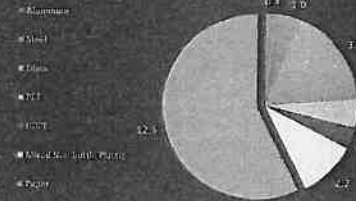
Are There Silver Linings?

- 2. Growth Opportunity for U.S. Nos. 3-7 Consumers



How Much Recyclable Material Is Left in Single Family Homes?

US Single Family Household - Unrecovered Packaging Materials



A Total of 22 Million Tons

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Shielding Your Program from National Sword

Multinational brands (MNBs) are a China's emerging policy on importation of recyclable materials, focused on mixed paper/plastic.

Is this a problem? It is. But it is also an opportunity. An opportunity to identify market options. To reduce on quality. To support jobs in U.S. recycling. To grow U.S. manufacturing.

What does your MRF keep asking, they increased, and focus on other markets.

What does that mean, are you asked:

1. Address market options. (October 2018 for our October 18 webinar. Have your customers ready)
2. Clean up your recycling stream. High quality makes one the best suited for National Sword. Use PACT 3.0 to help understand it at work.
3. Talk to your MRF. What are they asking for? Is going to get bumps? What does this mean for you? How do you work together?
4. Don't take any regulations off your chest. MRFs are not the best. Focus change in working for residents. Stay steady.
5. Don't freak out your residents. So long as there's no interruption in service - and there shouldn't be - you don't need to allow the implementation of international markets. Keep people and jobs. Stay steady. Focus on quality. Again, stay steady.
6. Don't feed the trolls. If negative messaging comes up, point to the good. Focus on the best and the right. Focus on steady.

1. Webinar
2. Clean up your recycling stream
3. Talk to Your MRF
4. Don't change your programs
5. Don't freak out your residents
6. Don't feed the trolls

Find them on our website:
www.RecyclingPartnership.org

National Sword Partnership Messaging

1. Webinar

2. Clean up your recycling stream

3. Talk to Your MRF

4. Don't change your programs

5. Don't freak out your residents

6. Don't feed the trolls

New! - Social Media Kit



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QUESTIONS?
ddethomas@recyclingpartnership.org

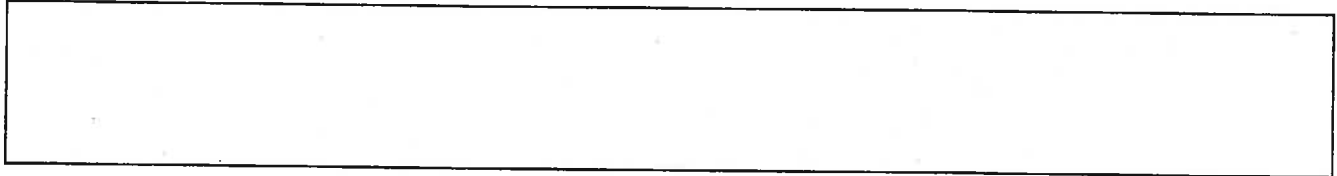


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Why Isn't This the Lead Story Everywhere?

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Arturo Santiago (<https://foresternetwork.com/author/arturos/>) • November 1, 2017

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The other day I was giving a friend a ride home from work and we started (actually I started) talking about the China Waste Ban which is supposed to go into effect at the end of the year. I tried to spell out for her the impact such a ban would have not only on the United States, but also around the world. I told her that today's recycling is a \$117 billion industry that directly employs 155,000 people along with indirectly supporting 378,000 jobs throughout the economy.

I didn't get any further than that when she interrupted and asked, "Why haven't I heard about this on the news? Why isn't this a huge story? Why aren't people talking about this?"

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Arturo Santiago
Editor's Blog

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<https://foresternetwork.com/free-reports/landfill-management-6-tips-for-excellence-in-landfill-operations>
Δ. Download it now!

My reply was that "most people didn't have

the basic understanding of the extent to which recyclables flow throughout the global economy."

So I'm asking you (readers) to go out and help me spread the word. I'm even going to arm you with a few talking points.

For example, in any given year, between 30-40% of what is processed in the US for recycling is actually processed for a consumer in another country.

In this recent year, we shipped recyclables to 155 countries around the world (37 million tons of scrap material valued at about 16.5 billion). In 2016, the US recycling industry exported \$5.6 billion of scrap to China.

In terms of global scrap exports, about 160 million tons worth \$70 billion was traded globally. The ban is not just affecting the US industry; it's affecting recyclers around the globe.

China accounts for roughly 27% of global scrap imports with the majority of it being copper scrap, plastic scrap, and recovered paper and fiber.

For some background, this past July China announced to the WTO "the Ban" on certain waste imports along with defining what is considered "waste."

Why now? There is a huge environmental problem in China (which is not breaking news), but China has been going from one industry to the next in trying to clean up those industries, and recycling is one of them. It's been discovered that the problems are not with the inbound shipments; this is actually an attempt to clean up China's domestic recycling industry.

China then issued a policy statement that was not done through the WTO. It's called the "Implementation Plan to Enhance Solid Waste Import Management System by Prohibiting the Entry of Foreign Waste."

This is the document that provides the framework for where China is headed and why it's doing what it's doing, and it gives us some context.

The "Implementation Plan" is 6-pronged:

- Prohibit the import of solid waste with major environmental hazards and intense public reaction by the end of 2017 (namely mixed paper and post-consumer plastics).
- Halting imports that can be replaced with domestic resources by the end of 2019 (mixed metals).
- Raising the GB Standards (environmental protection standards for importation) to a nearly-impossible-to-achieve 0.3% "carried waste" threshold for all imports.

"That is found in the GB Standards that they are proposing to change, again, was not notified to the WTO, we've raised that with the commerce department and we understand that they will be raising that with the Chinese government as well and we've raised it directly with the Chinese government. So hopefully that will be an avenue to get this changed. But that 0.3% across all commodities is essentially impossible to reach and it's certainly inconsistent with global standards. We have urged that it is an alternative; that the Chinese government relies on global standards; the ISRI specs that are used for the trade of materials around the globe and the thresholds for the various commodities depending upon what best practices are for that commodity." – Robin Wiener/ISRI President

- Greater customs enforcement to reduce smuggling/illegal wastes (100% inspection of containers)
- Refine laws, regulations, and related systems (reductions in import licenses)
- Increase domestic recycling

Jobs and tax revenues are at stake. \$3 billion of federal, state, and local tax revenues are generated and will be lost if this trade is shut off. Not to mention the 40,000-plus jobs that are at stake.

China says its main goal with the waste ban is to clean up the environment. The support for those concerns is widespread. But recycling industry advocates say there needs to be clarity and transparency in adopting standards that are consistent globally. They're also asking for more time. The market needs time to adjust.

I have no doubt China is being sincere about its environmental concerns. But as it is with most things, follow the money. I believe China has concerns with succeeding in the waste and recycling markets that are just as pressing.

For an extensive discussion of the China Waste Ban involving industry experts, watch this **free webinar** (<https://www.foresteruniversity.com/ProductDetails.aspx?ProductID=2314>) offered by Forester University. **ISW**



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