

Solid Waste Industry for Climate Solutions

*Los Angeles County Sanitation Districts
Republic Services
Waste Management*

November 19, 2020

Mr. Greg Harris, Branch Chief
Greenhouse Gas and Toxics Emissions Inventory Branch
Air Quality Planning and Science Division
California Air Resources Board
1001 I Street
Sacramento, CA 95814

dTransmitted online

Re: Solid Waste Industry Climate Solutions (SWICS) Comments on the Proposed Amendments to the Air Toxics “Hot Spots” Program Emission Inventory Criteria and Guidelines (EICG)

Dear Mr. Harris:

Thank you for the opportunity to provide comments on the proposed amendments to both the EICG and CTR posted by the California Air Resources Board (CARB). SWICS is a coalition of local governments and private companies that have financed and built much of the solid waste management and diversion infrastructure in the state. SWICS is supportive of efforts to harmonize the AB617 and AB2588 programs and appreciate all the efforts of staff to work collaboratively with our group and other waste coalitions. We respectfully submit the following comments for your consideration.

SWICS recognizes the challenges faced by CARB in modifying the AB2588 Program to add the significant number of toxics proposed. Our members have been working constructively with CARB staff to recognize the unique challenges faced by the waste industry in complying with the AB2588 proposed modifications. The waste industry is unique as an Essential Public Service in serving the residential, commercial and industrial sectors while balancing compliance with equally diverse regulatory requirements aimed at protecting human health and the environment. Many aspects of the proposed amendments to the EICG and CTR have been addressed through other coalition letters and communications. This letter focuses specifically on the impact of the proposed EICG on recycling facilities and material recovery facilities (MRFs). SWICS has concerns over proposals to include

recycling facilities and MRFs in the Toxic Hot Spots Program. Essentially, the proposed language in Appendix E has the potential to make municipal solid waste (MSW) and the associated handling of MSW, a toxics hot spot. This step would be counterproductive to any effort to increase recycling rates and promulgate the very aggressive organics diversion programs in California. It should be noted that recycling is a control measure in the original AB32 Scoping Plan, and organic diversion from landfills (SB1383) fulfills the requirements of CARB's Short-Lived Climate Pollutant Program. **SWICS recommends that recycling facilities and MRFs be removed from Appendix E and be excluded entirely from the Toxics Hot Spots Program.**

Why should recycling facilities and MRFs be excluded from the AB2588 Program?

From a regulatory perspective it is important to separate the handling of MSW from management of MSW. Handling of MSW, whether dealing with a mixed waste, separated recyclables or organics, begins at the curbside where waste haulers pick-up the material. Generally, at this point the collected material is brought to a recycling facility or MRF for further handling and sorting. Handling does not alter the natural characteristics of organic material leading industry and regulatory mandates to focus on potential dust and odor emissions (nuisance issues). From the point of pick-up (e.g., residential curbside pick-up), there is a focus on preventing nuisance impacts. Recycling facilities or MRFs often have mechanized sorting equipment and even equipment to size-reduce organics for later processing. This also is considered part of the handling process and does not change the characteristics of MSW. Handling of MSW is always regulated through a series of local and state regulations cutting across many agencies; one of the foci of those regulations is nuisance (e.g., dust and odors). Even collection vehicles are generally sealed to minimize odors and dust.

After handling, sorted materials that are not sold for recycling into useful products are further managed. Management is different from handling in that the resultant material from the handling operations are processed in a manner that changes the character of MSW. Example of this are landfilling that may result in the generation of landfill gas, and organic digesters that may also generate biogas. These management processes have been part of the AB2588 program from its inception.

Ramifications of including recycling facilities and MRFs in AB2588?

California has always been a leader in recycling of municipal solid waste beginning with AB939 in 1989 that required a 50% recycling rate by 2020, and AB341 that has a goal of 75% recycling rate by 2020. Likewise, the State has also been aggressive with organics recycling goals culminating in SB1383 that requires a 75% diversion of residential and commercial organics from landfills by 2025. As discussed previously, SB1383 grew out of CARB's Short-Lived Climate Pollutant Program. Meeting the aggressive 2025 diversion

requirements in such a short time frame will require extensive changes to collection, sorting at MRFs and management of MSW and organics. In that short time frame 100's of new composting facilities and digesters will need to be permitted and sited. If waste handling of organics and MSW becomes a toxics hot spot, handling at MRFs and recycling facilities will now be subject to reporting under AB2588 and potentially require preparation of health risk assessments. This effort will not only cause additional and extensive new requirements to the operators of these facilities, but could make recycling too expensive, shut down facilities, as well as prevent the siting of new facilities because of the new label as a toxics hot spot. As discussed, this is all unnecessary since these facilities are already heavily regulated under various state and local nuisance regulations directed at controlling odors and dust from recycling facilities and MRFs. Additionally, this would add to the current financial stress these facilities face because of the reduction of recycling markets due to severe restrictions from Asian countries. Efforts to include these facilities in the AB2588 Program may permanently impact industry's efforts to comply with the most aggressive recycling goals and mandates in the country.

Conclusion

SWICS request that recycling facilities and MRFs be removed from the proposed Appendix E and exempted from the AB2588 Program. There already exist extensive regulations at the local and state level to control any odors and/or dust from these facilities and ensure protection of the health and welfare of surrounding communities. It is important for CARB to work with CalRecycle in not causing any impediments to recycling efforts which are an important part of the GHG control programs and aggressive recycling goals of the State. It is also important that CARB not label the handling of MSW as a potential toxics hot spot. This action could have the unintended consequence of permanently damaging the industry now and into the future.

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