

Solid Waste Industry for Climate Solutions

*Los Angeles County Sanitation Districts
Republic Services
Waste Management
SWANA (Southern
California Chapter)*

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Clerks' Office
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Transmitted online

Re: Solid Waste Industry Climate Solutions (SWICS) Comments on the Preliminary 15-Day Changes to the Air Toxics “Hot Spots” Program Emission Inventory Criteria and Guidelines (EICG) and Criteria Pollutant and Toxics Emissions Reporting (CTR) Programs.

To whom it may concern:

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 appreciate CARB’s consideration of our November 19, 2020 and February 23, 2021 letters and willingness to adopt some of our recommendations regarding recycling and material recovery facilities (MRFs). As discussed previously, SWICS has concerns over proposals to include recycling facilities and MRFs in the Toxic Hot Spots Program for the many reasons outlined in our previous letters and testimony to the Board. CARB’s proposed change to the Activity Level Reporting Threshold from pollutant discharge to materials handling times is an important step in treating these facilities appropriately. 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). With regard to the proposed language, SWICS has two requests. First, as written, the holding time would be applied to all “material”. CARB acknowledged in a response to one of our member’s comment that the intent was not all material, but degradable material. We would appreciate

that this intent be reflected by adding either the word “degradable”, or “putrescible” in front of “material” in these regulations. Second, CalRecycle, working with the Local Enforcement Agencies (LEAs), enforce holding times for degradable material of 48-hours plus holidays over long weekends. The standard of 24-hours, though a goal of most facilities, would be impossible to meet on a regular basis. SWICS requests that the 24-hour holding time be modified to 48-hours, plus holidays, to be consistent with CalRecycle regulations, such as CalRecycle regulation 14 CCR § 17410.1. These holding times were adopted to avoid odors that would result from decaying organic material but would also limit any VOC emissions.

What reporting is expected of Waste Handling Facilities prior to 2028?

SWICS appreciate and support CARB’s development of a separate Sector Phase 3B for Waste Handling Facilities. However, since many landfills must report GHGs pursuant to H&SC section 38530 (i.e., applicability criteria in 93401(a)(1)), the proposed language appears to indicate that these facilities would be unable to postpone the initial reporting year for toxics until the 2028 data year. We have concerns over this. As expressed by the entire waste sector the majority of Appendix A-1 compounds do not have approved laboratory test methods, which may cause significant problems when estimating emissions. Additionally, the sheer number of new compounds to address would be a significant problem. Accordingly, we would like to confirm that Section 93404(c)(1)(B) acknowledges that only those compounds that are “actually emitted by the facility” with established quantification methods are to be reported. Furthermore, until the completion of two-step process testing, these GHG reporting facilities will be unable to estimate emissions of the majority of Appendix A-1 compounds. Moreover, we must rely upon the two-step process as the “best available data and methods.” We interpret this section to allow the waste sector to continue status quo reporting until the completion of required two-step characterization studies. In other words, compounds being characterized in these studies would not be reported in response to the CTR until the completion of two-step process testing.

The Two-Step Process at Waste Handling Facilities?

As outlined in amendments to the EICG, Recycling facilities, and material recovery facilities that separate organic waste from recycle materials, have been removed from the section allowing a two-step process. One explanation provided by CARB Staff for this removal was that it is anticipated that the list of emissions from these facilities should be small, thus not needed. We request that the ability for these sources to use the two-step process be restored. As previously indicated, we do not believe these facilities should be part of this regulatory process, however, these facilities should be treated as any other waste handling facility if in the future they are regulated.

Conclusion

SWICS appreciate the opportunity to comment on the Preliminary 15-Day Changes. Changes proposed to date by CARB address many of the concerns that our unique industry face in complying with the amended CTR and EICG Programs. We believe the recommendations contained in this communication will alleviate the majority of our concerns.

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