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17-3-5
Margaret Clark

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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www.lacountyiswmtf.org

March 21, 2017

Ms. Mary Nichols, Chair
California Air Resources Board (ARB)
1001 I Street
Sacramento, CA 95814

Dear Ms. Nichols:

**COMMENTS ON THE FINAL PROPOSED SHORT-LIVED CLIMATE POLLUTANT
REDUCTION STRATEGY – DATED MARCH 2017**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to express our appreciation to the California Air Resources Board (ARB) for preparing the Final Proposed Short-Lived Climate Pollutant Reduction Strategy (Final Proposed SLCP Strategy),

https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf

The Task Force, which represents cities and unincorporated County communities with a population of over 10 million, previously sent a comment letter to ARB on the Revised Proposed SLCP Strategy in January 2017 (enclosed). However, the Task Force is surprised and disappointed that the Final Proposed SLCP Strategy did not address the comments provided by the Task Force in its January 2017 letter. The Task Force respectfully requests and would appreciate ARB addressing its previous comments, summarized below, along with one new comment, as part of the Final SLCP Strategy, or providing a direct response to the comments before approving the Final SLCP Strategy.

- The Final SLCP Strategy must identify specific solutions to the barriers to permitting and constructing new organic waste processing facilities in California, which can take five to ten years. Building the needed facilities to achieve 50 percent and 75 percent organics diversion is not likely to be feasible without changes in State law and regulations to streamline permitting and CEQA processes, especially in heavily urbanized areas such as Los Angeles County.
- The Final SLCP Strategy must identify additional funding sources for organic waste processing facilities besides public investments such as the Greenhouse Gas Reduction Fund. The State must commit to providing adequate and additional funding *through the State's cap-and-trade program* for development of the needed infrastructure. Furthermore, ARB should work with the Department of Resources Recycling and Recovery (CalRecycle) to allocate more funding to projects with

significant SLCP emission reduction benefit potential, such as anaerobic digestion (AD) infrastructure or co-digestion projects at wastewater treatment facilities.

- The Final SLCP Strategy should discuss the importance of non-combustion thermal conversion technologies in achieving the State's SLCP emission reduction goals. California currently does not have a large enough market for the compost, digestate, and soil amendments that would be created by composting and AD of organic waste generated in the State. Conversion technologies can be used to process the residual digestate from AD, to process woody biomass not suitable for composting or AD, and to create renewable fuel. The use of conversion technologies will result in significant SLCP emissions reductions compared to composting, as substantiated by numerous studies, including a study conducted by CalRecycle in the early 2000s as well as studies conducted by the California Energy Commission.
- The Final SLCP Strategy should expand on describing programs and policies other than the Low Carbon Fuel Standard (LCFS) that will increase the volume of low carbon fuels produced in the State, therefore maximizing the SLCP emission reduction benefits by using transportation fuels derived from organic waste.
- The Final SLCP Strategy should include a target for forest-derived black carbon emission reductions from wildfires, prescribed burns, and agricultural burns. Black carbon should also be included in the inventory, the discussion of reduction strategies, any identification of research needs, prioritization of measures with co-benefits, etc.
- On February 14, 2017, CalRecycle, in concert with ARB, released a draft regulatory proposal for implementation of those portions of SB 1383 (2016) under their purview. Specifically, CalRecycle proposed the following definitions:
 - **"Organic Waste** means solid wastes containing materials originated from living organisms and their metabolic waste products, including but not limited to food, green waste, landscape and pruning waste, applicable textile and carpet, wood, lumber, fiber, biosolids, digestate and sludges."
 - **"Edible Food** means food intended for human consumption. In order for this edible food to be recovered, it must meet applicable public health and food safety standards."

From a public health standpoint, the Task Force is extremely concerned with the proposed definitions. The Task Force believes that the definition of "edible food" should specify the timeframe, substantiated by studies and verification by public health officials, during which edible food would be considered "edible" (before the presence of bacteria, fungi, and other organisms cause it to be inedible.) The Task

Force recommends that the proposed regulations not require generators of edible food to keep it edible due to the difficulty in enforcing such a requirement and its potential to result in health hazards or become a basis for legal actions.

The Task Force also recommends CalRecycle and ARB to consider the impact of the proposed definition of "organic waste" on the ability to maintain public safety and enforce current agricultural and human health standards to prevent disease. The proposed definition of "organic waste" (which expands on the definition established under AB 1826) includes biosolids, digestate, and sludges (emphasis added). CalRecycle and ARB should consider including measures in the regulations that will ensure that recycled organic wastes are free of disease-causing pathogens and pests so that the application of compost, mulch, and chipped and ground lignin to land (agricultural, industrial, grazing land, parklands) can be carried out in a manner that will ensure public health and safety.

Task Force strongly believes these are essential matters concerning public health and safety. The Task Force strongly recommends that any proposed definitions or regulations be analyzed and studied by the State Board of Public Health, the Office of Environmental Health Hazard Assessment, and academic institutions, as appropriate, before ARB and CalRecycle move forward with the said matters. Such reviews would allow ARB and CalRecycle to fulfill their primary responsibility, which is to ensure the protection of human health and safety and our environment.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

We hope that these issues will be addressed in the Final SLCP Strategy or that ARB will provide a direct response to the comments before approving the Final SLCP Strategy.

Should you have any questions regarding these comments, please contact Mr. Mike Mohajer, a member of the Task Force at MikeMohajer@yahoo.com or at (909) 592-1147.

Ms. Mary Nichols
March 21, 2017
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Sincerely,

Margaret Clark

Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Council Member, City of Rosemead

Enc.

cc: Matthew Rodriguez, Secretary of the Cal EPA
Each Member of the California Air Resources Board
David Mallory, California Air Resources Board
CalRecycle (Scott Smithline, Christine Hironaka, Howard Levenson)
League of California Cities
League of California Cities, Los Angeles Division
California State Association of Counties
Each Member of the Los Angeles County Board of Supervisors
Chief Executive Officer, County of Los Angeles
Each City Mayor/Manager in the County of Los Angeles
South Coast Air Quality Management District
South Bay Cities Council of Governments
San Gabriel Valley Council of Governments
Gateway Cities Counsel of Governments
Southern California Association of Governments (Carl Morehouse and Huasha Liu)
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task
Force
Each Member of the Alternative Technology Advisory Subcommittee
Each Member of the Facility Plan Review Subcommittee



MARK PESTRELLA, ACTING CHAIR
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January 17, 2017

Ms. Mary Nichols, Chair
California Air Resources Board (ARB)
1001 I Street
Sacramento, CA 95814

Dear Ms. Nichols:

**COMMENTS ON THE REVISED PROPOSED SHORT-LIVED CLIMATE POLLUTANT
REDUCTION STRATEGY – DATED NOVEMBER 2016**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to express our appreciation to the California Air Resources Board (ARB) for providing the opportunity to comment on the Revised Proposed Short-Lived Climate Pollutant Reduction Strategy (SLCP Strategy),

<https://www.arb.ca.gov/cc/shortlived/meetings/11282016/revisedproposedslcp.pdf>

The Task Force would appreciate ARB's consideration of the following comments as part of the SLCP Strategy finalization process:

- According to the SLCP Strategy, approximately fifty-four new facilities would need to be built in California by 2020 and approximately seventy-three new facilities would need to be built by 2025 in order to achieve the organic diversion targets in Senate Bill 1383 (2016). Permitting and constructing a new organic waste processing facility in California can take five to ten years. Building the needed facilities to achieve 75 percent organics diversion is not likely to be feasible by 2025 without changes in State law and regulations to streamline permitting and CEQA processes. These changes, in order to support the SLCP Strategy, cannot compromise current clean air and clean water regulations and standards. While the Task Force appreciates that these issues were acknowledged in the SLCP Strategy, it is still necessary for ARB to identify specific solutions for overcoming these barriers to achieving the State-mandated 2020 and 2025 organic waste diversion goals.
- The SLCP Strategy estimates that the capital cost to build enough facilities to achieve 75 percent organics diversion is over \$2 billion. Developing new and expanded infrastructure to achieve the 2020 and 2025 organic diversion targets stipulated by Assembly Bill 1826 (2014) and SB 1383, respectively, are neither achievable nor feasible without significant capital investment by the State, local government, and private sectors. The SLCP Strategy identifies public investments

such as the Greenhouse Gas Reduction Fund (GGRF) as an incentive for early action to accelerate market transition to cleaner technologies. However, the Task Force questions the viability of the GGRF since it is subject to annual adjustment, reduction, and/or elimination by the Legislature and the Governor during the State Budget adoption process. Assembly Bill 1613 (2016) appropriated only \$40 million in GGRF funds to CalRecycle for waste diversion and GHG reduction. ARB must identify additional funding sources for organic waste processing facilities. For Fiscal Year 2016-17, CalRecycle is providing only \$12 million in GGRF grants for digestion projects. The Task Force believes that the State must commit to providing adequate and additional funding through the State's cap-and-trade program for development of the needed infrastructure. Further, ARB should work with CalRecycle to allocate more funding to projects with significant SLCP emission reduction benefit potential, such as anaerobic digestion (AD) infrastructure or co-digestion projects at wastewater treatment facilities.

- In acknowledging the need for additional organics processing infrastructure, the SLCP Strategy only considers composting and AD, and not any other technologies. California currently does not have a large enough market for the compost, digestate, and soil amendments that would be created from organic waste generated in the State. The California Department of Food and Agriculture (CDFA) regulates and requires certification of such products as compost, digestate and soil amendments when processed in a county under quarantine for pest infestations or pathogens. Therefore, the CDFA should be included in the processing section of the SLCP Strategy. Although the Proposed Strategy outlines goals for increasing the market for compost and soil amendments, it should also discuss the importance of conversion technologies in achieving the State's SLCP emission reduction goals. Digestate can be composted; however, composting the significant volume of digestate produced from processing 75 percent of the State's organic waste as required by SB 1383 will not be sustainable solution. Conversion technologies can be used to process the residual digestate from the AD process. Furthermore, thermal non-combustion conversion of digestate can be used to create renewable fuel, resulting in significant SLCP emissions reductions compared to composting. Additionally, there is organic waste such as woody biomass that is not suitable for composting or AD, for which thermal conversion technology is the best method to reduce SLCP emissions and should be included in the final SLCP Reduction Strategy.
- The SLCP Strategy identifies the Low Carbon Fuel Standard (LCFS) as an effective program to make projects that utilize organic waste to create transportation fuel profitable. ARB should expand on describing other programs and policies that will increase the volume of low carbon fuels produced in the State, therefore maximizing the SLCP emission reduction benefits resulting from the usage of transportation fuels derived from organic waste.

- The SLCP Strategy confuses the requirement of SB 1383 to set targets for specific SLCP sources with the requirement of Senate Bill 605 (2014) to develop a comprehensive strategy and inventory for all sources of SLCPs. The SLCP Strategy states that “since the legislative direction and intent of SB 1383 is to include only non-forest sources of black carbon in the target, a target for forest-derived black carbon emission reductions is not included in this SLCP Strategy.” The SLCP Strategy does not just omit a target for black carbon from wildfires, prescribed burns, and agricultural burns; the SLCP Strategy omits it in the inventory, the discussion of reduction strategies, any identification of research needs, prioritization of measures with co-benefits, etc. Omitting forest carbon entirely contradicts the requirements of SB 605 and should be included in the final strategy.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

We hope that these issues will be addressed in the final Short-Lived Climate Pollutant Reduction Strategy.

Should you have any questions regarding these comments, please contact Mr. Mike Mohajer, a member of the Task Force at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,

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