



July 2, 2012

Caroll Mortensen  
Director, CalRecycle  
1001 I Street  
Sacramento, CA 95814

RE: *California's New Goal: 75% Recycling*

Dear Ms. Mortensen:

The Regional Council of Rural Counties (RCRC), the League of California Cities (League) and the California State Association of Counties (CSAC) wish to express our appreciation for the opportunity to comment on the early stage of development of CalRecycle's *California's New Goal: 75% Recycling*. With the passage of Assembly Bill 341 (Chapter 476 of 2011), our organizations look forward to working with the state to identify feasible strategies that will improve the ability of Californians to reach the new statewide 75% solid waste disposal reduction goal through source reduction, recycling, or composting by the year 2020. We understand that the intent of this initial document is to initiate conversations with the stakeholders and that it is just the beginning of the process. That being said, we respectfully have serious concerns with the initial document. We look forward to these concerns being addressed in a collaborative effort to ensure that we move our practices to achieving the new statewide goal. Furthermore, we must ensure that recommended strategies are realistic, achievable, viable, and affordable.

As stated in section 40052 of the Public Resources Code, the purpose of California Integrated Waste Management Act of 1989 (CIWMA) is to "reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible in an efficient and cost-effective manner to conserve water, energy and other natural resources." In development of *California's New Goal: 75% Recycling*, it is important to keep the recommendations in context of these principles. From the public solid waste industry perspective, "the maximum extent feasible in an efficient and cost-effective manner" is an important part of the complex sphere of solid waste management.

We recognize that AB 341 uses the terms, source reduction, recycling, and composting in the 75% policy goal and does not include the term “diversion”. However, one of our first concerns, as you would expect, is the exclusion of some of the disposal-related activities previously accepted as diversion. Specifically, we are concerned about the removal of diversion credit for the use of alternative daily cover (ADC) at California landfills, alternative intermediate cover at California landfills, beneficial reuse at California landfills, material transformed at California transformation facilities, and used-tire derived fuel at California facilities. Going back to the purpose of the CIWMA, the term “reuse” is included after reduce and recycle. To that extent, many of our jurisdictions that cannot recycle some materials in an efficient and cost-effective manner can reuse the materials at landfills for other beneficial uses and in a manner that conserves water, energy, and other natural resources. While we understand *California’s New Goal: 75% Recycling* is not meant to supersede the requirements of AB 939, we believe it will cause much confusion and is the first step towards changing the definitions and requirements of CIWMA.

We are also concerned with the proposed new baseline to be used with AB 341. For CIWMA, the diversion measurement was changed just a few years ago to a per capita measurement (lbs/resident/day). The baseline was discussed at length and the average generation rate from 2003 to 2006 was agreed upon as 12.6 lbs/resident/day. CalRecycle is now proposing to use a different baseline for AB 341 purposes, which is the long-term average (1990 to 2010) generation rate of 10.7 lbs/person/day. With the 75% recycling goal, this lowers the lbs/resident/day from 3.15 pounds to 2.7 pounds. Again, we understand that this measurement is not meant to supersede the measurements of CIWMA for local jurisdictions, but we believe it will cause confusion and arbitrarily raises the bar for what must be achieved, which in turn will greatly increase the difficulty and cost of implementation.

The following are our initial thoughts on the ten major topic areas that will be explored for reaching the 75% goal:

#### Increase Recycling Infrastructure

We whole-heartedly agree that the key to meeting the new 75% goal will be to increase recycling infrastructure. We also agree that financial incentives will be a key to facilitating the development of new in-state recycling, composting, and energy generation facilities. Funding for these incentives will be pivotal to the success of any new goals and should be a priority in our discussions. To rely on tipping fee increases would only be a short-term solution and will be difficult to achieve.

Furthermore, increasing CalRecycle’s oversight and inspection activities does not seem practical given diminishing revenues and the increase in costs associated with managing our waste stream.

### Organics

As stated earlier, we are opposed to the revision or repeal of Public Resources Code 41781.3, which would eliminate diversion credit for green ADC. We would also be opposed to subjecting ADC to the tipping fee. Our landfills are already struggling financially to operate and with declining revenues, additional costs would only exacerbate the operations. The use of ADC conserves other natural resources and energy and contributes to efficient and cost-effective landfill operations. We concur with CalRecycle's brief evaluation that questions if there is even the existing composting infrastructure to handle the additional ADC materials.

Currently, there is a significant lack of composting infrastructure in place to justify banning organics from landfills. While financial incentives are needed to facilitate the development of new organics management facilities, another and perhaps larger hurdle is the permitting of such facilities. Aside from the ongoing issues relative to the regional air and water districts, with the public perception that it is an undesirable land use, these facilities are extremely difficult to site. Any large scale facility could take upwards to 10 years to permit. We just do not have - and will not have - the capacity to entertain a ban. We concur with CalRecycle's strategies to reduce the time, complexity, and cost of permitting facilities. Additionally, we agree that financial incentives to reduce organics in landfills are necessary and suggest as an alternative to a ban, exploring ways to reduce food waste.

### Increase Commercial Recycling

The commercial recycling requirement of AB 341 does not begin until July 1, 2012. The legislation requires the CalRecycle to review a jurisdiction's progress and compliance with the requirement as a part of the CalRecycle's review of a jurisdiction's compliance with the 50% diversion. To consider new legislation to ratchet down the threshold or require regulated businesses to recycle greater than 50% and document tonnages recycled is premature. If it is to be considered, it should not be considered until after a review of the progress/success of this not yet implemented requirement.

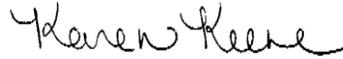
In summary, AB 341 states the intent of the Legislature is to encourage the development of additional solid waste processing and composting capacity, while meeting statewide objectives to reduce overall solid waste disposal by identifying incentives for local governments to locate and approve new or expanded facilities that meet and exceed their capacity needs. Funding and incentives should be the focus of the document, not new restrictions and bans that are costly and impractical. The solid waste industry needs the tools to move forward. The state, local jurisdictions, the private solid waste industry, and businesses need to partner in a cooperative and productive manner to make this goal a reality. We support and encourage the use of stakeholder meetings on key issues as part of this process.

We again thank you for this opportunity to comment on *California's New Goal: 75% Recycling*, and we look forward to working together on this important issue. The signatories to this letter may also be providing their own more specific comment letters.

Sincerely,



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cc: The Honorable Wes Chesbro, Member of the State Assembly