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SOLID WASTE ASSOCIATION  
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November 1, 2013

Caroll Mortensen, Director  
Department of Resources, Recycling and Recovery  
1001 I Street  
Sacramento, California 95812

**RE: AB 341 REPORT TO THE LEGISLATURE: GREATER EMPHASIS ON LIFECYCLE ANALYSIS IS NEEDED**

Dear Director Mortensen:

The Solid Waste Association of North America (SWANA) is the world's largest association of solid waste professionals with more than 8,200 members. SWANA's California chapters represent more than 900 members of the solid waste community, including both private companies and local governments. SWANA is committed to advancing the practice of environmentally- and economically-sound management of municipal solid waste. SWANA's California Legislative Task Force (LTF) is responsible for representing the California Chapters on legislative and regulatory issues.

AB 341 requires CalRecycle to submit a report to the legislature by January 1, 2014 with strategies on how to achieve the bill's goal of 75% by 2020. This letter addresses the October Legislative Report Update, focusing on the importance of conducting life cycle analyses, and basing policy decisions on these analyses, and also briefly addresses the importance of placing a high priority on infrastructure funding & assistance in development of new diversion-related facilities.

**LIFE CYCLE ANALYSIS.** It is only with a comprehensive, transparent and factual life cycle analysis that CalRecycle can effectively prioritize actions. Any life cycle analysis that continues to perpetuate the "out of sight, out of mind" mindset that has contributed to extensive growth in the export of recyclable materials to other states and countries must be avoided.

Further, until manufacturers, consumers, governmental bodies, and the public understand the impacts associated with solid waste management choices, those choices will be based on bias, rather than on knowledge.

Life cycle analysis can determine the relative benefits of different management approaches, such as source reduction, recycling, composting, and extended producer responsibility. This analysis could resolve the questions raised in concept 4a about when an EPR approach is appropriate.

In your cover letter “Thoughts from the Director” you explain that calling alternative daily cover (ADC) recycling is disingenuous, since the material ends up in the landfill. However, use of waste material for an application that would otherwise require virgin material (e.g. dirt) is the very definition of recycling, and is the basis of the designation of alternative daily cover by the Legislature as recycling. Moreover, there is a need to distinguish between the goal of waste reduction and that of recycling, which is not an end in itself. As the proliferation of plastic water bottles illustrates, the goal is not to recycle more, it is to dispose of less. If the concern is that the public does not understand what source reduction is, then what is needed is better education. Effective life cycle analysis can assist with this education.

Life cycle analysis can be used to evaluate not only the management technique, but also the material type that should be prioritized for management. Life cycle analysis may suggest stronger focus on construction and demolition debris (concept 7d), given the volume and potential for remanufacture. Concept 7e discusses CalGreen’s 50% diversion standard. An analysis should be conducted to determine the feasibility of reconciling that standard with AB341’s 75% target.

“Organic material,” proposed in concept 2b for phase out at disposal facilities, is a broad category. Many organic materials are not suitable for composting or anaerobic digestion, and many potentially compostable or digestible wastes may have too high of contamination (with trash) levels to be practically or economically recoverable. A more in-depth waste characterization with accurate subtype categories/definitions is necessary for effective life cycle analysis, which can then be used to assist in further refinement of priorities. As pointed out in concept 2a, “opinions vary” on the utility of phasing out greenwaste as ADC. It should also be pointed out that, regardless of the range of opinions, the use of greenwaste as ADC has been declining steadily since 2006, which should also inform CalRecycle’s decision-making regarding priorities. As pointed out in concept 10a, “[t]here is a wide range of opinion about using waste materials for energy recovery.” Life cycle analysis is needed to guide how use of ADC and composting should be evaluated and what role green waste-derived energy projects should play in California’s waste management infrastructure in the future. We would suggest that waste-derived energy can and should play an important role in the future, particularly for organic waste streams that are unsuitable for recovery via composting and/or anaerobic digestion.

Life cycle analysis should include a consideration of transportation impacts and collection efficiencies (concept 1f). It should be used as a tool to evaluate efficiency-improving strategies, such as volume based rate structures, non-exclusive franchise systems, recyclable materials segregation requirements, distant manufacturing and markets, and other factors. The various market development concepts scattered throughout the Update (e.g., concepts 1e, 6a, and 6d) should be consolidated. Market availability and economics should be part of the life cycle analysis.

**FUNDING/FACILITIES.** As suggested in concept 1a, with landfills playing an ever decreasing role in solid waste management, it is important not to fund diversion programs from increased fees on facilities that are in a “death spiral.” Instead, facility oversight should be borne by the facility being regulated. Furthermore, landfill bans such as the organics ban (concept 2b) should be based on actual threats to the environment, which also can be determined objectively by use of life-cycle analysis.

Under the category of “The Other 25%,” CalRecycle should actually set an additional goal of preserving landfill capacity for those waste streams that are unsuitable for any other type of diversion approach. This goal works hand-in-hand with the goal of promoting greater diversion because slower fill rates will extend current landfill operating time horizons, and we recommend that the value of this goal (which will help reduce the need to site new landfills in the future) be explicitly recognized in the 75% Plan. Lastly, to assist in advancing the dual goals of 75% recycling and preservation of landfill capacity, we commend CalRecycle for including many of the following initiatives, and ask that you work cooperatively with local government as you develop them:

- funding for market development, studies, and diversion facilities;
- permit streamlining for diversion facilities;
- co-location of diversion facilities at waste disposal facilities to assist in overcoming siting challenges; and
- increased compaction at landfills.

**CONCLUSION.** The LTF was pleased to see an emphasis on communication, including social marketing and behavioral changes described in concept 1h. The communication program can enlist the public to assist with life cycle analysis, economic factors, and finding solutions to the environmental impacts associated with materials production, consumption, and disposal. Please contact me directly at 916-446-4656 for further discussion or to schedule collaboration.

Sincerely,



Jason Schmelzer  
SWANA Legislative Advocate

cc. Matt Rodriguez – Secretary, California Environmental Protection Agency  
Martha Aceves-Guzman – Deputy Legislative Secretary, Office of Governor Brown