

July 11, 2013

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**Subject: ARB 2013 Scoping Plan- Waste Management Sector**

Dear Ms. Nichols and Ms. Mortensen,

On behalf of OC Waste & Recycling, I want to thank you for the opportunity to comment on the Waste Management Sector of the Air Resources Board's 2013 Scoping Plan Update. Our Department sent your office its comments articulating its concerns related to CalRecycle's proposed plan titled "*California's New Goal: 75% Recycling*" and Assembly Member Chesbro's AB 323 which prohibits diversion credit for alternative daily cover (ADC) and was consistent with your previously released plan. As you can see OC Waste & Recycling has been involved from the onset in working with CalRecycle to meet the 75% goal by 2020.

The purpose of this letter is to comment on the *Overview of the Waste Management Sector Plan* and the five technical papers released by CalRecycle which discuss activities to achieve the 75% recycling goal of AB 341 and inform the development of the AB 32 2013 Scoping Plan Update. Included below are comments that were addressed in previous letters as well as the five technical papers.

**General Comments**

**General Comment # 1 – Public Landfills are an Essential Public Service**

Essential public services such as landfills, wastewater treatment plants (WWTP), schools, hospitals, etc. should be excluded from any discussion of cap and trade under the proposed Scoping Plan Update. For these facilities, their emissions are tied to population and economic factors that are out of the facility's control to regulate and/or reduce. Specific to landfills, an increase in population will generally result in an increase in the waste stream, which will result in an increase of landfill gas (LFG) generated and ultimately emitted from the landfill. Public landfills are generally mandated by law to be able to accept the amount of waste being generated and hauled to the landfill. This is similar to WWTPs, which have been excluded from evaluation

in the Scoping Plan Update, have been recommended by the California Air Resources Board (CARB) to be non-viable for cap and trade, and have to be able to manage the amount of wastewater generated and discharged by the communities served.

In the instance of landfills, methane increases overtime as the landfill is open and will only start to decrease once the landfill is closed. This is a key reason why essential public services, which must increase capacity to support the populations they serve, are not viable candidates for a greenhouse gas (GHG) cap and trade program.

With regard to economic factors, the principal responsibility for compliance would fall on the owner of the regulated facilities; namely the landfill owners. Thus, the cost of any proposed emissions cap and compliance offset obligation would be passed down from the facility to the community in the form of increased disposal fees.

In addition, it is not clear in the documents reviewed that baseline levels would be established for landfills for an emissions cap. Landfills are one of the only sectors to successfully achieve reductions from the 1990 baseline, thus it would seem that, in general, landfills have already met an emissions cap that would be determined based on 1990 emission levels. Further, setting an emissions cap based on more recent, post-regulation emissions levels misrepresent data and can become potentially unavailable for an industry that has already reduced its emissions as much as the landfilling industry has.

Moreover, the technical papers indicate landfills are a significant source of GHG emissions while at the same time mentioning that they are “difficult to estimate and are subject to substantial uncertainty”. Further research is needed before imposing additional restrictions on landfills.

### **General Comment #2- AB 341 75% Plan**

CalRecycle continues to identify the 75% policy goal on a “recycling” metric rather than the “diversion” metric established by AB 341. By referring to it as a recycling goal, CalRecycle has independently established a new target of 90% in terms of a statewide diversion rate given its proposal of banning certain credits allowed under AB 939.

As stated in our comment letter dated April 26, 2013, OC Waste & Recycling has serious concerns with CalRecycle’s plan to ban green waste currently used as ADC from landfills. This will result in the County and Cities dropping significantly under compliance with AB 939 and SB 1016. We believe it is important to allow the full implementation of the Mandatory Commercial Recycling regulations before any bans on green waste and organics are considered. In addition, the necessary infrastructures to accommodate such waste streams need to be in place before these bans occur.

### **Overview of Waste Management Sector Plan**

*Page 3, Principles and Priorities, Second bullet, “Maximize Recycling and Diversion from Landfills –*

- The third sub-bullet under this point discusses the need for an evaluation of actions needed to phase out landfilling of organics. This point pre-supposes that phasing out of organics from landfills is the only viable option for maximizing recycling and diversion

in landfills. Current infrastructure to process high volumes of organics is lacking in Southern California. It is important that CalRecycle consider the many ramifications of banning organics which include illegal dumping and increased costs associated with shipping organics to remote areas with these facilities.

*Page 5, 2050 Goal of 25% reduction in direct GHG emissions from 2035 levels –*

- When compared to the other waste handling options, it would appear that only landfills have direct GHG emissions, which is incorrect. Thus, by stipulating that only “direct” GHG emissions are a component of the 2050 goal, landfills are being singled out for further reduction.

### **Recycling, Reuse, and Remanufacturing**

*Page 9, Section A, Short-Term, Market Development-*

Recycling Market Development Zone (RMDZ) loans need to be statewide to help capture more businesses and increase the success of diverting waste from landfills. Currently, businesses located outside of RMDZ areas are at a disadvantage and are unable to benefit from the program. In addition, significant education and outreach by the State and local jurisdictions will be needed to promote participation in the program.

### **Composting and Anaerobic Digestion**

*Page 9, Section A, Short-Term Permitting of New Composting and Anaerobic Facilities-*

Since green waste can comprise up to 30 percent of the solid waste stream, existing chipping and grinding facilities or materials recovery facilities would not be able to accommodate this enormous increase in materials. Many areas of Southern California are highly urbanized. The permitting process and stringent air district rules make it difficult to site new solid waste management or composting facilities in these metropolitan areas. Therefore, hauling compostable organics to distant locations would negate the efforts of AB 32 in reducing GHG emissions. This is important since facilities would need to be sited locally before organics and ADC are banned from landfills.

*Page 11, Section B, Short-Term Public Acceptance-*

CalRecycle needs to recognize the economic implications to landfill operators, private waste hauling companies, counties, cities, solid waste districts, businesses and homeowners when considering supporting a substantial fee increase. Imposing fees for green waste will be a financial burden to jurisdictions and facility operators. The State should develop measures to ensure jurisdictions will receive a proportionate funding allocation for developing infrastructure facilities.

### **Biomass Conversion**

*General Comment-*

OC Waste and Recycling would be in support of the position taken in this technical paper if definitions are expanded for biomass conversion to include gasification and related technologies. This would make these technologies eligible for Renewable Portfolio Standards credit and would therefore create an incentive to construct.

### **Municipal Solid Waste Thermal Technologies**

*General Comment-*

Gasification, pyrolysis and related technologies should be clearly defined as separate from incineration. This definition prohibits these technologies for the California Renewable Portfolio Standard.

The term “post-recycled” should be added to all instances of when discussing municipal solid waste. This ensures that these technologies are handling only post-recycled materials that would otherwise be disposed in landfills.

*Section II, C, MSW as a Supplemental Fuel-*

In the definition of MSW, organics are not included as part of the supplemental fuel. This section should be expanded to include organics.

**Landfilling of Waste**

*Page 4, 1st paragraph-*

OC Waste & Recycling would like additional information in support of the statements made in the fourth paragraph. It is our understanding that the statement made that landfill emissions may be higher than previously estimated is based on the California Landfill Methane Inventory Model (CALMIM) study that was both completed prior to the implementation of the Landfill Methane Rule (LMR), and field tested at a site not subject to New Source Performance Standards (NSPS) for landfills. If this single site is being used as the basis for CalRecycle statements in regard to increased landfill emissions, it does not seem representative of current landfills.

*Page 4, 3rd paragraph-*

It should be noted that landfills capture methane that is generated from the degradation of MSW. The use of the term “emission” infers that the generated gas has left the landfill.

*Page 6, “Uncertainty in Landfill Emissions” –*

- Within this section, there is a statement inferring that the current law allows landfills to decommission their gas systems before all waste has degraded. While technically true, it is important to note that command and control regulations, such as LMR will not allow landfills to “time out” on compliance, unless emissions are low enough that they do not exceed surface emissions thresholds. No landfill will be allowed to decommission their Gas Collection and Control Systems unless they can meet this standard.

*Page 7, “Regulatory Actions and Interagency Collaboration” –*

- OC Waste & Recycling disagrees that “early landfill closure” is a BMP, and requests supporting information from CalRecycle on this statement. As mentioned previously in this letter, landfills are an essential public service. Additionally, in regard to surface emissions, the discussion of a more stringent surface standard fails to note that along with the increase from the proposed 200 parts per million (ppm) threshold to 500 ppm, landfills have had to implement integrated surface emissions monitoring (SEM) sampling, which added expense to LMR compliance.

## **Implementation Plan**

### *Category 1, Emissions Reduction Factors –*

- The goal of Action Items a) and b) is to adjust the compost and Anaerobic Digestion (AD) emission reduction factors to include avoided landfill emissions from diverting organics to compost operations. In order to achieve consistency with implementation, it should be assumed that landfill emissions should be reduced as well to account for the implementation of both command and control regulations, as well as, the reduced organic content of landfilled waste based on proposals in these documents.

### *Category 9, Research –*

- For Action Item a), it would seem that improved characterization of both direct and indirect GHG emissions from all waste handling technologies should be subject to research. OC Waste & Recycling recommends inclusion of all waste handling technologies in additional research which include locations and proximity as well as parasitic loads.
- With regard to Action Item g), OC Waste & Recycling recommends that CalRecycle coordinate this research with stakeholders in the solid waste industry.

I welcome the opportunity to continue our dialogue with you and your staff regarding your plan and the proposed plan. If you have any questions, please contact me at 714-834-4147 or by email at [chip.monaco@ocwr.ocgov.com](mailto:chip.monaco@ocwr.ocgov.com).

Sincerely,



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