



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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STEPHEN R. MAGUIN
Chief Engineer and General Manager

August 19, 2009

Mr. Mark de Bie
Chief, Permitting and Local Enforcement Agency Support Division
California Integrated Waste Management Board
1001 I Street
P.O. Box 4025
Sacramento, CA 95814

Dear Mr. de Bie:

Comments on White Paper on Alternative Daily Cover

Thank you for the opportunity to comment on the subject white paper. This white paper is intended to satisfy the strategic directive adopted by the California Integrated Waste Management Board (CIWMB) in 2007 requiring that the current alternative daily cover (ADC) regulations be reviewed to ensure that they are grounded in the best available science, address changing market conditions, and take advantage of developing technologies. This effort, however, revisits a successful recycling program created by local government and previously supported by CIWMB. The Board should recognize the value of the greenwaste as ADC program in light of the current CIWMB draft final report titled "Life Cycle Assessment and Economic Analysis of Organic Waste Management and Greenhouse Gas Reduction Options" showing the GHG benefits of landfills as a long-term repository for organics. With greenwaste being a small fraction of the total organics in the municipal solid waste stream, CIWMB efforts should be focused on the larger organics fraction for greater diversion opportunities.

Regulations eliminating or phasing out the use of greenwaste as ADC would have significant negative impacts to Los Angeles County because there is insufficient infrastructure for alternative greenwaste management, there are significant permitting hurdles to site new facilities, it would undermine the significant investment made by local jurisdictions to provide a separate curbside collection for greenwaste, and it would jeopardize the diversion rates achieved by local government. As you are aware, the majority of jurisdictions in Los Angeles County provide a separate curbside greenwaste collection program and rely on greenwaste as ADC to meet the state-mandated diversion rate. The issues critical of greenwaste as ADC raised in this white paper are speculative and unsubstantiated. These concerns call into question Board-approved programs and Board/local enforcement agency (LEA) oversight without evidence to back up these claims.

The following are our comments on the issues raised in the white paper and on the various options to deal with these issues:

Issue No. 1: The optimum amount, depth, and quality Board-approved ADC have not been adequately researched

This is not true. As noted in the white paper and in the Initial Statement of Reasons for the current ADC regulations, **111 site-specific demonstration projects** were used as a basis for establishing the minimum standards to protect public health, safety, and the environment. These demonstration projects, which were approved by the LEA and CIWMB staff, included testing geosynthetic blankets (55 projects), greenwaste (27 projects), and other ADC materials (foam products, sludge, ash, and autoshredder waste).

Issue No. 2: The specifications for some ADC materials make it difficult to evaluate compliance through periodic inspections. The current regulatory regime could allow the misuse of ADC to go undetected.

The presumption that there is misuse of ADC ignores the role of the LEA and the extensive disposal and beneficial reuse (of greenwaste as ADC) reporting requirements imposed by the agencies with jurisdiction over landfills, including CIWMB and the LEA. In establishing a refuse-to-ADC ratio, as presented in Option 1, it would ignore the site-specific demonstration previously conducted and approved for that landfill and impose an arbitrary operational restriction that would be difficult to implement and enforce across the entire surface area of the working face. Consequently, we are strongly opposed to Option 1.

Option 2 would leave the thickness requirements at the current levels but improve monitoring. Option 3 would improve the information on ADC use in the operator's Report of Disposal Site Information. Both of these options are acceptable and are able to be implemented in practice.

Issue No. 3: ADC often contains materials that are not allowed to be included in the material types (contaminants). For example, many feedstocks for construction and demolition (C&D) ADC include materials that are not listed as allowable, such as wallboard.

We believe that Issue No. 3 overstates the contamination problems. Commingled green and food waste is not ADC and should be enforced by the LEA.

We support Option 3, where CIWMB sponsors a study of additional ADC material types, and Option 4 which would require a demonstration project for C&D with gypsum wallboard as ADC. We do not support the other options in the white paper due to their impracticality and possible implications to other ADC materials that are already well regulated. Additionally, a rigorous scientific study regarding hydrogen sulfide emissions from wallboard is needed before it is included in this white paper as a fact, particularly if naturally occurring gypsum in cover soil may also generate hydrogen sulfide and both emissions may not be distinguishable.

Issue No. 4: Many stakeholders believe that CIWMB's site demonstration project requirements for new ADC materials, such as MRF and C&D fines, lack specific requirements on how to conduct the demonstration. Fines are produced from various feedstocks and processes, and the constituents can vary greatly.

We believe that the site-specific demonstrations provide sufficient data for approving new material types for use as ADC. The regulations currently contain the flexibility to test all ADC materials and different handling methods. Consequently, no further regulations are necessary.

Issue No. 5: The definition of green material in the compostable materials handling regulations is different than the ADC definition of processed green material.

Given that there are no major problems reported to LEAs or CIWMB related to the differences between green material and processed green material, we only support Option 1 which leaves alone the current definitions.

Issue No. 6: CIWMB Strategic Directive 6.1 aims to reduce the amount of organics in the waste stream by 50% by 2020. Organic-derived ADC is considered beneficial reuse, not disposal, which is a disincentive to keep green material out of the waste stream.

The point raised about the negative impacts of organic-based ADC on composting is contradicted on page 10 of the ADC white paper which shows that while the use of greenwaste as ADC increased in 1995-96 the amount of compost products doubled in that same period. This data does not substantiate the claim that organic-based ADC negatively impacts composting. Additional data is needed to support this contention.

We support Option 1 only, which would have the ADC Policy Working Group monitor the results of CIWMB's report "Life Cycle Assessment and Economic Analysis of Organic Waste Management and Greenhouse Gas Reduction Options" to determine the proper regulatory approach based on the report's findings. This report, which was recently released for review, finds that landfills are a cost effective and environmentally beneficial option for managing organics, particularly when considering the long-term sequestration of carbon, the high collection efficiencies of landfill gas, and the displacement of fossil fuel from energy recovery.

The report studies four diversion scenarios - each with a different goal - and then presents the mix of diversion alternatives needed to achieve that goal. In all cases or scenarios studied, vast amounts of new infrastructure will be required, particularly waste-to-energy (WTE) and composting facilities. Without sufficient development of the additional infrastructure, landfills will continue to be the backstop that must be relied upon to close the gap for the management of the remaining organics. Therefore, it is critical that any new policy recognize the critical role that landfills will play during the transition to other organic management alternatives. The Sanitation Districts believe in a diverse organics management infrastructure and have invested significant capital to construct it, but we have found that it is a long-term endeavor that often encounters significant resistance from environmental and community groups when siting and permitting. Consequently, these issues need to be resolved before new infrastructure can be built and organics management alternatives can be realized.

Issue No. 7: Using organic materials to reduce greenhouse gas emissions at landfills is currently being researched.

Please refer to our comments on Issue No. 6.

Issue No. 8: Department of Toxic Substances Control is in the process of reexamining Auto Shredder Waste (ASW), and its Reclassification as a hazardous waste would require ASW to be treated so that is not hazardous or to be disposed in a Class I landfill.

The Sanitation Districts of Los Angeles County do not use ASW as ADC and, therefore, have no comment.

Mr. Mark de Bie

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August 19, 2009

We appreciate the opportunity to comment on this white paper. Please contact me at (562) 908-4288, extension 2723, should you have any questions.

Very truly yours,
Stephen R. Maguin

A handwritten signature in black ink, appearing to read 'Glenn Acosta', with a long horizontal flourish extending to the right.

Glenn Acosta
Senior Engineer
Facilities Planning Department

GA:ddg

cc: Mark Leary, Executive Director, CIWMB
Howard Levenson, Program Director, CIWMB