STATE OF CALIFORNIA

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

IN THE MATTER OF:

PUBLIC FORMAL RULEMAKING HEARING

SB 1383

REDUCING SHORT-LIVED CLIMATE POLLUTANTS IN CALIFORNIA

TRANSCRIPT OF PROCEEDINGS

MARCH 12, 2019

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JOE SERNA JR. - CALEPA BUILDING

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA
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MR. BRADY: Okay, we're going to get started now. So, has anyone done any good reading in the last couple months?

Okay, before getting started, a couple housekeeping things. A fire/life safety announcement. Is there is an emergency, an alarm will sound and you can follow CalRecycle staff, who are all along this wall, out the double doors, down the stairs, and out into the park.

Before getting started, I did want to send a thank you to everyone that submitted written comments throughout the informal process and now in the formal process. We've had a very robust level of participation and that's really provided a lot of good guidance for us as we've developed the regulations.

Before getting started I'm going to, today, review the agenda and logistics for the hearing, and provide some background on SB 1383 and some of the policy drivers, and statutory direction, as well as an overview of the rulemaking process.
So, for the structure of the hearing today, the way we've designed this is to provide brief presentations on the major sections of the regulations and then hold public testimony after each section, so people can focus their comments on those specific aspects of the regulations.

For the morning, we're going to cover three sections in addition to this overview. Cover landfill disposal and reductions in landfill disposal, collection and planning, and edible food recovery.

We'll then break and come back in the afternoon to cover solid waste facility requirements, procurement requirements, and enforcement.

A couple of things on hearing logistics and this is actually quite a few, so if you forgive me for reading for a minute here.

The hearing's not the same as our typical public workshops we've held over the past two years. All the comments made today will be catalogued, along with the written comments submitted by March 4th, at 5:00 p.m.

The primary purpose today is to record and catalogue comments and recommendations so we can
respond how the proposed regulations will change to accommodate recommendations or any reasons for not making changes.

Today, at the hearing, we may respond to minor technical questions or ask clarifying questions of those providing testimony, but the primary purpose of the hearing today is to receive comments on the regulations, as opposed to debating the merits of the legislation or the regulations.

For providing public testimony during each comment period, the microphone for public testimony is available in the center. And we'll ask that each person that wishes to speak line up to provide testimony, so we know how many people are providing testimony and whether or not we need to limit the amount of testimony to accommodate the number of speakers.

If public testimony on a given section is completed early, we're going to begin the next portion of the hearing. So, if the presentation and comments on collections ends at 10:50, we'll start the food recovery presentation and testimony at 10:50, instead of 11:15.

We do have a court reporter in the room to catalogue testimony. So, each time you make a
comment, please clearly identify your name and any affiliation. And if you do have a business card, we will have someone to collect those. It helps for the court reporter to capture name and affiliation associated with the comments.

Additionally, if you have a written copy of your testimony, if you can please provide a copy of that when you make your comment, as well, to help ensure the comment is captured accurately. And there's a box right at the end of the table, where letters and written testimony can be placed.

Also, for the court reporter, if you please refrain to the extent possible from using jargon or acronyms. Call RNG renewable natural gas. Call MRFs material recovery facilities. It helps ensure that we can capture comments accurately. And we'll try to do that ourselves, as well.

For online participation, for those watching on the webcast, if you would like to enter a comment into the record, please submit a comment that can be read aloud to the SLCP inbox that's noted on the screen right now. Our staff will read these comments so they can be captured as public testimony by the court reporter and entered into
the record.

    If we're not able to read your comment aloud, it will still be entered into the record and considered as a formal comment.

    And then for closing, after the final presentation this afternoon we will continue to accept general testimony on the regulations until all the comments are complete.

    And then, for those that submitted -- if you submitted a formal letter, we have your comment. There's no need to restate what's in your letter. You're certainly welcome to do so, but if you submitted it by March 4th, at 5 o'clock, we've captured your comment.

    Okay, sorry, that was quite a bit. So, moving into what should be some pretty familiar background for everyone here, just to provide context for the day, we're going to talk about some of the background for SB 1383 and the State's Climate Change Scoping Plan. And then, some of the nuances of the law and how that governs how we've designed the regulations.

    So, the organic waste reduction requirements that we're talking about today are essentially an extension of California's Climate
Change Scoping Plan. The scoping plan calls for emission reductions in every sector of the economy, from transportation to energy, to agriculture, to waste and many other sectors.

The Short-lived Climate Pollutant Strategy is one of the actions called for in the scoping plan to achieve emission reductions. And the strategy calls for immediate and long-term reductions of the most potent greenhouse gases of methane, black carbon, and fluorinated gas.

The strategy affects multiple sectors of the economy and it specifically calls for reductions in organic waste disposal.

The Short-lived Climate Pollutant Strategy focuses on these climate pollutants because of their outsized warming potential. And the strategy includes specific waste sector targets because organic waste disposal creates methane. Methane gas is 72 times more potent than carbon dioxide over a 20-year horizon. And reducing short-lived pollutants, such as methane, can significantly reduce the impacts of climate change in the near future.

This is critical as the State is already experiencing the impacts of climate changes as
extreme temperatures, droughts, and natural disasters impact public health, the environment, and our economy.

And the efforts that we're outlining today in the regulations are necessary to help protect the public from these impacts.

I'm having a little difficulty here. Sorry, for those online, we're just having difficulty advancing the slide, if you'll just give us a moment.

(Pause)

MR. BRADY: So, Chris, I'll just let you know when to click until this starts working again.

So, the climate change targets for the waste sector also represent the next step in California's nation-leading recycling efforts. Organic waste represents two-thirds of the total disposal stream and recovering this material through recycling will help us develop a more sustainable economy and a healthier environment.

Further, food waste represents the largest single category of landfill material in California. And a portion of that disposed food could have been recovered and diverted to feed the one-in-eight Californian's who go hungry every day.
SB 1383 directs the State to adopt regulations designed to meet strict organic waste disposal and edible food recovery targets. Implementing these targets will help California meet its recycling goals and transition to a more sustainable economy.

You can go back one. So, these targets should be familiar with everyone by now. The statute requires CalRecycle to adopt regulations designed to achieve a 50 percent reduction in organic waste disposal by 2020, 75 percent reduction in organic waste disposal by 2025. And these figures are tied to the 2014 baseline of 23 million tons. And that translated to roughly a requirement that the State reduce disposal to no more than 6 million, at around 5.7 million tons by 2025.

In adopting regulations to achieve the targets, the legislation also specifically directs CalRecycle to include requirements designed to recover 20 percent of edible food that is currently disposed, by 2025.

So, this timeline covers the period from the law's adoption, roughly two and a half years ago, through the key reduction targets in 2025.
After the law's passage began, two years of informal -- after the law's passage, CalRecycle began two years of informal rulemaking to vet regulatory concepts. And we're now in the formal rulemaking process, which officially began on January 18th of this year, and is scheduled to conclude by the end of 2019. Regulations, of course, take effect and become enforceable in 2022.

And then, finally, in advance of the 2025 targets, the regulations will require jurisdictions to take enforcement action against noncompliant entities beginning in 2024.

While the key target dates should be well-known to everyone in this room, there are nuances in what the legislation specifically requires, permits and prohibits. Understanding these provisions is critical to understanding the design of the various regulatory requirements that will be presented on today.

I'm now going to walk through some of those nuances. The legislation requires that in developing the regulations CalRecycle consult with the California Air Resources Board. And the legislation further directs agencies implementing aspects of SB 1383, including CalRecycle, to design
their policies consistent with the Short-lived Climate Pollutant Strategy and the Integrated Energy Policy Report, and to implement policies that support the use of biomethane from solid waste facilities.

And as note before, the regulations specifically require that CalRecycle include requirements designed to recover 20 percent of currently disposed edible food.

The legislation and the statute specifies that the regulations may impose penalties on regulated entities. And they may require jurisdictions to impose requirements on relevant entities. And they may establish different levels of requirements for jurisdictions.

Finally, the legislation prohibited CalRecycle from including several provisions in the regulations. Specifically, CalRecycle is prohibited from imposing an organic waste ban on landfills, from requiring jurisdictions to levy penalties prior to 2024 for noncompliance. And CalRecycle is prohibited a 50- and 75-percent recycling target on individual jurisdictions, which is the primary distinction from previous solid waste mandates, such as AB 939, which were
diversion mandates on individual jurisdictions.

This is a diversion target that the State has to achieve.

Again, this is the same outline that was on a previous slide, but just notes that the regulations take effect in 2022, two years after the initial target date.

And the Governor's signing message on SB 1383 called for an array of strategies to redirect organic waste to more productive uses that reduce emissions.

At today's hearing, CalRecycle staff will provide a brief overview of the strategies these regulations implement in order to achieve the waste sector targets. The regulations place an array of direct and indirect regulatory requirements on all of the entities noted here on this slide. All of these strategies are designed to ultimately achieve the SB 1383 organic waste reduction and food recovery targets.

And then, before opening up to general comments, just a quick overview of where we are and some of the milestones in the formal rulemaking process. As part of the notice package submitted to the Office of Administrative Law, CalRecycle
provided the formal regulatory text, the initial statement of reasons, and the standardized regulatory impact assessment, which was posted by the Department of Finance in November of 2018. That was all in advance of the 45-day comment period that we are currently at the conclusion of. It concluded on March 4th. And this hearing represents another opportunity to provide comments on the initial regulatory text.

Concurrent to the rulemaking process, CalRecycle held two CEQA scoping meetings to scope out potential considerations for the environmental impact report that will be done hand in hand, as the rulemaking is completed.

Finally, after the hearing today, CalRecycle staff will be reviewing comments that were submitted by March 4th and comments that we receive today, and making text revisions to the draft regulatory text, or preparing responses explaining why we're not changing the text in response to a comment.

When we have a revised draft of regulatory text, we anticipate in late spring, that will be subject to a 15-day comment period, and there will also be a rulemaking hearing to solicit comments on
that.

So, with that, at this point before we move into the more specific presentations on various sections of the regulations, I want to open it up to public testimony for general comments on SB 1383.

If anyone would like to speak, if you line up behind the microphone and state your name, and any relevant affiliation. And again, if you have a copy of written testimony, please provide that.

And then, finally, for online participants, if you submit your comments to the SLCP inbox, we will read that out loud.

Never one not to make a comment. You do have to press the button on the microphone. It should turn green and then it will be on for you.

MR. EDGAR: Evan Edgar, Edgar Associates. I'm here on behalf of California Compost Coalition. Can you go to slide number three? Hello, can you go to climate change strategy, slide number three? That one right there.

SB 1383 is very important. It's one of the five different pillars of the Governor's plan to reduce methane. But most important, we have to get out of the silos.
What's also going on today is procurement of the compost that comes from the reduction of methane and the RNG, the renewable natural gas, and the bioenergy.

So, this is a case where one silo here with regards to the short-lived pollutants, but what's important is that the other silos need to be mentioned as well, which you do later on today with regards to the compost market development to sequester carbon in a land base, in order to create RNG for the -- get off petroleum, and add on bioenergy for woodchip.

So, in the future, it would be nice to kind of look at the holistic picture. So, that's why this year we're looking at AB 144, and it's called the organic waste scoping plan, to kind of get out of their silos and try to have some type of cross-relational aspects of organic waste.

So, this slide kind of demonstrates everybody's in their silos. And as we move forward, it would be nice to get out of the silos and try to have that type of interrelation with the market development of organic products.

Thank you.

MR. BRADY: Thanks.
MS. PARDO: Hi, Veronica Pardo, California Refuse Recycling Council, Northern District. I notice we're not going to be discussing Article 1 today that has a variety of definitions.

I know we're not the only stakeholder community that's concerned about the organic waste definition. And I just want to reiterate that we'd like to see that definition be limited in scope to food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper as we see in AB 1826.

And to that point, as we discussed and we'll discuss this later, the source-separated organic waste faction, we really see this looking at that green container and looking for that separate, you know, food waste focus. Not, you know, your carpet, your hazardous wood waste, or noncompostable paper.

And to that point, the recyclable commodities that are tersely in the blue bin remaining in the blue bin and being managed as they have been under the 939 and 341 frame work. So, thank you.

MS. SCHEIBLY: Kim Scheibly, Marin Sanitary Service. I'm the Director of Compliance
and Customer Relations. We submitted comments as a company, so I will not be repeating those.

But on my drive over this morning, from San Rafael, watching the sun rise, I started thinking about AB 341 and its goals to skyrocket recycling, the recycling rate in California. Every year since that legislation in 2012, the recycling rate has declined.

And so, I'm thinking about SB 1383 and its goals. It's a good law. The intent of the law is good. But are we thinking that AB 341 didn't succeed because we didn't have daily, weekly, monthly, quarterly reporting, because we didn't have robust load-checking policies at our materials recovery facilities, because we didn't have outreach and education programs?

It just made me think what is the intent of all of the reporting requirements. Thank you.

MR. SCHIAVO: Hi, Pat Schiavo, representing CR&R Environmental. We're also very concerned regarding the inclusion of paper products in the definition of organics.

Since the 1980s, we've collectively, you know, the industry has invested billions of dollars for a pretty enhanced collection system. We're the
best in the country. Right now, because of China's National Sword and other conditions, because paper is an international commodity, we don't have anywhere to go with it because of those issues.

So, what's going to happen when we introduce another few million tons of paper into the system? Most likely, it's going to be getting disposed, which is already happening. This is just going to exacerbate the problem. What's going to happen with homeowners who are paying higher fees to have their so-called recyclables collected and find out they're going to be disposed? I think it's going to be a big, potential PR problem.

So, we'd like to see either a suspension or omission of paper from the definition. We already submitted written comments, as well.

MR. WIRAATMADJA: Hi, my name's Vince Wiraatmadja. I'm with the Weideman Group, here on behalf of Harvest Power. I just want to make some quick comments as we start off the day. We've already submitted written comments to this effect.

But we have three major points that we just want to reiterate. The first one is that in Article 12 procurements, the list of organic waste products eligible for procurement has to be
expands well beyond the compost and transportation categories.

We don't want to prematurely cut off any new technologies that might be new products that come about as new technologies roll out into this space. And, specifically, we do want to see eligibility for pipeline injection of the renewable natural gas.

Second, we just want reiterate the need to adhere to the timeline. All of these projects take a lot of time to get up and running. The permitting-deciding, the actual building. And so, we need the regulatory certainty from like a strong adherence to the timeline to get the financing needed to build out these projects.

And, finally, the enforcement mechanism and strong enforcement at the back end. It's going to be necessary in order to provide that market certainty, once again for these investments.

Thanks.

MS. LEVIN: Good morning, Julia Levin with the Bioenergy Association of California. And we echo the previous comments.

We are going to make some comments later, on Article 12, similar, the importance to include
all eligible end uses and not limit them at the outset in the regulations. But to prepare for that, we also want to recommend two changes to Article 1, on the definitions.

Most importantly, there is no reason, legally or scientifically, to limit renewable transportation fuels to only the fuels that can be produced from anaerobic digestion. And, in fact, the Air Resources Board right now is funding a study of converting urban wood waste, that would otherwise go to a landfill, as agricultural and forest wastes. But for CalRecycle purposes, the Air Board is already funding a study that would convert urban wood-based, through gasification, to pipeline biogas and then transportation fuel. And the regulations currently exclude a project that your sister agency is funding that would be carbon-negative transportation fuel from wood waste, that would otherwise go to a landfill.

So, we strongly urge CalRecycle to expand the definition in Article 1. It's definition number 62, of renewable transportation fuel, to include not just fuels produced from anaerobic digestion, but fuels produced through gasification of other technologies consistent with Public
We also urge you to adopt a definition of renewable electricity so that when we get to Article 12 this afternoon, we can talk about other end uses of biogas. Because it doesn't make sense to have projects that are already producing electricity, like landfill gas, or wastewater treatment facilities that could take additional diverted organic waste, and exclude electricity as an end use.

So, we urge you to adopt a definition of renewable electricity in Article 1 as well. Thank you.

MR. BRADY: Thanks.

MR. BULLIS: Good morning, Cory Bullis on behalf of Rethink Waste. We're a joint powers authority in San Mateo County, formed in 1982.

I just wanted to provide a kind of a macro level comment that kind of applies across the board of a number of topics that you're going to get into today.

You know, we're extremely supportive of SB 1383, and the goals, and what you're trying to achieve with these regulations. You know, as a local government we want to, you know, partner with...
the State in being able to actually achieve these goals. But, admittedly, this is going to be a huge paradigm shift that's going to require us to build a lot of new technical expertise to actually, successfully implement these regulations and fulfill these goals.

So, we would just ask that once we get kind of through adopting the regulations that we work with you, CalRecycle, and receive technical support and guidance from you on how to actually achieve these things. Whether it's from implementing route reviews, or developing an ordinance, or calculating some of our targets for procurement of organic waste, or what have you, those are all things that we need to build new technical capacity for.

And as the agency that's the architect of the regulation, we would hope that you guys would be able to provide, you know, outreach, and support, and guidance to the locals. Thank you.

MR. BRADY: Thanks. And John, before you come up, just two things. One, to see if we have any comments in the inbox. But then, two, just on the general comment in terms of technical assistance, that's absolutely something we
appreciate and intend to fully do, both as the regulations are being developed and then as they're being implemented.

So, John, if you don't mind waiting, I just want to see if there's any online comments to read at this point.

MR. BRIA: Three questions, but they're more related to another section, rather than general comments.

MR. BRADY: Okay, if they're for another section, if you don't mind holding onto them and then we'll read them when we get to that section.

MR. DAVIS: John Davis, Mojave Desert & Mountain Joint Powers Authority. So, I did submit written comments, but I wanted to elaborate and emphasize on one across a number.

In the regulatory impact assessment, we've got to look at what CalRecycle anticipates the cost impacts to be, about $17 a year on single-family residents.

The feedback I'm getting from our nine communities is it's substantially more than that in our area, and in some places it's multiples, you know, ten times to comply because of circumstances that we're still struggling to overcome in the
regulations.

All of our cities are economically disadvantaged by the State's own definition. CalRecycle recognizes the impacts on disadvantaged communities in some of the programs. And I'm asking that you consider that now, and particularly for economic disadvantaged communities.

We have a city that is at 40 percent of the statewide median. If, in fact, it was a $17 annual impact, the impact on a community that's 40 percent is much greater than the median income community. So, that $17 as a median, you're looking at somewhere above, close to $40 of impact, actual, you know, real felt impact on a community at 40 percent. So, you know, please give some consideration for waivers and also extenuating circumstances for the financial impact of these regulations. There's a lot to do for some communities that are going to be struggling to reach that. So, thanks.

MR. BRADY: Thanks, John. And that's, yes, something we're sympathetic to and have tried to demonstrate in the previous versions and will continue to focus on as we move forward.

I do want to, just recognizing time, and
we have three other folks who are lined up, and we
have one more coming up, if you can try to limit
your comments to about a minute to two minutes,
just so we can move into the next section.

MS. BROWN: Kourtnii Brown, California
Alliance for Community Composting. We submitted
formal, written amendments, but we wanted to focus
right now on Article 1, on the definitions.

We're recommending that you create new and
robust relevant definitions for community benefit
composting, as opposed to what's existing now as
community composting.

We feel that definition that we submitted
would recognize the community benefit nature of our
work, in addition to setting size and volume
limitations. It would also help replace and remedy
the redundancy that exists in the current
definition for community composting.

We also made a suggestion, too, for adding
an additional definition for micro composting. And
reducing this to composting on site at any one time
that does not exceed 20 cubic yards and 200 square
feet.

We'll also be providing other comments for
Articles 3, 5, 7 and 11. Thank you.
MS. GREEN: Good morning. I'm Sharon Green with the Sanitation District of Los Angeles County.

I also had one comment about one of the definitions. I wanted to comment on the proposed definition of jurisdiction. So, from our perspective, the proposal now includes special districts that provide solid waste handling services. This would appear to include special districts, such as the sanitation districts, although solid waste handling isn't defined in the regs. It's defined in the code. Not sure if that applies.

But as we're looking at the regulations, using that Public Resources Code definition, we are concerned because under the County Sanitation District Act, the act under which we were formed, we have a limited role. It does not include collection services.

And so, in fact, it would be impossible for us to be able to fulfill the role of a jurisdiction under the proposed regulations. And so, that our request is to narrow that definition, either to exclude special districts, or to narrow it to just apply to special districts providing
collection services, particularly if it's in lieu of a city or county. Thank you.

MR. BRADY: And we got that comment and thought it was well-articulated. I think we're looking at that distinction between collecting and handle.

We want to -- we're just going to do three more comments before moving into the next section. I do want to remind folks, though, there is still an opportunity at the end to continue to provide testimony. So, there will still be opportunities to comment. And if you can please try and keep the comments limited.

MR. BOONE: My name is Arthur Boone. I am the proprietor of a small business called Center for Recycling Research, at Berkeley.

It was 30 years ago that we enacted AB 939. If you would ask the people who were involved at that time how much garbage we would have 30 years from now, nobody would have guessed the number that we have today. Okay, 42 million tons a year going to the dump was a crisis in 1989. Today, we don't seem to be too upset about that. I think we should be upset.

I think we have to look back and what
we've done in terms of enforcement, the kind of activities that have happened in the past 30 years that have failed to meet more significant waste reduction goals. It's very important and you need to understand that.

The second thing, mixed waste processing is a bad idea. Everybody in Europe knows that. A year and a half ago the European Union mandated that by 2024 all organics, all organics would be collected separately throughout the 500 million people who live in the European Union.

We are now embarking on the step that they took 20 years ago and we're going to spend a lot of time pissing around, and fooling around with trying to rate and understand mixed waste processing, and we're going to come to the same conclusion they did, that it doesn't work very well. Okay. A lot of organics stay with the trash, et cetera.

So, I think as both the National Recycling Coalition, and these are things I did not know the last time I talked to you, both the National Recycling Coalition and the Recycling Industries Coalition, which is the organization that includes all the paper manufacturers, and the glass manufacturers, and the metal manufacturers, they
have all opposed mixed waste processing. Okay.
You swimming upstream for the state that's supposed
to be the innovation capital of the world. So, I'd
like to see some changes there.

The third thing is that the 2011, we
raised the question of what is comparable to source
separation, okay. In nine years, this agency, in
eight years this agency has failed to define what
that means. I know people who are zero waste
consultants who are getting 90 percent waste
reduction in various businesses that they set up
zero waste programs in. Okay. That number, those
kinds of numbers need to be understood by the
agency and they need to be factored into what kind
of expectations do we have on the part of people
who want to do non-mixed waste processing. Do you
understand that? Okay, thank you.

MR. BRADY: Thanks, Art. And to the
extent to the two organizations that you mentioned,
if there's any publication or written documentation
of that position, that would be helpful.

We'll do Dan, and then Rachel, and then
move into the next section.

MR. NOBLE: Dan Noble, Association of
Compost Producers. Just a few general comments.
One, Article 1, which has the definitions we did introduce and I will reintroduce them today, in addition to some further comments.

Just general themes, there are some definitions that are leaving out, and we proposed a few new ones, particularly relative to compost. Certified compost in particular, because not all composts are alike. So, using and making distinctions.

Also, composed end-use products. In addition, chip and grind material is not included. We would argue to include that. As well as compost overs, in addition to compost -- compostable materials.

And then, as we did last year, wanting to introduce the terms bioproduct and bioresource to get away from or migrate away from the organic waste term.

But even the organic waste term has -- you have two different definitions. You know, one in the definitions and then one in the Article 11. And we argue that you keep them the same, rather than creating a new definition for facility management.

And the main reason for that is because
you've eliminated a few of the terms, I have them written here, one of the main ones being manure. Since I know CalRecycle doesn't really manage manure, but the fact is that counties and local jurisdictions do have to manage that in concert with the woody material that is not part of the traditional waste system.

And that's, in particular relative to how we define capacity. If we're only defining capacity as production capacity, under a given jurisdiction's regulations, or State regulations versus local, I think production capacity needs to also include market capacity. In other words, where are all these materials going. Use capacity, if you will. Because they're not going into the landfill, so where are they going?

And if you produce too many products without having homes for those products, then you just have, you know, big piles of finished material with no market. So, all of that is in sort of nuanced definitions.

In addition, I think all of the articles need to be thought of in a whole systems way, not siloed, but fully integrated in terms of scale, from community compost up to huge facilities and
everything in between. Because local communities have to integrate that with the markets, with the supply, as well as on the other side of integrating between all the departments and the different forms of capital, whether it be social, human, production, natural resources, and then financial capital.

So, those are just some general comments. We'll have more. Thanks.

MR. BRADY: And so, we're going to do one more comment on this. Just to remind folks, to the extent that we complete a section early, we may just open it up to see if there's any general comments at that point. And then, at the very end of the hearing, we'll open it up to general comments again. So, there will still be an opportunity for non-reg-specific comments.

But Rachel, before you begin, I'd just invite Mary Jane Coombs, with ARB, up to the dais, as well, for our next presentation.

Go ahead.

MS. OSTER: Good morning. My name is Rachel Oster and I'm with the Diversion Strategies Consulting firm. And I felt compelled to get up here today because I think that today we're going
to be hearing a lot about the challenges associated with designing, and implementing, and enforcing SB 1383. And those are all very just and it's important to work through the details with a fine-toothed comb about how these regulations are going to be implemented. And we have a lot of fine, smart people who are doing that here.

But I also felt the need to sort of get up and infuse a bit of hope and optimism into the conversation. And say that I think there are solutions providers outside of these walls that may not have the resources to dedicate to going through 1383, or coming here today to speak on behalf of their organization. But that there are solutions providers, and as far as I know, the edible food recovery space, the contamination identification and reporting space, as well as just the reporting and data collection in general that have readymade solutions for 1383, and are working diligently to design and provide new products.

And so, I think more than ever before in this industry we are seeing a need to break down the barriers between hauling organizations and collection companies with technology providers, consultants, local government consultants, the
nonprofit academia sector.

And I'd just encourage everyone in the room to be aware of the people that are working to provide solutions, to reach across the table that you may not have before and come together to figure out ways to implement this really important rule.

And so, I just wanted to encourage that, and infuse some hope and optimism, and say that California is the place where we applaud and incentivize innovation. And I believe that's happening around 1383. Thank you.

MR. BRADY: So, we're going to move into the next section. There will be another opportunity for general comments later in the day.

So, we're now going to present on Article 2, which defines activities that constitute a reduction in landfill disposal and activities that constitute landfill disposal. This is going to be a presentation by myself and Mary Jane Coombs, with the California Air Resources Board, who we consulted with ARB throughout the development of the regulations. And, in particular, on this section.

So, for an overview on this article, the article identifies whether specific activities
constitute disposal or recovery. For this article and the regulations, CalRecycle and ARB determined that any activity that results in the physical placement of organic waste in a landfill constitutes landfill disposal.

Further, to maintain consistency with the State's efforts to keep organic wastes out of landfills and reduce greenhouse gas emissions, activities that constitute a reduction in landfill disposal or recovery must also reduce greenhouse gas emissions.

So, in order for an activity to constitute a reduction in landfill disposal, it must divert organic waste from landfills and reduce greenhouse gas emissions.

This effectively establishes to tests for activities. First, do they place material in a landfill? And second, does the activity ultimately reduce greenhouse gas emissions.

To determine activities that meet these two tests, the statutory guidance in the Public Resources Code and the Health and Safety Code that was codified by SB 1383 was considered. Section 1 of the article identifies activities that constitute disposal and activities that constitute
recovery.

And then, the second section of the article articulates the process for determining how new technologies that are not identified in those defined lists will count moving forward.

So, for the first part of the first section, as was stated in the initial statement of reasons, the following activities are considered landfill disposal of organic waste for the purposes of 1383. These are activities that essentially fail the test of placing organic waste in a landfill and/or they fail to reduce greenhouse gas emissions. It's landfill disposal, the use of organic waste as cover material, where there's ADC or AIC, alternative daily cover or alternative intermediate cover.

I'll talk about an exception relative to MRF funds in a moment.

And then, any use not specifically identified as recovery in the regulations.

Regarding alternative daily and alternative intermediate cover, text was added in the previous draft to clarify -- sorry, text was added in the current draft to clarify that the use of MRF material recovery fines as cover material
may not constitute disposal of organic waste, as
the nature of these fines is not currently
determined in a definitive manner.

Essentially, as material recovery fines
may not be organic material in nature, while their
use as cover may be equivalent to disposal, it does
not necessarily constitute disposal as organic
waste, as the material itself may not be organic in
nature.

And then, regarding dispositions not
identified as recovery counting as disposal, this
broadly covers activities such as illegal disposal
or other activities where the greenhouse gas
reductions cannot be verified.

Relative to activities that constitute
recovery. CalRecycle further worked with the Air
Resources Board to identify activities that count
as recovery. That is activities that do not place
organic waste in landfills and reduce greenhouse
gas emissions.

Several activities were identified in the
short-lived climate pollutant strategy as recovery.
This includes recycling, composting, digestion in
food recovery. Other activities, such as biomass
conversion, land application and other soil
amendments do not place material in landfills and they reduce greenhouse gas emissions.

However, as noted on the screen, under these regulations soil amendments and land application are subject to additional standards that limit the potential for methane generation, such as an application limit of 12 inches to prevent anaerobic conditions.

Finally, any technologies subsequently identified by CalRecycle and the Air Resources Board as an activity that does not place organic waste in landfills and reduces greenhouse emissions to minimum levels can be deemed to constitute recovery.

And so, with that, I'll transition to Mary Jane for her discussion of the second section of this article.

MS. COOMBS: Thank you, Hank. And thank you all for having CARB here today.

So, Hank talked about, in his previous slide, the ninth category of things that can constitute recovery, which is things we don't yet have scope out in the regulations. So, Section 18983.2 is meant to provide a means by which someone can come in with a proposal for a
technology that they believe that results in recovery of organics and reduction in greenhouse gas emissions, and get a determination by CalRecycle that it indeed does divert that organic material and result in greenhouse gas emission reductions.

So, I'm just going to go through a few slides here, very broadly going over what's in this section of the regulation.

So, first off, what does CalRecycle and in consultation with CARB need to determine whether or not a technology or a process results in a reduction in landfill disposal?

We need information about what that technology or process is, what type of organic waste is being processed. And then, calculations and assumptions that the proponent of this process or technology is making to determine whether or not it results in a reduction in greenhouse gas emissions.

So, CalRecycle, per the requirement of SB 1383, will consult with CARB and together determine whether or not that technology or process does result in a reduction in landfill disposal.

So, obviously, you have to have a metric
against which you measure what constitutes that recovery. So, in this case we have determined that that metric would essentially be the same emissions reductions we calculate as coming from composting, and that's .3 metric tons CO2 equivalent of organic waste.

So, this number was -- I should say this number is -- the derivation of it is described in detail, in the initial statement of reasons, so you're welcome to look at that. But very broadly, we started with CARB's compost emission reduction factor from 2017, otherwise known as the CERF, and modified it in a few ways.

The first of which was we used CalRecycle's 2014 Waste Characterization Study to quantify imported landfill methane emissions. This aligns the date for the CERF with the date against with the diversion required by 1383 is measured.

We also updated the compost application rates from California's Healthy Soils Initiative, and this is to calculate the avoided mineral fertilizer production emissions.

And then, we removed aversion control emissions benefits because one of the things we discussed in the ISOR was making sure these
reductions are permanent. And by permanent, we mean that the emissions reductions stay in place for at least a hundred years. And this aligns with other CARB greenhouse gas emission reduction programs.

Finally, technologies and processes that are deemed to constitute a reduction in landfill disposal, it will be posted on CalRecycle's website. And folks who believe that their technology or process is equivalent to something that's already posted, already approved by CalRecycle can essentially petition to be considered as equivalent to what's already been approved, without having to go through that full process that's discussed previously in the section.

Thank you.

MR. BRADY: I'm actually going to just stay seated here so we can take some notes. We have until 10:15 for public testimony on this section. I would ask folks that want to make a comment, if you'd please line up so we can get a sense of how many commenters there are, so we can make sure that everyone has roughly an equal amount to comment. In the last section, some of the last commenters that didn't have quite as much time.
So, if you intend to make a comment at this point, if you'd please line up so we can see if we need to meter it out a little bit?

MR. LAPIS: Hi, good morning. Nick Lapis with Californians Against Waste.

I have a comment on this section, specifically. It's actually something I didn't pick up on as we were writing our comments, so it wasn't included.

It seems like a change from the previous draft is that there's no longer a requirement that the Air Board actually -- the Board, itself, actually vote to approve these individual technologies. It seems like it's now at the discretion of CalRecycle.

That's potentially a workable option as long as we maintain the public process of it being approved at a public meeting, with notice, et cetera. Right now, it seems like it could be a staff decision. And I think given the nature of some of the things that will be proposed, it's important to have public input.

And, additionally, I'd recommend that you add consideration of other potential impacts and impacts on disadvantaged communities, as well.
Thank you.

MR. BRADY: Thanks Nick. And that may appear as a change. It was not a substantive policy change in terms of a vote by the Air Resources Board.

MR. BOONE: Arthur Boone, again, the Center for Recycling Research.

About five years ago, I was drawn to the fact that in the EPS laws being enacted around the country there was no rhyme or reason to it, but each state was sort of picking different materials to go after. And the question raised, that's current in my mind, is there a coordinated system to determine materials which are currently not marketable?

And from that, I started making a list of all the materials I know that are not marketable. They have no market anywhere. And that's what belongs in the garbage can.

What we always do, now, is we tell people what to put in the recycling containers. What we really need to do is to tell people these are the materials that are allowed in the garbage can because there is no market for them.

If we do that, then that does several
things. One is it tells people what you need. It gives guidance to the people who are doing waste checking. And the other thing it does is it alerts the people who are manufacturing or handling these materials that they're on the S list from the State, because they belong in the garbage, because there's nothing else to do with them.

Okay, and that to me -- nobody's tried that, yet. But it seems to me that if we're going to be innovative, we need to think about telling people these are the materials you cannot put in the garbage, rather than these are the materials you should put in the recycling.

In Berkeley, now, we're currently designing a new transfer station. And it occurred to me, looking at that pile of stuff that people was allowed to dump in the transfer station, is we're actually enabling wasters by offering them a service. Because they come in with all this stuff mixed up.

But if you sit there and take it all apart, it will be -- it's 90 percent of it's recyclable, over 90 percent. So, I think it's just a different way of looking at things. Thank you.

MS. LEVIN: Julia Levin, Bioenergy
Association of California, again. In Article 2, Section 18983.1, the definitions of land application of both biosolids and digestate again are limited to anaerobic digestion. I'm sorry to sound like a broken record, but this is my theme for the day.

There's no reason to limit the conversion method to anaerobic digestion. And in fact, many wastewater treatment facilities around the State want to take a second energy bite at that waste, reduce truck miles.

In the Bay Area, alone, transporting digestate or biosolids from wastewater treatment facilities to the Central Valley, where they can be land applied, is 100,000 truck miles a year just to transport those biosolids to where they can be land applied.

Many wastewater facilities and the California Association of Sanitation Agencies would like to be able to further convert biosolids to biochar, using gasification. They'll get additional energy out of the waste and significantly reduce the tons that then have to be trucked to where they can be land applied.

So, we urge you to expand the definitions
in Section 18983.1(6)(b) to include opportunities to further convert digestate and biosolids through gasification to biochar. Which according to the Air Resources Board is the only way to provide permanent carbon sequestration, which compost does not do. It provides nutrients and many other benefits, but not permanent, long-term carbon sequestration.

So, there are many short-lived climate pollutant and greenhouse gas reasons to expand the definition of what can be land applied. Thank you.

MS. FOSTER: Good morning. Colleen Foster, City of Oceanside. I'd like to definitely reiterate the point brought up the individual prior to me.

This law is very important and our city supports it. However, the solutions to comply with this law shouldn't be one-size-fits-all and it needs to understand the complexities of the different industries impacted and involved. And limiting diversion opportunities to only anaerobic digestion and composting makes it extremely difficult for advancement in regards to our wastewater treatment facilities or other diversion opportunities.
And I see this section as CalRecycle trying to respond to the issues associating with limiting the diversion opportunities. But, truthfully, it's not enough. And it doesn't give us the confidence to be able to invest in infrastructure now, if we don't know if it will be approved from CalRecycle down the road.

For example, has CalRecycle tested this Section 189 to see whether some of the other technologies and systems proposed would even comply, would even be approved by CalRecycle. For us to meet the diversion goals or the compliance goals by 2024, we need to invest in infrastructure now. And I can't get financial lending based off of something that may or may not be approved by CalRecycle, or a public comment process, as mentioned by Nick Lapis. So, that's very important.

And that's different. That's not in my letter. The City of Oceanside submitted a letter. So, it's really important that you understand the need that we need confidence today, not in 2022 when the law is passed and this process is done.

Additionally, I'd like to also just mention, to add to her comments, is I wouldn't even
limit it to biochar. We're recommending that the language is changed to be more general, to state essentially diversion processes that would limit pathogen. So, CalRecycle to accept any processes in regards to land application that would limit the pathogen aspects of the material. Thank you.

MR. BRADY: Thank you. Do you want to just check, do we have online comments to read?

MR. BRIA: I have a six-page letter from Neil Edgar. There might be something to relate to this section, but I don't know if you want me to read through it.

And I have a couple others related to definitions.

MR. BRADY: We'll hold off on those. Or, let's just have Chuck stand while we read the six --

(Laughter)

MR. HELGET: I've got 16 pages worth of comments ready.

MR. BRADY: To the extent that the letter is submitted, I will take that into the record, but not read all 16 pages -- or, six pages.

So, go ahead.

MR. HELGET: Promise to be brief. Just a
quick comment on MRF fines. Some comments are contained in our letter. I don't this is redundant. But when you say substantially free of organics, I think is the term you used, does that mean 10 percent? What does that mean? I think we need to have a clearer definition.

For plugging MRF fines, there are residuals that come off the line. There really isn't another use for them. And so, having an organic standard tied to them doesn't make any sense to us.

MS. SCHOONMAKER: Good morning. Kelly Schoonmaker, StopWaste. So, I just noticed this, so this comment might not be as cogent if I had written it before. But, it's about the compost emissions reduction factor that you're using for -- to constitute an efficient technology, an acceptable technology.

So, that seems a lot lower, .3 is what you've got now, after the revisions. And the CERF is .56, right, for food and yard trimming.

When I looked at the revisions that you made, one thing that stood out to me was using the Healthy Soils Initiative application rate, which works out to about like .1 inch, which is much
lower than you would typically apply.

And the way that they got that application, it was more kind of, to my understanding, what they would subsidize with the funding they had so they could spread it. So, it's not so much a recommended application rate that you would find for compost in an agricultural application. So, and it also doesn't take into account emission reductions from landscape, which is a higher application rate.

So, I just wanted to make that point that that might be a little low, and I don't know if it's possible to refine it. But thank you.

MR. BRADY: Other public testimony on this article?

Okay, I did commit in the previous section that if there was any general comments that were not received in the first section that you can make those comments now. And then, we will move into the next presentation, if there's no other comments.

MS. STEIN: Hi. My name is Antoinette Stein, from Environmental Health Trust. The comment I wanted to make is that it seems as though the solution to pollution is -- you know, we all
know the answer, right? But in this case, the
solution to dilution really needs to be, you know,
not diversion, not dilution. It really needs to be
prevention. And we can't just think that we're
going to avoid the pollution by just mixing it all
up and making the contaminants, the pathogens, the
toxics just by making them less because we're
putting it in a bigger sea of stuff. It just isn't
right. I don't know. But that's one comment.

The other comment is that source-separated
waste, mixing it with the mixed waste organics, or
the remnants, it's -- you know, we're expending all
kinds of capital to get the source-separated
materials ready to be composted or processed. And
then, we're thinking of mixing them together. I
mean, we just spent all this money to keep them
separate and now we're mixing them back. I just
think that just doesn't fit in the definitions that
you have.

So, I'll be back.

MR. BRADY: Thanks. Seeing no more
comments or testimony on this section, then we will
move into the next presentation on collection,
planning, and education and outreach.

MS. MORGAN: Good morning. My name is
Cara Morgan and I am Chief of the Local Assistance Market Development Branch. We're going to cover collection and planning today.

The most basic element of this regulation is that jurisdictions will be required to provide organic waste collection services to each of their generators.

The regulations also require that all generators are to use an organic waste recycling service that meets the regulatory requirements.

There's a lot of detail regarding the types of allowable collection programs. There's quite a few pages of regulatory text on this topic. But today, we're just going to provide highlights.

All right, to everyone's favorite item, yes, we are requiring standardization of container colors. The primary colors are green, blue or grey. When we say grey, we mean any shade of grey or black. Yeah.

So, let me talk about three containers. So, you can also have a three container-plus system. Some jurisdictions provide a separate bin for food waste. The color is required to be yellow. A jurisdiction might do this because food waste goes to an in-vessel digestion facility or
wastewater treatment plant and the green waste may
go to a compost facility. This is completely
acceptable and it meets the basic regulatory
standard of keeping organics separated from
nonorganics.

Now, I'd like to talk about the color
requirements. A jurisdiction is not required to
replace functional containers that do not comply
with the color requirements prior to the end of the
useful life of those containers or prior to January
1, 2032, whichever comes first.

Regarding container labeling requirements,
by January 1, 2022 a jurisdiction is required to
place and maintain a label on each new container,
or lid, specifying what materials are allowed to be
placed in that container. Labeling can be done by
placing labels on the containers that include
written or graphic information, or imprinting the
text or graphics into the container or lid.

A jurisdiction may also comply with these
requirements by using model labeling provided by
the Department or that we will be providing.

The container can just have the lid either
required color. For split containers, also only
the lid is required to have the color.
There are requirements of what can go into each container. Additionally, we have clarified that material that cannot be collected in the green container, and those materials are carpets, noncompostable paper, and hazardous wood waste.

As we go through the collection service options, I'd like to note that communities may have multiple types of collection services. For example, a jurisdiction might for their residential customers have three-container service. For multifamily, they might have two-container service. And for businesses, they might have a mixture. Some businesses might get three containers. Some businesses might get two containers. They might even have some businesses on single, unsegregated.

So, as we go through the collection services, although we'll be talking about them individually, please know that a jurisdiction can have any variety of services. It could even vary by the haulers that they have servicing the community.

Also, I'd like to note that while our slides picture a cart, when we're talking about colors and labeling, we're talking about any type of container, bins, carts, et cetera.
So, let me talk about a three-container organic waste collection service. A three-bin system, or three bin-plus, as I mentioned earlier, is where all of the organics, including food, is required to go in the green bin. There would be some organic waste, such as paper and cardboard that would go in the blue container, provided that the container is limited to recyclable materials.

All nonorganic waste goes into the grey container. And no organic waste should be allowed in that container, with a few exceptions as noted in the regulations.

There are minimum standards for monitoring within this system and we will touch on that in a moment.

I'd also like to note, for this type of system transporting to a consolidation site is allowed.

Next is the two-container collection service. What we've commonly seen is a wet/dry system, where a single green container is specifically limited to organic waste, the exact same it would be in the three-bin system on the previous slide. In that case, that container is treated as a container in the three-container
organic waste collection service and is subject to contamination monitoring. But the material does not have to go to a high diversion processing facility.

However, in this system, at least one of the containers will be mixing organic waste with nonorganic waste into that single, unsegregated container. For this slide, it is the blue container that has the nonorganic waste. And so, this blue container would have to go to a high diversion processing facility.

And again, just as it was in the three-container system, transporting to a consolidation site is allowed for a two-container collection system.

On this slide, the nonorganic waste is designated for the green container. So, the contents of the green container would have to go to a high diversion organic waste processing facility.

Now, let's talk about a single, unsegregated collection service. This is allowed if the contents of the container are transported to a high diversion facility that meets specified performance requirements. This will be discussed in more detail later.
Bags for source-separate organics can be placed in the single container. Like the other two collection services, the container contents may be first transported to a consolidation site.

If a high diversion organic waste processing facility is unable to meet the recovery rate, then the jurisdiction may be issued a corrective action plan if certain conditions are met. These actions can include if the existing high diversion organic waste processing facility comes back into compliance, the jurisdiction can continue to use that facility.

Second, the jurisdiction may utilize another high diversion organic waste processing facility.

Or, third, the jurisdiction can modify the collection service to start a three-container organic waste collection service.

The corrective action plan will be discussed in more detail later.

So, at this time, I'm going to turn it to Howard.

MR. LEVENSON: Thanks Cara. This is Howard Levenson, Deputy Director at CalRecycle. Can you guys hear me? This mic's not
working.

MR. LEVENSON: How's that? Yeah, okay.

Howard Levenson, Deputy Director at CalRecycle.

Cara's talked about the collection systems, the kinds of systems that are allowed under the regulations and about high diversion facilities. I'm going to talk about other requirements in Article 3 about contamination, and some of the requirements on generators and businesses.

Specifically, talking first about contamination minimization, for either three-container or two-container collection services, jurisdictions are going to be required to conduct a root review for prohibited contaminants. And they'll have to do this on randomly-selection containers in such a manner that every route is reviewed at least quarterly. This means for any of the three- or two-container systems.

If the jurisdiction or its designee finds contaminants in the containers that they're collecting, then they'll be required to contact the generator or provide written notice about that contamination.

If the jurisdiction's informed by a solid
waste facility that -- by a solid waste facility operator that the waste collected by one of its haulers contains prohibited container contaminants, the jurisdiction will also have to take additional actions to reduce contaminants, as specified in the regulations.

If a jurisdiction complies with this section through a designee, such as a hauler, then the designee has to inform the jurisdiction in writing, each month, about the monitoring and noticing actions that it's taken.

Also want to note that jurisdictions can have contamination standards that are more stringent than what's required in the regulations.

Now, let's talk a little bit about the requirements on businesses and other generators. We noted at the beginning that organic waste generators include residential and commercial entities, but they all have to subscribe to and comply with the jurisdiction's organic waste collection service.

Businesses have to provide organic waste collection containers in all areas where disposal containers are provided for its customers and employees, except for in restrooms. The containers
have to conform to the local jurisdiction's service.

For example, if a local jurisdiction's service is a three-container system, then the businesses also have to have three containers, blue, green, and grey/black.

Businesses have to prohibit their employees from placing organic waste in a container that's not designed or designated to receive organic waste. They periodically have to inspect the containers for contamination, and then let the employees know if the contamination is being found and what the requirements are.

All businesses are also encouraged to prevent and reduce organic waste, and they can also manage organic waste onsite or use a community composting site.

For business and property owners, those entities need to ensure that there's an adequate number, size, and location of containers for their employees, for contractors, for tenants, and customers. The containers have to have sufficient labels and they have to be the appropriate color, which we've talked about. Again, it could be the lid only.
And the property and business owners have to provide information on an annual basis about the organic waste recovery requirements and the proper sorting of organic waste.

Property owners also have to provide this information to new tenants upon occupation of the premises.

And, additionally, the property owners and the businesses must allow access to their properties and arrange for access during all inspections. And we'll discuss inspections in more detail later.

I also want to note that while we're talking about Article 3 right now, Article 5 contains very similar requirements for nonlocal agencies, such as state and federal agencies, and for what we're calling local education agencies.

Now, there are -- the regulations do contain a number of different waivers and exemptions. This slide, we've got the waivers and exemptions that can be granted by jurisdictions. The next slide will cover ones that can be granted by the Department.

There's three kinds of waivers that a jurisdiction can grant. You can see them here, de
minimis waiver, physical space waiver, and a collection frequency waiver.

Regarding the de minimis waiver, a jurisdiction may waive a commercial business's obligation to comply with some of the requirements if the business provides documentation or if the jurisdiction has evidence that the business's total solid waste is more than two -- there's a couple of different ways to approach this. A couple different, large and small generators.

If a business's total solid waste is more than two cubic yards per week and organic waste is less than 20 gallons per week. Or, if it's a smaller generator, if it's total solid waste is less than two cubic yards per week and the organic waste is less than ten gallons per week.

The jurisdiction has to annually verify that the business's generation meets these thresholds, one of these thresholds. And if at any time the business generation exceeds the threshold, then the jurisdiction has to rescind that waiver.

The second waiver type is a physical space waiver. A jurisdiction may waive a commercial business's obligation to comply with some of these requirements. Again, if the business provides
documentation or the jurisdiction has some
evidence, whether it's from its staff, or a hauler,
or a licensed architect, and other qualified
sources that's demonstrating that there's not
adequate space.

The last waiver that a jurisdiction may
grant is on collection frequency. A jurisdiction
may allow the owner or tenant of any regulated
entity, that has a two- or three-container organic
waste collection service to have the blue and/or
the grey container collected less frequently.

Green waste still has to be collected at
least at a minimum of every seven days. And the
jurisdiction or its authorized hauler would have to
demonstrate to the solid waste local enforcement
agency that less frequent collection won't result
in public health and safety, or nuisance issues.

Then, there are a number of waivers that
may be granted by the Department, by CalRecycle.
The low population waiver, rural exemption and some
emergency-related circumstances.

The low population waivers are trying to
get at the issue raised in the informal period
about areas located in the State that are not
defined as rural, but have very low population,
very low generation in large, remove service areas.

So, low population waivers may be granted for some or all of the requirements in Article 5 for the following: An incorporated city that has less than 5,000 tons of solid waste disposal in 2014 and a total population of less than 5,000.

A county with census tracts that are located in unincorporated portions of the county, and with those census tracts having a population density of less than 50 people per square mile.

These waivers are good for -- would be good for up to two years and the Department would have to review and evaluate a waiver request within 90 days of receiving that request.

The second kind of exemption would be rural exemptions. This applies to rural exemptions that meet the definition that's in the Public Resources Code, Section 42649.8. And if the governing body of the jurisdiction adopts a resolution that includes a finding about the need for the exemption. And this is similar to how we treat those rural jurisdictions right now.

This would be valid for a period either up until January 1st of 2025, or until five years after the Department makes another determination.
that we have to make about whether the statewide
disposal of organic waste hasn't been reduced to 50
percent of the 2014 disposal level.

Even with these waivers, the jurisdiction
still has to comply with other requirements in the
regulations to promote and provide information to
generators about waste prevention, community
composting, managing organic waste on site, and
other means of recovering organic waste or any
other requirements of this chapter.

Lastly, there are emergency circumstances.
If there are operational or technical failures that
occur at a facility, a waiver for up to 90 days may
be granted.

And there are waivers related to
disasters. A jurisdiction may submit a request for
a waiver for the disposal of disaster debris under
certain conditions specified in the regulations.
And there's some other details on those waivers, as
well.

Moving on to education and outreach
requirements, jurisdictions must conduct education
and outreach for the following. One, for all
businesses and residences regarding collection
service requirements, contamination standards, and
overall compliance with SB 1383.

   And this includes providing information on methods for preventing organic waste generation, recycling organic waste on site, sending organic waste to community composting and any other local requirements regarding organic waste.

   Jurisdictions also have to provide education and outreach to self-haulers, as well as to haulers. With the haulers, that has to include information that addresses the contamination standards.

   And the educational material also must be provided to linguistically-isolated households, as defined in the regulations.

   The education must consist of print, electronic media, and direct contact with generators through workshops, meetings, or onsite visits.

   There's another section of Article 3, then, that deals with CALGreen requirements. Jurisdictions will have to adopt an ordinance or other enforceable requirement that requires compliance with the CALGreen requirements. This includes providing readily-accessible areas for recycling containers in commercial and multi-family
units, and recycling organic waste that's commingled with construction and demolition debris to meet CALGreen's 65 percent requirement for construction and demolition debris recycling in both residential and nonresidential units.

The next portion of Article 3 deals with regulation of haulers. A jurisdiction shall require haulers that are providing waste collection services within its boundaries to meet the requirements and standards of this chapter as a condition of approval of a contract, or agreement, or other authorization for that hauler to collect organic waste.

It will also require haulers to identify the facilities to which they'll transport organic waste, and to comply with all the other applicable requirements of this chapter.

Organic waste collected by the hauler has to be transported to a facility operation, activity or property that recovers organic waste. The hauler has to receive applicable approval from the jurisdiction. The hauler will have to keep a record of the documentation of its approval from the jurisdiction.

And I'll just note that this section is
not applicable to a hauler that's transported
source-separated organic waste to a community
composting operation or transporting construction
and demolition debris.

We're almost through with this Article 3.
Regarding self-haulers, if a jurisdiction allows
generators within its boundaries to self-haul
organic waste, it will have to adopt an ordinance
or a similarly enforceable mechanism that
requirements compliance with the requirements in
this section.

A self-hauler will have to comply with the
following. It has to source separate all organic
waste on site. It will have to haul source-
separated waste to a solid waste facility
operation, activity or property that processes or
recovers source-separated organic waste.

The self-hauler will have to keep a record
of the amount of organic waste delivered to each
facility. And this record will be subject to
inspection by the jurisdiction.

There are some exceptions to this that are
delineated in the regulations.

And a self-hauler shall also annually
report data to the jurisdiction.
This section also specifies that a residential organic waste generator that self-hauls organic waste isn't required to record or report the information that I just mentioned.

Lastly, in this section -- excuse me -- is the section on capacity planning. There are a lot of details in this section about what we're asking to be done in order to estimate necessary capacity.

So, I'm just going to cover some key points. One is that each jurisdiction has to plan for adequate capacity for recycling organics and for edible food recovery.

We got a lot of comments on this in the informal stages and we have tried to put in some details that respond to those comments regarding what's adequate, and other issues that were raised earlier.

Each county would lead this effort by coordinating with the cities and the counties to estimate existing, newer, or expanded capacity. Each city and county must demonstrate that the capacity for recycling is guaranteed to be accessible, whether that's through contracts, permits, franchised agreements or other acceptable documents.
And there are requirements in the regulations for each jurisdiction to consult with a number of different entities to determine capacity. This includes the local enforcement agency, the local task force, owners and operators of facilities, community composted operations, citizens, included disadvantaged communities to discuss the impacts and benefits associated with expanded facilities or new facilities.

For edible food recovery, the county and city must contact edible food recovery organizations that serve the jurisdiction to determine how much existing, new, or planned capacity is available.

Each jurisdiction has to do this in light of -- to plan, to recover 20 percent of the edible food for human consumption, including identifying what we call tier one and tier 2 commercial food generators. And to consider funding for edible food recovery infrastructure.

If capacity cannot be guaranteed, then each jurisdiction within the county that lacks capacity has to submit an implementation schedule to CalRecycle that includes specified timelines and milestones, including funding for the necessary
recycling or edible food recovery facilities.

The county that is leading this must collect data from the cities on a specified schedule and report to CalRecycle, and cities are required to provide the required data to the county.

Obviously, there are a lot of specific requirements in Article 3, and I'm sure there are no comments, so we'll move on to the next section.

MR. BRADY: So, if folks can please line up for public testimony. I have a couple written comments that came in, that I'm going to go through.

I did want to note, though, just before folks provide testimony, as well, to the extent this section covered the requirements for certain collection systems to go to high diversion organic waste processing facilities, to the extent there's questions or comments on the sampling requirements or a facility's determined to meet that, those should be made during the solid waste facility portion.

And then, relative to criteria on the CAP, if you can please make those comments during the enforcement section.
The three various comments that I'm going to read, I'm actually going to paraphrase these. But for those folks listening online, just know that the comments as written will be entered into the record. I'm just paraphrasing in the interest of time here.

The first comment is from Jennifer Gilbert, with the City of Davis. And she has two comments. One is that the flexible waste container options showed in the presentation did not show a split recycling cart, where both sides of the cart collect only recycling paper on one side, glass, plastic and other metals on another. Are these types of carts allowed under the proposed regulations?

The second is that the proposed regulations require all businesses to have recycling and organics bins next to each trash container that conform with the containers provided for collection in both color and labeling obligations. The question in this comment is: The color-coding regulation specifies that only the lids need to be color compliant potentially for the outdoor containers, but what about the indoor containers?
So, both of those comments will be entered. Just a question response is yes in terms of split containers are allowed. And then, we'll have to review that in terms of the interior container lids.

Just two more comments, again paraphrasing. This Tracy Adams, from GreenWaste Recovery. Essentially, the definition of source-separated organic waste means organic waste that is placed in a container that's specifically intended for separate collection of organic waste by the generator. In approximately 40 jurisdictions throughout California, the street collection methodology is used where the homeowner is allowed to take yard trimmings and prunings, and place them in a pile on the street for subsequent collection.

Essentially, the comment is that this is not defined as specifically as allowed or disallowed in the regulation. Does the recommendation of CalRecycle alter the definition for leaves in the street collection methodology by adding the following -- by adding a definition in that section?

Again, I am paraphrasing these comments, but as they're submitted, they will be recorded,
and responded to in the rulemaking record.

Finally, this is Laurenten Brazil.

Noting several comments that were submitted previously. One, now, the most valuable plastics are narrow-necked containers, primarily number one and two, to keep recycling equipment carts and lids out of the landfill. Will there be a requirement for closed and opening action as a state level require to use the materials as feedstock for new equipment to keep it out of the landfill? That's one comment.

The second, are campgrounds and marinas that rent water equipment, like boats, jet skis, etcetera, included in the law?

And then, the third is will transfer stations accept food waste, food scraps for proper disposal? They accept vegetation, but will their organics programs be required to accept all organics for commercial composting?

And so, that will depend on the type of facility relative to the transfer station question. Marinas are included in the regulation. And then, the first one we'll have to -- I'm not sure that that's relevant to the rulemaking, but we will provide a written response as well.
So, with that, I'll open it up to folks here in the room.

MR. CHEYNE: Thank you. Andrew Cheyne, California Association of Food Banks. Three comments.

On Article 11, specifically 18992.2 in the edible food recovery piece. In A, we ask for inclusion of additional stakeholders. We support the planning process completely and want to be on record on that. But would encourage that the counties, and cities, and regional agencies coordinate with the stakeholders as they do the assessments.

Currently, as it's written there is specified engagement with emergency food recovery groups and other organizations in B, but that's only after the capacity is assessed. And we think it's prudent to actually talk with the groups on the ground who are going to have that firsthand knowledge. And so, to specify that that engagement occur, please, in A.

And then, in B, I just want to offer our strong and vocal support that this language remain in the final regulations. Coming from one of the few stakeholders who has been involved in this
process since the beginning, I want to thank the Department for making sure that our voice is part of this conversation. I know that we are kind of an interesting piece that fits into this much larger discussion. But it's simply the case that we are under-resourced nonprofits. There's 41 or so food banks across California and there's about 6,000 other agencies that we would probably label food recovery organizations in this language. And, obviously, there's a dynamic space of food recovery services, and we all need to grow this.

But simply put, you know, this food is not going to truck itself, keep itself cold. You know, the fuel that's required, the staff time, and the administrative costs. And so, the only way that this is going to work is to maintain the language that enables and empowers local jurisdictions to be able to decide what the capacity is, what the gaps are, and then what the response is. Including the revenues, and resources, and approaches used to close that gap.

Finally, I just wanted to quickly comment on self-hauling. I realize that self-hauling is not exclusive to edible food by any means. But as I just mentioned, because of the lack of capacity,
we think of self-hauling as one creative way to get at those edible food recovery gaps in terms of recovery organizations, and potentially be able to work out one-to-one relationships as it fits all the parties.

So, I'll be back for the next section as well, thank you.

MR. GONCHAROFF: Good morning. Tim Goncharoff, Santa Cruz County.

I wanted to focus for a moment on the educational institutions. Those of us who speak on these issues around the State know that the level of awareness among local governments is not nearly what we would with it to be.

I can tell you, among educational institutions this is not on their radar at all. So, I would encourage the Department to consider a targeted outreach program specifically for local school districts who need to know what's coming and start preparing.

I also wanted to share a little bit from our experience in Santa Cruz County. We began collecting and processing food waste from businesses, institutions, and schools in Santa Cruz County in 2006. At the elementary school level, we
have seen a lot of success. Middle schools and high schools not so much.

You might imagine, because they tend to be sprawling campuses full of teenagers that the logistical and oversight challenges are really problematic. And because local jurisdictions have very limited authority over schools, our ability to address these problems are also limited.

So, if we're going to have a successful program among educational institutions, I think the Department is going to need to consider what kind of oversight and assistance they can provide to help a school district succeed. Thank you.

MR. LEVENSON: John, before you make a statement, this is Howard Levenson again, for the court reporter.

I just wanted to make a correction. I realize that I spoke -- continuously cited Article 3, and I just wanted to note that these provisions that we've been talking about are in Articles 3, 4, 5, 6, 8 and 11. So, they're spread across those articles. Thank you.

MR. DAVIS: Thank you, Howard, that cleans things up. John Davis, Mojave Desert & Mountain Recycling Authority. I'll come back to one of
those.

But Cara, on the slides you'd show on the collection system I think were helpful. There's language in 18984.2(a)(3) that seems to allow what I would call a hybrid system, where you can put stuff in one container that isn't otherwise allowed. You really need to split that out from the section. It's really hard to read through and understand what is meant by that (a)(3) exclusion because there's language that comes back and seems to say, yeah, you can do it, but you can't do it.

And then, clarify both the monitoring bags, prohibited materials, all of those if you're going to relate it back to (a)(3) when you read down forward, do you really need to do the same level of monitoring on that hybrid container or is it like a grey container? So, just a suggestion. It would make it much more helpful to understand it.

On monitoring, generally, it seems like when you start a program, when you change something, you know, it's important to emphasize the quality to maybe the quarterly monitoring of all routes makes sense. As you go forward and people are performing well, why keep going back and
requiring the pretty massive expenditure of effort and funds. So, you know, give some relief once there's evidence that the program's working well.

To me, the evidence is at the receiving facility, the compost facility, the organics facility, the recycling facility that receives the material. And you've already got language in there that feeds that back into the monitoring loop. So, give some thought to not continually requiring quarterly monitoring when there's no necessity for it.

Howard, on the -- low population, that's really generation and not all communities are the same. And economically disadvantaged communities typically generate less per capita. And yet, you've got a population threshold that they have to reach. I'd suggest using 5,000 tons. If that's the number to use, use 5,000 tons. Why tie it to a population number, when you're really after the generation and you're after the reduction.

And far as the de minimis language, I looked at it and if you're less than two cubic yards, you need to be ten gallons of material. If you're over two cubic yards, you've got 20 gallons. You know, is it really 20?
And, you know, if you're less than 10 cubic yards and you're, you know, 15 gallons, do you sign up for more service so you can get the exemption as a two-cubic-yard.

You know, so if it's really 20, just let it be 20 and not set that second hurdle on the really small generators.

Just a couple more, quickly. I've made suggestions before on using language that's in the Beverage Container Recycling Act to give some more flexibility on the rural definition. It uses a federal definition. It's already in statute at CalRecycle and would give you more flexibility. It's not a hard, fast number. It just says, you know, there may be other circumstances than being in a rural county.

The statute specifically did not use rural county as the threshold, and yet you've defaulted back to rural county. That's fine. But give some flexibility to those jurisdictions that are in non-rural counties, and it's already in your statute to do that.

And, lastly, on the capacity I admit that I did not break down that section maybe enough. Because, Howard, I think I understood you to say
that if the county doesn't have sufficient
capacity, then all the cities in the county have to
work to provide capacity. And maybe I
misunderstood that.

Because if a city has the reservation of
capacity, you know, they shouldn't have to go
through an extensive process to provide the
capacity they already have.

MS. MORGAN: John, I'm not sure I
completely understood you. So, one thing I'll
clarify is that it is only the jurisdiction that
does not demonstrate it has adequate capacity has
to provide the implementation schedule.

So, if the other cities and counties have
demonstrated adequate capacity, there's nothing --
they just continue to report in subsequent reports.

MR. DAVIS: There may be cities that don't
have capacity. Overall county may not have
adequate capacity. But there would be cities
within that county that have adequate capacity
there.

MS. MORGAN: Correct. Does that answer
it?

MR. DAVIS: Okay, then I misunderstood.
So, yeah, thank you.
MS. MORGAN: So, yeah, sorry if we weren't clear on that.

MR. ASTOR: Hello Hank. Kelly Astor, it's probably best I don't affiliate my comments to any one of my clients. But it is somewhat well-known that I represent the participants in the waste and recycling industry.

I want to talk about two specific or, rather, general comments within the array of chapters that you referred to, Dr. Levenson.

The first is facilities. And I guess I'm still somewhat concerned that these regulations appear to presume the sustained viability of the existing network of facilities and that the additional hundred or so facilities that we need to have come online will appear.

You make that assumption at the same time that the regulations themselves threaten the continued viability of certain kinds of facilities.

As I've explained many times before in meetings and in public, a number of these facilities were financed by my clients, who despite having a corporate history of 30 or 40 years of operation, where the owners were forced to personally guarantee them. We're talking tens of
millions of dollars. They didn't fall out of the sky. Someone has to come build them.

I'm concerned about the chilling effect some of the performance standards these regulations impost will have on the development of the new facilities that these regulations rely on.

I, therefore, believe that there ought to be some form of allowance. Call it a grandfather, or whatever you want, for facilities. And this can be mixed waste facilities. I can be other kinds of facilities. There are facilities out there that are 939 driven that provide significant diversion, that perform as they were designed to perform. Let us not do any injury to them.

We know that Section 2 of AB 341 actually stated the Legislature's intent six years ago that these facilities should be as a valuable asset. They provide a net environmental benefit to the community. Their continued operation should be sustained and they should be expanded.

Let's do no harm to the existing network. Give them at least a ten-year glide path where they can continue to operate, even if they don't qualify as high-performing MRFs, or whatever the new terminology is. And let's let the new rulemaking
be supplemental to, rather than diametrically opposed to some of the 939 efforts that we undertake.

Facilities aside, my other general comment is this. I've read the law itself, the statute rather closely, lately. And, you know, I see something of a gulf between what the statute says and the regs. But some of that is stylistic. You have, I think, the ability to be creative where you need to be and I recognize some of that discretion properly belongs with you.

But when we talk about safe harbors or we talk about good faith effort, or something in that vein, the reaction we've gotten thus far is it wasn't authorized by the statute.

I'm here to tell you there's an S load of stuff in your regulations that isn't directly, expressly authorized by the statute. So, just as you've taken some liberties there, and for good cause, I would urge you to consider providing some recognition in the regulations for what happens if. If all of the assumptions that are being made don't prove true. Some of us believe, we already know that the facilities development will not occur at the pace it needs to and we're going to be left
with inadequate processing capacity.

And then, of course, there's the whole markets question. If National Sort has taught us anything, we can't presume, indefinitely, the availability of adequate markets for the material we hope to recover in this way.

So, I'm not sure how that gets done, but I don't see an adequate enough expression of it now.

The last thing I want to end, though, is this. I do comment you for doing a very difficult job. And since this may be the last time I get to testify in front of Dr. Levenson, let me just say it's been a real pleasure.

MR. LEVENSON: My timing wasn't good enough, huh?

MR. ASTOR: No, it wasn't. I got one more in. Thank you very much for all that you've done, Howard, it means a lot.

(Applause)

MS. BALSLEY: Hello. My name is Rachel Balsley and I'm a Senior Program Manager at the Alameda County Waste Management Authority, also known as StopWaste. I lead our Mandatory Recycling and Composting Ordinance project, which has been a major project of our agency since its adoption in
And 16 Alameda County jurisdictions have opted into that ordinance.

We've gained a lot of knowledge over the last seven years that has taught us what is practical and how we can use our ordinance enforcement as an attention-getting device in the commercial and multi-family sectors.

I respectively want to submit that there are many aspects of the current draft of regulations that I don't believe take into account lessons learned about how to efficiently implement these types of programs. And the over 90 comments that we've submitted in written comments provide suggestions for changed language.

As it pertains to collection and planning, since multi-family properties are included in the definition of a commercial business, I'm concerned with the assumption that multi-family properties and businesses can be treated the same, with generator requirements and associated enforcement.

Particularly, in regards to inspecting for organics in the garbage, and garbage and organics, and provision of organic and recycling containers in all areas where disposal containers are provided.

Our ordinance acknowledges that a property
owner or manager at a multi-family property does not have control over the sorting behavior of their tenants. And we only enforce against a lack of provision of service.

There is also a higher expectation of privacy in residential settings that needs to be considered. Early in our enforcement, ordinance enforcement, we attempted to inspect multi-family properties to verify provision of service and found that nearly half the time they couldn't get to the hauler bins due to access issues.

Also, our ordinance provides for granting of waivers, such as de minimis generation of physical space constraints.

The draft regulation language that requires annual verification of these waivers divert inspection and staff resources to these smaller generators from more important, larger generators, in my opinion.

Also, as it pertains to self-hauler requirements, in our ordinance and limitation we require businesses that self-haul, back-haul, share service or use a third-party, independent recyclers to submit a certification of recycling service form with information about where they're taking their
recyclables and organics.

While some of these are larger corporate entities that we've approved, many are small businesses that are trying to save money on collection costs by either taking their small amount of generated recyclables home or to a drop-off recycling facility.

The requirement to collect annual organic waste tonnage from smaller businesses would not be possible from those who aren't keeping track of the weights and back-hauling. And it's not worth the staff time to try and track that down. Thank you.

MR. BRADY: And sorry, just before the next commenter, if folks that are providing public testimony, if you have a business card -- I forgot to mention if you have a business card if you wouldn't mind providing that to the court reporter, it makes it much easier to accurately get your name into the record. So, just wanted to mention that.

Go ahead.

MR. RYAN: My name is Paul Ryan and I'm representing my firm, PF Ryan & Associates.

Today, I'm speaking and testifying on behalf of comments I made during the informal rulemaking process regarding the provisions of the
waivers and the exemptions granted by the Department.

As you know, I represent and assist low- and moderate-income communities in the Southern California desert. I have both current and past clients that are small communities, with very few resources. Most of them have been classified under the EnviroScreen model as low-income, disadvantaged communities that are subject to 1550 regulations, as well as SB 617.

Within the structure of the exemptions that your Department provides, we have no relief for those communities. And as pointed out by John Davis earlier, we need to give some consideration to those communities. Because one current community that I work with has less than a ton a day of green waste, and primarily its palm, which you can't very easily process into viable products.

What I'm introducing today is some language that addresses a new section under the waivers and exemption criteria for extraordinary and extenuating circumstances exemptions. And this would mirror the rural exemptions, but only for those communities that are disadvantaged in the south.
Hopefully, the wisdom of you folks at the dais understand that jurisdictions in Riverside, San Bernardino and Imperial County, in the desert, don't have the economic wherewithal to process biogenic materials at the same level as the coastal communities, such as Beverly Hills.

I would hate to think that the City of Blythe, for example, would have to process at the same level as Beverly Hills. That's just ludicrous and impossible to consider.

We need to focus our attention on what SB 1383 states. We need to focus on the air quality issues that impact the majority of the population, not the outliers.

As a former air pollution control officer for the desert, I want to attest to the fact that we have severe and extreme disadvantages in your communities that you need to consider. Thank you.

MS. STEIN: Hi, Antoinette Stein from Environmental Health Trust. And I have a PhD in the environmental engineering air quality control.

My comments on this section is from Article 5, 17867, the general operating standards, but it applies to some other sections, too. It's about the LEA or the authority having jurisdiction,
the AHJ, and other code.

It appears that you're giving the LEAs the oversight on odors, and on other matters of quality of the operations. And there's not a uniformity from one LEA, in my county, of Alameda County, thank you very much -- Alameda County versus the LEA down in Santa Clara County. They act and have completely different ways of responding to the odor complaints. Five years, Milpitas odor. If you go there, five years of complaints and, you know, there hasn't been much solution.

The LEA where I live, Davis Street, Alameda County says odors are not something that they have any authority over.

So, I think you have it written in here the odors and the LEA has jurisdiction. You know, I think there needs to be more uniformity. Thank you.

MS. SCHEIBLY: Kim Scheibly, Marin Sanitary Service. I believe this is Article 3, Section 1898.4 something, color-coding. It might be page 10, lines 27 through 29. I read it a few times.

One, color-coding is a great step forward for the State, I firmly believe. However, I do not
feel -- and this is in my comment letter along with pictures. But I thought it was worth reiterating.

Dual stream recycling is not a split cart, necessarily. Dual stream recycling, from most in California, is separating fibers from containers. Not one side of a card landfill, one side food waste, one side recycling, one side compost. But one side's fiber and one side's container.

So, if the color's blue, am I dark blue, light blue now? Or, am I different color? Because it says I can choose a fourth color for a fourth stream. But now, my recyclables are a different color and everyone else's are blue. Just a thought.

MR. BRADY: Just one thing on that. We'll take a look, a closer look relative to the colors. I do think that one of your primary comments was don't just allow split containers, allow additional containers. The text is designed to allow for that. Not in that section, it's actually in the three-container collection system section. But we have your comment letter and we'll take a closer look and make sure we respond to that.

MS. MORGAN: Before we go to the next, I just want to make sure, your comment letter, does
it provide suggestions on what you would want it to be? If it doesn't, we're going to ask that you --

    MS. SCHEIBLY: I can check it.

    MS. MORGAN: Okay, just check that. If not, we would like you to provide that today.

    Okay, thanks.

    MS. BROWN: Kourtnii Brown, California Alliance for Community Composting. We just wanted to extend our appreciation for the work that you've already done to be a lot more inclusive of the work of community composters in these regulations. So, we did want to recognize that we have seen some very significant changes.

    But we'd like to start out with Article 3 on collections, on the de minimis waivers, especially in rural areas. We're finding that this could be another opportunity to strengthen the language around supplemented onsite composting, on-farm composting cooperatives by allowing up to 30 percent of feedstock to be sourced from offsite. So that farm cooperatives, themselves, can provide an opportunity for rural facilities to exist without needing to go through a full permitting process with CalRecycle.

    This could be for facilities that accept
green material, agricultural material, agricultural byproduct material, herbivore manures, food material and vegetative food material up to 12,500 cubic yards.

And the reason for this is that it could really offer an opportunity for community composting to not only be successful in urban areas, but also to be an option in rural areas that wouldn't be as accessible by collection haulers and local facilities in the area.

And then, the next point on collection, for self-hauling, we do appreciate that there is some language added to the draft regulations that say that any individual generator or a business, commercial can self-haul to community composting sites. However, I'm not sure if you're quite familiar with the self-hauling permit process.

In Alameda County, especially Oakland, this is an all or nothing package deal. You can't just apply for a self-haul permit for organic material, only. So, it puts the generator into a really tough position to say I'd like to donate some of this organic material to a community composting site in hopes that I would reduce my overall waste collection bill. However, I'm only
given the option to self-haul everything. That's makes them responsible for getting rid of their black bin and their blue bin on their own.

So, we're asking that maybe there could be language put in that allows self-hauling of organics only to community benefit composting.

Specific language that we'd like to recommend is for Section 18988.1, under Jurisdiction of Haulers and Self-Haulers, we'd like to add Section D. That would read: A jurisdiction shall not create unreasonable barriers to, or prohibitions against, the transport of organic material to a micro composting site, a community benefit composting site, or a supplemented onsite composting.

And then, we'd also just like to emphasize the education and public outreach portion, and also capacity planning. We do understand that you've put in some language here that encourages jurisdictions to include us in not only their capacity planning, when they think about total volumes of material that's passing through these sites. But recognize as the role that we play in educating communities on the proper way to compost. And this would help an overall system succeed in
reducing the amount of contaminants that make it into the green bin. As soon as individuals have an individualized connection with the composting process, they have more incentive to do it correctly and use a three-bin system.

So, as far as the public outreach, support and a little bit more coordination between jurisdictions and community composters. Maybe that could be through funding or budgeting offered also in these regulations. Thank you very much.

MR. BRADY: Thanks. And if I could just ask, if there's anyone else that's going to provide comments on this section, if you could please line up? It's 11 o'clock and we're scheduled to go until 11:15 on this section. So, we're going to ask that the folks here in the room limit their comments to about a minute and a half, so that we can meet that 11:15 time frame. And also, there's a number of comments that came in online, that we'll need to read after the public testimony here.

So, if you do want to provide a comment on this section, please line up now so we know if we need to adjust that time frame.

MS. FOSTER: Colleen Foster, City of Oceanside. Actually, I'm going to jump to
community composting. After about 15 years in this industry and hearing about every opportunity and loophole for generators to get out of paying their bills, or to be able to dump on their neighbor, or dump in the backyard, all their restaurants food waste or waste, I'm very concerned at the lack of accountability on community composting, in particular.

I do community composting. I support community composting. I think this regulation needs to support community composting. However, we need accountability for community composting. This regulation provides exemptions on community composting in regards to public nuisances, storage, size. It provides no language as to whether community composting operations should report.

However, businesses can say they're using community composting and I have no way to find out if that's true or not because there's no reporting system or interaction between the jurisdiction and the community composters, because they have a blanket exemption throughout the regulation and rule.

That also goes, that also speaks to the other issue that I'm struggling with, our city's
struggling with, is the physical space waiver.

It's really interesting, this rule is extremely prescriptive everywhere else. And overly prescriptive, that is the general comment throughout our letter.

But in regards to the physical space waiver, I can tell a business they have to put a can next to every trash and recycling inside their business, they have to label it such and such, et cetera. They have to do A, B all the way through Z. But if they claim they have a physical space waiver, they can get out of everything.

And I'm a coastal city, probably over 50 percent of my generators would qualify under this physical space waiver. And when I look at having to fund the staffing and the infrastructure systems for this regulation, I can't do that if half my ratepayers are now exempt from these regulations just because their building was built in 1920, which is a significant portion of our buildings in our agency.

And lastly, I must reiterate, similar to what John Davis was saying earlier, Article 3, the collection section, is extremely difficult to navigate and understand. We're really struggling
with the concept of, really, the opportunity we're looking at is a fourth cart or a split cart. If I was to pursue those opportunities, I might as well throw our Climate Action Plan, Transportation Emission Reductions away because I'll have to add a whole new collection vehicle. I have to add new carts, new systems out there.

We were looking forward to using the yellow bag program, but I also do not like the idea of telling my generators to throw the yellow bag of food waste into a landfill bin. And so, there is confusion as to whether we could do a yellow bag program in our green waste or our blue recycling cart. I'm aware -- unsure it's why we can't do that, if we can do it in the landfill bin. So, thank you.

MR. BRADY: Thanks. I do want to clarify two points on that. Relative to the waivers, both at the community compost level and the physical space waiver, I think we probably disagree with that interpretation. Hopefully, if you articulated that in your written comment, we can provide a more thorough response to that. But the waivers for physical space are at the discretion of the jurisdiction. They're not a requirement that the
jurisdiction provide that.

And then, the community composting operations are limited by existing regulation based on their size, whether or not they qualify for community composting. But to the extent there's more detail in the comments, we'll provide a written response on that.

MR. OZORAK: Good morning. Etienne Ozorak from Sacramento County. And my question has to do with Section 18984, which has to do with identifying organic waste generators and then the definition that needs the person responsible for the initial creation of the material.

And in our county, we have about 40,000 registered businesses. In our inspection regime, we have about 18,000. And the number of customers that actually have waste collection service aggregated between three haulers, three or four haulers is about 7,000.

So, when we're talking about enforcing, understanding these regulations, on enforcement would really apply to the 40,000 generators. So, some clarifying language would be useful. Because under 1 it says: Subscribing to and complying with the requirements of service or self-hauling.
So, the language should allow for joint sharing or, obviously where you've got multiple tenants in one as opposed to, you know, verifying service for 40,000 generators. Thank you.

MR. NOBLE: Dan Noble, with the Association of Compost Producers. We're the California State Chapter of the U.S. Composting Council.

Most of my comments, now, are on Article 11, but that's really tied in to Article 12, the procurement regulations.

But capacity building, again, I want to reinforce the notion that capacity isn't just, in our mind, production capacity. Because in a private sector business you would never build production unless you had a market.

These regulations, because we're diverting from landfills, we're creating production capacity assuming that somehow the local jurisdictions will take care of the markets.

Unfortunately, every player in this industry does not have access to all the markets. It depends on what products they're making. So, to Julia Levin's point, not only do we have compost, we do have mulch, and chip and grind material. We
also have biofertilizers, which are organic
fertilizers made from bioresource feedstocks. We
also have biochar, which is made from a totally
different process, as Julia pointed out.

All of us are competing in the same market
space. In addition, you have food recovery, which
can go to animal feed, which goes to the AG
markets, which have their own residuals.

So, I think we have to look at this
regulation in the context of local markets. Every
county has more or less urban versus rural. So, I
don't know, necessarily, how you put it in the
regulations.

One of the best ways to highlight the
notion that you have to balance supply with demand
capacity is just to define capacity as balanced
supply and demand. The idea is to get profit, is
to have more demand than you have supply.
Otherwise, you're going to lose money. So, that's
part of the triple bottom line.

Also, there's a whole planning process
which came through -- you know, was initiated in AB
876, which looks like it's being folded into
Article 11. I don't know if that's on purpose, or
it's assumed but -- it is assumed.
MR. BRADY: Yeah, and if you can wrap up your comments?

MR. NOBLE: Yeah.

MR. BRADY: We're just going to take the remaining comments that are standing, currently.

MR. NOBLE: Okay, so I have these in writing. But the question is, is how much gets written into the regs as a pointer versus how much are you expecting to happen by the local industry on the back end.

MR. EDGAR: Neil Edgar. And as soon as I get done reading my six-page letter into the record, I'll have a few comments.

The letter earlier was from GreenWaste Recovery. And I think like many other folks in the room, they wanted to see some discussion today about the definitions in Article 1. A lot of folks have alluded to that. And I'm not sure if there's a separate process, but I know in the interest of time today it would have been difficult to add that in to the agenda.

I'm on behalf of the California Compost Coalition, some questions about the collection, cart colors, yellow bag programs. I think the examples you've provided maybe don't show the full
range of flexibility that are available and entail.

I know there are existing programs where there are green or yellow inserts into existing grey and black bins. Those programs probably need to be considered as part of future options.

Also, as has been mentioned, loose-in-the-street collection is a pretty prevalent practice in the State and is not considered in the regulations, and should be.

And then, in several sections of this article there are references to green carts, in particular with the collection frequency waivers and other sections, it doesn't have any recognition of the yellow cart. So, clearly, a separate item that should be subject to the same limitations.

And then, lastly, as other folks have mentioned, I think there needs to be some future process whereby, as my good friend Rachel Oster said, the success of this program is robust, and people are -- birds are singing in the trees, if they haven't been wiped out by global warming. And operators may be able to reduce the frequency of route reviews and other practices. There should be some sort of end-of-life where mature, successful programs that have proven compliance can reduce a
lot of the busy work. Thanks.

MS. BOSKOVIĆ: Good morning. My name's Alex Boskovich. I'm from Alameda County Community Food Bank and we are a member of the California Association of Food Banks.

We're very appreciative of the opportunity to offer our feedback and we're excited to partner with CalRecycle and our State around sustainability goals. Because as we all know, the impacts of climate change disproportionately impact low-income communities and communities of color.

In Alameda County, we're serving one in five residents, about 110,000 folks a month. And food recovery is a significant portion of our food portfolio, so to speak. At the retail level of food recovery, as well as direct manufacturer relationships, we're recovering roughly 10 million pounds a year in food. So, we're excited to be here.

But also want to reiterate a couple of points that our association has made, which is that we are in strong support of the capacity planning process outlined in Article 11. However, we really want to ensure that food banks continue to be partners. And we'd like that language strengthened.
in the fact that as counties and jurisdictions are doing those internal assessments that food recovery organizations, like food banks, are not considered after the fact. We want to be at the table early on and we'll want to give credit to our partners locally, like StopWaste, like the Cities of Livermore and Oakland, who are already beginning to engage us.

One of these we constantly hear is there's a lot of cross-informing that needs to happen. And so, you know, we don't want our government officials to do all this work only to have us say, actually, you missed some really huge components and we need to go back to the drawing table. There's a fast time, I understand.

The other piece of this is we also strongly support the process around having clear implementation schedules. But we have to reiterate that we need a prioritization of the actual cost to recover food safety. Food safety is imperative. And costs that maybe are typically overlooked, like transportation, fuel, cold storage, all the roots of food safety standards cannot be overlooked. Administrative support cannot be overlooked.

A food bank of ours, which we have over
100 staff and over 200 community-based organization partners, 50 percent of those 200 partners are 100 percent volunteer run. So, everything from the thermal gun to an experienced driver. If we're to meet the State's goals around food recovery, we need to be able to do so with true and accurate capacity.

So, again, we thank you for the opportunity to comment and we look forward to hanging out with you this afternoon.

MS. HEATON: Good morning. Staci Heaton with the Rural County Representatives of California and the Rural County Environmental Services Joint Powers Authority. No, I'm not Mary Pitto, but she's watching me right now and might yell at me later, if I don't say this. Right. So, hi Mary.

So, I wanted to specifically address Article 11, Section 18992.2, and I'll be brief. So, we realize that, you know, local solid waste managers are our partners in achieving edible food recovery goals and that it's rational to include an education and outreach competent to the food recovery program, and for us to assist in providing access to the organizations and services available to generators. And that monitoring and compliance
adds significant staff time and costs. And we recognize that and understand the necessity to be able to measure achievements.

But we believe that it's really beyond the scope and capacity of our solid waste managers to increase and fund edible food recovery capacity because of our constraints. So, thank you.

MR. BOONE: Two small points, I think.

Arthur Boone again. I worked with hurricane cleanup in Florida, in 2004. And I was on the West Coast for about four hurricanes that went through there. There were trees everywhere, houses torn down, a lot of stuff.

The idea of leaving the discretion of what you're going to do with materials to the local government is a very scary process. Because recycling was absolutely the last thing on everybody's mind.

The goal of the community, politically and economically, is to restore the status quo as quickly as possible. And that meant getting rid of stuff, out of the way. Whether it got burned, buried, they didn't care. They just wanted it off the streets. And so, and that's the kind of pressure that they're under. People have lost a
tremendous amount of their personal wealth
frequently, so there are a lot of issues that
affect local governments.

I think there needs to be a body of review
at a higher level. FEMA does not do that. And so,
I think the State people who are concerned about
filling up our landfills with stuff, if we took a
little time, intermediate stations to stash stuff
things like that, you really need to think that
through. There could be people on staff here that
would be helpful.

The second point has to do with the use of
the term waste to refer to source-separated
organics. I've had a couple of potential clients
scared away from setting up collection systems to
move source-separated organics to the East Bay MUD
facility. East Bay MUD is an under -- has a
wastewater treatment plant in Oakland that is under
capacity. It was built to handle all the canneries
that were then in Oakland, which are no longer
Oakland.

They are looking for raw organics to feed
into their process. The fact that these are called
wastes raises the question of what does the
franchise say about all of this.
As you know, in the July 20 print of AB 939, they changed the definition of recycling for something to do with wastes, to something to do with materials that would otherwise become solid wastes. Do you remember that? And it returned to the stream of commerce.

I have not seen any court decisions or any policymakers say it's very clear that source-separated organics are like source-separated recyclables. And so, a lot of people are afraid of that.

And if you look at the fact that people who do -- three-cart people, earnest people, the amount of material that they put in their recycling part and the organics cart far outweighs what they put in their garbage cart which, typically, is a little bit of plastic and a bunch of other stuff they don't know what to do with.

So, I think it's really important to leave the market open to encourage people to set up these kinds of managements. Waste Management chose not to contract with East Bay MUD to haul the organics to that facility. That has never been discussed. But the fact that it's called a waste scares away people who want to argue about that. That's all,
thank you.

MR. BRADY: Thanks. We have Kourtnii and Alex.

MS. BROWN: Kourtnii Brown, California Alliance for Community Composting. I just wanted to come up and add one additional, brief comment in response to the representative from the City of Oceanside.

Community composting, I just want to clarify it's not really getting a blank slate under SB 1383. This is just clarifying the role of a supplemental role that we can play in meeting the State's goal for capacity.

So, what we would like to do to build confidence in not only jurisdictions, but also the State, is suggest that there be additional amendments made to Title 14, Chapter 3.1, on composting operations regulatory requirements.

In our written comments we actually submitted, we said we'd like to see a published list of best management practices for community benefit composting and micro composting. This can be recommended voluntary self-assessment, or it could be a voluntary State certification program in an effort to alleviate local regulatory concerns.
and inconsistencies across jurisdictions and State agencies. We've seen that done in other states.

And then, also to reemphasize that the micro hauling option of community composting can also be supplemental to a jurisdiction's large-scale hauling programs, and we've seen that be successful in other states.

And so, if there were -- are definitely concerns about quality control and rate structures, that some set of best management practices and also working in tandem with the jurisdictions can help alleviate a lot of those concerns. So, thank you.

MR. OSEGUERA: Alex Oseguera with Waste Management. The last person, so I'll make it quick.

In terms of the mentioning of looking at route reviews, education and outreach, and then I think a concerning area is that there's a May Statement to Notice.

So, in terms of having a holistic program, if there is, you know, the route reviews and analysis, there is the education and ongoing outreach, then there should be a will statement to the notice. And the State encourage and provide examples throughout the State as what's working in
terms of those notices. Is it a warning system? Is it a warning system with something that's punitive? Or, how do you address the contamination?

I just want to highlight that under AB 939, and what has happened with the international markets and in terms of quality, you know, China, India and the rest of the world is looking at very low levels of contamination. I mean, .0 whatever 1 percent at, right.

And in terms of AB 1383, we have to ensure that the feedstock that we get into the facilities is something that's usable. If we produce a very low-quality compost or other products, where will the markets be for that material if no one wants it?

So, once again encourage that, yes, we're going to have route reviews, we're going to have education and outreach, and continually, but also making sure that that last portion is also a will statement. So, thank you.

MR. BRADY: Thank you everyone for the comments on this section and invite the next panelist to come up. It's a special treat for everyone because Kyle Pogue put his tie on earlier.
So, he really respects -- while they're coming up and getting set, I'm going to read a couple of the additional comments that came in, and then we will come back to some of these towards the end of the day, as well.

One comment from Alexander Fund, with San Gabriel Valley Council of Governments. Again paraphrasing, but we do have your comment in writing and we'll add that into the record.

Our member agencies are concerned with the lack of sufficient funds available to implement new organic waste diversion programs. There's an uneven distribution of waste disposal infrastructure across California and capacity is limited where the infrastructure does exist.

While the proposed regulations provide a few years to implement the programs, our member agencies are heavily concerned that there's insufficient time given to develop, and evaluate, and permit new facilities.

More to the comment than that, but we will include it in the record, but that's essentially the gist of it.

And then, an additional comment from Tracy Adams with GreenWaste, on Section 18984.5, and how
containers should be monitored for contamination on the daily route. As this provision exists, there's a burden to monitor all routes, even those that have shown that they are consistently compliant with the provisions of SB 1383.

Essentially, the recommendation is to place more emphasis on the solid waste facility check for contamination, and less emphasis on the route review.

Again, we have that comment in writing and we'll enter that into the record and provide a response.

A couple other comments that came in, but we'll read that after this presentation concludes.

MR. POGUE: Well, good morning everybody. I'm Kyle Pogue. This is my colleague Martine Boswell. We also answered a team edible.

And two, we're also open to applause so --

(Laughter and applause)

MR. POGUE: We're here today to talk to you about the proposed edible food regulations. SB 1383 requires California to recover 20 percent of currently disposed edible food for human consumption by 2025. SB 1383 also requires CalRecycle to adopt regulations intended to help
achieve this goal.

This is not a goal for individual jurisdictions to recover 20 percent of their surplus edible food. And this is not a goal for individual food facilities to recover 20 percent of their surplus edible food. This is a statewide goal that we must collectively achieve.

Before we discuss the proposed regulations, we first would like to discuss the definition of edible food. Maybe before I go there, let me backtrack real quickly and let you know that edible food regulations are included in Article 4, 9, 10 and 11. We're most focused on running through Article 10 here, today.

In the current draft regulations, edible food is defined as the following:

Edible food means unsold or unserved food that is fit for human consumption even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus or other conditions.

And I will note, this is actually included in Article 1 in the definitions. All edible food must still be in compliance with Cal Code requirements for safe food handling and food.
And on this slide, we provide an example of food that would be in compliance with Cal Code requirements on your right-hand side. In requirements for safe food donation and food that would not.

The photo on the left shows food that is fit for human consumption, and there is no donation dumping occurring, presumably in this slide, or in these photos.

The photo on the right shows food that is out on an unnamed, open buffet line. Current Cal Code would not allow for this food to be donated.

I think it's also noteworthy that for purposes of these regulations, edible food is not solid waste if recovered and not discarded.

The proposed edible food recovery regulations will most involve the following groups, jurisdictions, commercial edible food generators, food banks, and other smaller partner distribution organizations, such as food pantries, local health departments, food recovery services and food recovery kitchens.

The proposed regulations could also include other groups such as local food policy
councils and food delivery services.

This slide does not show every group that could be involved, but these are some of the key stakeholders that will play a leading role in helping the State achieve its edible food goals.

The draft edible food recovery regulations include three key policy components. One, jurisdictions must each implement an edible food recovery program.

Two, direct requirements will be placed on commercial edible food generators to arrange to have their surplus edible food be recovered by a food recovery organization or service.

In addition, commercial edible food generators will be required to maintain records.

And finally, food recovery organizations and services will be required to maintain records and report certain information to local jurisdictions.

As we mentioned, the first key policy component is that each jurisdiction will be required to implement an edible food recovery program. And to comply with these program requirements it must include the following.
requirements, increased access to food recovery organizations, monitor commercial edible food generator compliance, and increase edible food recovery capacity.

Although not a requirement, we have also included language in the draft regulations stating that a jurisdiction may fund their edible food recovery program through franchise fees, local assessments, or other funding mechanisms. We include this provision to encourage and promote the development of sustainable funding for food recovery operations in each jurisdiction.

And at this point, I'll it over to Martine to go into a little bit more detail about commercial edible food generators, and food recovery organizations and services.

MS. BOSWELL: So, as Kyle mentioned, there are three key policy components that we're going to be discussing today. He talked already about the jurisdiction edible food recovery program. And I'm now going to cover the key policy requirements for commercial edible food generators and recordkeeping requirements for food recovery organizations and services.

So, commercial edible food generators will
have direct requirements placed on them. The commercial edible food generators have been broken into two tiers. Tier one commercial edible food generators will be required to have their surplus edible food be recovered for human consumption beginning January 1st, 2022.

These generators include supermarkets, grocery stores with a total facility size equal to or greater than 7,500 square feet, food service distributors and wholesale food markets.

Tier two commercial edible food generators will be required to comply beginning two years later, January 1st, 2024. These groups include restaurants with 250 or more seats or a total facility size equal to or greater than 5,000 square feet, hotels with an onsite food facility and 200 or more rooms, health facilities, which would include a hospital with an onsite food facility and 100 or more beds, large venues and large events, State agencies with a cafeteria with 250 or more seats, or a cafeteria facility size equal to or greater than 5,000 square, and local education agencies with an onsite food facility.

And important to note is that K through 12 schools are included as local education agencies.
So, those are the generators in the current proposed regulations. The key requirements of these commercial edible food generators is that they must arrange for their edible food that would otherwise be disposed to be recovered for human consumption.

And they can comply with this in one of two ways. Either through contracting with food recovery organizations or food recovery services that will collect their edible food, or through self-hauling their edible food to a food recovery organization, or a food recovery operation that they have an arrangement with.

Commercial edible food generators will also be required to maintain records. They will be required to maintain records of the contact information for each food recovery organization and service that they’ve contracted with, a copy of the contract, MOU, or other documentation of their arrangement. The types of food that each food recovery organization or service will collect. The established frequency that the food will be collected. And the quantity and pounds of food that they have donated or they can provide an alternative metric.
So, those are the key requirements for commercial edible food generators. I'm now going to shift and talk about the recordkeeping requirements for food recovery organizations and services.

In the current proposed regulations, the requirement is that a food recovery organization or service that collects or receives six tons or more of edible food directly from commercial edible food generators per year, shall maintain a record that includes the following. The name, address and contact information for each edible food generator that the service or organization collects or receives edible food from, and the quantity and pounds of edible food collected from each edible food generator per month.

Those were the key policy components that we wanted to discuss today. We hope that these regulations will have really great benefits for communities, including reduced GHG emissions through keeping edible food out of the total disposed waste stream, putting that food to its highest and best use of helping to feed people in need. We also hope that these regulations will help strengthen relationships between commercial
edible food generators and food recovery organizations. And we hope through the jurisdiction edible food recovery program that these regulations will also help to develop sustainable funding for food recovery operations.

So, thank you for your time. At this time, we'll take questions.

MR. BRADY: Yeah, can we have everyone that wishes to make a comment or provide testimony on this -- you don't necessarily have to line up right now, but just get a show of hands so we can get a sense of how many folks will be providing testimony. Okay.

I think we have until about 12:15 for comments. So, if folks could please, if you can keep your comments to about two minutes on this. To the extent that we have time at the end, we can come back to additional comments.

Before public testimony here, I just want to acknowledge we did receive a letter from Mike Learakos, with Waste Not OC. It's fairly lengthy and I'm not going to read it in its entirety. Just noting that there are several comments on square footage requirements relative to tier two. A recommendation to add a third tier for edible food
generators. And then, some comments as well on recordkeeping for edible food recovery services and organizations.

Quite a bit more detail to it than that, just noting that we do have your comments and we'll have them in the record.

Tim.

MR. GONCHAROFF: Tim Goncharoff, Santa Cruz County. I wanted to speak to the 2014 benchmark year.

For those of us who are early adopters, this is an issue in regard to organic waste diversion. But even more so in regard to food rescue.

Santa Cruz County had the very first food rescue program in California. It's still one of the largest, most robust and successful programs. It's been operating since 1972.

And using 2014 as the benchmark year means that more than 4,000 tons of food rescued annually will not count. And the ironic result of that is that one of the more successful programs in this State may appear to be in noncompliance. And I'm sure that's not your intention.

I suggest a simple fix. You might add to
the regulations a provision that those
jurisdictions that had program prior 2014 could
appeal to have those totals included in a total
amount of food rescued being calculated. Thank
you.

MR. BRADY: Thanks Tim. And I'm generally
not responding to comments today, but do want to
clarify. That's not the -- that's not a correct
interpretation of the regulations in terms of the
requirements for jurisdictions, both for collection
and edible food recovery. The targets are not, and
they're statutorily prohibited from being applied
directly to local jurisdictions. So, there's no
misallocation of credit for efforts taken prior to
2014 that you would be penalized for.

MS. FOSTER: Colleen Foster, City of
Oceanside. One thing that I'd like to ask
CalRecycle for assistance with is do everything you
can with this rulemaking to help not make the
jurisdictions the bad guy. Okay. And I think
there are sections in this rule that really put the
burden on the jurisdiction to be the difficult one
with our generators and our diversion activities.

So, that falls into play a little bit with
edible food recovery, as well as community
composting is we want to support these activities. We appreciate the fact that this rule is trying to really create space for these opportunities. But one of the issues we're seeing throughout the rule is that there is a significant burden on the jurisdictions for reporting about all of these activities.

However, it's not very clear on the reporting requirements for these types of activities. So, for example, in edible food recovery you require recordkeeping by edible food recovery generators and services. However, there's nothing in there to say that they need to provide those records to the jurisdiction that's being required to report on these activities to the State.

And I've been a Chair of The Food Policy Council for the next -- for the last four years. And there's actually a lot of privacy within the edible food recovery space and within the feeding agency space.

So, when a jurisdiction goes to these agencies and services and asks what are you doing, there's not an open arm tendency to provide the information that they do have.
So, what we're asking is help us support these agencies, help us be able to provide the information you require in the reporting by making sure that you clarify that community composting, edible food recovery is required to provide those records and documents for activities to jurisdictions per their request or, maybe at minimum, on an annual basis. That will help us support them and our community. Thank you.

MR. BRADY: Thanks. And I do want to just note because that's actually not an item that would really come up in Article 11 -- or, Article 10 on edible food recovery. But in the articles on reporting and enforcement there is language relative to access to records, as well as confidentiality of records that will be talked about in a little bit.

MS. BENIWAL: Hi there. Bonnie Beniwal from Californians Against Waste. I just want to thank you for the opportunity to take our ongoing input.

We see two potential issues in this section. First, we see potential for a loophole, as evidence by France's food waste laws. Currently, there's a mandate for generators to have
a written contract with food recovery services and organizations, but not actually done the food. So, this has been seen for the past two years in France, through anecdotal evidence where generators can donate, you know, even as little as one percent of the food that would be disposed of.

So, we recommend, you know, looking through the wording of this and making sure that there's some sort of minimum set.

Second of all, we would like to see a separation definition for edible food and recoverable food. Specifically, in edible food, the phrase unserved and unsold lowers the baseline of the 20 percent that would need to be recovered. Including, you know, amongst others, food waste generated at home. So, we'd like to see a more inclusive definition.

So, you know, that these regulations can be as effective as possible in meeting its many goals including co

MS. SCHOONMAKER: Hi, Kelly Schoonmaker, StopWaste

I have a couple of quick clarifying questions. I know you guys are not really -- you know, not responding, but you might be able to, to
Okay, here's a question. I can't wait until the next job to find out. So, the first question is about the six tons and the food recovery organizations that accept six tons or more need to, you know, report on which generators.

Now, does that mean six tons from tier one and tier two generators, only, or all generators? So, that's question one.

The other one is kind of similar which is when the jurisdictions have to provide a list. Now, is that just recovery organizations that accept food from tier one and tier two, or like everything, very comprehensive.

Thank you, I'll take my answer to my seat.

MR. SHANE: Hi, Andrew Shame from California association of food banks. So, want to thank the Department for taking our feedback many times, including today. And just will try to keep my comments brief. But, obviously, this is the heart of where we touch this.

I just wanted to say that I held my comments earlier on definitions, but we've provided comments on several definitions, including on edible versus recoverable. And we've also provided
some existing language about apparently wholesome food that's in both federal and state statute that we hope can help provide some consistency and clarity to the Department as you consider that. Although, we strongly encourage that definition to be delineated.

In terms of Article 9 and I'm sorry, I'm not exactly sure where that is being talked about today, I didn't see it on the agenda. We just want to make sure that it's essential, that it's retained that the acceptance of donations of loads on the recovery side is voluntary. I mean, this is only going to work in that situation, in the sense that we have already-under-resourced nonprofits who are simply not able to take all types of loads.

And again, we think that there is strong structures in place in terms of either self-hauling, or working through the jurisdiction process to have that. But those are only -- those structures are only going to work with some very clear language that's here, that must be retained about that voluntary participation.

We also want to make sure that food recovery organizations are treated different from food recovery services in a couple of ways. One is
sort of an overarching point that we know is difficult to land in the language, and so I just want to acknowledge that, but continue our emphasis about the potential for unintended consequences. That as some organizations are able to accept donations, and then repurpose them and sell, even if it's under a 501(c)(3) tax structure of a nonprofit that that is going to create a potential revenue stream that for emergency food organizations who are always going to give that food away to people in need, that that creates a potential imbalance, especially down the road. And again, we understand that the emergency food recovery organizations cannot and should not take all of this edible food. We're not advocating for that by any means. But that dynamic is of a serious concern when food banks and the organizations are already struggling to access enough food to feed hungry people.

And we think that there is just no better documentation than the EPA's food recovery hierarchy, right, which very clearly says that the food should go to hungry people. That's obviously not in the statute. But we encourage consideration in the regulations about donations for free or for
people in need. There's several in which we've provided examples for how to get to that.

And then, finally, on the data reporting, I know that's formally later, but it did come up a bit in the presentation, I just want to acknowledge that we have -- we asked for the six-ton requirement. It was put in place. And now, we're asking for something else. And I'm sorry that we are changing midstream. But it just -- you know, in full transparency for all the stakeholders in the room, I was unfortunately given some inaccurate information from one of our member food banks. And upon further consultation, and I just want to respond specifically to the very valid point, I believe by the presenter from -- the comment from Oceanside that there are serious privacy concerns.

And that there are MOUs with donors that occur, actually not just in California, but across the country in how food banks secure donations from several types of what we call generator or donators, donors that prevent the sharing of donor level data.

And that we are really asking for a different approach that acknowledges that if there is the need for a jurisdiction to verify some
potential discrepancy or an evaluation toward the 20 percent goal that the data are largely held, especially by organizations that are taking large amounts of material.

But we need to design the regulations in a way that's not going to be disruptive. And it's in some ways impossible for food recovery organizations to provide. And it sounds like there's already some issues in the field. And so, I think that we can come together and figure that out.

But as written, it's unworkable. And I just want to apologize from our own contribution to that, the way it's written.

Finally, I just want to reiterate, but because it came up again, my comments earlier this morning is that the State's only going to be able to meet its goals if jurisdictions, and generators, and food recovery organizations have the ability to come together and figure out the resources and the capacity necessary to move this food. It's simply not going to move itself, certainly not in a food safe manner.

And so, I just strongly want to encourage the language we retained there. Thank you.
MR. BRADY: Thanks Andrew and Kelly. Just to your comment, it's a good comment and a good question. We're just going to have to take a closer look at it so --

MS. LARROWE: Hi, Kat Larrowe from the Alameda County Community Food Bank. Thank you for the opportunity to speak with you today.

Very in support of CalRecycle and this legislation, but the CFB letter, and we also submitted our own letter. And we just want to highlight some points, really, that get to food safety and our overall capacity.

And so, piggy-backing a little bit off of Andrew, but really strong support of separating edible food and recoverable food. I think we see this all the time in the field where a generator will have a donation for the day, but in theory that might be ready to eat that day, but three days later when our agency has distribution it's no longer edible. So, it's edible on the day that you might pick it up, but it's not technically recoverable because we can't actually distribute it. And then, that ends up putting the cost on our agencies, which Alex mentioned earlier 60 percent of them are all volunteer run. And so, many of
them are now having to pay more for compost, or other ways of disposing of the product. So, really looking for separation between those two definitions.

We're in very strong support of contracts, so thank you for having that in there. We think that that will help just provide insurance that if we're in a contract with a generator, no one else can swoop in and take over that relationship. And so, we appreciate that and hope that stays in.

And lastly, we are hoping that the reporting pieces for -- or, reporting and collecting pieces for food recovery organizations and food recovery services can be more defined.

So, the way we understand it is that if you're picking it up, you have to weigh and record in-transport and once it's collected. And so, as a food bank, we do a lot of the collection, but it goes to our member agencies versus a strictly transportation service for food recovery. So, we kind of do both and that would be very onerous for us to have to weigh for transport and for collection. So, hoping there could be some separation between specific transportation agencies and ones like food banks, who do kind of all of
those services. So, thank you for your time today.

MR. HILTON: Good morning. Rob Hilton, HF&H Consultants. I'm not speaking on behalf of any of my clients today. But we have been talking to a number of the communities that we serve and actually preparing some 1383 plans, including this food rescue component. And so, some of the things that we've come across in our planning may be helpful to you as you're working on this.

You've heard a couple of comments about the contracts required with the food rescue organizations. It's very much the case that some organizations that collect the material want those and some very much don't. And you should think about whether there are other forms of demonstrations. Sort of the point CAW made, we want the stuff to get rescued. We don't care about the arrangement, necessarily, by which it's being rescued.

And so, if there's some other demonstration that the business is donating and doing the thing, even if there isn't a formal contract setting out the terms of that, that may be helpful, or if there's some other arrangement demonstration that you'd be okay with.
One of the concerns that we've heard from franchise haulers, in negotiations, is that they believe this material is within the scope of their exclusive franchises, even though it's for human consumption. And I think we should clarify that because for nonprofits, that are not charging for their service, I think the Rancho Mirage decision gives us a clear pathway for that material to escape the franchise.

However, there are a number of services that are charging for the collection and we want to stimulate sustainable funding for these folks, right. So, we want folks to have an enterprise model where they charge.

If the franchisee believes that that's their material, we may not be able to allow others to charge. So, it would be great if the regulations could provide some clarity that this is not solid waste. It's not organic materials destined for compost. This isn't discarded. This is for a productive use. That would be helpful to us.

The biggest thing that we've noticed in looking at this is that these are regional programs. They span jurisdictions, they span...
counties. And so, it's very challenging for a
city, in a county, to manage everything you're
asking them to do and there will be a lot
duplication. Not in the capacity planning, but in
the reporting about what the food recovery
organizations are doing.

And so, the extent to which you can bring
this up, maybe even to a State level, would really
help. Because I think the duplication is going to
be frustrating to the food service organizations
that are responding to multiple agencies asking for
the same stuff.

I really support including all of the
stakeholders in the capacity planning. You've
heard that today, so just me echoing that.

And then, I think you need to think about
incompatible materials with donation, the same way
we are with recycling and composting. There are
materials that the food service organizations don't
want. Unhealthy stuff, stuff that's, you know, at
a certain age, whatever. And so, I think there
needs to be some understanding of that in this
language and some permission to do other things
with that material. So, thank you.

MR. BRADY: Thanks, Rob. And on the
franchise issue, not to get into that today, but
I'm assuming that was -- there was an explanation
provided in your letter? Oh.

On the -- I just wanted to do a quick
follow up on the franchise issue. Is that
identified in your letter to some level of detail?

MR. HILTON: (Off-mic comments)

MR. BRADY: No, more just raising that
it's a pretty complicated issue and it's something
we will have to respond to in our rulemaking.

MR. HILTON: (Off-mic comments)

MR. BRADY: Are there any other comments
or public testimony from folks in the room on this
section?

Okay. A couple additional comments came
in online. Larry Vaccaro, Waste Zero Manager with
Athens, asking how will -- how will 20 percent
success be known? In other words, how would we
know that 100 percent edible -- what 100 percent
edible originally was?

We have articulated that in the previous
workshops, but that is something we will be doing a
further study on moving forward. But again, I do
want to reiterate that it's not a 20-percent target
that each individual jurisdiction as to receive.
If there's no other comments or testimony on the edible food recovery requirements, there's a couple additional that came in on Article 3 that I'll read at this point. And then, we can break a little bit early.

So, an additional comment from Tracy Adams on Article 9. That's Tracy Adams with Green Waste Recovery. And that Article 9 is not called out in the agenda for the presentation today. But a focus on Section 18990.1(b)(5), which requires that a jurisdiction shall not implement or enforce an ordinance, policy, procedure, permit condition or initiative that includes revisions that do any of the following -- and he's specifically identify that they not enforce an ordinance that requires a generator fusing with waste collection, or combination of services that do not recover at least the same type of organic waste recovered by the service the generator previously had.

So, noting that comment, we do want to make sure that moving forward collection systems continue to grow and become more expansive and not less expansive. But do understand the issues that Tracy is raising in his letter, so we will provide some written responses to that and his comment will
be entered into the record.

We have Jim Ambroso, with the Resource Management Group, noting a definition of self-hauler. This definition limits self-haul activity to that which is performed by the generator only. Our concern is with the reference to back-hauls from plants to distribution centers or warehouses owned or operator by the generator.

From our experience, much of the back-haul activity taking place is done by other commercial haulers, not by the generator or the local franchise hauler.

A little bit more to the comment, but just paraphrasing for folks in the room here. We do have the comment in writing and we'll put that into the record.

Deidra Dingman with Contra Costa County has two comments. One on 18984.1(a)(3). The regulations exceed the scope of CalRecycle's rulemaking authority by mandating replacement of trash containers if not grey or black in color. The enabling statute applies to organic collection, which the regulation's required to be providing using a green container.

Aside from lack of statutory authority to
impose trash container collection requirements,
there's minimal benefit that might be achieved by
standardizing the color of trash receptacles.
Unlike standardizing colors for containers instead
to hold source-separated organizations. And that
there's no justification for this.

We do provide justification in the initial
statement of reasons, but certainly happy to
respond to that question or comment in writing.

And then, the next comment from her is on
189 -- 84.9(b)(1). As written the requirement that
businesses place organic collection containers next
to trash containers, provided for use by customers
as it results in organic containers that will
contain extensive contamination. This
contamination could potentially compromise an
operator's ability to effective recover some of the
organics loads that would be collected on his
commercial organic routes.

Again, we will provide a written response
on that. But I do -- we'll provide a written
response on that.

Finally, one comment from Jennifer
Gilbert, with the City of Davis. Can you please
clarify other regulations planned to manage
landscape companies that haul yard trimmings away from your commercial and/or residential customers? Are they required to report to jurisdictions? How will a jurisdiction know about these self-haulers, many of which don't have business licenses, and operate under the radar, and how can we regulate this?

So, we have that comment and we'll provide a written response in the rulemaking record. There are a number of other comments that came in, that are quite extensive. So, just noting for those that are submitting quite lengthy comments online, those are being considered in the record. So, us not reading them out loud does not mean that they're not being considered.

So, with that we'll break. We are going to come back at 1:15 and on 1:15, we'll start the solid waste facility presentation. Thanks everyone.

(Off the record at 11:57 am.)
(On the record at 1:18 p.m.)

MR. BRADY: We're going to start the second half of the hearing and hand it over to Mark de Bie and Beatrice Poroli to present on the solid waste facility standards. This will go from 1:15
to 2:15, and then we'll move into presentations on procurement for an hour. And then, an hour on enforcement. And then, to the extent that there's additional comments or general public testimony that people would like to provide, we'll open it up to that as well, at that time, after the enforcement comments are done.

So, with that, I'm going to hand it over to Mark and Beatrice.

MS. POROLI: Thank you, Hank. Good afternoon. I'm Beatrice Poroli and I'll be talking about the changes to the solid waste facilities. I'll start with the transfer and processing regulations.

Operators that receive source-separated organic waste, SSO, will be required to implement a load-checking program to determine the presence of visible contamination. And it is performed at these frequencies.

The operator will be required to record and report loads of contamination. The mixed waste organic, MO, and SSO are required to be kept separate. This is because they have to meet certain standards. The MO has to meet the recovery efficiency standard of 50 percent by 2022 and 75
percent by 2025, in addition to meeting the incompatible material limit. The SSO only has to meet the incompatible material limit.

The methodology to determine the amount of organic waste is found in these sections for the transfer and processing facilities and these for the organic waste recovery activity, specifically for the composting and in vessel. The methodology is the same in all of these sections. Even though it is the same, but done for different reasons, and what you report is different.

Also, now they approve, with concurrence by the Department, alternatives. For the specific requirements, you can refer to these sections.

Sampling takes place after processing, but before it leaves the site. You take the sample, weigh it, remove the incompatible material, you reweigh it, and then you calculate the total tons of organic waste in that sample. The operator will do these steps for all of the waste types, including the residual waste.

This is the equation and the variables used in the equation to calculate the organic waste recovered, the incompatible material limit, and the amount of organic waste set for disposal.
The MO and SSO must be kept separate and the recordkeeping and reporting are also kept separate. The operator will record the daily totals and report quarterly sums of the organic waste set for recovery and disposal. The SSO has the same requirements.

The incompatible material limit establishes that organic waste set for recovery contain no more than 10 percent of incompatible material by weight. This tells you how clean the waste is.

Organic waste recovery activities are activities that divert organic waste from disposals to constitute a reduction in landfill disposal. These are examples of such activities. Organic waste recycling that meet the three-part test, composting and methyl digestion.

Incompatible material is used to determine where a facility can send their waste. The 90/10 truck can send it to any of these facilities, where the 60/40 can only send it to a facility that will meet the additional quality standards. This means it must go to a recovery activity that disposes of residual with no more than 10 percent organic waste, such as a composting facility, organic waste.
recycling center that meets the three-part test.

As mentioned in this morning's presentation on collections, we've added text defining consolidated sites. This was added to address facilities and operations that receive solid waste for the purpose of storing and do not conduct processing. The sites are not subject to the measurements or recordkeeping requirements.

If SSO is received, it must be kept separate from other solid waste. The waste shall be transported only to a transfer and processing facility, or operation that will comply with the organic waste recovery efficiency standards.

Remnant organic material is the organic material collected in a grey bin that's part of a three-bin collections system that prohibits the placement of organic waste in the grey container. This material is not subject to the measurement requirements, can be combined with other organic material removed from the SSO, after the SSO has gone through the measurement requirements.

The load-checking requirement is the same as for the SS's loads, but checking for the presence of visible remnant organic material.

I'll now go on to the proposed changes for
the composting and the methyl digestion regulation.

Operators that receive -- oh, I'm sorry. Operators that will be required to implement a load-checking program to check for the visible contaminants, similar to the transfer and processing facilities.

The measurement protocol to determine the amount of organic waste in the residual is the same as what is performed at the transfer and processing facilities, except it's only done for the residual waste, not each waste type.

Recordkeeping and reporting is the same, except operators report monthly sums instead of quarterly.

As mentioned previously, additional quality standards include recovery activities that dispose of residual with no more than 10 percent organic content. This determines where a transfer and processing facility can send their waste. If the amount of organic waste residual is less than 10 percent, then any facility can send their waste to this facility, even the facilities that failed to meet their incompatible limit. Remember the 60/40 truck? It could go here.

If it has more than 10 percent, facilities that failed to meet their incompatible material
limit cannot send their waste here. That same 60/40 truck could not send its waste to this facility. It would have to go to a facility that could meet the additional quality standards.

Changes to the LEA's responsibilities. At least once per quarter the LEA will oversee one sampling measurement. The operator shall conduct measurements in the presence of the LEA when requested. If the LEA determines the measurements are not accurately reflected in the record, they may require the operator to increase the measurement frequencies and/or revise the measurement protocol.

These regulations will amend the 901 regulations that were approved on March 5th, 2019, to add the reporting requirements necessary for the tracking compliance with the recovery efficiencies and the incompatible limits of SB 1383.

The facility reporting requirements, mentioned earlier, are included in these sections and can be found on pages 75 through 9 of the draft regulatory text, and denoted by the double underline.

The next few slides will cover the changes to Title 27. One of the changes is the placement
of long-term intermediate cover on surfaces where
no solid wastes will be placed within 30 days

The LEA may, with concurrence by the
Department, approve an alternative.

Operators of new or expanding landfills
shall implement an organic waste recovery activity,
as specified in Article 2. An expansion would
include a vertical or lateral increase. We've
narrowed the definition to exclude the hours of
operation to be considered as an expansion.

These are examples of some of the organic
waste recovery activities that can be implemented.
This can also include a separate receiving area
that's used to store material that's to be sent off
for further processing.

Operators that receive SSO will be
required to implement the load-checking program to
determine the presence of visible contamination.
Unlike the transfer and processing operators,
landfill operators will be required to perform at
least one load check per month, of each hauler by
source sector, and at least one load per quarter,
per each service area.

An operator of a new or expanded solid
waste facility shall provide evidence that the
public meeting was held with any affected communities -- affected groups or disadvantaged community. The information meeting that the LEA is currently required to hold, will be revised to include that the LEAs shall identify disadvantaged communities by meeting or exceeding the methods developed by CalEPA, and shall take measurements to increase public notice and encourage attendance by those communities.

The landfill operator will be required to prepare a status impact report, or a SIR, that will evaluate the potential impacts caused by the implementation of the organic disposal reduction requirements to be submitted to CalRecycle no later than 180 days from the effective date of these regulations. More information on the submittal requirements and timelines are in the specific sections.

The last item I'm going to cover is biosolids generated at a POTW, which is in Article 6, Chapter 12.

Biosolids generated at a POTW are not subject to the Article 3 requirements, which are the organic waste collection service that was discussed this morning, or the measurement and
recordkeeping reporting requirements that I mentioned earlier.

Now, waste sent to a POTW that is not approved, as specified in the exclusion, will be considered landfill disposal.

Biosolids generated at POTW can only go to additional processing or other recovery activities specified in Article 2.

Sewage sludge and biosolids that cannot be further processed or recovered can be sent for disposal. An example of this would be if the POTW has an operational incident that results in not being able to process the sewage sludge, or the biosolids to meet the standards or the requirements, then it may be disposed.

Now, we'll open it up for comments.

MR. BRADY: For folks in the room, if we could, please line up to provide testimony. And can we get a show of hands for folks that want to provide testimony on this section? Okay, so it looks like we've got a good amount of time to take comments. So, not going to limit it to two minutes, but if we start running out of time, we may start doing that.

Just a reminder that we do have a court
reporter here, so if you can please identify your name and any relevant affiliation, and make sure you're speaking into the microphone. And if you have a business card, if you haven't already provided that, that would be very helpful. Thank you.

MR. BOONE: As you know, I've been involved in a lawsuit about the --

MR. BRADY: Sorry, Art, can you state your name?

MR. BOONE: Arthur Boone, Center for Recycling Research. I've been involved in a lawsuit regarding a mixed waste processing facility being erected in San Leandro, California.

The proposer said that they would get up to 61 percent diversion at this facility. They said that they didn't see exactly how this would all be related to their proposal. The remnant organic materials suggests as much as I understand it, that there will be organic materials which will be included in the material that will be carried over to the transfer station. And then, there will be organic materials that will be fed into the composting operation on the property or trans/shipped outward for composting.
So, presumably, they should be keeping records of how much organics is not being captured in the separation system, so that what we know that goes to the transfer station is in fact a low-end organics. That's my understanding of what you're saying, but I'm not sure I got that right. So, I just want to make sure that I know what that means. Thank you.

MR. BRADY: Without going into detail on this section, there is a recordkeeping requirement relative to the remnant organics.

MS. PARDO: Hi, Veronica Pardo, California Refuse Recycling Council, Northern District, again. We submitted several comments in regards to the measurement protocol. I'm sorry, I won't reiterate, except for two important points. We interpret the source-separated organic waste to mean the material that is in the green or yellow container, as described, not the material that you would find in the blue container.

And your images showed a very beautiful picture of green and food waste, as demonstrated for the source-separated organic waste. So, that is our interpretation that the protocol, this isn't in regards to mixed organics, but the source of
greater organic waste would be for that green or yellow container in those cases.

And I'd also like to point out that onsite transfer of material -- this kind of goes back to some of the conversation we had with AB 901. You're going to have facilities that are going to be receiving source-separated organic wastes at a transfer processing facility that might have an anaerobic digestion facility onsite. So, the expectation would be that you're not going to be sampling and measuring the material that you're sending to yourself.

So, we'd ask that that material not be subject to the measurement protocols if they're keeping that material onsite. Thank you.

MS. GREEN: Hi, again. I'm Sharon Green with the Sanitation Districts of Los Angeles County. And I have several comments on this article and these sections of the regulations.

Just for context, I just wanted to provide a little bit of background because we provide both wastewater treatment services and also operate a variety of solid waste facilities, where both the biosolids generator, as well as own and operate composting facilities, have a food waste recycling
program, have materials recovery and transfer facilities, and also solid waste landfills. So, we have kind of a whole range from generator all the way to disposal, and pretty much everything in between.

So, our staff, in a variety of different departments actually have -- and at various types of facilities have reviewed these regulations and wanted to make three main comments.

So, in a couple of different places in the Article 6, in Title 14 regulations it appears when you are defining what are allowed management methods, that you're saying -- like, for instance, with the biosolids, they may only go to these types of things. And it's kind of the word only that makes it seem like it's a kind of implicit ban on landfilling. And then, there's the exception and you pointed this out in your presentation.

Our concern, though, is that there may be other circumstances that may necessitate a need to send material for disposal, whether it's from a MRF, organic material received there, or from -- or our biosolids. There could be things that aren't strictly meeting those conditions that you mentioned, such as new regulatory standards that
come into being, that we can't meet and we have to -- it may take us time to be able to. So, that's one example.

And then, another area we wanted to just highlight is about the load-checking requirements. And while we understand the desire to minimize the contamination and collect a lot of detailed data, it seems like some of the requirements are overly onerous and will significantly impact our facility's ability to operate.

So, we do appreciate the ability for the enforcement agency to approve alternative measurement protocols, but we also think there are some changes to the regulations themselves that would be helpful.

And, so there's -- for instance, there are certain instances where load-checking would be pretty impossible, like preprocessed organic waste or where you have a very consistent waste stream it may not really be warranted.

And then, also, there's often space constraints in some of our facilities and it would be difficult to do multiple daily load-checks.

And then, the last issue we wanted to comment on is that the requirement for the long-
term intermediate cover, for the 36 inches of
cover, seems excessive to us. We don't think it's
necessary. We think that the existing
requirements, you know, to prevent emissions, as
well as to maintain the cover requirements to
prevent nuisance and so forth are already well-
defined and are sufficient. And so, we would like
to see those changed.

We do appreciate that there is that
ability for the enforcement agency to approve an
alternative, but there's kind of no indication of
what would be the criteria for doing that. And so,
that's -- you know, it doesn't give us a lot of
comfort because we don't really know how that will
be decided. Thank you.

MR. BRADY: Thanks. And thanks for the
comments. And just on the biosolids issue, that is
one that we've seen in a number of letters and
potentially want to follow up and work with you on
that.

MR. POTASHNER: Thank you. Eric
Potashner, with Recology. To echo the LA
Sanitation District's concern around the load-
checking, Recology operates a number of compost and
transfer stations throughout the State. And our
waste stream is pretty consistent. It's the same local jurisdictional programs. Some large distribution centers around grocery are coming into our facilities. That feedstock is consistent from day to day.

The frequency that these regulations require us to do the load-checking is something that we'd ask gets revisited. We believe something along the lines of a weekly load check for our waste stream would probably still get you the data that you need and make sure that the facilities are complying with the spirit of this regulation.

Thank you.

MS. FOSTER: Colleen Foster, City of Oceanside. I also want to support the comments made by LA SAN in regards to load-checking and biosolids management.

I want to reiterate the fact that for biosolids management, we'd like it to not be limited to anaerobic digestion or composting. We really want CalRecycle to incorporate language that allows us to consider other technologies and future technologies that would result in diversion from landfills.

I have a -- maybe it's a question/a
comment. And this is not in our letter. The caveat you state about you require a landfill, if there is an expansion, that they would need to incorporate organic recovery into their facility, if I'm reading that slide correctly. But you don't qualify an expansion as being hours. So, if a landfill was to expand their number of hours for accessibility, wouldn't that qualify as additional access to land-filling?

MR. DE BIE: So, the regulations do exclude increasing hours. There is a definition of what is an expansion relative to permit requirements, so we wanted to clarify that the use of expansion in this context didn't include hours. So, it's lateral or vertical expansion.

MS. FOSTER: Then, I guess our comment would be would CalRecycle consider allowing hours to be considered, if it was an expansion of hours to those facilities?

So, if a facility expanded their hours of operation, then I think that would call to question whether they're opening access to landfilling, and I'd like to see that facility to develop organic recovery systems, instead of increased access to landfilling. Thanks.
MS. STEIN: Antoinette Stein, Environmental Health Trust, PhD in environmental engineering, air quality control.

Section 17409.5.6, source-separated organic waste handling. I think this section, someone else, you read it from the email, Hank. Source-separated organic waste processing shall be kept separate from other solid waste streams.

It's in there. It's just then you follow it up with all these other, you know, one, remnant organic material separated from the grey container collection can be combined with organic material removed from the source-separated organic collection.

You go on. They aren't compatible. You can't do both. Either/or, one or the other. And if you say that it needs to be separate and we collected it in the green bin separate for the intention of creating what we defined as compost. But then, you're allowing it to be contaminated with other material right in the regulations. I don't understand it. And I do understand it and I want it to be struck.

For example, B, source-separated organic waste and waste removed from a mixed waste organic
collection service for recovery shall be stored away from activity areas specified, and identifiable areas as described in the facility plant transfer report.

And then, we're back to, you know, the local, the LEA approving things.

It just -- why not keep the two things separate? You have source-separated green bin material. It needs to be kept separate and aside from the mixed waste matter, organics.

You're wanting them both to be processed, but why are you mixing one with the other? It's not working. And we're doing our best to separate it and I think you're contaminating this whole process of 1383, thinking that you're just going to get energy out of it. Energy reductions from the methane. But you're making a mess out of it all. So, please don't do it.

MR. EDGAR: Evan Edgar, Edgar Associates. Just do it. If we can get a three-cart system to get to 50 percent and some operations at mixed waste process facilities can have a source separation line that gets to 50 percent, then without backing away from source separation, the same facility could add a mixed waste processing
for multi-family and for commercial waste. So, some facilities can have a dual system whereby you have source separation to get to 50 percent, keep doing that as much as possible. And to get to 75 percent, you may have to squeeze the garbage and within the same facilities.

I think your regulation says there's two separate tipping pads, two different ways to test for it. So, there is a way to keep them separation, store separation from mixed waste processing at the same facility. And I believe your regulations separate them and they have different types of waste characterization for each type operation when it's commingled at the same facility.

But I came up here for another reason. I was just rebutting Dr. Teri (sic) Stein.

MR. BRADY: If I could, just for clarification, since it's come up with two different comments, it is our intent that the SSO material at a facility be kept separate from mixed waste material.

However, what's being read on the remnant organic waste material, it's not our intent that the remnant organic waste material can simply be
combined with the SSO material. It could be combined with the organics that are removed from the remnant is our intent. And understand that may still be a concern, but I just want to make sure that that was clarified, as our intent was not to mix the two together as they come in.

However, with the traditional mixed waste processing, as defined in these regulations, and then the SSO, typically they are kept separate all the way through. There's an exception for remnant organic waste material. And just providing that clarification. I'm not saying that that doesn't mean there's potentially opposition. I just want to make sure that part's clear.

MR. EDGAR: Thank you. Evan Edgard, Edgar Associates. On one of the slides on post-processing, under organic waste recovery activities, you have a new terminology that's not defined. They're called organics recycling center. As part of Beatrice's presentation, you talk about a recycling center has to pass a three-part test, which is ten percent residual and one percent for putrescible.

So, I'm trying to get my mind wrapped around as to what exactly is a recycling center,
given the fact that it's mostly for putrescible food waste and organics. So, I think that if you have an organics recycling center, I don't think it can pass the three-part test. It's impossible. So, can you give some examples of what you're thinking about on an organic recycling center?

MR. DE BIE: A site that's handling paper or cardboard.

MR. EDGAR: Paper products. Okay. Well, I was thinking food wastes and greens. Is there an example of that where this would apply for food wastes, given the one percent per putrescible?

Thank you.

MR. BOONE: In 2008, the County of Alameda and in all landfills in Alameda County, the disposal of yard debris. And I would assume that the requirement or the allowance of biomass as a destination for separated organics does not preclude local action. There's no preemption on the State's part to requiring that or allowing that access. I would see an organizing factor in Alameda County, basically, to ban the disposal of any organic material in a landfill. And I just wondered if there's anything in this that would preclude local action on that. Thank you.
MR. BRADY: Sorry, can I ask a clarifying question? So, the ordinance prohibits biomass conversation, is that -- okay.

Under Article 9 of the proposed regulations, a city or county is prohibited from enforcing an ordinance that would prohibit a recycling activity from being utilized. In these regulations, biomass conversion is considered a recycling activity. So, that would not be -- we would take issue with that under our regulations if the result is that the material is prevented from going to biomass, and then is potentially going to disposal that results in material being disposed and not recovered.

MR. BOONE: (Off-mic comment)

MR. BRADY: Art, for the online participants and for the court reporter can you --

MR. BOONE: The local government cannot ban the access, using biomass as a suitable placement point for this organic material. You're saying that?

MR. BRADY: Correct. Within Article 9, local governments are prohibited from restricting access to the organic waste recycling, as defined in these regulations.
MR. BOONE: You're not allowing us -- you're not allowing the county to restrict access to biomass facilities, is that what you're saying?

MR. BRADY: Not allowed to restrict access to biomass conversion.

MR. BOONE: Okay, exactly.

MR. BRADY: Additional testimony in the room? Otherwise, I'm going to look over to see if there's any comments online.

MR. VAZIFDAR: Kawsar Vazifdar, from Los Angeles County Public Works. Who is responsible for monitoring and enforcing solid waste facilities' compliance with the SB 1383 regulations? It will be the responsibility of local jurisdictions' LEAs or of the State.

MR. DE BIE: This is Mark de Bie with CalRecycle. The LEA would retain the full responsibility to ensure compliance with all of the facility-related requirements that Bea went through for the facilities via transfer station compost and aerobic digestion landfill.

Some of those do require the facility operators to participate in recordkeeping and reporting, so that would be within the suite of the LEA's jurisdiction.
MR. BRADY: All right. And one more, Jeffrey Mills from L&D Landfill. L&D Landfill runs a privately held C&D landfill. As such, 1383 has little impact on our waste streams as we are specifically prohibited from accepting putrescible waste. However, the long-term intermediate cover requirements do not differentiate us from facilities that take a higher percentage or organic material.

We would urge CalRecycle to reconsider the requirement for 36 inches of compacted as long-term and intermediate cover at a C&D landfill. The current requirement for 12 inches of compacted soil, in conjunction with AB 32 mandated surface emission testing, provides sufficient methane control and attendant monitoring based on our waste stream, which is largely nonorganic.

The addition of a further 24 inches of compacted soil is a needless expense that offers little to no additional control of methane emissions. Further, the application of this material, which will also need to be removed later, prior to application of further waste or final cover requires the use of heavy construction equipment, with its attendant pollution impacts.
MR. BRADY: Thanks for your comment.
We'll provide a response and consider that in the record.

MR. DE BIE: If I could -- sorry, Mark de Bie, again. I think the commenter indicated C&D landfills. There is a unique type of landfill that is defined as C&D disposal. And in those requirements, it indicated what aspects of municipal solid waste land filling requirements, that type of facility is required to comply with, and it's not the full suite.

So, I thank the commenter for the comment. You need to look at that interplay between C&D landfills and MSW landfills relative to this cover requirement.

MR. BRADY: Is there anymore testimony on this aspect of the regulation, in the room?

MR. BOONE: Just Arthur Boone, again. It's conceivable that in Alameda County we are beginning to challenge the question of the methane capture rate at the landfill. The climate change document that the CARB approved some time ago says it's a -- took the industry standard of 75 percent.

There is no, to my knowledge, there is no hard and fast, or good science on the question of
how much methane is actually captured at a landfill.

Okay. There is some science that says that all of the organic materials which are deposited in landfills are gone -- are demethanized within six weeks of deposition. And so, they're methane never is approached by the gas capture system.

If that is true, then it's extremely important to keep that material out of the landfill. And I want to make sure that the kind of information that you're going to have is going to be able for us to say we are confident that the State's procedures keep all of those readily methanizable -- whatever you call it -- demethanized materials out of the landfill. That's been the issue in Europe for 20 years and we don't want to see it happen here. Thank you, over.

MR. BRADY: Sure. Just to provide some quick clarification on the statutory structure of 1383. I think we're actually, generally in agreement with the concern that you shared of not wanting to overstate the methane capture in landfills. But with the structure of 1383, it's really not an issue in a lot of ways because the
statute tells us get organics out of landfills, based on how many tons were disposed of in 2014. So, we have heard from operators that they capture 99.999 percent of the methane. And others that they capture a zero percent of the methane.

That argument, relative to this rulemaking, is essentially irrelevant that the organic waste has to be out of the landfill. So, which I think is the direction you're looking to go, but just wanted to provide that clarification.

MR. BOONE: One point, again. I was talking to a wastewater treatment plant operator, recently, and I asked him how much of the methane that's made at the wastewater treatment plan do you capture? He looked at me kind of straight in the face and said hundred percent. I don't believe anything runs at a hundred percent. And so, I think -- but I think we need to know, we need to learn all this. Thank you, over.

MS. STEIN: Antoinette Stein, Environmental Health Trust. Okay, I want to just follow up on what you were just talking about. On page 9 of AB6, Article 2, you have the determination of technologies that constitute reduction in landfill, and you give a number of .30
million tons -- tell me what's the unit on that?
Anyone know?

    MR. BRADY: That's M2CO2E, it's metric tons of CO2 equivalent.

    MS. STEIN: Metric tons, sorry about that.
So, you have that number. You worked with CARB, probably, to get that number from established, published peer-reviewed research.

    My question is, or it's not really a question, it's a comment. The digestate that's coming out of the AD facilities, do we think that it's going to meet that and, you know, on an absolute basis? Because I think that there's some variability when you pull it out and, you know, that's a decision being made by the operator.

    It would be good to -- I've been promoting that it be matured and stabilized to get to that level and be below, but it's unclear. So, could we put a metric on the AD digestate design criteria for opening and moving the material to -- if you're going to move it out to the landfill to mature it, it's going to be a drive. And so, that's my concern is can you put some metrics on where the AD material should be?

    Because it's going to be emitting methane
when you get it out, if you don't completely stop
the process. So, that's it.

MR. BRADY: Thank you. Are there any
other comments on this section? Otherwise, we will
move on to the presentation on procurement.

Okay, seeing none, Michelle and Scott can
come up. We're going to move on and start the
presentation on the procurement requirements in SB
1383.

MS. SLOCOMBE: Hello. Good afternoon. My
name is Michelle Slocombe. And this is my
colleague, Scott Beckner, and we'll be presenting
on procurement of recovered organic waste products
today.

So, as you've heard, organic waste
comprises approximately two-thirds of California's
waste stream. And California needs to build
approximately 50 to 100 new or expanded processing
facilities to handle the diversion of organics
required by 2025.

But what happens to the products coming
out of those facilities, daily market and buyers.
The procurement requirements are designed to help
build those markets.

Today, I'll be discussing requirements on
jurisdiction to procure recovered organic waste products, as well as recycled content paper. Please note those are two, distinct procurement requirements.

The purpose for the procurement requirement is to help grow markets for organic waste products, as mentioned. And as we've seen with China's National Sword, collection can only go so far. 1383 cannot be successful unless there are sustainable markets for end products.

This essentially closes the loop on recovering and using organic waste. As you'll see in this loop here, on the right, it doesn't just end at procurement. There's another stage, the end-use phase which is vital, because that's where many of the environmental benefits are realized.

So, these procurement requirements are for jurisdictions, for cities and counties, and it's an opportunity for all of us to live and work in a jurisdiction to part of the solution for closing that loop.

I want to highlight, quickly, some changes from the May 2018 informal draft, before I get into the details of the procurement requirement.

So, the first one is we replaced the
jurisdiction employee-based procurement targets with a population-based equation. The intent has always been to have the procurement target be proportional to their slice of the jurisdiction. But we heard from many stakeholders that the previous draft employee metrics did not accurately account for the many ways that cities and counties organized their staff, or contract out for services. So, that's why we made that change.

Number two here, we also clarified, in response to stakeholder comment, that jurisdictions that procure transportation fuel from a publicly-owned treatment works, or POTW, that they must have that POTW certify the tons of landfill-diverted, organic waste that's been processed into renewable gas.

So, now, I'll talk about the first part of the procurement requirement, which is recovered organic waste products. It's defined in Article 1 as products made from California landfill-diverted recycled organic waste, processed in a permanent or otherwise authorized facility. And that just means that we can verify the organics diverted and that all products must be made from in-state, recovered organic waste.
The graphic that you see here shows the jurisdiction's procurement target on the left, which CalRecycle will assign based on population. The intent is to establish a method for local governments to procure their proportional share of recovered organic waste products. And based on that procurement target, a jurisdiction then has the flexibility to choose recovered organic waste products to procure in order to fulfill that target, and that's what you see here on the right side.

The recovered organic waste products are compost and/or renewable transportation fuel, as defined in Article 1. The guidance and selection for these two products was largely driven by recommendations in the Air Resources Board's Short-lived Climate Pollutant Strategy, and then reaffirmed by the California Energy Commission's Integrated Energy Policy Report, which statute directed us to look towards.

So, as you can see here on the right, this graphic shows that a jurisdiction has the flexibility to procure these products to fit their local needs. So, for example, a jurisdiction can procure 100 percent renewable transportation fuel,
100 percent compost, or any sort of combination therein according, again, to their local needs. So, how will their procurement target work in practice? The equation on the left shows that CalRecycle will calculate each jurisdiction's procurement target based on population, multiplied by a .07 per capita procurement target, and that number does not change. So, then, that will equal a jurisdiction's procurement target.

The equation on the right shows that a jurisdiction, again, has the flexibility to choose their products and they will apply a conversion factor for fuel or compost to its procurement target to obtain the amount of finished product. And again, just a graphic to highlight that.

Here's an example for the City of Los Angeles. About 4 million residents multiplied by .07 equals their procurement target of 271,689 tons of raw organic waste. So, the units there are raw feedstock.

If the city decides to procure 100 percent RNG, a renewable transportation fuel, that would equal about 5.1 million diesel gallon equivalent. So, the procurement target times the conversion factor, 19 diesel gallon equivalents. You can see
it down there at the bottom green box.

And just to go through the rest of the examples, the city can also choose a 50-percent fuel, 50-percent compost. You can see the numbers there, it's just applying the conversion factors. Or, 100 percent compost, which would equal about 157,000 tons.

The conversion factors we see in the bottom green box are based on Air Resources Board quantification method. And CalRecycle will provide a calculator for jurisdictions to use for those conversions.

So, in order to provide more flexibility to jurisdictions, they can meet their procurement target through either direct procurement or through a direct service provider. For example, a hauler or a contract that has signed a direct contract with the jurisdiction and that procures products on behalf of that jurisdiction.

I also want to call out the procurement does not necessarily mean purchased. A jurisdiction that produces its own compost or renewable transportation fuel can use that towards the procurement target. And the same goes for the jurisdiction's direct service providers. For
example, their haulers.

Lastly, this is a paper transaction, meaning that a jurisdiction is not required to procure end products from organic feed stock collected within their jurisdiction.

A jurisdiction can procure from anywhere in the State to meet their procurement target provided, the end products fit the definition of recovered organic waste products. For example, California landfill-diverted organic waste.

So, the point of this slide is to show several examples of how jurisdictions can use these end products to meet their goals, to meet their procurement target goals. Again, these are examples only. They're not limited to these particular ones.

On the compost side, a jurisdiction has options to use compost for more obvious things like city parks, center divides, community school gardens, erosion control along roadways. Or, perhaps, some less obvious examples such as the city-hosted compost giveaway.

On the renewable transportation fuel side, a jurisdiction can use the fuel to fuel their city-owned vehicles. Or, their waste hauler could use
the fuel to fuel their trucks, or their city buses, or any other city fleet.

So, as mentioned previously, the guidance and selection of these two products are based on the Short-lived Climate pollutant, as well as the CEC's, or the Energy Commission's Integrated Energy Policy Report, which statute directed us to look toward.

There is a mechanism built into the regulation, where the target can be lowered if the jurisdiction does not have a need for that product based on the previous year's procurement of fuel.

The intent is not to force jurisdictions to buy more than they need.

This is a similar-looking timeline to what you saw earlier this morning. And the intent here is just to share that the procurement enforcement will begin, along with the rest of the regulations, in 2022.

Some other things specific to procurement are jurisdictions will be informed of their target on our website, as well as through written notification. And the procurement target formula will be updated every five years to account for changes in population.
Recordkeeping consists of jurisdictions will be required to maintain the following records. For example, a description for complying with the procurement requirements, some specific details on the entities from which the products were procured, invoices or similar records of procurement, as well as POTW certification.

So, now, I'm getting into the recycled content paper procurement requirements which, again, is a separate requirement from the organic waste products and does not factor into the procurement target that I just spoke about.

As you can see here, 75 percent of paper purchases must contain 30 percent post-consumer recycled content. These requirements mirror the State Agency Buy Recycled Campaign, or SABRC. Requirements which State agencies are already required to meet.

Paper purchases means purchases of paper products and printing and writing paper. And you can find those definitions called out in Article 1. And defined within those categories are a wide range of products, including paper janitorial supplies, cartons, packaging, file folders, envelopes and numerous types of writing paper.
Paper products must also be recyclable, designed by the Federal Trade Commission's Green Guide. And jurisdictions must require vendors to provide certification so that CalRecycle can verify purchases meet those requirements.

Lastly, jurisdictions are required to keep invoices, receipts, and certifications for recycled content paper in order for CalRecycle to verify compliance.

And that concludes my presentation. I'll turn it back to Hank.

MR. BRADY: Great. Any folks who want to provide testimony on this portion, we're doing okay on time so --

MS. LEVIN: Good afternoon. Julia Levin with the Bioenergy Association of California.

Thank you.

We just want to touch on one thing, which is the limitation of the use of renewable gas to vehicle fuel. And we've discussed this with a number of CalRecycle staff offline, and were told that there were two reasons. And actually, Michelle, you just provided a third reason. I'm going to start with yours.

I just looked back at SB 1383, Health and
Safety Code 39730.6. And nowhere in that section of code dealing with diverted organic waste does it mention the 2017 IEPR. That's in a different section of the bill about creating recommendations more generally for renewable gas. But it is not in the section about diverted organic waste. So, that's simply not accurate.

Having said that, I looked back at the IEPR section on renewable gas that was required by another part of SB 1383. And this is what it says on electricity.

Generating electricity using in-state renewable gas assists with meeting the State's waste stream reduction requirements, brings environmental and public health benefits, and reduces short-lived climate pollutants.

Nothing in the 2017 IEPR expresses an environmental or carbon preference for transportation fuel over electricity, pipeline injection, combined heat and power, industrial uses, renewable hydrogen. In fact, the 2017 IEPR talks at length about all the benefits of using renewable gas for hydrogen and for pipeline injection.

It does not recommend limiting the use of
renewable gas to vehicle fuel. It does comment that LCF credits are more valuable right now than RPS credits. But that, by itself, is not a reason to exclude other end uses of renewable gas.

We strongly support the use of diverted organic waste to reduce low carbon and carbon negative vehicle fuels, but don't see any justification in law or science to limit it to that end use.

We also noted in our written comments that the California Council on Science and Technology, which was established by the Legislature to guide State agencies and the Legislature on scientific and technical questions. So, there is no net carbon benefit of using renewable gas for transportation fuel over other end uses.

And finally, most importantly, the Short-lived Climate Pollutant Strategy, which should be the most important document in Short-lived Climate Pollutant regulations, strongly urges agencies to use renewable gas for electricity, pipeline injection, combined heat and power, and a wide variety of end uses.

This is going to depend a lot on location. You know, if a wastewater facility already has
electricity generation on site and can take in more diverted organic waste, and produce more biogas to produce more renewable power, why would you require them to spend millions of dollars on additional equipment to go, instead, to vehicle fuel? It just doesn't make sense. And there is truly no legal or scientific basis for it. This would be the epitome of an arbitrary limitation.

I think I'm going to leave it at that for now. Thank you.

MS. SCHOONMAKER: Kelly Schoonmaker, StopWaste. I work on compost and mulch market development, and I'm also a landscape architect, so that's where this part of my comments are coming from. And I'll try to keep it short, but I really like -- this is my favorite section of the regs, so okay.

(Laughter)

MS. SCHOONMAKER: I want to kind of echo what I've heard before. I think that this section, you need to open it up to more types of products and more pathways to compliance.

So, for products that would be things like mulch, biochar, electricity as was just mentioned, renewable diesel that's produced or is produced in
all or part from diverted feedstock. Those are
just some examples. But keeping it open so that if
there's new technologies and that kind of thing
down the road, you don't have to come back and try
to amend the regs.

And for pathways to compliance, I think
I'll talk about this a little bit more, but the
water-efficient landscape ordinance, as you know
requires four cubic yards per thousand square feet
of compost on all new construction and major
renovations.

And I think if cities -- and I don't know
if you guys know this, but DWR says in their last
reporting they've got 27 percent of jurisdictions
enforcing and reporting to them. Because they
don't have any teeth to make them enforce.

And so, I think it would be great. You
would have a precedent for requiring compliance
with CalGreen. If you could also have that for the
WELO as part of the pathway to meet this
procurement target, that would be great.

So, I'll give an example of one
jurisdiction in a minute. And I know that doesn't
make sense for everyone, like rural jurisdictions
probably don't have that much development. So, it
could be a compost application on range land, or ag, in the rural jurisdictions just for an example.

Three healthy slides.

So, in general, I think the requirement's still really too high. And I think this is due, in part, maybe to a couple things. I know, I think it was in the -- oh, shoot, the Regulatory Impact Assessment. I was trying not to use the jargon and I had a hard time remembering what it was. Looking at that, I think it was an assumption of a WELO application rate, which is sort of 4 cubic yards per thousand square feet. That's about an inch and a third of compost, and that's what you would use in new construction, totally makes sense.

But if a city is going to buy compost, they're going to apply it on parks, medians, what have. That application rate is about a half inch, so it's almost a third less and that could be pretty significant when we're talking about when you're scaling up.

Let's see, Nick I'm -- no, I'm not almost done, but I'll be quick.

So, how about -- okay, yeah, how about an example? People love examples. So, our agency, StopWaste, represents the cities in Alameda County,
and two sanitary districts. So, I did a little
spreadsheet to say I wonder what this would mean
for cities and find out what they were already
doing.

So, the City of Oakland buys about a
thousand cubic yards of compost a year. And with
the new procurement requirements, they would be
required to purchase 43,000 cubic yards of compost,
which is a quite a bit more.

But if they were to enforce their WELA,
which they do, but through enforcement of their
WELO, they end up with about 39,000 cubic yards
being applied.

So, this is what I think, if you had
alternative pathways to compliance you could -- if
you're going to build those in, then you can still
get what you want, which is market development.
Right, you want a resilient market.

And then, just a couple -- oh, also, that
would cost about a million dollars.

So, the other couple tiny comments I have
are kind of correction sort of things. In the
economic analysis, it said that the price of
compost was $25 a ton for San Francisco or Palo
Alto, or both. It should be $25 a cubic yard. And
considering you get about -- you know, it's 800 pounds per cubic yard. So, that's a factor of over -- that's a gross overestimate and a gross underestimate of price. So, there is that. That's one thing.

And the other thing is -- so, maybe revisit the calculations with that in mind.

And in general, in a landscape market, cities are going to buy compost with -- by the cubic yard, not a ton. And so, what should happen, I think, is develop an appropriate bulk density. We like to use 800 pounds because it's kind of right in the middle. I'm sure people here disagree with me for very good reasons. We can talk about that later.

But find a bulk density and just kind of settle on it for people.

And then, lastly, for jurisdictions that are going to be relying on compost, so all of our member agencies have really used composting to deal with their organics. So, I don't know how much of a pathway to buying renewable natural gas we would have. If most of it's being used by the facilities that make it and the jurisdictions that send organics there, the cities that use composting are
kind of like they don't really have much of that hybrid pathway. I don't know how open that is to them.

So, and related to that, that fuel, fuel use should not be the indicator. I know you guys were struggling with like how do you figure out a baseline, because there's no similar organic products that you could have relied on to get a baseline for compost use. But fuel is not the answer, I don't think. I think we still need to think that one through about how you decide how much they really need. Which I do appreciate, thank you for trying to not make them buy more than they need.

Thank you and thank you for your patience, everybody.

MR. LAPIS: Hi, Nick Lapis, again, with Californians Against Waste. I'm actually going to echo the previous two commenters on the need to expand the types of products that are eligible for procurement.

In the digester world, I think Julia described it very well. I can't think of a single reason why we would not allow pipeline injection, Ultra C generation. In fact, if you were to look
at the greenhouse gas benefits, you know, when
you're producing LCFS fuel that's being sold into a
market that will probably be limited by the LCFS in
terms of people aren't going to buy more than they
need. And if that fuel were not on the market,
they would be buying something else.

So, the overall carbon impact there would
be almost none as opposed to putting it into the
pipeline. Not to say that we shouldn't include
vehicle fuel, but pipeline injection seems better
environmentally, when you factor in the existing
programs. And just generally, it doesn't make a
lot of sense to limit it purely to vehicle fuel.

And on the composting side, I think you
should expand it to include mulch products as well.
And I realize that there are some concerns that I
think have held you back from doing that. One
being that there's a lot of mulch on the market.
It's heavy and somebody could, you know, meet all
their requirements very quickly with a small,
relatively small amount of woody material.

And while I understand that, that woody
material would have a different conversion factor
from a greenhouse gas benefit perspective, and it
could be listed as a third separate pathway. And
so, it might be a 3 to 1 ratio, or whatever, of
mulch purchases to compost purchases.

And the second concern, as I think about
direct land application and, you know, I share that
concern, but I think there are ways to prevent that
in the regulations. We do have a glut of wood in
the market and it seems like that's an opportunity
for procurement. If anything, I mean in Northern
California we don't have a glut of compost, but we
definitely have a glut of wood.

And then, finally, State procurement is
noticeably absent. I think it's probably
unreasonable to require all these folks to buy
material when the State isn't doing its own part,
and when the State is a major landowner. So, I'll
just leave it at that. Thank you.

MR. WADE: Hi there. I'm Sam Wade, on
behalf of the Renewable Natural Gas Coalition. I'm
going to pile on a little bit here. But first, I'd
like to just offer our support for the proposal
overall. I really think it's a strong framework.
I think it makes a lot of sense to have these types
of procurement targets in place.

But that said, our coalition does advocate
for, you know, the increased development and
deployment of RNG across all end-use applications. And we're, therefore, strongly in favor of broadening what would count toward the procurement targets to include other end uses.

You know, I think I understand the background of why transportation is the primary focus in the current draft. But this is really part of a broader debate the State's having about how to use the RNG resource effectively. And we don't think you can resolve it here. We think you guys should leave it open and have that conversation with your sister agencies, you know, outside of this rulemaking. Thanks.

MR. PRICE: Hi, I'm Brandon Price with Clean Energy Renewables. And I also want to echo the comments about not being so prescriptive with this procurement requirement. Clean energy is actually the largest provider of renewable natural gas's transportation fuel in the State of California today. In 2018, we delivered over 80 million gasoline gallon equivalents of RNG to the transportation infrastructure here, in California. The majority of which that RNG is going to municipal transit fleets and refuse trucks.

So, we see this as being a possible issue
with requiring jurisdictions or haulers with contracts to procure renewable natural gas through this program. It really cuts off their renewable natural gas supply in the greater marketplace.

And like Sam said, there's greater conversations going on in the State of California about the best use for RNG. We really want to keep that RNG market open, with free competition, so that hauler, that transit agency isn't forced onto a particular source of RNG. You know, we want them to get the most negative carbon-intense RNG to the fleets that we can. That way, we're recognizing the biggest reduction.

And limiting their purchases to this 1383 RNG really segments the market, so you're really kind of cutting off a big portion of the NGB demand, and that can have a crippling effect on the overall RNG market as a whole.

At the onset of your presentation, you know, you said we need markets here for this product. You know, these recovered organic waste products. Well, the transportation market for RNG is already well established. And, you know, I also support Julia's comments with allowing for pipeline injection, because then the markets will determine
what the best use for that RNG will be. We have a need for it in decarbonizing the pipelines.

You know, SoCalGas and PG&E are actively looking for RNG to reduce their own carbon footprint. Electrification -- or, using RNG for electrification is a great thing as well.

Really, we want to keep all of the options open because, again, we're already doing a great thing with diverting this organic waste. Now, let's let the market determine what the best use for that is and let's not hamstring those who are already using it.

Because for the most part all of the entities that are covered by this, are already using RNG today. So, there would be a lot of uncertainty on, you know, contracting going forward and what they're actually going to be able to do.

They're not going to be looking out for a ten-year contract with, you know, a company like myself, where others in the RNG space -- you know, presents a lot of uncertainty.

And then, one other clarifying point that I would like to raise, the LCSF does a great job in incentivizing RNG, but there is this provision in the LCSF that removes the avoided methane emission
credit or the burned organic waste credit, which really gives you that negative CI score.

So, I want to make sure there's a clarifying -- that we have this discussion about whether that negative CI would stay in place if this mandate -- when this mandate goes into play. You know, is the 50 percent and the 75 percent diverter organic mandate does that, you know, preempt these digesters from maintaining that negative carbon intensity score. Because, then, that really starts to slip the -- that starts to flip that economic value.

And then, of course, there is also the RFS value. In talking with the D3 and the D5 RIN, there's a lot of things that come into this conversation. The D3, D5 value is something that EPA still is trying to wrap their heads around. There's no clarity on that issue. So, a lot of things to take under consideration, but I appreciate it.

MS. STEIN: Antoinette Stein, Environmental Health Trust. The presentation had some slides about counting for procurement -- the calculation didn't talk about the digestate, the weight of the digestate. Is that going to be
subtracted? Because you're saying that you can use
the calculation you came up with to count for
getting fair allocation of how much they need to
purchase.

But you have to subtract out what --
because when you're creating that fuel, you have
digestate that you're then going to either send to
a landfill, or compost it to turn into something
else. But you're not including that weight in the
calculation that you just described. It's just you
didn't even bring it up when you had the slide, so
it didn't get discussed.

It's an important issue because it's
probably half the weight. I mean, you know. So, I
really think that it's a loophole and it's silent.
You're silent on it, absent on it.

Hopefully, it drives people to compost,
instead of turn it into some lightweight energy
that -- gas that can be used. But if it works,
great. But the question is, just because you're
then hauling off the digestate after you took out
the energy, you know, that has to play into the
calculation. Thank you.

MR. NOBLE: Dan Noble, Association of
Compost Producers. This, too, is my favorite
section because it speaks about markets. The challenge I have with the -- well, first of all, I also want to applaud you for including the procurement regulations, at least by setting some targets.

If you look at it from the jurisdiction perspective, we're all trying to manage, you could say renewable carbon management, or organics management. I prefer to call it bioresources management, sustainably and regeneratively.

So, if you look at it from the resources that are not going into landfills and inadvertently creating a lot of methane, which is the whole purpose of this regulation is to reduce that, but you want that to stay in the marketplace. A certain percentage to stay in the jurisdiction from whence it was generated.

I'm really admonishing CalRecycle to not be overly restrictive in the kinds of products that can be made from this resource. Because right now we're saying just compost and renewable natural gas. Since I represent a compost association, I'm all over the compost part of this. But compost isn't going to take care of the whole bioresources marketplace, all the renewable carbon.
And not only that, compost as is defined, it doesn't include uncomposted material, which is definitely part of the marketplace. You know, sometimes what's called, you know, composted overs and that sort of thing. I mean, if it is composted, you'll call it compost.

In terms of the gas, whether it comes from the digestate or if it comes from anaerobic digestion and now, you know, pyrolytic conversion has already been permitted in a renewable facility in South Coast Air District. That produces a lot of energy. And biochar, biochar is the up and coming additive to not only compost, but soil.

Also, organic fertilizers can be made from this material. We can call them biofertilizers. So, there's a whole suite of soil amendments. And that even mention, what about animal feed, like hog slop from the food waste, which is traditionally how it was done. Why isn't that being counted as recycling.

And then, all the materials that you can make, and all the chemicals that you can make, as well as the different forms of energy. So, there's a whole portfolio of bioproducts that can be produced from bioresources.
So, what this points to is not wanting to restrict the market to just two choices, compost or biogas. But, you know, we're trying to create an industry here. Could you imagine, you know, saying that in the renewable, or the water industry, or the renewable fruit industry that we're only going to have two kinds of beverages? I mean, it just doesn't make sense in terms of building a marketplace.

So, somehow in these regulations, you still -- we still need to do the buy back, but we also need to explore all the options that can and will be innovated, I believe, in the next ten years once these markets are formed.

So, I have some of that written down in these comments, so I'll turn those in. But I hope you'll take a hard look at it. Thank you.

MR. BRADY: And just one quick clarification on animal feed. That is recovery or recycling. But I think your point is that it's not considered -- it's not procurement, but it is considered in the regulations.

MR. NOBLE: Yeah. Most municipalities probably don't have hog farms, but we said it could be a contractor within the municipality, right? I
mean, that's in the regs as you currently wrote it.
So, if they did have hog farms nearby that should count, right?

MR. BRADY: I understand the point.
MR. NOBLE: Yeah, okay.

MR. BRADY: I just wanted to clarify that it is considered recovery, it's just not in the procurement portion.

MR. NOBLE: I see, okay.
MS. GREEN: But he wants it in.
MR. NOBLE: Yeah, right.
MR. BRADY: Yeah, that part registered.
MS. GREEN: How do I get this down? Okay, I'll just leave it. Sharon Green, Sanitation District of Los Angeles County, and I'll be pretty brief because I think I can agree with many of the prior commenters. I had two comments and one of them was to please add flexibility for allowing more and different types of products. And there may be new things that come along as this marketplace grows, right, and as more waste is diverted, and people are innovative and come up with new products.

So, one way to do that would be -- and we suggested some language in our written comments.
But to allow new or additional organic products as approved by CalRecycle. So, leave some flexibility to add things along the way.

And then, the second, more sort of specific comment that we have, we related it back to the definition of renewable transportation fuel. It's possible that this could be addressed in a different way, but that made the most sense to us. But, basically, this particular situation we want to comment on is when you have a wastewater treatment digester that's taking in food water, and then we produce fuel. At our treatment plant, where we're doing this now, one of the considerations, we're currently building infrastructure and converting a natural gas fueling station to a renewable natural gas fueling station, as a result of the additional gas that we are and will be producing.

But the issue that we wanted to highlight is the RIN issue that a previous speaker mentioned. So, in order to take advantage of the highest value of the RINs to make the project more viable, and cost effective, we're trying -- we're thinking what we need to do is put wastewater biogas into the fuel system and do -- and then, sort of swap, and
then use what we would say is the food waste generated gas to produce electricity to power our plant for onsite use.

So, there's things that are -- you know, we just are asking for more operational flexibility. It may not be that everybody will need that, but I think there's going to be scenarios like that, that come up, where there's unintended consequences. So, more flexibility. We gave some specific suggested changes in our written comments. Thank you for your consideration.

MS. FOSTER: Colleen Foster, City of Oceanside. Definitely want to reiterate the need for more flexibility, especially in regards -- in our particular situation, we have wastewater treatment facilities within our agency. We actually have excess digesters currently not being used. We can easily integrate food waste into our system.

We are currently taking our biosolids and generating electricity, able to electrify our wastewater facilities. It would be very unfortunate to create this whole food waste system and not be able to use the credit for what we're doing at our own facility and need to buy additions.
things, outside of our system. So, that's really important to address that. Especially for our ratepayers, because they don't understand the need to go and buy more product when you're already doing a good thing with your current system.

One thing I'd also like to recommend is the procurement -- I think the ultimate goal of this section is to drive the use of compost or drive the use of these materials that we're diverting from landfill. So, if that's the goal, could you write in some flexibility on how we do that?

On my way here this morning I got the opportunity to read a draft market study that the County of San Diego put together. And one of the big things identified in that is some of the biggest areas to our agricultural and our range land operators is being able to afford the application and use of these materials, from a transportation and distribution perspective.

So, as we consider driving the use of these materials, consider subsidy programs, programs that help support those industries and being able to use these materials.

So, if a jurisdiction was developing some
sort of supportive subsidy program. The money they're putting towards that, could that be counted as consideration in promoting procurement of these types of materials.

I also appreciate requiring, the recommendation to require the landscape model ordinance. Few jurisdictions are doing that. So, I think if we drive that and give credit for jurisdictions to do that, that would help.

And then, to lighten things up just a tad. It's one thing to get our purchasing agents -- speaking of which, we do not have a centralized purchasing agent in the City of Oceanside. We have a couple thousand employees, half of which might be their own individual division, or department purchasing agent. They're buying their own paper products, their own toilet paper and paper towels.

It's been hard enough to get them to try to buy recycled content paper and now I need to tell them they need recycled content toilet paper? Talk about a way to just make it impossible to try to implement this type of organics program.

The other concern I noticed in a comment provided by the League of California Cities is the comment that requiring recycling content paper
products could really, actually, be seen as a Prop 2018-26 issue, an unfunded tax.

I don't want to be the solid waste division that all of a sudden has to start paying for every other department's toilet paper simply because it's a solid waste law requiring the purchase of these materials. Thank you.

MR. HELGET: Chuck Helget, with Republic Services. The markets are going to be the key component of implementation of the SB 1383 regulation, so this is a very important piece of the regulatory package.

With that, I'd like to reiterate what Nick said, Nick Lapis said about the State procurement policies and expanding it more into the State areas.

Also, to keep things simple, what was stated earlier by the California Renewable Natural Gas Coalition, and Julia Levin, and the City of Oceanside. I think she made some very good, solid points and I'll lend her support to those comments.

MR. SCHIAVO: Pat Schiavo, representing CR&R Environmental. Pretty much everything's been said that I was going to say. So, I'd just like to echo especially Julia's comments. Just a big
concern about the language right now would stifle future innovations, technologies that we may not even envision at this point in time. So, thank you.

MR. EDGAR: Neil Edgar, California Compost Coalition, no lengthy letter. I do think direct procurement is a key part of program implementation, but not necessarily to drive market. At least it's important because it provides a feedback mechanism for local governments to understand the quality of the programs that they're executing and the success of those programs.

I think there could be options for developing, the jurisdictions to develop ordinances that could help drive the measurable purchases of the materials that we're talking about. And if that includes additional materials and expand the scope of that, you know, mandating ordinance implementation, minimum soil organic matter content, requirements for development projects, other city contractor uses of RNG through other policy drivers may be another way for cities to achieve success.

And I would also add maybe a third
procurement requirement, not necessarily out of the same bucket, but I would echo what Mr. Lapis said about the glut of wood chips on the market, now. Only going to get larger with trying to recover four and a half million tons of wood that's currently being disposed.

And I would also echo the need to have other procurement requirements on other State agencies, education, and nonlocal entities to help promote the development and the success of these programs. Thanks.

MS. BALSLEY: Hi. Rachel Balsley, again, with StopWaste, Alameda County Waste Management Authority.

I think we do support -- I want to just speak to the paper procurement requirements. And we've been working with our member cities in Alameda County for years on environmentally preferable purchasing. And most of them do purchase recycled content paper.

But what I am struggling with is that the requirements mean that the jurisdictions would have to -- in order to prove that they're purchasing 75 percent of paper products, and printing and writing paper, they have to track all purchases so that you
get the total amount to prove the 75 percent.

And most of our jurisdictions do have
decentralized purchasing.

Also, the definition of paper products
right now includes building insulation and panels,
and that is purchased quite differently than office
supplies.

So, I think if you do keep the language in
around this, I think you should remove -- have
language that says except building materials, or
building insulation and panels. Because that's in
capital projects and it's done very differently,
and usually by contractors.

And then, also, on the tracking aspect one
more time, that I think purchasers as big as, say,
Alameda County itself, can get vendor reports that
may be able to help with some of this reporting.
But most of the smaller jurisdictions would not,
and they just don't have the staff resources to be
able to track that level or purchasing of an
expanded list of paper products. Maybe they could
do it on the printing and writing paper, but I
don't think that's possible on the paper products.

MS. STEIN: Antoinette Stein,
Environmental Health Trust. I retired from State
work and I worked in the EPP, Environmentally Preferable Purchasing Office of DTS. So, one of the things is it would be really good -- we heard some comments that it's hard for local jurisdictions to purchase these goods, to have the commodity contracts from the State available. So that local governments, and nonprofits, and others could come to access these very large contracts that give really good prices, so -- and have the specifications inserted already.

The other thing is that as I spoke before about this loophole issue of counting the digestate. I mean, the issue is you want to count the material that's going to go to create fuel. But that's a weight, how much is going to come in. You're having an amount digestate from that weight that came in and if it's just a loophole, you know, you can send it all to try and get some energy out of it, and then you get these credits. But you don't count the digestate. I want to repeat that again.

But the fuel, we heard from the procurement end, could be purchased. But I didn't hear you say that there's a certification on that fuel quality, other than it's going to hit the
pipeline and then there will be some requirements
for a purity of that material, so there's no toxics
in it.

But we have the certifications already in
place, several of them exist. So, I highly
recommend that in the procurement requirements
include some certification of quality for the
goods, and not to get really bad quality with
toxics. I can imagine shimmering, with lots of
bottle caps in the soil of any park that I could go
to, if we didn't have the certifications that we
need to make sure there's cleanliness. Thank you.

MR. EDGAR: Evan Edgar, Edgar Associates,
on behalf of GreenWaste Recovery. And they
submitted a letter today with regards to opening up
the procurement to include combined human-powered
(phonetic) electricity. So, I concur with the
comment from Julia Levin today, that we need to
open up procurement to include CHP and electricity.
There's a glut of wood chips out there and the
ability to go biomass conversation to renewable
energy is important.

On behalf of the anaerobic digester
industry, I represented a few facilities whereby
once a digestate's out of an anaerobic digestion
facility, the methane has been removed. So, there is no methane coming of an AD process. So, that AD then goes off to a compost facility, a permitted compost facility in order to be composted and the material is screened to a specification of 0.5 percent. So, there is a quality control aspect of removing digestate from anaerobic digestion with quality products through permitted facilities.

Thank you.

MR. DAVIS: John Davis, Mojave Desert & Mountain Recycling Authority. Just two quick suggestions. On the population, consider excluding State and Federal facilities, prisons, military bases. Some of the communities I work with, almost half again of their population is in their prisons or military facilities. And so, it distorts their population numbers pretty considerably.

Also, I understood that the intent of that exclusion on the fuel, the prior year's fuel purchase, does it also comply to requirements for compost somehow? When I read it, I didn't see it that way. I saw it just applying on the fuel side. And strongly suggest -- I mean, I ran the numbers for a couple of communities that have literally no turfed areas. They're high desert communities,
with no turfed park areas, no medians, and they'd be required to purchase several thousand tons of compost with, really, no place to apply it. Yeah, very little, okay.

So, look at the prior year. I liked the slide that showed some other uses and I'll start to ponder how that might apply. But there's really limitations on the application of some of that material, at least in the cities I work with.

Thank you.

MR. HILTON: Rob Hilton, HF&H Consultants.

I'm going to echo a lot of the comments on you're asking for too much procurement, at least of the couple of things you're letting us procure. And so, please either reduce the requirement because it's way more than communities need, or change the mix of the materials, adding mulch, adding power, all the things that have been suggested are good ones. But these are like factor of five overruns on what people need in the communities that we've run the numbers.

So, we need to either have some diversity or a level requirement. Thank you.

MR. OZORAK: Hello, Etienne Ozorak, Sacramento County. I just wanted to echo the
information that my colleague from the City of Oceanside presented. In the case of Sacramento County, we have 11,500 employees, as well as an untold number of vendors. Trying to track the amount spent on paper purchases and the amount of paper purchased is certainly going to be very challenging because there is no centralized purchasing. Thank you.

MR. ASTOR: Kelly Astor. I remain unaffiliated for today's hearing. If you're going to give locals the relief that they're seeking, which I'm a little bit ambivalent on, I sure hope you're going to give the haulers, who are stuck with material they had to process with no home, concomitant relief. And all too often I'm confronted, not by anybody in this room, and I mean that sincerely, but by municipal consultants or municipal employees who sit across from me at the franchise table and say that's your problem.

So, don't add to the haulers' burden, please. We're still waiting for the hundred new facilities. And once we process all this, there's been no indication to my knowledge that we're going to have a guaranteed market for any of this, particularly in Southern California.
So, if somebody makes a case for relief, by all means give it to them. But give that same relief or something corresponding to it to the haulers who are charged with the infrastructure, and the collection, and all the other nonsense. Otherwise, we're going nowhere fast. Thank you.

MR. BOONE: Arthur Boone again. Funny he should mention it. At the last meeting, about six months ago, I invited Mike Mohajer, from the county I guess it is, or the city, to come up and tour the composting facilities that service the Bay Area. Because none of those -- very few of those facilities existed 15 years ago. But when the people in the city said we want to do green waste composting; those facilities developed and grew.

To the best of my knowledge, no organics collected in a source-separated fashion from the nine counties in the Bay Area has gone to the landfill in the last 20 years. If anybody knows of any that has, I'd be glad to hear about it.

What Southern California has to do now is what we did after 939. And I don't mean to be regional, or "gnat snippy", or anything like that. It's just a matter of fact.

My daughter lives in West L.A. She has an
asshole type composting program available to her. Nothing worth talking about.

L.A., it's time for Southern California to get no the bandwagon. I'll be Dan can give you a lot of information about that, as well, but that's just my opinion. Thank you.

And while I'm up, one other thing. I think methane is a bubble. I think methane fuel is going up, but it's going to level off and I think it's going to go down.

The State put a billion dollars on the table, if I remember correctly, to electrify every vehicle, every bus in the City of Los Angeles. Is that correct? Okay, Palo Alto operates two electric garbage trucks. They seem to be happy with that.

I've heard of some people who have zero waste energy programs, who make methane. They're not happy with it and they don't think it's worth the effort that's involved, and being involved in that is getting paid back at all.

The real question is how much of the methane is escaping into the atmosphere? Nobody can tell us. If 30 percent of the methane is escaping into the atmosphere, we're making things
worse instead of better by doing it. But if it's zero percent then, hey, maybe it's worth doing. But we need those kinds of numbers and they're not there.

In the same way the landfill numbers seemed to get stuck a couple of years ago, there have been no numbers at all on the methane generation from AD facilities, to the best of my knowledge.

When I asked the wastewater treatment engineer what percent do you recover? He said 100 percent. We know that's not true. What is the right number? I don't know. But I think you all ought to find out. Thank you.

MS. SCHOONMAKER: I'm back. Kelly Schoonmaker, StopWaste. One more thing. Using compost, getting people to use compost, we used to do trainings called Bay Friendly Training. It's a huge, talk about a paradigm shift, go from using synthetic fertilizers and other conventional methods to using compost and mulch, it's a big deal. It's really difficult for people. And a big part of it is education.

So, while I know it's not something that would make it into the regs directly, I would think
it would be great if CalRecycle could encourage and support local sustainable landscape training for maintenance and design. So, things like rescape, Bay friendly, G-3. Anyway. So, and if you have any questions, you can always contact me directly. Thank you.

MS. LEVIN: Hi, Julia Levin, again. I forgot to make one point earlier. One of the other concerns we've heard from CalRecycle staff about broadening the uses of renewable gas in the procurement side of the equation is a lack of metrics. So, we suggested one in our written comments, which is how you convert biomethane to electricity, according to the Department of Energy's website. I believe found a number of additional metrics since then. The Energy Commission has its own metrics for conversion to combined heat and power.

You don't need any more metrics for pipeline gas. It would be the same metric that you're using for vehicle fuel, it's just the conversion of tons of organic waste to standard cubic feet of biomethane.

But for electricity and combined heat and power, there are multiple sources from the
International Energy Agency, to the U.S. Department of Energy, and the California Energy Commission. So, the metrics are readily available, so please don't let that be a reason for not expanding the uses of biomethane. Thank you.

MR. BRADY: I guess this really was everyone's favorite portion of the regulations. Thank you, everyone. A lot of really good comments.

I just want to -- for providing some context on and responses on a couple of those, I'll see if there's anything from the online participants and, Chris, if there were any comments to read.

MR. BRIA: This is from Tom Chiarodit, I'm not sure how to pronounce that, Santa Barbara.

A recent speaker question on the methane measurement science. I was told it was not relevant since SB 1383 dictates the reduction of food and organics in the landfill. Agreed. However, the methane measurements are very important when it comes to writing an informed regulatory impact assessment, which assumes certain benefits based on projected methane emission reduction. The methane measurements are also
relevant to the EIR and the overall cost benefit analysis of the proposed legislation.

Okay. This is Alexander Fung, the San Gabriel Council of Governments. There's some other stuff, so I'm going to paraphrase. While procurement does not necessarily mean purchasing recovered organic waste products, the new procurement requirements may still result in substantial additional costs to local municipalities, in addition to the costs needed to comply with the extensive programmatic requirements of the proposed regulations.

Additional costs resulting from complying with the procurement regulations represent an unfunded State mandate. Under California Constitution, Article 13-B, Section 6-A, as the regulations would impose a new program on cities, and neither the proposed regulations, nor the initial statements of reasons identify a clear state funding source.

We'd like to request CalRecycle work to develop markets for such material in a second regulatory proceeding.

And one more. Deidra Dingman, Contra Costa County. Some form letter info. What grants
CalRecycle the legal authority necessary to impose such burdensome and potentially unreasonable procurement requirements on individual. What if the jurisdiction can't use, or require others to use purchase on its behalf, as much of either, both type of products as required to meet its procurement target?

MR. BRADY: Okay. Thanks, Chris. And just for folks participating online, just to reiterate that even though we may not be reading the entirety of your comment aloud, just due to time and length, if you submitted your comment online it is being recorded and it will receive a written response.

Any other comments in the room?

MS. STEIN: Sorry. Antoinette Stein, Environmental Health Trust. We have a thousand school districts. They're a local entity in my mind. They're a different type. They're not, you know, a city or county, but they're part of our governmental system. And that would be perfect to make these same requirements in the school districts. Because the children are the ones learning, and they're the ones that spread this message to the rest of the State.
And so, if we could instill it at the schools, I think parents would be more accepting. You heard that this is not something people want to do. And it's not new. The fabric has been here for many years and we haven't made the progress we need. I think we need our children to really help us, give us a boost, a kick in the pants.

MR. BRADY: Thanks. And a lot of good comments on this and we appreciate everyone's feedback, both in writing and what they provided today.

I did want to touch on a couple of things relative to end uses. Certainly, hear everyone loud and clear on electrification and we'll continue to look at that.

Do you want to -- you know, not necessarily going through the statute in detail right now, but there is some language in there directing us to look at the Integrated Energy Policy Report, and we can have a further conversation about that offline, but provide written responses on that, as well.

We can disagree on legal interpretation of SB 1383, if you'd like, and we'll provide a written response on that as well.
Mulch is actually just on one piece. The conversion factor is not really an issue for electrification. It is for other potential and uses, such as mulch, where it's difficult to convert the amount of organic waste feedstock. And to the amount of product, there is conversions for renewable transportation fuel, and there's conversions for electrification. But there's also conversions to compost. But that does become a potential issue with other more landscape-oriented end uses. And so, that's why you see sort of a limited focus on that.

Relative to purity or policy standards, we are requiring that the material is processed at a solid waste facility, or otherwise authorized facility, which is inclusive of wastewater treatment plants where there are existing health and safety standards that apply to those facilities, as well as the end products that they create.

And then, there was one piece I did want to clarify. And I recognize this is not all of the comments today. I just wanted to address a couple up front, is on the fuel purchasing limit. The metric is -- that would exempt a jurisdiction from
the requirements to procure material is based on fuel. But if that -- if they meet that fuel exemption metric, they would be exempt from both compost and fuel purchasing. So, it wouldn't only be exempting them from the fuel purchase. And that's part of the -- that's much simpler to quantify previous year purchases of fuel versus previous year's purchases of compost.

So, a lot of other really good comments and we can -- we'll provide written responses on all of those, but did want to address a couple of those up front.

So, with that, unless there's anymore comments on this section, we'll move into enforcement.

So, I'll ask Georgianne Turner and Trisha to come up on that.

And just a reminder for folks, after this presentation we'll do -- accept public testimony on the enforcement and reporting aspects of the rulemaking. And then, to the extent that there's additional comments that folks would like to make, not specific to any section that's already been presented or that you'd like to go back to, we'll be accepting public testimony again at that time,
until all of the testimony's complete. So, with

that, I'll turn it over to George and Trisha.

MS. TURNER: Okay, we're on the home

stretch. And Trisha's going to go over the slides
today for us. For those of you who have been
tracking us for a while, she's new and I'm very
happy to have her assisting on the enforcement
stuff.

So, Trisha, you can take it away.

MS. MOORE: Thank you. Okay, so today
we're going to go over Articles 13 through 16.
We're going to go over the jurisdiction's minimum
requirements for reporting and recordkeeping,
inspections and enforcements, and California's
enforcement over regulated entities, and
jurisdictions, and penalties.

Beginning in February 2022, jurisdictions
shall report copies of ordinances they've adopted,
the date of compliance with container color
requirements, and reporting items in Article 13.

Beginning in August 2022, jurisdictions
will begin reporting annually. The first report is
for the first six months of 2022, due in August of
2022.

The second report will overlap of the
previous report and the remainder of the calendar
year of 2022. And that is due in August of 2023.

Each year after that, the report shall
cover the calendar year and is due in August of the
following year.

The jurisdiction also needs to maintain
all required records in the implementation record.
The specific requirements on how to maintain the
records are here. It must include ordinances and
enforceable mechanisms, contracts and agreements
with public and private entities, their enforcement
and inspection program, and all key records
required by the chapter.

The Department will audit the
implementation record as part of its evaluation of
the jurisdiction's compliance with the chapter.

Reporting and implementation records must
include all information required by the chapter.
This graphic is a snapshot of items to be reported
and kept in the implementation record.

This is an example of how the
implementation record and annual reporting are
different. The implementation record asks for
specifics, the annual report asks for high level
metrics. So, the example is jurisdictions are
required to inspect commercial generators for compliance. They report the number of inspections completed in the annual report. They maintain copies of all inspection reports in the implementation record.

I'm going to start with jurisdiction inspection requirements. They include compliance reviews, route reviews, inspections of the edible feed generators, and they also need to conduct enough inspections to verify compliance, and they follow up and investigate complaints.

Jurisdictions may designate another entity to fulfill these requirements, such as contracting with the County Health Department to inspect edible food generators.

If the jurisdiction is using a three- or two-bin system, they are required to do an annual compliance review of garbage accounts for commercial businesses that generate two cubic yards or more per week of solid waste, and produce organic waste. Commercial businesses include multi-family dwellings.

This can be a desk audit to verify that service is provided and that generators are complying through either self-hauling or back-
hauling. It includes route reviews of commercial businesses and residential areas for compliance with organic waste generator requirements and container contamination requirements.

This can be done in agreement with their hauler. The hauler could be verifying subscription and monitoring for compliance. This needs to be done on randomly-selected containers. And we do ensure that all collection routes are reviewed quarterly.

They also need to do inspections on tier one edible food generators in 2022, and tier two starting in 2024.

They would be verifying that they have arrangements with a food recovery organization and that the food generators are not intentionally spoiling food that can be recovered.

For a jurisdiction using a one-bin container service, it's pretty much the same as the two- and three-bin service, except they need to verify the contents or transport it to a high diversion organic waste processing facility. And that that facility is meeting the requirements of the organic content recovery rate. You don't have to do route reviews for contamination. And
inspections on edible food generators are unchanged, they're pretty much the same.

This slide compares mandatory organic recycling to SB 1383. The major different between MOR and 1383 requirements is that MOR only covers commercial businesses generating two cubic yards or more of solid waste. 1383 ensures all generators have organic collection services.

However, the monitoring of generator participation is very similar. Specifically, the proposed 1383 regulation sets the annual monitoring, which regulations define as compliance review, at a threshold for all commercial businesses over two cubic yards, similar to the MOR requirements for monitoring.

For MOR, jurisdictions have to notify noncompliant business of their responsibilities. Under 1383, jurisdictions also have to notify noncompliant businesses of violations. And before 2024, the jurisdiction must provide education to those businesses and violations. And after 2024, the jurisdiction must start the progressive enforcement process outlined in the regulations.

In both cases, jurisdictions report annually. New inspection requirements in 1383
require the jurisdictions also inspect an undetermined amount of edible food generations, and also conduct route reviews and respond to complaints.

The thought behind 1383 inspection requirements is that if a jurisdiction had a solid MOR program, it should be able to meet both of the requirements.

And now, we're moving into the enforcement by a jurisdiction. So, by January 1st, 2022, jurisdictions are required to have an enforcement mechanism or ordinance in place that they are not required to enforce until 2024. Between January 2022 and December 2023, jurisdictions need to identify businesses in violation, provide educational material to those generators.

And then, after January 2024, jurisdictions shall take enforcement action against organic generators not in compliance. This includes issuing notices of violation, conducting follow-up inspections, documenting all enforcement actions and imposing penalties.

Here we have the maximum time frame for a jurisdiction's enforcement for a first offense. A jurisdiction has 60 days after identifying a
violation to issue a notice of violation. Once the
notice of violation is issued, the jurisdiction
must reinspect within 90 days. If the violation is
not corrected, the jurisdiction must commence
action to impose a penalty no later than 150 days
from the date of the notice of violation.

There is flexibility in the regulations
for jurisdictions to implement their own
progressive enforcement process. For example, they
may add additional noticing to get a business into
compliance before imposing penalties.

For example, like 15 days before finding
-- after finding the violations they can send a
warning letter. 45 days after the violation, send
another warning letter before issuing a notice of
violation.

Extensions may be granted for extenuating
circumstances, such as conditions outside the
control of the entity. Such as if the jurisdiction
is on a CAP and the entity is unable to comply as a
result of that CAP. We'll get into that in a
minute.

Here we have the maximum time frame for a
second offense. The only difference is the number
of days the jurisdiction has to commence actions to
impose a penalty. The time frame is reduced from 150 days to 90 days.

So, after 2024, jurisdictions shall impose penalties equivalent or stricter than those listed in Table 1 of Article 16. The penalty amounts differ by the type of violation, the number of repeat violations, first, second or subsequent offense. Severity level. Each level is a range and penalties are impost per day. And a second offense occurs when the same violation happens again within one year of the previous penalty.

The amounts in that time frame have been changed from the previous regs to be consistent with the Government Code -- the previous draft regs.

Okay, here we have the jurisdiction-issued penalty amount. There's three levels in the penalty chart. Revoking, suspending, or denying a permit, registration license, or other authorization shall be considered stricter than the penalties listed here.

Now, we're moving on to the Department enforcement. The Department enforcement responsibilities include entities that are not under the authority of the jurisdiction, such as
nonlocal entities, local education agencies, multi-
jurisdictional entities, or entities that the
jurisdiction fails to enforce on.

It's also jurisdiction. And they also
have to follow up on complaints against
jurisdictions and entities, and may impose
penalties against any regulated entity not in
compliance with the chapter.

The Department has the responsibility to
take enforcement action for State agencies,
prisons, universities and school districts, as they
are not under the authority of the jurisdiction.

Now, I'm going to talk about referrals to
the Department. If a jurisdiction finds a chain
restaurant or grocery store in violation, such as
an Olive Garden or a Safeway, they can be referred
to CalRecycle. The jurisdiction must first inspect
the entity and issue a notice of violation. And if
they still do not comply, the jurisdiction may
refer them to CalRecycle. Once referred and
accepted, the jurisdiction stops enforcement
action.

If a jurisdiction fails to enforce, the
Department may take enforcement action against the
entity and the jurisdiction. CalRecycle will
provide written notice and the jurisdiction has 60
days to provide evidence the entity is in
compliance before an enforcement action was taken.

Now, we're moving on to Department
evaluation of a jurisdiction's compliance.
CalRecycle will be evaluating the jurisdiction's
compliance by conducting joint inspections with the
jurisdictions and reviewing the implementation
record.

Here's a few examples of things we'd be
looking at. Verifying that all organic generators
have service. If the jurisdiction is providing
education, and if they're issuing notices of
violation within the correct timeline.

A jurisdiction's evaluation is based on if
specific standards are met. The evaluation is not
based on a series of factors or elements, as in
Section 41850, as this is used to determine if a
good faith effort has been made to comply.

Through an evaluation by the Department,
if a violation is found, the jurisdiction has 90
days to comply. And extension may be granted, but
the jurisdiction can demonstrate that a compliance
can be reached in 180 days. The request must be
submitted in writing and prior to the end of the
90-day deadline. If the jurisdiction cannot comply, due to a long-term infrastructure issue or other emergency, an extension for up to 24 months may be granted. This also needs to be submitted in writing prior to the end of the notice of violation deadline.

Most violations will fall within the 90-day time frame. Some violations will require an additional 90 days to correct. Jurisdictions have to request the extension in writing and demonstrate that compliance can be achieved within 180 days.

Long term violations. In most cases, it will be apparent after the initial 90 days if the violation requires a corrective action plan, or CAP.

However, the red line on this slide indicates the CAP can be an extension of the first NOV. This would be a rare situation with unusual circumstances.

Jurisdictions may have over two years to comply. They must request a CAP in writing and demonstrate extenuating circumstances and that substantial effort was taken to comply.

A jurisdiction will have to meet specific compliance deadlines and milestones during the 24-
1 month time frame. Penalties may be imposed if a
2 jurisdiction fails to meet the final compliance
3 date, or fails to meet milestones on specific
4 dates.

In order for a jurisdiction to qualify for
5 a CAP, they must demonstrate substantial effort and
6 extenuating circumstances that the regulations
7 define. Substantial effort means the jurisdiction
8 has taken all practical steps to comply. And
9 failure to provide staff resources or sufficient
10 funding is not considered substantial effort.

Extenuating circumstances may be a delay
12 of adequate capacity, renegotiating franchise
13 agreements, or a natural disaster.

So, to review, a CAP is issued by the
16 Department for specific reasons, granted for no
17 longer than 24 months, contains critical
18 milestones, penalties for each milestone. Full
19 compliance is required by the final deadline.

CalRecycle may impose penalties if a
21 jurisdiction is in violation of the requirements of
22 the chapter, and the penalties differ by the type
23 of violation, the number of repeat violations, and
24 the severity level.

So, our current regulations have six
levels of penalty. Department-issued penalties start at level four and are assessed per day.

Certain factors may be considered when determining the penalty amount, such as the willfulness of the violator's misconduct, evidence of financial gain resulting from the violation, or conditions outside the control of the entity.

Oh, I'm sorry, I was supposed to take that last part off. I think that is it. Thank you.

MS. TURNER: So, that concludes our presentation and we're happy to stay as long as you want to stay.

MR. BRADY: Yes. So, we'll now accept comments on this portion and then after we finish the comments specific to reporting and enforcement, we'd open it up again to any general comments, or comments that people that -- that they'd like to raise on issues that weren't addressed today.

MR. DAVIS: John Davis, Mojave Desert & Mountain Recycling Authority. I want to repeat a comment I made this morning that applies specifically to this portion.

Communities that are economically disadvantaged have a far higher hurdle, particularly per capita in compliance. And so, if
you consider the median income consequence to the regulatory review of $17 a month -- I'm sorry, $17 a year for single family homes to comply. That's what's in the regulatory assessment.

If that's a hundred percent, if you're a city that's at 50 percent of median income, that's a much higher hurdle. It's much more painful to those residents and the communities generally are not as well off and have to struggle to meet other service requirements.

So, in a substantial effort, and the corollary provision that allows exceptions, please consider the impact on these economically disadvantaged communities. That, really, it's a real struggle for some of the communities. And I've seen numbers that are way beyond the $17 a year to comply, for some of these communities. Because they're economically disadvantaged for reasons. They're remote. They're isolated and the nature of their population is going to make it really, really difficult to comply. So, please consider that in the consequences. So, thank you.

MS. FOSTER: Colleen Foster, City of Oceanside. I must admit, by the time I got to this section in our comment letter, I think I got tired.
The reporting and enforcement section is over 25 pages long. I think our attorney even still struggles with interpreting and how we would implement it from a jurisdictional staffing approach. It's extremely prescriptive, extremely complicated. Very difficult to convey to my stakeholders and council members what needs to be done.

The reporting requirements, alone, are overly burdensome and too prescriptive, making it completely impossible to be able to comply. I think it sets up jurisdictions who are making a good faith effort to comply with this regulation.

I think jurisdictions right now concerned about just trying to figure out how to build a facility or a system for food waste. They're not even comprehending the staffing reality and programmatic reality of needing to do those route reviews, those reporting requirements, needing to chase after our haulers, and our edible food recovery generators, and our self-haulers, and all the physical space waivers that we're going to face.

It's also extremely difficult to put the burden on the jurisdiction to make a higher -- be
able to do a more stringent standard on our entities. So, if the regulation fails to require all generators to comply and the regulators tell us, well, the city can pass a more stringent standard, that's impossible to do at a local jurisdictional level considering the cost implications of this program.

We're looking to implement a commercial food waste program as early as next year, and I'm already looking at a 6 to 14 percent rate increase, and that's infrastructure alone. That does not take into consideration the staffing and programmatic implementation cost for commercial recycling. And I haven't even looked at the residential side of it, yet.

So, I think I'd really like you to consider that. I don't think you see many cities here, because I don't think cities realize what's coming up, and they're still struggling to keep up with AB 341 and AB 1826, two mandates that I don't think have been that successful.

So, I encourage you to take a look again at this section to see what you can do. And it's not just about creating two-year extensions, or...
prescriptive you've done. And considering
opportunities for jurisdictions to come to you with
compliance plans, education plans that may look
different than what you think needs to be done, but
are effective for those communities. So, thank
you.

MS. BALSLEY: Hello, Rachel Balsley from
StopWaste, again. And just piggy-backing off of
what was just said, I do feel like in many ways,
with seven years of implementation of our mandatory
recycling and our composting ordinance, we are
ahead in many ways. But we have spent, you know,$1.5 million per year on implementation of this
project over those times. We've spent thousands,
tens of thousands of dollars, probably, on
customizing our own customer relationship
management software.

Because if you look at how prescriptive --
you know, the six -- even just tracking the 60
days, 90 days, all of those different time periods
per account is very difficult. And we are, like I
said, ahead because we created that system. But
someone who's starting from scratch would have to
spend a lot of money to do that kind of tracking.

But also, I wanted to talk about how over
time we've honed our commercial inspection times. We average about 15 minutes per site. That is not including the time by our other staff to review and process the inspection results.

But this is only because many times the inspector only needs to look at the hauler service bins that are outside, in publicly accessible areas. Having to go into a business to verify the appropriately-labeled, indoor containers are in all areas, or that education has been provided to employees annually, would mean significantly more time needed per inspection and increase access issues.

In our ordinance enforcement, we determined that the inspection at the hauler service bins was where it was the most effective to see where proper sorting -- whether proper sorting was occurring. And if a generator was properly sorting their materials, it shouldn't matter if they don't have color-coded bins or extensive signage. They're sorting properly.

Penalties that indicate that CalRecycle can fine jurisdictions if they don't enforce against generators' indoor containers specific are inappropriate.
Your flags also indicated that enforcement would mostly have to consist of annual compliance reviews, which is the provision of service, and route reviews for container contaminants. But then why keep in penalties to the -- potentially to the jurisdiction on what happens indoors for those businesses.

Also, you know, as has been mentioned previously, the current requirement to submit a massive amount of data is very burdensome under restrictions. And specifically, I wanted to point out that your requirement for the January to June 2022 time period being required one month at the end of that period is not doable.

For instance, the processing of our citations sometimes has a six- to eight-week lag. Also, many reporting provisions in the franchises don't have that quick of a turnaround time to provide the data that would be needed, you know, for something that happened in that June time period that's due August 1st.

Also, so there are reasons by the electronic annual report, now, has jurisdictions reporting in August for the prior calendar year.

So, I think it's inappropriate to have that six-
month time due one month later.

Furthermore, in our MRO implementation, we regularly convey information about the enforcement and technical assistance activities that we conduct in our member jurisdictions. **But to** have to transfer copies of all inspection data, photos, copies of enforcement letters to that the jurisdiction is the sole holder of the implementation record would require massive data management systems that don't, in and of themselves, do anything to make progress on diverting organics from the landfill.

We request that if a jurisdiction is designated another entity, such as us, to be responsible for major components of the requirements, that they also be able to designate that entity as the holder for that portion of the implementation record. And that you listen that it all needs to be in one central location.

I also want to really encourage CalRecycle to think about how the massive amount of reporting data that's currently required is going to take away from the resources that could be used to affect behavior change and that's what's really -- and what's really need to show that a jurisdiction
is making the appropriate progress towards the goal that needs to be really looked at. Thank you.

MS. COTE: Hi, my name's Kathy Cote, with the City of Fremont. We're actually a member agency of StopWaste. So, we've had a lot of experience implementing mandatory recycling programs and we've learned a lot from that in the field. And we're very grateful, actually, to have StopWaste organizing a lot of things on behalf of the county.

I just wanted to echo some of the things that Rachel said. When I read the regulations, I'm really concerned there are some things that are so prescriptive and so impractical to implement in the field that there's no way we're going to be able to do them effectively. Even as organized and as experienced as we have been, having StopWaste, you know, doing inspections, and helping us, and implementing the organics program.

I just wanted to emphasize we submitted some very detailed recommended comments as part of the StopWaste package. I would ask you to please consider that. It is a result of implementing programs, learning things in the field, and understanding some of the complexities and the
reality. You know, we don't want to divert our resources to things that don't really help us achieve our goal and just use the staff resources without really getting us to what we need.

So, I would ask you to please consider those comments and incorporate them into the language. Thank you.

MS. HEATON: Good afternoon. Staci Heaton, Rural County Representatives of California and Rural Counties Environmental Services Joint Powers Authority. I have a couple of pretty specific comments pertaining to Section 18996.1. And so, I'm going to try to be really pointed and very brief.

This section talks about requirements for evaluation of a jurisdiction's compliance and notification in writing of the findings for the jurisdiction. But it only provides a jurisdiction to correct deficiencies of an ordinance. It's very specific about that, and not other types of compliance issues. It speaks very specifically to ordinances. And that could be problematic.

We have some recommended language that is really similar to what was just adopted in the AB 9901 reporting requirements. And I have -- I could
read it to you, but I don't really think anybody wants that. But I have it in writing and I'm going to drop in that box before I sit back down. So, that will make it a little easier, unless you really want me to read it, but I don't think you want me to.

So, and the other comment that I had was with respect to when there is an inconsistency in an ordinance, the Department -- the section is only allowing 90 days to fix the inconsistencies before enforcement action is undertaken. And, you know, 90 days might seem like a long time, but if it's a pretty severe inconsistency when you're dealing with a public process, and then a board of elected officials and, you know, that can get pretty complicated. Ninety days may not be sufficient time, so we'd just ask that you would consider that, and we'd be happy to talk with you about that further. And that ends my comments, thank you.

MR. BRADY: Thank you. And just before the next speaker, just a reminder for folks, if you do have a written copy of your testimony, if you wouldn't mind dropping it in the box it will help for making sure we have the comments captured accurately.
MS. HAAS-WAJDOWICZ: Hi. Julie Haas-

Wajdowicz. I'm the Environmental Resources
Coordinator for the City of Antioch. I'm going to
hit send on my email as soon as I'm done with this,
instead of dropping it in the box.

My career with the City of Antioch started
with the enforcement action of AB 939 compliance.
I am really hoping that my career doesn't end with
the City of Antioch with enforcement action on this
legislation. Actually, I will be honest, I
seriously looked at whether or not I could retire
early. Yeah.

We are a city that doesn't have a JPA for
waste. We manage our own franchise agreement. We
have, basically, not gone out to bid since 1976. I
was really hoping that we would be able to have a
competitive bid process for our franchise agreement
in 2025. Now, it looks like I'm going to spend the
next few years negotiating another contract
extension that is, hopefully, in the best interest
of my community.

However, our initial cost proposal is
looking at, at least a 40 percent increase in
residential garbage rate costs to our consumers.
So, it's a little -- it's not looking good for
adding the food waste to our green waste program.

Additionally, the timeline. We are still negotiating a commercial organics rate for SB 1826. Right now, our franchise hauler is offering it at no cost because we haven't been able to reach an agreement.

So, I'm really concerned about how long it's going to take us to reach an agreement once we have our formal rulemaking done on the residential rates. And so, I just am really concerned about the timeline that you're proposing for compliance with local government. Thank you.

MS. PASCOE: Hi, Hope Pascoe, with the Alameda County Community Food Bank. I just want to reiterate our strong support for robust capacity planning that includes the recovery organizations. We really hope that this will help to mitigate any unintended consequences related to violations and fines with food recovery organizations. More specifically, because our smaller, volunteer-staffed organizations could be disproportionately impacted by them.

We really hope that cross-education and building a food recovery work flow, with everyone at the table, will help to prevent the impact.
Thank you.

MR. OZORAK: Hello, Etienne Ozorak, from Sacramento County. On one of the slides it mentioned partnering with the county health department for inspections. And I want to -- in our county, we've been partnering with the county's environmental management department for many years for the 341 and other inspection regimes.

And the cycle that we've had has been a three-year cycle, instead of a one-year cycle. But under this -- so, we have a track record on how much we spend on enforcement. And per inspection, it's anywhere between $320 to $380. So, if we magnify that by the number of generators, and as I mentioned this morning the big pool is 40,000, the EMD pool is 18,000. Using the hauler list, it's 7,000. So, based on 7,000, we're looking at anywhere between $2.2 to $2.6 million just for that part of the program. Thank you.

MS. TURNER: I think I'd like to just make two points of clarification, just make sure there's clear understanding of what the requirements are.

For first of all, the annual compliance reviews are not physical inspections. It is a desk audit. So, I just want to make sure people
understand that.

The second point I want to bring up is we recognize because of the compliance reviews being a desk audit, there's a little disconnect with the assessment of what's happening inside the business, so you'll see that corrected in the next version.

MR. BRADY: Other comments on this section, in the room?

And then, Chris, if there's additional online comments, then you can email those to me. I've got it pulled up.

MR. EDGAR: Evan Edgar, Edgar Associates. I was around back in the AB 939 days, and we used to do county-integrated risk management plans, source reduction elements, compost components and nondisposal facility elements with a local task force. I understand that will keep on going on every five years, with a five-year review.

And then there was AB 341 and 1826 about annual reports. And now, we have another level of instruments for compliance.

Is there any opportunity to combine them all into one document versus trying to do a -- do we still need to do CIWMPs, are CIWMP and compost components of yesteryear no longer an instrument to
use? Are we pivoting towards this new format? And why would we need to do county integrated management plan updates every five years, if they're irrelevant in today's reporting and planning aspects?

MR. BRADY: So, a good question. A little bit outside the scope of the rulemaking, but certainly relevant and something that the Department will be looking at moving forward.

MS. FOSTER: I forgot one comment. Colleen Foster, City of Oceanside. We did not include this in our letter, but one of the biggest challenges we're seeing is how are we going to staff this whole regulation in general. And, in particular, this section. You talk about desk audits. I lack in staffing who would know what to do with regard to annual reporting, or quarterly reviews, et cetera.

Our city, alone, we've had two full time vacancies open for the past year. We've gone through one full recruitment process. I ended up with 175 applications, all of which had stormwater and water conservation experience. But the majority of experience in solid waste was a recycling bin at their office. So, there's really
a lack of experience and a lack of understanding of our industry, and let alone this type of regulation. So, we'd like CalRecycle to really consider the staffing list that needs to happen in order to meet the needs of SB 1383, not just the infrastructural.

MR. BRADY: Thank you. Are there other comments in the room?

MR. WINE: Good afternoon, Sean Wine with Clean Energy. Two comments. First was you gave an example of the City of Los Angeles. And the city, based on its population would have around five million gallons of renewable transportation fuel they would have to purchase.

Ironically, the city does actually use just about 5 million gallons of fuel today. Now, I don't need to go back and echo what my colleagues and stakeholders have said here, but I think it's important to open up the purchasing requirements that allow for optionality.

Subsequently, I think you should really look at the injection point into the pipeline system.

The city has around six or seven solid waste facilities where they park and domicile their
trucks and having fueling infrastructure in place. So, in theory, if you have all these digester facilities in play by 2022, and the city has one digester that's collecting this, if it could inject into the pipeline system, they would be able to allocate that fuel to its existing infrastructure.

I think we're missing an important point that logistics does definitely become a big challenge. Everybody knows the freeways are congested and the communities are already impacted by trucks on the road.

So, having more logistical issues with trying to go to one central fueling location can present a challenge, not only for a city, but also for a contracted refuse.

The second comment I'd like to say is earlier today a colleague, who will remain nameless, who is not representing anybody here today, talked a lot about grandfathering or potentially making sure that people who have invested in infrastructure are able to have some way to amortize those investments.

I think it's also important to consider that there are many refuse (indiscernible) -- some of which were early adopters of renewable natural
gas when the Low Carbon Fuel Standard was adopted in 2011. They were some of the first users. Many of them have used RNG and have long-term contracts whereby they are receiving RNG from people like Clean Energy, that's distributing renewable natural gas in the pipeline system. If 2022 comes around, in theory they would have to use 1383 renewable transportation fuel and they could become into a peculiar position whereby they might have to break or breach an existing agreement with renewable gas, from the existing supplier, potentially, as we see it.

And many of those off-take contracts that these fleets have signed up to receive this gas were really the precipice for how RNG projects have been developed to date. So, I think we need to be mindful of the fact that those contracts are in place. And then, I would encourage CalRecycle to take that into consideration as a way, or a mechanism to potentially grandfather those types of fleets into this program.

And I appreciate the opportunity. I'd be happy to work CalRecycle, as well, on some of the renewable natural gas discussions, as it's likely you're probably going to have these going forward.
MR. BRADY: Thank you. Are there other comments? We're moving into comments on other aspects of the regulation. Other comments specific to reporting compliance or enforcement from folks here in the audience?

Okay, going to go to a couple online comments that came in. This is from Janet Gardner, from Fresno, California.

At least one jurisdiction is pushing these requirements to the haulers, to do the inspections of the hauler customers and report back to the jurisdiction, thereby putting a huge burden on haulers and/or processors to act as enforcement officers. It appears SB 1383 compliance and enforcement measure are not realistic, verifiable, and consistent or equitable for all communities. Do customers have the option of refusing entry for the purpose of inspections? Would a court consider issuing an inspection warrant for this type of inspection?

Okay. And I have a comment from Deidra Dingman, with Contra Costa County, that looks to be copied from the letter that they submitted. And just acknowledging that we received the comment there.
And then, from Wanda Redic, with the City of Oakland.

Edible food generators are usually heavily regulated and inspected by environmental health agencies statewide, as well as a host of other agencies. Additional inspections by an additional agency is onerous and disruptive to a business operation. Additionally, solid waste and recycling staff do not have expertise needed to inspect these businesses to determine whether they are in compliance with proper handling of food that is intended for donation.

For example, if a donor does not maintain food at a certain temperature while awaiting collection, that food can be deemed as having being deliberately rendering unsuitable for donation. It will then become the responsibility of the receiving entity to compost it, since it could not be donated.

Just quickly, there is another comment. Just want to acknowledge we are sensitive to the potential overlap in oversight responsibilities, but also trying to draw a clearer line of distinction between the oversight and authority for monitoring edible food recovery versus the
oversight and authority for monitoring safe
handling of food, which really rests with the
public health department.

There's another comment here from Wanda
Redic. While we have attempted to include
environmental staff in the planning process, we
can't compel them to assist us. We also do not
have the reach necessary to gain cooperation from
the management staff. Each jurisdiction desiring
the same cooperation would have to spend
cultivating a relationship with an environmental
agency. We urge CalRecycle to work with proper
State authority, such as the Department of Public
Health.

And there's more to your comment. But
just in the interest of time I want to get that and
acknowledge we do -- we have been working with the
Department of Public Health and will continue to do
so. And we'll respond to this comment in writing
as we move forward.

So, are there other comments on other
sections of the regulation outside of enforcement
or general comments, that folks would like to make
at this time on the 1383 rulemaking?

So, everyone's satisfied?
Okay, a couple additional comments coming in here. We've got another comment from Wanda Redic, but this is in a general area.

Existing franchise agreements are already set and we would not be able to increase rates or implementation this legislation. We'd like guidance around enacting fees, with the details about available methods, particularly in light of Prop 2018.

And a comment from Jack Macy, with the City and County of San Francisco. The required level of monitoring and reporting, especially for verifying adequate service annually will be burdensome and unnecessarily onerous, and costly for cities like San Francisco, with many thousands of commercial accounts.

Again, our comprehensive mandatory ordinance implemented over the last ten years and expensive monitoring and compliance efforts. This will require additional staff to meet proposed reporting requirements.

Also, a concern about much more onerous requirements for three-stream, of a two-stream, of a one-stream collection programs relative to the collection system that were discussed earlier,
requiring less education, monitoring, reporting and enforcement for one stream. It incentivizes a one-stream system over a two- or a three-stream program.

Okay, so if there are any other comments in the room, we'll take those now. Otherwise, we will conclude the hearing.

Want to thank everyone that provided comments, both in writing during the 45-day comment period, and comments today. Throughout the informal process and the process today, and throughout the formal process, all the feedback that we've received have only made the regulations better than they were originally proposed, and we'll continue to refine and make changes as we get feedback.

So, thank you again, everyone, for your participation. And we'll be posting additional information through the SLCP listserv as we move forward. Thank you again.

(Off the record at 3:47 p.m.)

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