

STATE OF CALIFORNIA

CALRECYCLE

In the Matter of:)
SB 1383 Short-Lived Climate)
Pollutants (SLCP) Local)
Organic Waste Collection,)
Solid Waste Facilities, and)
Edible Food Definitions and)
Concepts)

INFORMAL RULEMAKING STAKEHOLDER WORKSHOP

CAL/EPA BUILDING

1001 I STREET

SIERRA HEARING ROOM, SECOND FLOOR

SACRAMENTO, CALIFORNIA

WEDNESDAY, JUNE 21, 2017

10:00 A.M.

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AGENDA

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P R O C E E D I N G S

JUNE 21, 2017 10:05 A.M.

MR. BRADY: All right. Thank you everyone for -- thanks for coming today. My name is Hank Brady. I'm the Manager for SB 1383 Implementation here at CalRecycle. And this is our third installment of our 425-part series on the 1383 rulemaking. [Laughter]

I'm going to cover a couple of housekeeping items, go over today's agenda and talk about some next steps for the informal workshop process, and a couple high-level policy items.

So quickly on housekeeping, a fire-life safety announcement, in case of an emergency or if there's an alarm, follow us through the exit and we'll take you down to the first floor and get you out of here.

Everyone should have copies of the agenda and the three concept documents that we sent out through the listserv on Friday. Those are also on our webpage, which will be up on one of these slides in just a moment. And then for online participants, if you have questions, email them to slcp.organics@calrecycle.ca.gov. And a link

1 to that will also be up when we're doing
2 questions.

3 So for today's agenda, we're covering
4 three of the subtopics for the SB 1383
5 rulemaking. They will be about 15-, or so,
6 minute presentations, and then about an hour plus
7 for Q&A. First, we're going to be talking about
8 collection, local collection systems for organic
9 waste, and that's going to be from 10:15 to
10 11:45. We have to shift back a little bit for
11 the late start time. And then we're going to
12 break for lunch at that point, coming back at
13 12:45 to 2:15 and talk about solid waste facility
14 concepts for organic waste processing. And then
15 that will be followed by edible food concepts
16 from 2:15 to 3:30.

17 Just a little recap on our informal
18 rulemaking schedule. As many of you know, in
19 February we did a high-level overview of -- we
20 shared a high-level concept document that kind of
21 went over every area that we're looking at,
22 considering as part of the potential areas for
23 rulemaking.

24 In May, we had a series of panelists from
25 local government, business, and haulers, and

1 talked about existing organic waste collections
2 systems that they've implemented, some of their
3 challenges with that and some of the successes,
4 and similar panel presentations by restaurants,
5 local governments, and nonprofits, on edible food
6 recovery. The other topic we discussed in May
7 was a draft reg language of what we're looking at
8 as potential disposal and potential recycling
9 activities. I'll come back to that in a moment.

10 And as I mentioned, today, for June,
11 we're having these workshops on collection, solid
12 waste facilities, and edible food recovery.
13 We're going to come back in August to have --
14 August and September and have workshops on
15 reporting, enforcement, planning, and market
16 development. We're looking at August 16th for
17 Sacramento for the next workshop. And I should
18 also note, for June, we are doing this workshop
19 in Lakewood next week on Monday the 26th.

20 But the next series of workshops will be
21 in August and September. And those will all be
22 covering those topics, reporting, enforcement,
23 planning, and market development, in about the
24 same level of detail that we're providing here.
25 Late October, we're looking to have our first

1 workshop on draft regulatory language. And then
2 we'll move into the informal rulemaking -- or
3 into the formal rulemaking sometime after that.

4 A couple quick recap points. As I think
5 everyone here knows, for 1383, the waste sector
6 targets are a 50 percent reduction from the 2014
7 level of organics disposed by 2020, and a 75
8 percent reduction by 2025. And that's with the
9 regulations that we're talking about today taking
10 effect in 2022. And there's also language in the
11 bill about improving the recovery of edible food
12 by 20 percent by 2025, as well.

13 I'll talk about the draft definition of
14 organic waste for the rulemaking that we shared
15 in February, and some updates that we have on
16 that today. But working off that definition for
17 1383, as we shared in February, we're looking at
18 about 20 million tons of organic waste that's
19 currently disposed. That's around two-thirds of
20 the waste stream in 2014. The green slices here
21 represent the various types -- the high-level
22 categories of organic waste.

23 Another slide that we shared -- another
24 chart that we shared in February, the
25 significance, this demonstrates, in the black,

1 this is historical organics disposal. Orange is
2 our projected organics that would be disposed.
3 And then green is the 1383 goal and target. The
4 significance of this chart is that it shows that
5 once we start decreasing, the target is to
6 decrease to around 5 million tons, that's 25
7 percent of what was disposed in 2014. And then
8 that target, once we reach 5 million tons, that
9 does not grow; it stays flat at 5 million tons.
10 It's not 75 percent reduction over every year's
11 generation. It's tied to the 2014 baseline.

12 Just a little bit more of a granular
13 detail on that chart, looking at the last few
14 years. The significance of this circled 2014,
15 that is the baseline for 1383. But if you see,
16 starting in 2012, disposal has been increasing
17 through 2015 with that 5 million target. It just
18 means that it makes it that much more difficult
19 to get to the target that we need to get to in
20 2025. And that's a little bit of context for
21 some of the things we're considering as we put
22 together these draft concepts for everyone to
23 consider.

24 I'm actually going to jump ahead and come
25 back to questions in a minute. I just want to

1 talk on the draft definitions really quickly.

2 So this is essentially similar to the
3 draft definition of organic wastes that we shared
4 in February and May. Some of the feedback that
5 we received from stakeholders was to include
6 manure in that definition. We're proposing to do
7 that here.

8 And I just want to acknowledge some other
9 feedback that we got in terms of organic waste is
10 already defined in some areas, and so that sort
11 of limits statutory or regulatory confusion to
12 use a term such as biogenic organic waste, so
13 it's easier to differentiate. That's feedback we
14 got. I just wanted to acknowledge that and that
15 we're considering that moving forward.

16 And then finally, and I'll jump back to
17 questions here, is looking at the waste
18 characterization data from 2014. You can see
19 that this is where the organic waste, as we're
20 proposing to define it for 1383, is coming by
21 sector. And you can see, it's 50 percent
22 residential waste was responsible for 10.3
23 million tons, that's about 50 percent. And then
24 it's also important to note that 71 percent of
25 residential waste is organic material, as we're

1 looking to define it in 1383. Commercial waste
2 accounts for about 8 million tons, and that's
3 about 40 percent, 39 percent. And then self-haul
4 is about 2.3 million tons. And this is not
5 inclusive of manure, ADC, AIC, beneficial use,
6 and sludge.

7 I mentioned, we had a draft definition of
8 disposal. We're continuing to take feedback on
9 that, and we'll continue to work with our
10 stakeholders, but we're also working -- and as we
11 also work with the Air Resources Board on
12 defining that further.

13 Just one other piece on this, is that as
14 we're talking about the local collection
15 concepts, I think it's important to note how
16 significant the residential portion is of organic
17 waste. And that's part of why we're looking at
18 targeting residential waste in these concepts.

19 So you can leave it on that page for our
20 online participants. I just want to come back to
21 this slide, and then before taking a few
22 questions, talk about our overall approach.

23 I showed a couple different charts today,
24 looking at how much was disposed in 2014, what
25 the current trend is in terms of disposal

1 increases, what the cap is that we need to reach,
2 and then where the organics are generated. Those
3 are all really critical pieces for how we're
4 developing our approach, so we want to share that
5 with you so folks know, when you see some of
6 these concepts, that's some of the background
7 that we're bringing to this and why we're
8 developing the concepts the way that we are.

9 And today, for each session, you know,
10 this is really -- in February we had some high-
11 level concepts for everyone to review. We're
12 doing a little bit of a deeper dive on some
13 specific subject areas, and we're really looking
14 for feedback on what works, what doesn't work,
15 questions that we haven't thought of, and
16 challenges to think about, additional things
17 moving forward. Ultimately, when we move into
18 draft regulatory language, it will be based on
19 concepts that we're sharing today and the
20 feedback that we're getting, changes that we need
21 to make over the summer and fall before we have
22 draft language.

23 And then before taking questions for a
24 few minutes, then we'll move into the next
25 presentation, I just want to note a couple of

1 questions that we've continued to receive, I want
2 to provide clarity on. The legislation does not
3 put a 75 percent mandate on every single
4 jurisdiction. It's a 75 percent target for the
5 state, that we have to design regulations and
6 programs in order to achieve that target.

7 And the other question is whether or not
8 we're going to account for early action that's
9 taken by jurisdictions, if they're somehow going
10 to be penalized if they take action prior to the
11 regulations taking effect. The simple answer is,
12 no, that's not the case. One is it's a 2014
13 target. So any action that's taken now through
14 anytime in the future moves us closer to where we
15 need to get in 2025. And again, it's not an
16 individual mandate on every jurisdiction. There
17 will be programs for jurisdictions to implement,
18 and that's what we're talking about in a moment.
19 But it's not a jurisdiction mandate, it's not.
20 It's different from the 939 mandate.

21 And then finally, with the disposal
22 definition, we're going to continue to work on
23 that. We're looking for additional feedback from
24 folks on that moving forward.

25 With that, before we move into the next

1 question -- or the next section, I just wanted to
2 see if folks have a few questions. I think we've
3 got about five minutes or so, and then we'll move
4 into the next presentation.

5 Yeah, and please state your name when
6 you're -- with your question. And please do use
7 the microphone for our online participants.

8 MR. HELGET: Chuck Helget, Republic
9 Services. Thank you so much for pulling us all
10 together on this fine day.

11 On your slide five, and this is just a
12 question, when you calculate business as usual,
13 are you calculating that based on the AB 341
14 definition of recycling, or is that based on the
15 AB 939 definition of disposal?

16 MR. BRADY: On this slide?

17 MR. HELGET: Yeah.

18 MR. BRADY: Actually, Evan might jump on
19 this. But this is showing getting -- this is
20 actually not showing recycling versus disposal.
21 The orange is showing where we're projecting
22 based on population growth, what potential
23 generation or organics would be. And the green
24 is showing for organics, where we need to be for
25 1383.

1 MR. HELGET: Okay. So to clarify my
2 point, when we talk about disposal under AB 939,
3 there are a number of items that were --

4 MR. BRADY: So this is not specific as to
5 what's counting as recycling and what's not.
6 This is more just pure tons.

7 MR. HELGET: Okay. So the -- when you --
8 I guess what I'm trying to get at is the organics
9 definition. So the organics, statewide, when you
10 use organics, maybe a better way to ask the
11 question, are you using the definition that
12 you're proposing or are you using the current
13 definition?

14 MR. BRADY: That's using the definition
15 that we're proposing here.

16 MR. HELGET: Okay.

17 MR. BRADY: Any more questions before we
18 move into the first?

19 MR. WHITE: This is Chuck White with
20 Chuck White Consulting. Just two questions, just
21 more for clarification purposes.

22 Was there any consideration given to the
23 different degrees by which organics would
24 generate methane? For example, I think there's
25 quite a bit in the literature that say that for

1 your food rates, readily putrescible waste, would
2 be more likely to produce methane, as opposed to
3 things like lumber which may decades, if not
4 hundreds of thousands of years to ever produce
5 methane, if they produce any methane at all. But
6 everything is lumped together as one material.
7 And I thought the original intent, if I recall,
8 was to get -- put a control on methane that could
9 immediately affect the global warming potential.
10 And I was kind of curious why there wasn't any
11 further segregation, I guess, if you will, of the
12 organic wastes with respect to its methane
13 generating potential?

14 MR. BRADY: Yeah. So I think, let me
15 address that in kind of two parts.

16 The first is what we're proposing to
17 define is organic wastes. And what we've done,
18 in working with ARB, is we've identified
19 materials that do have methane generating
20 potential. We acknowledge that some are more
21 significant than others. For the definition,
22 that's not -- that's kind of -- that's what is
23 organic waste. It doesn't show what we're
24 prioritizing. When we're talking about the
25 concepts, I think it will be a little bit more

1 clear where we're prioritizing our efforts. And
2 as we're developing these, we are considering,
3 okay, food has high potential, and it's also a
4 significant portion of the waste stream.

5 MR. WHITE: But within the overall
6 framework of organics, we may see a greater
7 attention being paid to those food waste items?
8 It makes sense. That makes sense.

9 The second question I have is with the
10 definition of organic waste, and it talks about
11 originating from living organisms. Well, fossil
12 fuels originally came from living organisms,
13 although not currently living. And so I'm not
14 suggesting any change. But I'm wondering if you
15 feel comfortable that the definition you have,
16 where it doesn't say current living organisms, is
17 sufficiently clear to make sure that fossil
18 organics are not included?

19 MR. BRADY: Are you asking that we
20 include plastic in the definition? No.

21 MR. WHITE: I'm not suggesting you
22 include it.

23 MR. BRADY: No.

24 MR. WHITE: I'm just making sure -- I
25 want to make sure it's sufficiently clear.

1 MR. BRADY: Understood. I mean, we'll
2 continue to look at that, if there's reason for
3 clarity. I mean, this is what we're considering
4 organic as the intent of 1383. But, yeah, if
5 there's clarity that can help there, I'd be
6 interested in looking at that.

7 MR. WHITE: I mean, just something,
8 throwing in a word "currently living" might be a
9 way to address it, if this isn't getting down to
10 too much in the weeds.

11 But that's all I had. Thank you.

12 MR. BRADY: And then Art, and then Nick,
13 and then we'll move on.

14 MR. BOONE: Just a couple of questions.
15 On slide five, excuse me, the numbers that are
16 there from the past, are those -- are they based
17 on actual data, or is that a projection of the
18 percentage that's determined -- shown in slide
19 four, projected against the overall waste
20 disposal numbers of earlier years?

21 MR. JOHNSON: Thanks for the question,
22 Arthur. The historical data, this data is actual
23 disposal data that we have. So what you're
24 seeing charted in black there is data. And then
25 in orange, what you're seeing is a projection

1 based on a ten-year historical average of
2 disposal and projecting that out over the next
3 couple of decades. And that's our new, recently
4 updated methodology for disposal projections.
5 And so the amount we project that needs to be
6 removed from landfills, averted from landfills,
7 is the different, obviously, below that.

8 MR. BOONE: So what you just said is that
9 the number, that curvy line, the historical, is a
10 percentage of the gross tonnage disposed based on
11 a more recent analysis, or it's the actual? I
12 missed that.

13 MR. JOHNSON: It's the actual data,
14 historical disposal data.

15 MR. BOONE: Okay.

16 MR. JOHNSON: And it's specific. It's a
17 percentage of historical disposal, specifically
18 representing the organic fraction. So we took
19 the current mix.

20 MR. BOONE: Okay. So I just -- in case
21 people ask me.

22 The second question, on number six, it
23 says at the bottom, "disposal related
24 activities." I'm not quite sure what that means,
25 on slide six. Is that ADC or general coverage?

1 MR. BRADY: That's correct ADC/AIC
2 beneficial reuse. That's AIC/ADC benefit reuse.

3 MR. BOONE: And the other question I
4 asked, is there any -- I'm just looking ahead
5 here to 12, it says, "A collection service that
6 recycles organic waste and is automatically
7 provided to all generators."

8 MR. BRADY: So we're -- that's actually
9 in the next section.

10 MR. BOONE: So hold that?

11 MR. BRADY: -- we're about to present.

12 MR. BOONE: Thank you.

13 MR. BRADY: And I know there's a couple
14 more questions, but we're a little bit over time.
15 So we're going to start on the next presentation,
16 and then we will have a lot of time for questions
17 on that, too.

18 MS. MORGAN: I'm Cara Morgan, for those
19 on the web. I'm part of the 1383 team. And
20 Howard and I will be tag teaming on the local
21 collection concepts.

22 I do want to start off by talking about
23 some of the draft definitions that relate to
24 local collection concepts. And I think as Hank
25 noted, given the requirement of achieving less

1 than 5 million tons of organic waste by 2025, we
2 are looking at developing a regulatory package
3 that is applied broadly. And I think we've said
4 it before, this means, you know, developing a
5 regulation that's a shared responsibility, and
6 applying collection programs to the residential
7 sector, as you saw in the slide, Hank showed that
8 large percentage of the residential sector that
9 contributes to organics, as well as building on
10 the Mandatory Commercial Organics Recycling Law,
11 AB 1826.

12 At the top of this slide, the one that
13 has the generator definition, that is what we
14 shared in February. Below that we've added in
15 the concept document, additional details on what
16 we are looking at with respect to generators. We
17 are proposing to not have a threshold. So unlike
18 the Mandatory Commercial Recycling Law, we are
19 proposing not to have a threshold. We're looking
20 to include both residential, meaning all single-
21 family and multi-family dwellings. As well as
22 with commercial, in the document, we have started
23 to identify what we mean by commercial entities.
24 And this is very broad. It covers both
25 commercial businesses, public entities, from

1 local jurisdictions, school districts,
2 universities, federal state types of agencies.
3 So we are looking for stakeholder input on how we
4 are going to be defining generator.

5 Oh, also, I did want to mention that we
6 did get some feedback from the February workshop
7 with respect to using the term "organic waste
8 generator," since 901 uses the generator term
9 differently. So again, we're open to feedback
10 from stakeholders.

11 Another definition that relates to local
12 collection is what we mean by "mandatory organic
13 waste recycling service." We presented this
14 definition as it is back in February. We didn't
15 receive any comments to revise this definition.
16 So again, if there are comments to revise this,
17 we would appreciate that feedback.

18 The key piece of the concept with this
19 definition is that service would be automatically
20 provided to the generators. This gets away from a
21 business having to call up the hauler and request
22 the service. We're really turning that around.
23 And if you are a generator of organics, just like
24 you might receive trash service, you would start
25 receiving recycling and organics recycling

1 service. So that's really the big difference
2 that we're talking about with this regulatory
3 package, as compared to the existing AB 1828
4 requirements.

5 So as Hank mentioned, later in August and
6 September, we'll be talking about other concepts
7 related to reporting, planning, enforcement,
8 market development, and planning concepts. I do
9 want to reiterate again, you know, with achieving
10 this goal, it is going to be a shared
11 responsibility. So as Howard and I move through
12 the collection concepts, you will see that we're
13 looking at programs that were shared between
14 jurisdictions, generators, haulers, solid waste
15 facilities, when Mark's team speaks, as well as
16 others. We believe that a suite of programmatic
17 components is needed to ensure that organics are
18 collected from all of the generators, and that
19 they are not contaminated. And we'll hit a bit
20 on those concepts.

21 In this particular section of the
22 workshop, we're really focused on providing
23 organics recycling services to every generator of
24 organics in the state, and keeping organic
25 materials clean and recoverable. You'll see, as

1 Howard and I move through these concepts, that we
2 have incorporated feedback that we received from
3 February. And then as we -- after this workshop,
4 when we receive additional concepts we'll
5 continue to assess those and modify and present
6 that feedback at future workshops.

7 One big comment that we received at the
8 February workshop was the concern about stranding
9 assets and existing infrastructure, and we heard
10 that loud and clear. So you'll see that addressed
11 in these concepts. While we want to allow for
12 both source-separated and mixed waste processing
13 collection systems, we want them to result in
14 high recovery rates. So the concepts that we're
15 proposing hit on that, but we did hear that
16 feedback loud and clear.

17 With respect to jurisdictions, what we're
18 looking at, jurisdictions would provide mandatory
19 organics recycling services to all generators of
20 organic waste. Now the jurisdictions might use a
21 combination of approaches. They might utilize
22 their own haulers. In some cases the
23 jurisdiction might provide the service. There
24 might be self-hauling involved. So it would be
25 up to the jurisdiction to design their program

1 and what fits with their infrastructure.

2 CalRecycle's preference is for new
3 programs that are implemented to be source
4 separation, because we expect that that will
5 recreate a cleaner stream of materials. But
6 again, as we heard from stakeholders in February,
7 it's important that we take into account
8 existing infrastructure.

9 So to address that concern, what we're
10 proposing is that jurisdictions be allowed to
11 utilize source-separated collection systems and
12 processing and/or mixed-waste processing systems.
13 Some jurisdictions will have combinations of
14 both, and I'll talk a little bit about that.

15 With respect to mixed-waste processing
16 collection, we are looking at proposing criteria
17 to ensure that the performance of such systems is
18 achieving organics disposal reduction. So as you
19 can see on this slide, we're proposing -- this
20 would mean that a mixed-waste processing system
21 would need to be existing in 2020. Secondly, the
22 system would need to be recovering a specified
23 level of organic waste in 2020 and 2025. So
24 again, for those stakeholders that have those
25 types of systems, we're looking for your input on

1 those concepts.

2 We also wanted to share with stakeholders
3 what we mean by a source-separated program versus
4 a mixed-waste program. And this slide is
5 capturing some of our ideas on that. Our
6 assumption is that with a source-separated
7 collection system, it would create a cleaner
8 stream of organics. Cleaner is relative, I
9 understand. You know, there's still going to be
10 contamination, even with source-separated. So
11 what we think of as source-separated is a system
12 that requires some processing of contamination,
13 but much less than if all of the material is
14 mixed together.

15 When we talk about a mixed-waste system,
16 there might be variations. For example, it might
17 be all solid waste combined and then separated.
18 Some jurisdictions also have AB or wet-dry
19 routing where there's some level of separation,
20 and then that's further processed at a facility.
21 And there might be variations with respect to
22 communities that have recyclables placed in a
23 blue bin, and then organic materials and trash
24 are in another container. There's all kinds of
25 variations, and we want to allow for that

1 flexibility.

2 I think that's about it on that. But
3 again, we're looking for your input on that.

4 Another concept that we are proposing is
5 that jurisdictions would conduct education and
6 outreach to all the generators. This would be to
7 help generators be informed about the organics
8 recycling program in their jurisdiction so that
9 they can fully participate.

10 We would be proposing some minimum level
11 of efforts for education, as well as some
12 specificity. Education could be provided in a
13 variety of methods. There wouldn't be just one
14 single type. And a jurisdiction, excuse me,
15 might take a variety of approaches to education.
16 They might do some of the education themselves.
17 They might utilize their hauler for some of that
18 education. So we want to allow for that
19 flexibility.

20 You'll note on the third bullet, where we
21 talk about bilingual education, we think that
22 this is very important. Environmental justice,
23 as you all know, is a meaningful engagement of
24 all people in the decision-making process. And
25 it effects people wherever they live, work and

1 play. So if any of the organics generators are
2 linguistically isolated, they won't have the
3 information they need in the language that they
4 need it. And as a result, they won't be able to
5 fully participate in the organics programs. So
6 we feel that having bilingual education is going
7 to be critical as we implement 1383 programs.

8 And just to give you one example, for
9 example, if you have a neighborhood that is 60
10 percent linguistically isolated and translation,
11 educational materials are not translated for
12 those generators, that's 60 percent of a
13 population that wouldn't be fully participating,
14 because they don't know about the program.

15 Another aspect of education that we feel
16 is critical is that jurisdictions need to educate
17 generators about placing organics in the proper
18 bins. This will be crucial to the success of
19 reducing contamination, and also ensuring that
20 diversion is happening.

21 We would also -- a concept we're putting
22 out there is that there would be metrics that
23 jurisdictions would have to assess their
24 education, so not just putting out education one
25 time and then letting it be, but assessing if

1 that education is working. Metrics might be
2 tracking contamination in a particular
3 neighborhood. And if there's a high level of
4 contamination, maybe there has to be some new
5 type of targeted education, or maybe the number
6 of generators that are contacted.

7 Some other programmatic components that
8 we're proposing is the implementation of the
9 CALGreen Building Standards. And, you know,
10 since wood waste is a big part of the C&D waste
11 stream, we think that it makes sense to include
12 implementation of the CALGreen standards.

13 For example, this would mean targeting
14 residential and nonresidential construction,
15 additions of a specified side, and having readily
16 available accessible areas for recycling specific
17 organic waste materials, this as CALGreen is now
18 having a 65 percent recycling rate, as well C&D
19 waste management plans. But again, we would want
20 flexibility; the jurisdiction designing a program
21 that kind of works for them.

22 In February, we also posed a concept
23 about ensuring organics recycling is happening in
24 public areas by placing organics recycling bins
25 wherever refuse bins are located. We did receive

1 feedback in February of the challenges with this.
2 And a number of stakeholders asked us that maybe
3 this is a concept not to focus on going forward.
4 So as a result of today's workshop and seeking
5 your feedback, we need feedback on this concept,
6 as well, if this is one that you really don't
7 think should be moved forward or maybe it should
8 come in later in the regulation, et cetera, so
9 we're looking for your feedback.

10 The last bullet deals with how do we
11 focus on other organic materials, textiles,
12 composite paper and such. For example, now I
13 recognize that not all textiles are all organic,
14 so there's obviously a lot of synthetic material.
15 But textiles make a large percentage of the waste
16 stream; over 85 percent of textiles are currently
17 being disposed. In 2014 there was over 1.24
18 million tons of textiles that were disposed.
19 Again, a portion of that is an organic fraction,
20 but we still think that that's a program that we
21 need to have as a part of the mix.

22 With respect to textiles, the residential
23 sector contributed the most, 800,000 tons were
24 disposed, as compared to the commercial sector of
25 370,000 tons.

1 I do want to clarify, also we talked a
2 little bit in February about carpet and the
3 organic part of carpet. And we're not talking
4 about or proposing that carpet be put in the blue
5 bin curbside program, but we would be proposing
6 that jurisdictions participate in the EPR Carpet
7 Stewardship programs. But we want your input and
8 your feedback. And later, when we get to
9 questions, we'll be seeking your input on
10 textiles, composite paper, carpet, and how we can
11 focus on that.

12 At this point, I'm going to pass it to
13 Howard.

14 MR. LEVENSON: Thanks, Cara.

15 And for those on the -- on remote or on
16 the web, this is Howard Levenson from CalRecycle.
17 And I'm going to talk, shift gears a little bit
18 and talk about generators and haulers. Cara has
19 outlined a number of detailed concepts that we
20 are proposing be incorporate into the regulations
21 relative to jurisdiction requirements. But we're
22 already talked a couple of times about doing this
23 as a shared responsibility, since there's no 75
24 mandate on each individual jurisdiction, we feel
25 like we need a suite of programmatic activities

1 and a shared responsibility among a number of
2 entities in order to accomplish this.

3 So we've -- based upon some of the input
4 that we're received since February, we've
5 developed some more specific concepts relative to
6 generators on this slide, and then we'll get to
7 haulers in another slide.

8 We still view that jurisdictions would
9 have a role in ensuring that there's compliance
10 with these elements, but that's something that
11 we'll explore further when talk about enforcement
12 in August-September time frames, so jurisdictions
13 will have a role there.

14 But some of the concepts relative to
15 generators includes making it clear that they'd
16 be expected, any of the generators would be
17 expected to manage organics by a number of
18 different methods, either preventing organics
19 generation in the first place, and that could
20 include recovering edible food, and that's a
21 topic to talk about later this afternoon in this
22 workshop, it could include recycling, and other
23 means of complying with jurisdiction programs.
24 And it also could include, in some cases, back-
25 hauling or self-hauling, but by some means,

1 either reducing generation or recycling the
2 materials, the organics that they are generating.

3 Just as we discussed for jurisdiction
4 programs, the idea of having jurisdictions
5 educate generators about placing the materials,
6 we would make that explicit, that generators are
7 required or would need to place materials in
8 proper bins. And it's our expectation, as I just
9 said, that the jurisdiction program would also
10 focus on this.

11 For jurisdictions that aren't subject to
12 a jurisdiction's purview to their collection
13 department, things like schools and state
14 agencies, those entities would still be expected
15 to do one of these functions, recycling,
16 preventing, back-hauling, something like that,
17 and to subscribe to recycling services, even if
18 they're not within the jurisdiction's overview.
19 They might, indeed, find it more cost effective
20 to subscribe to the jurisdiction's program that's
21 offered.

22 So those are some of the generator
23 concepts. You know, we're looking for feedback
24 on those. Are there additional concepts that we
25 should be considering? Are some of these things

1 that you don't think would work well, or do they
2 need to be tweaked in some manner? So we'll open
3 it up to discussion in a couple of minutes on all
4 of these.

5 We similarly have developed concepts
6 regarding hauler responsibilities, the primary
7 one being that they would have to provide
8 mandatory organics recycling services. Again,
9 based on feedback we got in February, we've
10 incorporated that into these concepts, in
11 particular we've now indicated that the service
12 would not just be about simply offering service,
13 but actually providing it automatically, so
14 that's a major concept there. There still would
15 be the caveat that a generator could still
16 recycle it onsite or back or self-haul the
17 material, or donate it to food recovery. But
18 otherwise, they would be expected to -- the
19 hauler would be expected to provide that service,
20 and the generator would be expected to avail
21 itself of that.

22 Some other requirements that we're --
23 some other concepts that we're thinking about
24 including, that haulers collecting source-
25 separated organics would need to take the organic

1 waste materials to an appropriate facility to
2 make sure that it is handled appropriately. If
3 they have mixed waste, haulers would need to take
4 it to a facility that's meeting the specified
5 recovery rates that Cara talked about a couple
6 slides ago, the idea that, excuse me, we
7 recognize that some mixed-waste facilities are
8 going to continue to exist, but we want to ramp
9 up the performance and have them meet specified
10 recovery rates, but the haulers would have to
11 take it to facilities that are performing at that
12 level.

13 We also received input at the May
14 workshop about another concept, the idea that a
15 hauler could partner with another company to
16 collect or de-package waste, in other words, the
17 hauler doesn't have to do it all; it would be
18 okay for them to use another company that's
19 better suited to de-packaging organic material,
20 such as bagged salad. Ultimately, if there is a
21 franchise, it's likely that it would need to be
22 the hauler that partners with such a company and
23 not the reverse, with a generator partnering with
24 that de-packager.

25 So those are some of the hauler concepts.

1 One additional, if I can get the clicker
2 to work here, are that we want to explore with
3 haulers is the idea of dealing with
4 contamination. Contamination, we think, is going
5 to be key in ensuring that there are marketable
6 organics materials. So this concept would ensure
7 that any hauler of organic material is monitoring
8 contamination, taking action, if that needed,
9 reporting to the jurisdiction, and measuring its
10 effectiveness with some kind of metrics. And
11 again, this would be -- and our concept would
12 involve having a jurisdiction-approved program so
13 that this is very explicit and clear to all
14 parties involved.

15 Now what we've done, in the next two
16 slides, is just ask a bunch of questions. And
17 I'm not going to read all of these, but they
18 are -- in general, we want to hear from you on do
19 you think certain of these concepts that we've
20 outlined today are good or they need fine tuning?
21 If you think they need fine tuning, what would
22 you suggest? Or if you think they wouldn't work,
23 why wouldn't they work and what alternatives
24 would you suggest?

25 So there's a number of -- there's about

1 ten questions on these two slides. Do they help
2 ensure the generators source reduce and the
3 maximum amount of organics is recovered on down
4 the line? These are questions about all the
5 concepts that we have put forth so far this
6 morning. What would be appropriate performance
7 standards for allowing mixed-waste processing?

8 Similarly, Cara talked about, in the
9 education realm, of having some requirements for
10 bilingual education. How can we determine when
11 that is needed? Is there some kind of
12 appropriate threshold based on percentage of
13 speakers of a certain language in a given
14 jurisdiction?

15 How can we manage other organics? We
16 certainly recognize the issue that Chuck raised
17 about prioritizing. But right now we're looking
18 at how much can we get, and we're trying to
19 maximize that. So we want to get ideas on are
20 there other programs that jurisdictions can
21 implement to ensure that things like composite
22 papers and the natural components of textiles are
23 collected from the waste stream. Should large
24 quantity generators be required to recycle
25 textiles, like prisons and hospitals?

1 So those are some of the questions we
2 have.

3 So we're going to open it up now to --
4 we're not going to go through these questions one
5 by one, but rather seek your input on all the
6 concepts that we presented today. But those are
7 hopefully some questions that can help shape your
8 thinking on these concepts.

9 So I think now we will just go to hearing
10 your input, and that's really what we have. We
11 have until 11:45, so we have roughly almost an
12 hour to go back and forth on these concepts. And
13 we have a number of folks on the web. So we'll
14 go around the room for a while, but then we'll --
15 if we get questions from the web, we'll shoot
16 there. So remember, please identify yourself and
17 your affiliation, so everyone knows who you are.

18 MS. STEIN: Hi. My name is Toni Stein.
19 And I work with for Environmental Health Trust,
20 EHT.

21 I really appreciated your presentation,
22 to start with. My hope is that health and safety
23 are put at the forefront of the objectives and
24 goals of the projects that we're working on here,
25 health and safety. And I say that because if you

1 go back to that slide that we all kept asking
2 questions about, five or something, if you could
3 run it back there, we see that where we are now,
4 and there's going to be a step -- dive down -- if
5 you could go back to, I think it was five, slide
6 five -- we're taking a dive down from where we
7 are now. And the thing that I want to emphasize
8 is that in that process of change, which we're
9 going to be doing, we, in the environment work,
10 have for many years worked to -- and I specify,
11 Air and Waste Management Association, AWMA, has
12 really emphasized that there shall not be a jump
13 to change the emissions to another part, that we
14 don't go from trying to reduce the air emissions
15 to creating another mess, either in water or
16 land.

17 And in that step down, I really hope that
18 you're -- I don't see here, and I hope that
19 you're conferring, at the last meeting we had
20 someone from air, but that we make sure that we
21 bring in the people from water and the POTWs, and
22 people from the land, that we're not going to
23 create another mess after we fix this mess.

24 And so I want to emphasize that, that we
25 try not to do that. And the way we try not to do

1 that is by working with those folks in water
2 quality, because we know already, 50 percent of
3 what we're collecting, if it's on the food side,
4 is going to turn to water, and we're going to
5 have to put it somewhere. So we really need
6 their input at the front end, not afterwards, and
7 that's number one.

8 So the other thing I want to emphasize is
9 I appreciated you saying that we want
10 flexibility, and to create design and be creative
11 in our thought process of moving to this dive.
12 But I want to emphasize that in the environmental
13 world, we have created a lot of thought processes
14 and standards and codes. And I emphasize, as I
15 did at the last meeting, ISO 14000 has already
16 been established, and that we work within the
17 realm of it, and that we educate those, our
18 generators, to understand ISO 14000 and to come
19 up with e-mass or EMS plans, as it's been
20 designed already, that we not recreate some other
21 wheel. This wheel has been created. And that we
22 require all of our generators to come up with
23 plans in the standards that we have already
24 established, EMS and e-mass and ISO 14000 series,
25 not just the 1465 for air, that we look at all

1 the impacts in the 14000 series. So I just want
2 to emphasize that.

3 The other thing, and I've spoken too
4 much, but on the side of health and safety, as
5 we've seen with other code development by our
6 state, especially electrical code and building
7 code, those have set standards for all counties
8 and cities. They're important, that we have
9 codes for being able to work with each other,
10 that there needs to be some -- sorry, excuse me.
11 There needs to be some -- that we all work on the
12 same page.

13 The health and safety aspects, I just
14 want one more thing, is --

15 MR. LEVENSON: Okay. We kind of -- I
16 think we need to --

17 MS. STEIN: -- yeah, close it --

18 MR. LEVENSON: -- close your comments.

19 MS. STEIN: -- is that -- on health and
20 safety in codes. We've always pointed to schools
21 and hospitals as really, really important on
22 health and safety. And I would like to see that
23 we not have schools as an afterthought, as they
24 sort of stand now, in our bin configurations and
25 who's going to fund it, unfunded mandates, that

1 we think through it and make it important.

2 Because the health and safety of our children and
3 their moving this forward is so important.

4 Thank you very much.

5 MR. LEVENSON: Thanks Toni. I do want to
6 point out or indicate that we are in constant
7 communication with the Air Board. We are
8 developing this entire effort in consultation
9 with the Air Board, the Water Board, in fact the
10 Board is over on the corner there. We've got Air
11 Board and Water Board, several Staff in here, all
12 around. You're surrounded.

13 Also, certainly we have state minimum
14 standards for the handling of these materials.
15 All of that is going to be paramount in our
16 considerations when we get to the actual
17 regulatory language to ensure those kinds of
18 things. The ideas that you've put forth about
19 ISO 14000 and some of the other ideas, those are
20 things we can talk about and see, so appreciate
21 that.

22 Whoever is next. Marshalle, you're the
23 controller of the mic.

24 MR. ASTOR: Hi. I'm Kelly Astor with the
25 CRRC, although what I'm about to say is not

1 necessarily indicative of any official position
2 that they may have.

3 First of all, with regard to mixed-waste
4 processing, I was overjoyed to hear Cara talk
5 about how meaningful those stakeholder comments
6 were received by -- how meaningfully they were
7 received by you. I will say, though, I hope your
8 50 percent performance standard is just
9 illustrative, it's not something that you're
10 wedded to, because there is no such thing as a
11 mixed-waste system that delivers that kind of
12 performance on a per-ton basis. But stranded
13 investment remains, I know for my clients, a
14 significant consideration here.

15 I also wanted to mention that it's a
16 little bit ironic that you identify mandatory
17 recycling as a hauler concept. For about 35
18 years, I've been negotiating franchise agreements
19 with local jurisdiction. And I can tell you,
20 there's no such thing as mandatory service
21 imposed by a hauler. It takes the local
22 government to authorize that step by a code
23 modification. And you won't find a hauler that
24 doesn't embrace the idea of mandatory service on
25 both the solid waste and the recycling side.

1 You're going to need both. You can't impose a
2 mandatory recycling requirement that's not
3 tethered to a mandatory waste collection service
4 component.

5 So those are my thoughts right now,
6 except that also under Hauler concepts, you
7 mentioned or you alluded to some requirement that
8 haulers would be required to patronize only those
9 facilities that perform at a certain level.
10 That's another pathway toward getting to the
11 stranded investment issue. A lot of haulers use
12 the open market to find a destination for their
13 materials, but many others have self-financed.
14 So it would be a hell of an outcome if a
15 particular hauler were compelled not to patronize
16 their own facility. Those facilities tend to be
17 built primarily in reliance on the waste coming
18 from the person organizing the facility and
19 operating it, although all of them do make some
20 allowance for additional tons coming in.

21 So just some thoughts there.

22 MR. LAPIS: Good morning. Nick Lapis of
23 Californians Against Waste. A couple of quick
24 comments.

25 First of all, something we've noticed in

1 the implementation of AB 1826 is that people are
2 subscribing to service for back-of-house pre-
3 consumer materials, but ignoring the front of the
4 house post-consumer materials. I think that's
5 something you would need to figure out in this
6 rulemaking. There are a lot of public-facing
7 venues and large restaurants and et cetera that
8 think that they're in compliance with 1826 by
9 having a pre-consumer collection.

10 The only other thing I'm going to add is
11 the same message I made at the last workshop.
12 There's got to be some level of enforcement that
13 happens from CalRecycle to large generators that
14 are in multiple jurisdictions. And I don't know
15 if it's some kind of combined enforcement with
16 local jurisdictions or what. But if you have
17 every local government trying to reach out to
18 every single Olive Garden, that might work with
19 each individual manager. But ultimately,
20 CalRecycle should call the corporate counsel for
21 Olive Garden and tell them they're violating the
22 law, not to mention the big government
23 institutions, like schools, prisons, hospitals.

24 MR. LEVENSON: And, Nick, we'll note
25 that. I'm sure that that's something that will

1 come up when we talk about enforcement, you know,
2 at the next round of workshops.

3 We do, as part of 1826, we do reach out
4 to corporate, but we don't have an enforcement
5 lever at this point, so --

6 MS. EVANS: Hi. I'm Erin Evans with the
7 League of California Cities. A couple of
8 comments here.

9 First of all, we really appreciate the
10 model of having certain requirements set, and
11 then allowing the local jurisdictions the
12 flexibility to design programs that work locally.

13 A couple of comments, first related to
14 collection in public places. This is going to be
15 a major, major challenge. It's hard to emphasize
16 that enough. Even if we just think about a day
17 like today in this type of heat, we're probably
18 talking about multiple collections daily, and
19 that's something that just is unlikely to be
20 workable. So I would urge you to at least rethink
21 that proposal.

22 Second, related to the mixed-waste
23 facility requirement that the facility has to
24 separate 50 percent of organics, we've got some
25 hesitation there, too. First of all, there's,

1 frankly, insufficient infrastructure to get us to
2 the goal in place today. And so building on what
3 Mr. Astor said if that standard is unworkable
4 today, then where do we take these materials? So
5 that would be a major concern, as well.

6 And then finally, just to get a little
7 bit more clarity on the CALGreen proposal, can
8 you explain? I'm a little confused on that, I
9 think. Are we talking about sort of space in
10 buildings for additional bins, or are we talking
11 about wood, in particular, or a little of both?

12 MS. MORGAN: A little bit of both, so two
13 separate concepts. The recycling aspect of
14 CALGreen would be implementing that recovery,
15 that recycling of the wood waste. The space
16 allocation is a separate aspect of CALGreen, and
17 that would be a new construction, ensuring that
18 there's adequate space for the recycling
19 containers that are needed. So the bullet kind
20 of has it all together, but they're different and
21 distinct.

22 And thanks so much for being here.

23 MR. HILTON: Good morning. Rob Hilton,
24 HF&H Consultants. Great presentation. Thank
25 you. I think you've covered the waterfront and

1 then some. Just three quick comments.

2 I would echo the comments on public space
3 organics. We have a heck of a time with this
4 with just basic bottles and cans right now.
5 Getting organics separated accurately and not
6 creating a big contamination problem is going to
7 be expensive and it's going to be logistically
8 very challenging, and I think it's sort of low on
9 the priority list.

10 I'm curious about -- you've got a 2020
11 goal for mixed-waste processing, whether it's 50
12 percent or something else, but the regs don't
13 take effect until 2020. So I'm curious how that
14 reconciles.

15 And then I'm probably most concerned
16 about the concept of automatically provided to
17 the generator, because I've tried that in the
18 past and I've had a number of the haulers in this
19 room point out to me that you need customers to
20 speck a certain size of container before you
21 order those containers. And if we just say we're
22 going to throw a bunch of 64 gallon carts out at
23 every business, we're going to have a lot of
24 inventory returned after it's been purchased, and
25 then have to buy new inventory. So I like the

1 concept that everybody has to have the container.
2 I think we need to be thoughtful about what you
3 mean about automatically provided and allowing
4 each agency to be thoughtful about that, so we
5 spend our dollars wisely. Thank you.

6 MS. MORGAN: Rob, thank you so much. You
7 know, that certainly would be our intent when we
8 talk about automatically providing the service.
9 That would be, you know, the hauler knowing what
10 that entity needs. That probably might be --
11 might have to be a call, onsite visit, et cetera.
12 So we're not saying, you know, every business
13 automatically gets X. It really does need to be
14 to meet the generators needs. And I think we
15 tried to do that on the slide where we talk about
16 that the service level needs to meet the
17 generators needs, so that's definitely our
18 intent. So if there's any language that you
19 think we need to have to make that more clear, we
20 would like to do so.

21 And then, hang on.

22 MR. BRADY: Yeah. Thanks Rob. On the
23 2020, we'll take a closer look at that. I mean,
24 what we were sharing is more the concept that
25 there's some level of performance standards. In

1 2020 and 2025 the legislation has 50 and 75
2 percent, so that was kind of the example we were
3 giving. But that's what we're looking for
4 feedback on terms of what that level should be.
5 I would just note, you know, looking back at
6 where organics are generated, at the residential
7 side there's -- that's where 50 percent of it's
8 coming from. If we're achieving less than 50
9 percent recovery on the residential side then, by
10 definition, we can't get to less than 25 percent
11 of organics disposed in 2025. So that's a little
12 bit of what we're grappling with here.

13 MR. THEROUX: Good morning. Michael
14 Theroux, JDMT.

15 MR. BRADY: One sec.

16 MR. THEROUX: Thank you for the work --

17 MR. BRADY: One sec, Mike. One sec. I
18 just want to know, we've got three of four hands
19 in the audience. I know we have at least eight
20 questions online. So we'll go three of four more
21 in the room, and then we'll shift over to the
22 remote, and then we'll come back.

23 MR. THEROUX: Good. It also occurs to me
24 that when we ask our questions, we probably need
25 to put them in writing and send them in, as well.

1 It's hard to get everything down.

2 First, whenever we work on the ground in
3 food waste management, it's not just food waste.
4 It's food-to-food waste. It's a supply chain
5 question. And in order to change one element in
6 the supply chain, you have to look at what the
7 rest of the supply chain is. And that supply
8 chain crosses over jurisdictional boundaries,
9 almost always. You're importing things in.
10 You're exporting things out.

11 So I would ask that you consider, not so
12 much the LCA approach, the life cycle assessment
13 approach, but that you are requesting us to
14 change, one element of a supply chain in each
15 location, and then that impacts upstream and
16 downstream. There's a lot to that.

17 The second point, going back to your
18 comments, ma'am, recently John Hopkins did an
19 assessment of food waste. And the thing that
20 they focused on is the fact that we're throwing
21 away nutrients. And in working with that
22 document on the ground, what I find is that there
23 are two different audiences, two different groups
24 of people that we need to talk to. On one hand,
25 we're talking with the folks that we're

1 comfortable with, with waste management and
2 generation and disposal and such. The other side
3 are the clinics and the health services, and
4 they've got a completely different perspective on
5 it. And as soon as we bite into working with
6 food rescue and food redistribution and the
7 edibility of those materials, we're talking to
8 the dieticians and the nutritionists at the
9 clinics, completely different audience.

10 So I would ask that you think about, when
11 you step into a municipality, a jurisdiction of
12 some form, that that aspect be taken into account
13 in terms of what it is that we're actually
14 recovering and where it needs to go.

15 Thank you.

16 MR. LEVENSON: Sure. And let's take
17 Chuck and Art and Chuck, either order. And then
18 I'm going to go to remote.

19 Just one comment on what Michael just
20 said. I think, you know, some of the ideas
21 that -- say working with dieticians on food
22 issues, those may not be something germane to the
23 regulations, but it's something we can work on,
24 also, with other entities. We are working with
25 OPR on reaching out to the entire community,

1 medical community and others, who are interested
2 in kind of better food services.

3 MR. BRADY: Sorry. Just before you share
4 your wisdom with us, Chuck, I just wanted to --
5 you had a comment about submitting in writing. I
6 forgot to mention, for the future workshops, we
7 will want to try and revisit some of the feedback
8 that we have. But for the August workshop, I'm
9 asking that folks submit comments in writing by
10 July 21st, so that we have an opportunity to
11 review that. And then we can take that into
12 consideration and tackle those in the August
13 workshop, as well.

14 MR. HELGET: Chuck Helget with Republic
15 Services.

16 On a side note, it was very nice of Cara
17 to thank Erin for attending a workshop. But I
18 would note that I don't think anyone has ever
19 thanked me for attending a workshop.

20 MS. MORGAN: Thank you, Chuck. And thank
21 you all, truly. I mean, this really is a
22 collaborative effort, and we're grateful for each
23 of you and your feedback.

24 MR. HELGET: My self-esteem is way up
25 now.

1 Slide 12, what do you mean by opt-out
2 provision for generators? You say that you
3 require it, sir, but it provided to all
4 generators of organic waste with opt-out
5 provisions for generators that are already
6 recycling.

7 MR. LEVENSON: For example, if somebody
8 was already -- was self-hauling or donating and
9 taking care of all of their organics, they
10 wouldn't need to have a service.

11 Excuse me, Art. You'll get your chance.

12 MR. BOONE: Back to slide 11, please, at
13 the top.

14 A generator means a public or private
15 entity that is responsible for the initial
16 creation of solid waste, organics and recyclable
17 materials. Are organics that are set aside for
18 composting is solid waste or not? If you look at
19 the definition of recycling, 40180, I think it
20 is, materials that are set aside that would
21 otherwise become solid waste. That was done in
22 1989. Anything that people keep separate from
23 the garbage is not a solid waste. You guys are
24 treating source-separated organics like they are
25 garbage. That's the way I read this.

1 Local agencies are going to use this to
2 prevent compost yard supply, we have steel mill
3 supply. We have glass plant supply, but we don't
4 have compost yard supply. Because the way you all
5 think about this, you think of it as a solid
6 waste, even though 40180 says if it's kept
7 separate, which means not put in the garbage, it
8 otherwise becomes solid waste, it's, in fact, a
9 recyclable material. Is organics recyclable or is
10 it a solid waste? I think we're going to end up
11 in court on that question if you all don't be
12 clear about it. First question -- statement.

13 Second question has to do with mixed-
14 waste processing. I don't think anybody knows.
15 We remember the Rodelle (phonetic) project up in
16 Portland. They were going to do a source -- they
17 were going to do a mixed-waste processing. That
18 blew up. It is now closed. There's a bunch of
19 plants around the country that have run, that now
20 closed.

21 Michael Gross has a very interesting
22 project in San Jose that does a lot of
23 interesting stuff, especially at Zanker, at
24 Gilroy. You need to look at what they're doing
25 and at the machines that they're using when you

1 develop performance requirements. I'm not sure
2 that mixed-waste processing isn't going to work
3 in the long run. I don't think it's going to
4 work in the short run.

5 To that end, I am in the process of suing
6 Waste Management of Alameda County that wants to
7 sue -- wants to site a mixed-waste processing
8 facility at Davis Retransfer Station, an area of
9 serious nonattainment in air quality. And the
10 question that kept coming up at the discussions
11 from the people who are voting, who ended up
12 voting in favor of this process, is will people
13 do the source separation work if they know that
14 somebody is going to sort their garbage to take
15 it out at another point? And that matter, to my
16 knowledge, has not been addressed at all by
17 anything that I've seen up on the screen yet.
18 What's the public going to do?

19 The other question is: Who's going to
20 pay for the mixed-waste processing? Will the
21 local governments insist that that's an added
22 service and the public, if you want to have
23 somebody sort your garbage, fine with me? I can
24 have somebody brush my teeth every day, come in
25 and do it at my house, but I should be paying for

1 that.

2 Got it?

3 MR. BLOCK: All right. We'll start with
4 the first question first.

5 Anything we -- these are concepts. This
6 is not regulatory language. Clearly anything we
7 come up with will be consistent with the
8 definitions in the statute. You just wanted to
9 hear me say it?

10 MR. BOONE: (Off mic.) (Indiscernible.)

11 MR. BLOCK: Understood. We will be
12 consistent with the statutory requirements.

13 MR. BOONE: Thank you.

14 MR. BLOCK: I'm lost on the other parts.

15 MR. BRADY: Just on the -- I think it was
16 reiterated earlier on automatically providing
17 service, that it's -- I think your question is
18 whether the jurisdiction would just offer it and
19 then it's sufficient. We're looking at the
20 service needs to be provided.

21 MR. LEVENSON: Okay. Let's go ahead and
22 take one more. Go ahead, Matt. And then I'm
23 going to go to the questions that we've gotten,
24 and then we'll just circle back into the room.

25 MR. COTTON: Thanks Howard. And I don't

1 know if this is just because I was in Palm
2 Springs that last couple of days, and it feels so
3 nice and cool out here today in Sacramento. I
4 wore the wool suit because I'm just coming to
5 Sacramento. It was 122 on Monday. So it might
6 have gone to my head.

7 I just want to -- I guess my question, to
8 focus on that, is there any chance for a role for
9 a BMP guy from CalRecycle? Again, we're not
10 getting anything -- we're not likely to get much
11 more nationally on this stuff. There's a lot of
12 issues to deal with, where the containers go, and
13 how the contracts have to look, and what
14 materials we accept. Because I hear a lot of
15 negative questions and issues brought up today,
16 which always sound to my brain, and again, maybe
17 it's the heat and the blood, it sounds like I
18 don't want to do it. But all of these issues
19 that I've heard today have been done elsewhere,
20 from the biggest city to the smallest
21 jurisdiction. We know how to do all this stuff.
22 We have answers for all these things. We know
23 how to adjust the contracts. We know how to fit
24 the bins in. Cities make stuff work. So when
25 you hear, I don't have room for the bins, I don't

1 want to do this, I don't have the right
2 processing system, just think about it as I don't
3 want to do it.

4 But, you know, the governor has been
5 really clear about this. We're going this way,
6 the train is leaving. You can be -- you can
7 complain about that, but that's where the train
8 is going. So I just want to provide some -- a
9 little bit of optimism. Yeah, this is hard.
10 It's a big lift. It's a long way to go. It
11 doesn't feel like being here in 1990 with AB 939.
12 This is an equal or equal or greater lift than
13 that. But we know how to do it, we can do it.
14 We have to want to do it. We have to figure out
15 how to do it. The laws and regs are clear.

16 I want to make one -- so just for that,
17 when you hear some of that stuff, just try to
18 translate that to I don't want to do it, because
19 I get a lot of I-don't-want-to-do-it out there.
20 Now there's plenty of people doing it, and we
21 know how to do it, and I teach people how to do
22 it.

23 MR. LEVENSON: Just before you go onto
24 your other point, two things. One is, if you
25 have information that you think is supportive,

1 and this goes for anybody, is supportive of any
2 of these concepts, we would like to get that,
3 because we need documentation that things can be
4 done, what they might cost, things like that.

5 Secondly, whenever we do finish the
6 regulations we will, as we do with all of our
7 regulatory package, we will have various guidance
8 documents, Q&As, training sessions, and so on,
9 whether that becomes a P&P guide or something,
10 and we can think about that. But there are
11 opportunities for exploring that, as well.

12 MR. COTTON: And maybe it's more the role
13 of, I don't know, CRRRA, Rob, something like that,
14 to go out and give guidance on these things. We
15 know how these programs work, rather than whining
16 about how challenging it can be. It's hard. If
17 it was easy, we would have already have done it
18 already.

19 My concern, though, and maybe, Cara, this
20 gets to you with this CALGreen stuff which I
21 mostly avoid, but having stood in the shadow of
22 the Colmac Energy Plant on Monday, which is
23 currently operating and taking a lot of wood in,
24 but won't be shortly, we've got a lot of wood out
25 there and I don't hear enough. And maybe that's

1 not enough of your purview, but we better figure
2 out something before we incentivize a lot more
3 wood out of the waste stream, because there's --
4 we're making a lot of piles of it.

5 And, Scott -- oh, Scott left. Oh, this
6 was such -- I can't believe the Water Board left.

7 UNIDENTIFIED FEMALE: (Off mic.) Hi.
8 I'm from the Water Board.

9 MR. COTTON: Sorry. I didn't recognize
10 you. I was looking for Scott.

11 UNIDENTIFIED FEMALE: Because I don't
12 look anything like Scott.

13 MR. COTTON: You don't. No. Thank you
14 for that.

15 MR. LEVENSON: Okay. Let's --

16 MR. COTTON: I appreciate that. There is
17 that, so a round of applause for that. But Scott
18 is a sharp dresser, to his credit.

19 Because what the imminent demise, the
20 ongoing demise of the biomass industry is going
21 to mean, and I'm not going to argue for saving
22 it, because we're not going to save it, it's not
23 going to be here, what's the going to mean is a
24 lot of this stuff is going to direct-land
25 application. It already is, and it's growing.

1 We're not tracking it. The LEAs aren't prepared
2 to handle it. We don't know where it's going.
3 And I don't know who's keeping an eye on the
4 store, but the thousands of tons that go to
5 biomass every day are going somewhere else right
6 now.

7 And some of that gets to Toni's points
8 about health and safety, some of it gets about
9 illegal dumping. I know we're talking about it,
10 but it's a bigger thing that's happening right
11 now, not in 2020, not in '25, 2025, but today.

12 So whatever that means to maybe bring
13 that up at your next 1045 meeting, next time you
14 talk to the powers that be at CalEPA, we need to
15 bring up something. Because that's -- we could
16 graph -- we should have the graph up there of
17 these plants closing and the tons that are
18 displaced, because they're real and they're
19 significant, so --

20 MR. WHITE: (Off mic.) (Indiscernible.)

21 MR. LEVENSON: Well, that's
22 encouragement, Chuck.

23 MR. JOHNSON: So I just want to comment
24 that we have a couple of things. The biomass
25 reporting that's been in place for the past

1 couple years and that will continue to be in
2 place should give us a clear picture on what
3 fuels are coming into biomass facilities and what
4 the trends will be. And I think that will be
5 very instructive. Certainly, CalRecycle sits on
6 the Tree Mortality Task Force, as well. And it's
7 part of the conversations that led to the
8 procurement requirements for biomass energy on
9 the utilities. But, of course, that was focused
10 on tree mortality material, and it may displace
11 urban material, and I think that's a real
12 concern.

13 And so I appreciate you raising it. And
14 I think we've got it on our radar. And you're
15 right, it should be a significant conversation,
16 so thanks.

17 MR. BRADY: The only other thing I would
18 add on that is just contingent on the state
19 budget, we are -- we're doing another waste
20 characterization study in 2018. That's not going
21 to capture where all of the wood is, but it will
22 give us data to compare between 2014 and 2018 and
23 see if that's impacting and increasing the amount
24 of wood that's going into landfills, as well.

25 MR. LEVENSON: Matt, no. You need to

1 have the microphone. And I also want to go to
2 the remote. Those folks deserve and opportunity,
3 as well. So quick response.

4 MR. COTTON: All I'm going to say is it's
5 not going to landfill. That's the point. It's
6 not going to show up in that report because it's
7 going elsewhere. It's not going to landfill but
8 it's not going to the biomass plant, so where is
9 it going?

10 MR. LEVENSON: Okay. What I want to do
11 now, Chris, if -- he has to read these questions
12 off. If you can kind of -- don't read them
13 verbatim if they're five pages long. Try to
14 consolidate them, if you can, and give us the
15 gist. Yeah, one at a time.

16 MR. BRIA: Okay. Regarding construction
17 demolition waste -- oh, yeah. Candace Rousslet
18 with the Department of Public Works and
19 Facilities, County of Placer.

20 "Regarding construction demolition waste
21 recycling, CALGreen, historically, contractors
22 and developers are required to recycle 50 percent
23 or more of construction waste (indiscernible) 65.
24 Would this proposal require Waste Management
25 Authorities to achieve 65 percent or more

1 diversion rate when an authority receives a mixed
2 waste as a high percentage to recycle?"

3 MS. MORGAN: Yes. That is a concept
4 we're proposing, that we would be looking for 65
5 percent recovery rate or recycle rate.

6 MR. BRADY: Just one point to clarify on
7 that is that we are not looking to establish our
8 own building standards. We are looking to just
9 reflect what's in the adopted BSC standards,
10 reflect that in our regulations.

11 MS. MORGAN: And I think to add to that,
12 we would be looking at as the CALGreen Building
13 Standards change over time, for example, January
14 1, 2017 just set the new requirements with 65
15 percent recycling, we would be creating it so
16 it's flexibility, so that as CALGreen changes,
17 that would then be what the new requirement is;
18 right?

19 MR. BRIA: While we're on the subject of
20 building materials, this is from Lauren
21 Rosenberger (phonetic).
22 "Many building materials, wood coatings,
23 finishes, and carpets are too toxic to incinerate
24 and compost. It will poison the compost. Should
25 give incentives for constructing new buildings

1 with natural materials. Call me." Left a
2 number.

3 MR. LEVENSON: Thank you.

4 MR. BRIA: Okay.

5 MR. LEVENSON: Does any of that have a
6 common theme, if you can boil them together?

7 MR. BRIA: Yeah. That's what I was
8 trying to do. Okay.

9 Next, this is regarding preprocessing of
10 organics to make a slurry for digesters. The
11 question is -- oh, Spencer Morgan, Sacramento
12 County Department of Waste Management Recycling.

13 The question is: "Will the residual
14 solids, organic fibers and contaminants after
15 organics are pressed be considered organics going
16 to the landfill? The tonnage from this material
17 could still be significant."

18 MR. BRADY: Yes. Residual organics that
19 would end up in a landfill would be considered to
20 have been disposed in the landfill.

21 MR. BRIA: Okay. This is from Chad
22 White, Planning and Climate Protection, Bay Area
23 Air Quality Management District.

24 "Has CalRecycle received a comment or
25 otherwise considered compostable packaging as one

1 of the items listed as part of its organic waste
2 definition? There's mention of applicable
3 textiles and carpets, so it seems as if the door
4 has been opened for industrial, processed
5 materials that were once biologic. That said,
6 cracking that door could mean a variety of things
7 could be included."

8 MR. JOHNSON: I'm taking a careful look
9 at the definition before I answer.

10 You know, I think that, you know,
11 anything organic in nature falls into that
12 category. And so you've got -- if you have
13 bioplastics or material that is organic in
14 organic in origin or recently deceased material
15 organic in origin, that that would fall into that
16 category. That being said, we do recognize that
17 presents some challenges. So we welcome comments
18 on that front. I know that came up at our first
19 workshop early on, but we haven't heard more on
20 that, so we certainly welcome comments on that in
21 that direction.

22 MR. BRIA: There was a chart that
23 showed -- oh, Bill Worrell, San Luis Obispo
24 County Integrated Waste Management Authority.

25 "There was a chart that showed organic

1 disposal in 2014. Does organic disposal in 2014
2 include ADC that was organic material, such as
3 green waste?"

4 MR. BRADY: The question is if the chart
5 on page -- on slide five is inclusive of green
6 waste that was used as ADC, if that's counting
7 that as disposal? I think the original draft,
8 that was before worked with ARB on what we're
9 considering to be a disposal or non-disposal, so
10 that was based primarily on disposal coming from
11 the waste characterization study. So that would
12 not be inclusive of ADC as we further refine how
13 we're defining disposal for the purposes of 1383,
14 also, as well as being consistent with AB 1594
15 which considers green waste to be disposed -- ADC
16 to be disposal in 2020. That's something that
17 we'll continue to refine. But that chart was one
18 that we developed in February, prior to that.

19 So just wanted to acknowledge, we're
20 continuing to work on that but that it's not a
21 significant tonnage change when we do that.

22 MR. BRIA: Okay. This is from Mark
23 Rappaport (phonetic), Public Works Department,
24 Folsom.

25 "Probably already on the list, but if

1 organic waste is defined as solid waste, it will
2 fall under franchise agreements and make it more
3 difficult to implement a shared responsibility."

4 MR. BRADY: Duly noted. Duly noted.

5 MR. BRIA: Okay. This is a comment on
6 slide 18 from Wanda Redic, City of Oakland,
7 Public Works Department.

8 "The generator slide mentions
9 landlord/property owner may not prevent lessees
10 from recycling. It will really be helpful to
11 expand this list to include property managers and
12 condo associations or boards."

13 And the last one, also from Mark
14 Rappaport, City of Folsom, a comment on slide 16.

15 "Don't you mean multilingual versus
16 bilingual? And what would be the minimum
17 criteria?"

18 MR. LEVENSON: Thanks, Mark. We would
19 appreciate your suggestions on what criteria
20 might be appropriate, and whether it's bilingual,
21 multilingual or what will work, what's effective.
22 Okay.

23 Now we'll come back to the room. I know
24 we have Evan in the back. You're in charge, but
25 get folks who haven't spoken.

1 MR. E. EDGAR: Evan Edgar, Edgar
2 Associates. Thanks for the inspiration, Matt.
3 That was night.

4 We're here today on 1383 because it
5 covers all the sectors. And we're adopting
6 regulations that will be -- next year in 2018 to
7 send a signal to 2022. So that's good to send
8 those signals for what could happen in 2022. But
9 what's in front of us is the commercial sector.
10 It's only 37 percent from that last chart, but
11 it's an important sector.

12 Years ago I tried to encourage CalRecycle
13 to have regulations for AB 1828 to send the same
14 type of signal we need today. And to not have
15 that, or having BMPs or not having regulations,
16 is important.

17 So one of the things that was disturbing
18 that Howard said just recently is that they don't
19 have an enforcement lever for 1826, and that's
20 the problem we have here today. I know that 1383
21 will leapfrog into 2022 and 2025. But the
22 problem we have today in the organics sector is
23 that we have 1826 today. We have thresholds
24 today.

25 It would be really nice to take all the

1 comments you have on the collection concepts, put
2 it in an 1826 package, adopt them in 2018 so that
3 we have them in 2019 for the next threshold for
4 the fast -- any sit-down fast food restaurant
5 chain will fall into the four cubic yards of MSW
6 in 2019. We need that signal. We need that
7 enforcement. We need some levers in order to
8 encourage collection from the city, who may not
9 want to do it. But we have a compost energy
10 that's stepping up, and we're having our
11 investments in anaerobic digestion and compost
12 facilities where we need that supply.

13 So the last time around, 1826 regulations
14 did not happen. But I highly encourage this
15 process to bifurcate and have an 1826 regulation
16 package with BMPs and guidance and enforcement.

17 Thank you.

18 MR. LEVENSON: Thanks Evan. I'll just
19 note that when I said that we didn't have an
20 enforcement lever, that was specific to one
21 particular kind of activity. We do have an
22 enforcement lever in terms of reviewing
23 jurisdiction performance and we've pulled that
24 trigger. Is it a strong lever? No, and we
25 recognize that. And that's we think 1383 is so

1 critical.

2 MR. BRADY: Yeah. And in terms of
3 adopting regs with 1826, I mean, when you look at
4 1383, the piece that's related to the waste
5 sector is about half a page of legislation; 1826
6 is about four pages, and it's very prescriptive
7 in terms of what applies and what doesn't.
8 That's part of why we didn't look at doing regs
9 for 1826. It also very specifically defers
10 enforcement to the 939 process; 1383 doesn't do
11 that, that's part of why. The challenge with
12 1383 and why we're doing these workshops is that
13 we have to develop a fairly comprehensive
14 regulatory package, really, to fill in the
15 details for that, so --

16 MS. PARDO: Hi. Veronica Pardo,
17 California Refuse Recycling Council.

18 I have more of a question, if you
19 could go back to the draft definition of organic
20 waste on nine. And then again on ten, you have
21 your 2014 waste characterization data. Just
22 pointing out that biosolids and digestate are
23 also included in your draft definition that would
24 not be captured, in addition to that ADC green
25 waste under your 2014 waste characterization

1 data. So if we're going to use the 20 million
2 tons, or whatever we're going to use, we want to
3 capture the correct original data in order to
4 apply it to the future data so we're not, you
5 know, won't have more or less to -- whatever.
6 You know what I'm saying here.

7 So -- and then just more of a question
8 with digestate. Why are we putting it, just for
9 clarification, under organic waste for you guys
10 if it's gone through an AD process and isn't
11 going to be used, obviously composted or
12 otherwise or land applied? Just for our
13 knowledge.

14 MR. JOHNSON: I think that the simple
15 answer is that if it's ended up in a landfill and
16 it's organic, it's still going to a landfill in
17 disposal. And so -- and it may continue to do
18 that and be part of the 25 percent that stays in
19 the landfill, but it still gets counted as
20 disposal if it's going to -- if it's organic in
21 nature and going to a landfill.

22 MS. PARDO: Great. And then just in the
23 future, some more clarification around the
24 biosolids and what portion we're talking about.
25 Is this ADC biosolids? You know, biosolids is a

1 slippery slope when we start adding it into
2 tonnages.

3 MR. JOHNSON: And just to clarify it, I
4 think we recognize the challenge with using the
5 2014 data and that missing piece of biosolids.
6 We don't have that data, you know? And so we'll
7 have to think about that moving ahead.
8 Appreciate that.

9 Let's go to newbies, and then we can
10 circle back for second chances.

11 MS. SCHOONMAKER: Kelly Schoonmaker,
12 StopWaste. I have a clarifying question, and
13 then basically --

14 MR. LEVENSON: Kelly, for the purposes of
15 the remote, can you hold the mike up a little
16 closer?

17 MS. SCHOONMAKER: Oh.

18 MR. LEVENSON: Thanks.

19 MS. SCHOONMAKER: Is this better? How's
20 that? Okay.

21 I have a clarifying question, first of
22 all. In a few places throughout the definitions
23 there are "shoulds". The landlord example is a
24 "should." What is your intention with the
25 shoulds? Because it doesn't seem like that's

1 very regulatory. Is that going to go into some
2 incentive package where you might incentivize
3 landlords you want to --

4 MR. BRADY: It's just where we're at in
5 terms of details right now. We're just outlining
6 concepts. Actual regulatory language, when we
7 draft it, would have -- look more like
8 legislative language or regulation language. So
9 we're just indicating right now, if that's the
10 direction that we're heading, is that we're
11 thinking that there should be, potentially,
12 requirements of that nature, but we're still
13 seeking feedback on that. So this is not
14 regulatory language, but we're trying to get
15 feedback on things that we're thinking of
16 including in the regs. That's for the passive
17 language, if that's --

18 MS. SCHOONMAKER: Yeah. It just seemed a
19 little noncommittal. Okay.

20 And then I guess my other comment is
21 actually to answer one of your stakeholder input
22 questions. And I think you talk about
23 contamination, and we'll talk more about that
24 later with solid waste facilities, but do these
25 concepts help to manage or reduce contamination?

1 And I think I don't quite know how to day this.
2 I think -- I hope that CalRecycle can prioritize
3 source separation over mixed solid waste. I
4 think having mixed solid waste alongside source
5 separation adds to the confusion about what you
6 put in there. The question came about
7 compostable plastics. There's another thing that
8 would add to that confusion.

9 But I really think by prioritizing source
10 separate over mixed solid waste, so that you can
11 do mixed solid waste processing if that's your
12 only option, maybe, and I'm sure it is in some
13 places, but if you can do source separation, you
14 should, shall do source separation. And I think
15 to do that would help with reducing contamination
16 rates and education, and statewide education,
17 having everyone kind of on the same page.

18 You had also brought up some points about
19 outreach and education, pinning a lot of that on
20 the jurisdictions. I think another thing that
21 can help reduce contamination overall is if the
22 state has, similar to kind of during the drought,
23 the Save Our Water campaign that DWR did, if
24 CalRecycle has something like that, that's a
25 statewide organics, recycle your organics. This

1 has value. This is making compost. It's not
2 just a processing thing, it's about making a
3 valuable product. I think that could really help
4 reduce contamination in the long run.

5 MR. WHITE: Chuck White again, Chuck
6 White Consulting. Just more questions that
7 anything else, or statements, just for your
8 edification.

9 On the slide five, that's a big step down
10 that a person from EHG (phonetic) mentioned. I
11 have to say, I also have the same kind of
12 concerns. I mean, we've had 50 or 60, 70 years
13 of sanitary landfill experience, which the
14 primary purpose was to protect health and safety.
15 Now we have this methane issue that is really
16 driving this next iteration. I just hope we
17 don't divert materials from facilities that are
18 relatively safe to facilities that could cause a
19 potential threat to human health and the
20 environment, and I'm sure you're cognizant of
21 that.

22 But I still have to think back to after
23 AB 939 was enacted, when the Waste Board was
24 formed, there some guy down in L.A., and Kelly
25 would probably remember his name, it was -- you

1 probably remember, recycling McDonald's waste en
2 masse and calling himself an exempt recycling
3 facility, which led to the one percent
4 (indiscernible) rule, ultimately, that you have
5 adopted.

6 So there's all these potentially
7 unintended consequences that could happen. And
8 I'm not saying it's going to happen, but I think
9 you really need to be cognizant that you could
10 cause problems. And you have a very short time
11 frame. Everybody's talked about it, it's a short
12 period of time. A lot has to happen. A lot of
13 new facilities have to come online. I just hope
14 we don't have a race to the bottom to provide
15 something that's going to be a threat to human
16 health and the environment.

17 My second point, if I can find it here,
18 had to do with that comment I made earlier about
19 what is organic? Does it come from our fossil-
20 fuel-derived materials? And it particularly came
21 up in the issue of textiles and carpets, which
22 are a large percentage of non-animal, current
23 animal. A lot of it is fossil-animal stuff. And
24 so if that's incorporated into this system,
25 you're going to have to figure out definitionally

1 how you package it. I'm not saying one way or
2 the other. I'm just urging you to be clear, that
3 if you intend on covering those kinds of
4 organics, then your definition of organics ought
5 to be clear that that's what you're talking
6 about, and I'm just suggesting you do that.

7 And my last comment has to do with, if I
8 can find it again here, is, oh, yeah, on slide
9 19, where it talks about hauler concepts, and
10 haulers have to haul source-separated organic
11 waste to a facility that processes or recycles
12 organic waste. And I'm worried about the
13 capacity issue and what that means, particularly
14 if the haulers aren't the ones that operate these
15 facilities. And if there's inadequate capacity,
16 I still think of the mayor of Santa Monica. I
17 was out at some conference awhile back, and she
18 was saying, "We'll be happy to collect all this
19 organic waste, but where are we going to take
20 it?"

21 And there could be a real bottleneck
22 created by limitation. And how that bottleneck
23 capacity is allocated to competing haulers in a
24 particular area could be a real concern. So
25 would it be fair for one facility to get

1 preference over another, one hauler over another,
2 and what would that poor hauler do, that if he
3 can't find a capacity that they can have access
4 to, I don't know the answer to that question.
5 But I think if you really do -- if we do have a
6 capacity issue on handling this and you're in
7 this headlong rush to get to this 25 and 50
8 percent, you're going to have a bottleneck there.
9 And ought to be anticipating what the problems
10 are that are going to happen and how you're going
11 to manage that, and how whatever capacity exists
12 is fairly -- have a fair situation in a
13 circumstance like this. To the extent you can
14 allocate it fairly, I think is going to be
15 important.

16 MR. BRADY: Good comment, Chuck.
17 (Indiscernible.) I just wanted to comment on a
18 couple things Chuck was saying. The point is
19 well taken in terms of making sure that the
20 McDonald's example, that there's not folks just
21 developing these recycling. And that's -- I just
22 want to encourage you to take a look at what we
23 shared in May in terms of a draft regarding
24 language on what's considered disposal and what's
25 considered recycling. Part of the purpose of --

1 it creates a lot of challenges in terms of
2 defining what is considered recycling, but that's
3 part of what we're trying to address, is make it
4 clear, not just from a compliance standpoint of
5 if you send the material here, that's in
6 compliance, but also to make it clear to kind of
7 prevent those situations where rogue operators
8 come in and say I can recycle it but they're not
9 actually recycling that.

10 And then on the capacity issue, that's
11 something that we're continuing to grapple with.
12 Outside of grants, we don't have a wonderful
13 financing mechanism to develop that capacity
14 right now, and that's part of why we're doing
15 this regs so early. It's not necessarily the
16 very best tool, but it's the tool that we have,
17 is to communicate what compliance will look like
18 in 2022, and if there's not capacity, that
19 regulated entities would work towards developing
20 that.

21 MS. MORGAN: Yeah. And I just wanted to
22 add, Chuck, I think that last point will be
23 really important input for us when we discuss
24 enforcement concepts in August, and how that
25 would play out with respect to haulers that can't

1 find facilities that have the capacity. So we
2 definitely need you to weigh in on your thoughts
3 then.

4 MR. WHITE: You just -- you might want to
5 have some kind of escape valve in the enforcement
6 package, based upon evidence that, you know, a
7 person doesn't have reasonable access to a
8 facility. And that wouldn't be permanent, it
9 would be a temporary thing, but you might want to
10 consider something like that. But I'll be back
11 in August.

12 MR. JOHNSON: Sorry. And just one last
13 thing, Chuck, about your definitional question.
14 In the definition it says "applicable textiles
15 and carpets." And I think the intent there is to
16 say we're not talking about all the nylon stuff,
17 all the poly stuff, it's, you know, it's the
18 organic material. And I think to that point, you
19 know, it also doesn't -- you know, as we've said
20 before, we're not saying that because it's in
21 this definition we expect it all to be collected
22 in a green bin or, you know, in a certain way.
23 You know, some of these materials will be managed
24 through other programs potentially. They're not
25 all going to be done in the same manner.

1 So appreciate that.

2 MR. BOONE: There's some people who think
3 landfills are good. Some of us think that
4 landfills are like -- are to wasting practices as
5 coal-fired power plants are to electrical
6 generation. Basically, it's a 19th Century
7 technology that was -- my grandmother fed the
8 pigs and the chickens all of the organics, didn't
9 think about it. We didn't have treated lumber.
10 You know, the world has changed, and we're slowly
11 catching up with what's been done over the last
12 70 years of creating products and putting them in
13 the marketplace, then nobody knows what to do
14 with them when we're through with them. We do
15 not have a precautionary principle, except for
16 very few materials that are out loose in the
17 culture. And landfills have been a default
18 setting for the proper management of them, which
19 is not an appropriate setting.

20 So I hope you guys keep working on this.
21 You should look and see, if you don't know the
22 numbers on the amount of material that comes from
23 the Newby Island MRF that goes to the zero-waste
24 energy facility at Zanker Road and is currently
25 sent back to Zanker Road for disposal in the

1 landfill because it's too contaminated, you need
2 to know that number. And you need to think about
3 what they're doing at Zanker, what they're doing
4 at Newby Island, to make sure that doesn't happen
5 all over California, from my perspective, in
6 terms of what's an acceptable, functional
7 facility.

8 MR. BRADY: And if I could just ask you
9 to --

10 MR. BOONE: You know, we're at the
11 beginning of a lot of changes that I think --

12 MR. BRADY: Art, we only have five
13 minutes left. I want to be respectful of people's
14 times.

15 MR. BOONE: Okay. Got other -- fine.

16 MR. BRIA: There are three online.

17 MR. BRADY: We have three online
18 comments, questions.

19 MR. BRIA: Bill Wurrow, San Luis Obispo
20 County, Integrated Waste Management Authority.

21 "Is petroleum contaminated soil included
22 in the definition of organic waste? This waste
23 stream, which typically is mandated by regulatory
24 agencies to be disposed of in a landfill, is
25 already negatively impacting diversion rates, and

1 if it is included in the organic definition, will
2 make it very difficult to meet the organic
3 diversion requirements."

4 MR. JOHNSON: That's a good question.
5 Just speaking sort of flip there, but I don't
6 think we had given a lot of consideration to that
7 particular issue.

8 And, Hank, if you want to speak
9 otherwise?

10 But, you know, I appreciate you raising
11 it, because it's something for us to look out
12 for.

13 MR. BRADY: It's a good issue to raise.
14 We appreciate that. I think we're going to --
15 we're coordinating with a number of other boards,
16 departments and agencies, and have to look at if
17 that may actually be considered hazardous waste,
18 if that may actually be under the purview of
19 DGSE. I'm not saying that it is, but just that's
20 something that we'll have to take a look at.

21 MR. BRIA: Okay. David Briggs, Napa
22 County.

23 "Assuming burning of recovered wood for
24 energy generation will not be considered organic
25 recycling, will all recovered wood need to be

1 land applied as mulch or composted to comply with
2 state law?"

3 MR. BRADY: Just, you know, again, how
4 we're looking to a draft regulatory definition of
5 recycling and of disposal, what we shared in May,
6 this is still a work in progress, but in that,
7 biomass was included in what would be considered
8 recycling of organic waste.

9 MR. BRIA: This is from Wanda Redick,
10 City of Oakland. Jurisdictions -- oh, and this
11 is going back. Please send these to the SLCP
12 mailbox, because I'm getting some forwarded from
13 our staff, so they're coming in out of order.

14 "Comment regarding mandatory containers
15 for businesses. Jurisdictions need to be able to
16 determine when a business does not generate
17 enough organic material to warrant a compost
18 container. Curbside containers have limited
19 sizes available. It isn't reasonable to require
20 collection services for some amount of organics
21 that does not warrant at least half the capacity
22 of the smallest container available in each
23 jurisdiction."

24 MS. MORGAN: So that's feedback on
25 whether or not we should have a threshold, so we

1 appreciate the comment. We'll take it under
2 consideration.

3 MR. BRADY: Okay. We're at 11:45 just
4 now. We're going to break and then come back at
5 12:45, talk on some of the concepts relative to
6 solid waste facilities.

7 Appreciate the comments and questions.
8 And ask that folks please continue to submit in
9 writing, or just corner us somewhere here and
10 we'll talk to you.

11 (Off the record at 11:44 a.m.)

12 (On the record at 12:51 p.m.)

13 MR. BRADY: So we're going to move into
14 the second part of our workshop, talking about
15 regulatory concepts relative to solid waste
16 facility processing of organic waste.

17 I'm going to turn it over to Martin and
18 Diane, as well as Mark, to present this piece.

19 MR. DE BIE: So thanks, Hank. Just quick
20 intros. There's a separate -- not a separate, but
21 a group, a team, if you will, that's focused on
22 solid waste facilities and how they will factor
23 into all things in the regulations. And so I'm
24 working with the team. And we have Diane Vlack
25 and Martin Perez and Gino Yetka, who is also

1 involved, as well as their management is keeping
2 track of things. So I just wanted to do those
3 quick intros, and then pass it on to Diane to go
4 through the slides, the concept slides that we
5 have in the solid waste facility area. Thanks.

6 MS. VLACK: Thank you, Mark.

7 Hi. My name is Diane Vlack. And I'm
8 here to present the draft solid waste facility
9 concepts for you.

10 So there are three main concept areas,
11 those dealing with solid waste facility
12 operations, those dealing with new or expanding
13 sites, and concepts dealing with potential
14 impacts to landfills relative to financial
15 assurances.

16 The first set of concepts relate to
17 operations at solid waste facilities that are
18 receiving, processing and/or recycling organic
19 waste, and touch on measuring recovery and
20 measuring contamination. These are strategies
21 for better assurances that materials are fully
22 recycled.

23 The second set of concepts relate to new
24 and expanded solid waste facilities, and look at
25 the role of landfills in organics processing, as

1 well as the need to adequately address potential
2 impacts to disadvantaged communities associated
3 with expanded or new solid waste facilities.

4 The third concept area relates to closure
5 and post-closure financial assurance planning for
6 landfills. As less organic waste descend to
7 disposal, there may be a need to change -- to be
8 changes in operation and design at some
9 landfills. Some of these changes may impact
10 financial assurance for closure and post-closure
11 maintenance.

12 So regarding A, A is looking at
13 measurements of organic material at transfer
14 processing facilities and operations that
15 received mixed-waste organics and source-
16 separated organics with regards to one, source-
17 separated and mixed-waste kept separate and out
18 of the facilities. We want to make sure that we
19 are able to measure recovery at source-separated
20 organic and mixed waste stream efficiency. So
21 basically, it's going to be kind of hard to
22 measure if it's combined.

23 So two and three, looking at evaluating
24 the effectiveness of a facility to process
25 organics by looking at the level of contamination

1 of post-processed material. So we want to make a
2 distinction between source-separated organics and
3 mixed organics. So we're kind of like looking at
4 establishing expectations that could be used to
5 measure against. So this could be looking at
6 time average to adjust for fluctuations, for
7 example, like in the feedstock materials. So
8 something that we're considering right now is
9 maybe monthly, something similar to a three-part
10 test.

11 So regarding number four, ultimately the
12 end result is that the material leaving a
13 processing facility is suitable and acceptable at
14 the receiving facility such as a composting or an
15 anaerobic digesting facility.

16 So B is focused on looking at
17 contamination in feedstock material, both from
18 generators and from processing facilities. So
19 the aim here would be to evaluate the level of
20 contamination so that information could be
21 reported back to those that could make
22 adjustments upstream to focus their effort to
23 reduce the level of contamination. So right now
24 we're saying the evaluation would mostly be
25 visual, you know, with some level of criteria to

1 help ensure consistency.

2 So the thinking is that there would be
3 some additional record keeping and reporting to
4 those that could use the information to make
5 adjustments, such as additional education or
6 outreach efforts. For example, haulers could
7 have access to this information regarding their
8 own loads. This reporting would help haulers and
9 jurisdictions trigger actions to help reduce
10 contamination, and with the concept that haulers
11 develop a jurisdiction -- with jurisdictional
12 approval, program to reduce their contamination.

13

14 So this concept focuses on building
15 assurances that source-separated organics and
16 organics coming out of mixed-waste processing is
17 sent on to some organic recycling facilities.
18 This is really important when there may be loads
19 that are misdirected. So there could be more and
20 more sites that have multiple handling
21 activities, especially at landfills. So tracking
22 this material delivered to specific activities at
23 a larger site may be needed. So it's basically a
24 tracking mechanism.

25 So one of the things that we've been

1 saying that we would like to stress is that
2 indicate that this could help provide consumers
3 some level of certainty that the material they
4 have collected for recycling is, in fact, being
5 recycled.

6 So A is looking at having a landfill play
7 a significant role in processing these organics,
8 whereas B is looking at better communication with
9 disadvantaged communities. So some of the
10 thoughts include, like possibly, like town hall
11 meetings, appropriate language translation, and
12 response to comments from participants.

13 So pre-processing at a landfill could
14 include having an area for self-hauls to drop off
15 material and/or onsite composting or at an
16 anaerobic digester. Pre-processing will need to
17 be clarified, so this is what we're considering
18 as pre-processing, so separate collection area,
19 size reduction, slurring. So basically, material
20 that has been processed at a transfer processing
21 facility or operation that sufficiently removed
22 organics for recovery would not need to be
23 processed again at a landfill. So this could be
24 established through regulation, or possibly as
25 part of the permitting process.

1 So we're thinking here it would be
2 increased consultation with disadvantaged
3 communities. This could help ensure that
4 community engagement happens early in the
5 process. The process might be part of the solid
6 waste facility permitting process. Other
7 possible approaches include, you know, some kind
8 of developing expectations, expanding the solid
9 waste facility permit to include more
10 opportunities for engagement. And if the LEA, if
11 they are the CEQA responsible agency, could fold
12 consultation with communities into their comment
13 process on the CEQA documents, or possibly
14 utilizing our own EnviroScreen.

15 One of the things that we would like to
16 stress here is that we want to ensure that
17 certain issues and stuff are addressed, and that
18 we're not here to create barriers in siting a new
19 solid waste facility.

20 So as the landfill experiences less
21 organic entering the site, there may be issues
22 that could affect the financial assurance
23 calculations for closure and post-closure. For
24 example, a landfill may determine that the date
25 of closure has changed, or they may need to

1 adjust for reduction in landfill gas production,
2 or there may be changes in calculations relative
3 to differential settlement in fill areas. So
4 some of the ideas we're thinking here, potential
5 implementation methods may include addenda to the
6 preliminary closure and post-closure maintenance
7 plans can be developed that addresses site life,
8 closure date, landfill closure design, landfill
9 gas monitoring, and the costs associated with
10 closure and post-closure, or there could be a
11 specific data established for when facilities
12 complete a review. And this could be addressed
13 in Title 27.

14 So lastly, you know, we've come up with
15 some questions. And like we had said in the last
16 set of slides, that we're not going to go over
17 them. But here's some of the things that, you
18 know, we're thinking of, like how would
19 facilities evaluate the level of contamination in
20 source-separated organic processing. So these
21 are some of the things we're throwing out there
22 right now. And we could open it up to questions
23 or comments. Again, when Marshall walks around,
24 please state your name and where you work.

25

1 MR. DE BIE: Great. Thanks, Diane. And
2 I had asked Diane to do 10 to 15 minutes, and she
3 did it, nailed in 10 minutes. So I'm going to
4 give her a badge on that one, so thank you.

5 MR. WHITE: Chuck White, Chuck White
6 Consulting. Went through it pretty fast, so it's
7 going to take a while to digest this, and I'm
8 glad we're going to have some more time.

9 But the first thing that came to mind is
10 the idea of processing organics at a landfill.
11 And I can see if the landfill operator is the
12 same as the MRF or transfer station operator,
13 then it would be pretty easy to decide at which
14 of those facilities there would be sufficient
15 processing of the organics. But I guess there's
16 many situations that the landfill owner and
17 operator are different than the hauler or the
18 transfer facility that it may have come from. So
19 I'm just trying to understand, and I don't have
20 an answer to it.

21 I'm just wondering how you would decide
22 at the end of the day, and who would decide, who
23 has responsibility for meeting the processing,
24 the pre-processing, if the person sending it is
25 different than the person receiving it at the

1 landfill, and by person, I mean entity? And how
2 would you navigate that? And would the owner or
3 operator of a landfill be responsible for turning
4 back a truck if it was not sufficiently
5 processed, or if not the owner-operator, who --
6 what liability does the owner-operator of that
7 landfill have or assume when/if they receive a
8 truck that hasn't been sufficiently processed,
9 whatever sufficiently processed means in whose
10 eyes?

11 So I'm a little nervous about how that is
12 going to be addressed and resolved. And there
13 may be other concerns I have, but that the first
14 thing that kind of popped out at me. That's all
15 I've got for now.

16 MR. DE BIE: Thanks Chuck. Yeah, I think
17 I would maybe start with baby steps in like self-
18 hauls bringing in organics. You know, is there
19 an opportunity at the landfill to keep that
20 organic load, the yard waste separate and process
21 it there? So those are obvious ones that we
22 could look to landfills as being sort of the last
23 opportunity to address it.

24 But your point of multiple handoffs and
25 who's responsible for what level of processing is

1 one. So if you have ideas about how that might
2 work and, I think if there's expectations at each
3 one of those points and there's a way of
4 determining whether those expectations are met
5 and it can be documented, that might help
6 concerns down the road. So -- but we're open to
7 what that might look like.

8 MS. ZLATAR: Yeah. I just wanted to add
9 to that. One of the things that we've seen in
10 some of our jurisdictions with basically -- oh,
11 I'm Elonka with CalRecycle's Policy Office.

12 What we've seen is some of our
13 jurisdictions will do like an incentive structure
14 for material types that are coming through the
15 gate. So you basically would pay less if you're
16 bringing in a clean load of green waste that can
17 go to your composting facility. And then you
18 would encourage, by your fee structure, encourage
19 the self-hauler to do a little bit more self-
20 segregation before they come through the gate,
21 with the pricing structure.

22 MR. HELGET: Chuck Helget. I actually
23 have some questions on that point, too. But I'm
24 really kind of confused, so I'm going to stick to
25 my other question. Chuck Helget, Republic

1 Services.

2 On slide 30, we make a point that
3 processed organics should be acceptable at
4 receiving facilities. So what comes to mind for
5 me is that at some point in time we may have AD
6 facilities operational, or we may be hauling
7 materials to wastewater treatment plants that we
8 have a contractual obligation to clean the
9 material to a certain point. And so I'm
10 wondering how this would be enforced? It seems
11 like an awfully subjective standard, at least in
12 my mind, about acceptable. I mean, we go back
13 and forth on our loads right now, about whether
14 they're acceptable or not, you know, between us
15 and Zanker at times. There can be contentious
16 relationships resulting from that.

17 So I'm just wondering how regulatorially
18 you would impose a standard that would say our
19 materials would have to essentially be acceptable
20 to the recycling facility that we're delivering
21 them to?

22 MR. DE BIE: Well, we're still at concept
23 level yet in reg, but enforcement is always key
24 on all things reg.

25 I think from a concept point of view is

1 ultimately that's what we're trying to get to, is
2 that as materials flow through and get to that
3 final recycling end use, you know, compost or AD,
4 that it's a material they can actually handle and
5 they're not confronted with needing to reject or
6 readjust what's coming at them. So there's some
7 sensitivity upstream about that flow and trying
8 to emphasize that. So we're at concept level.
9 How we do that is something we'd like to hear
10 from folks. But we know it's a problem, you just
11 said it's a chronic problem, so how do we address
12 that?

13 MR. HELGET: My immediate response is you
14 don't. It's a contractual arrangement. You
15 should stay out of it. I'm not being facetious
16 about that. I honestly think that this is
17 something where you probably are overreaching
18 from a regulatory perspective.

19

20 MR. BOONE: I worked at a dirty MRF in
21 1989. And somebody brought us a bale of soap
22 boxes from a detergent manufacturer. And my boss
23 knew that if we tried to put them all in one
24 bale, that he would have a lot of trouble with
25 the buyer, because when you put soap boxes in a

1 water tank you get a whole lot of bubbles, and
2 then everybody says this is a pile of shit, and
3 they want to tear off the whole load.

4 So what we did was we put the pallet on
5 the side. And every time we got a whole bunch of
6 new cardboard, we three four or five or six soap
7 boxes in. And over the course of a day or say,
8 we got rid of all the boxes in 25 different
9 bales, and I never heard about it again.

10 That's the kind of thing you have to
11 watch out for when people want to distinguish
12 between source-separated organics and mixed-waste
13 processing. Because basically what I know, and
14 I've worked at enough solid waste facilities to
15 know that people will basically mix the materials
16 to meet the buyers desires and ambitions. It's
17 not hard to tell when you -- you can look at
18 stuff and see that it's not -- it's contaminated.

19 But then you get another thing. When I
20 worked with Folsom, we had a whole truckload of
21 paper. It happened before we dressed the bales.
22 Somehow a bag of dog shit got stuck to the
23 outside of one of the bales. When it got into
24 the yard of the paper buyer, the bag fell off,
25 they ran over it with a forklift at five o'clock

1 at night, and he yelled like hell, "Get this shit
2 out of here;" right? I came in the next morning.
3 We went through all the bales. We opened up a
4 couple of them to see. There's no grass in
5 there. There's no dog shit anywhere. One bag of
6 dog shit in 40,000 pounds of paper.

7 This is not an easy task when you're
8 dealing with people who are not -- particularly
9 waste haulers who are not used to -- I asked a
10 guy one time, a waste hauler, a truck driver,
11 "What was in the load? (Indiscernible.)"

12 He said, "I don't know, I never look.
13 That's not my job." His job is to pick up the
14 box, get it safely on his truck, get it back to
15 the transfer station, dump it in the pit and go
16 get another one.

17 So you really have to be careful about
18 where the information comes from.

19 The other thing I would say, one of the
20 things that the beat inspectors get in trouble
21 with is if you stay at a place too long, you
22 eventually learn to accept the standards of the
23 people who are operating it, rather than the
24 standards that the state imposes. It's really
25 important to keep your inspectors rotating. At

1 the same time, they need to bring back stories so
2 that central office, which doesn't know anything
3 other than what they read in a report, really
4 cannot come up -- what is the industry capable of
5 doing? Okay?

6 I would also suggest that the state be
7 very stingy with permissions to operate mixed-
8 waste processing facilities. I think it can
9 work. I run one in my back yard, okay? I'm a
10 zero-waster. I have 25 different places where I
11 take materials. And anything that goes in a
12 garbage can at my house is stuff that
13 everybody -- nobody anywhere knows how to
14 recycle. It's a pain in the ass but I can do it.
15 Could I do that for ten people? Yeah. But
16 somebody would have to pay me to do it for ten
17 people. Could I do it for 5,000? No way. How
18 many people does it take? What kind of machines
19 do we have? We're all at the beginning stages of
20 this industry.

21 And, you know, one time we thought
22 incineration was a great idea. That didn't work
23 out. Then we thought (indiscernible) and
24 gasification was a great idea. That doesn't seem
25 to be working out. Now we have mixed-waste

1 processing. Will it work out or will it not work
2 out?

3 Michael Gross tells me it works for Los
4 Altos Hills and Portola Valley. And they spent a
5 lot of time and a lot of money working on it.
6 Well, all the waste haulers in California, are
7 they prepared to invest that kind of time and
8 energy and expertise? I don't know. But I think
9 you have to be very careful.

10 The last thing I want to see happen is
11 the term that came up this morning, stranded
12 investment. Okay. What's going on in the
13 utility business right now is we have people
14 trying to build the gas-fired power plants that
15 are going to run 36 hours a year, because the
16 investor -- the utilities want to have that in
17 their investment base so they can make that in
18 their rate base, so that they can keep making
19 money. In fact, 36 hours a year, we could
20 accomplish that with a lot of other things. A big
21 fight is going on at the PUC about that. But the
22 question is, we don't want that kind of stuff.
23 There is no central rate-based in solid waste.
24 We've never gotten into that. Are we going to?
25 I don't think so, not anytime in the near future.

1 There's a lot of chaos out there.

2 MR. DE BIE: Did you have anything --

3 MR. BOONE: Thank you.

4 MR. DE BIE: -- more specific to the
5 solid waste facility piece concepts?

6 MR. BOONE: That's the only -- just one
7 other thing.

8 Disadvantaged communities, I know that's
9 become a big thing with California in the last
10 couple of years. I've been involved in some
11 things in San Leandro. And there is a
12 disadvantaged communities that basically catches
13 all the air from the Oakland Airport, plus a lot
14 from the industrial part of the city. We find
15 the city relatively inattentive to them. And
16 whether anybody from the state can show up and
17 change that or not, short of litigation, I don't
18 know.

19 I just -- I think it's a new venture for
20 California. It's about time. Half of our people
21 now are not people from, you know, like suburbs
22 type stuff, and so -- but it's a push.

23 Thank you.

24 MR. DE BIE: Great. And just about that,
25 again, to reaffirm what Diane was saying, you

1 know, the reason we're looking at that is to make
2 sure that as sites expand or new ones come in,
3 there aren't any surprises that show up later
4 because of issues that they weren't aware of. So
5 definitely looking at ways to get input from the
6 communities so that those issues are identified
7 and strategies can be built to address them. We
8 want to continue to see sustainable facilities
9 out there, meaning facilities that are good
10 neighbors and can continue to operate, not just
11 short term but long term.

12 MR. KESTER: Greg Kester with California
13 Association of Sanitation Agencies.

14 Getting back to Chuck's question earlier
15 about what's clean enough to be acceptable,
16 wastewater plants now are working with the solid
17 waste sector to develop specifics for what they
18 need to accept it for good digestion, so
19 hopefully that can inform your process. And
20 we'll be happy to share that.

21 MR. ASTOR: Kelly Astor, again,
22 representing CRRC. I just want to express --
23 reinforce something I've expressed before.

24 You're about to embark on a whole new
25 level of scrutiny of this network of solid waste

1 facilities. I want to respectfully urge that you
2 not take that network for granted. It didn't
3 always exist. It wasn't always there. The bulk
4 of it is in private hands, which means it was
5 built with borrowed money that is personally
6 guaranteed. And we're talking about close to a
7 billion dollars in infrastructure.

8 Many of us in the room feel fairly
9 comfortable in prophesizing we're not going to
10 have the infrastructure, the new infrastructure
11 necessary online in time to meet 2020, 2025, or
12 anything like that, given the lead time and all
13 the other pressures that attend trying to site or
14 expand a solid waste facility.

15 So the network of facilities that you do
16 have, to some extent, ought to be held
17 accountable, but also ought to be embraced and
18 every effort made to sustain them. And I don't
19 get the sense yet from the concept that you're
20 laying out that you're approaching it quite that
21 way.

22 I fully appreciate that you are
23 constrained by the statute itself. I understand
24 that. But that's not going to prevent some of us
25 from still carping the way you hear me doing now.

1 Tomorrow at 9:30, I'm a conference call
2 with about 16 other lawyers on the single
3 borrowing for one facility that costs \$30 million
4 to construct. Half that's been paid down. Now
5 the borrower is borrowing another \$9 million to
6 retrofit that facility for organics processing.
7 If she's held to some standard that says because
8 it accepts mixed-waste it's got to meet this
9 threshold or it doesn't count or it's disfavored,
10 that's the wrong way to go.

11 I think if we can approach the
12 regulations in a way that incentive new
13 investment, rather than penalizing or sanctioning
14 existing infrastructure, that's the way I'd like
15 to see it go. You may not have the full
16 authority to do that. You may conclude that it's
17 a worthy goal that you can attain, and therefore
18 we have to go back to legislature. I, for one,
19 will not hesitate to go back to the legislature
20 and clean this up. But please, let's be open to
21 the idea that you could not replace the network
22 of facilities we have today. You couldn't build
23 many of them where they now exist, EJ or no EJ.
24 It's just difficult from a variety of
25 perspectives. And you're going to need to add

1 significantly to that inventory to deliver
2 anything near what you hope to in terms of
3 compliance with this law.

4 So go easy on these facilities. View
5 them as contributors to varying degrees, and
6 let's supplement their activity. Maybe they're
7 good for what they do, and then there's
8 intermediate processing where they send it off,
9 rather than straight to market. I understand
10 that there may be worthwhile conversation about
11 attacking contamination. But you better treat
12 this as a resource that it is, because you're
13 going to find no one else in a position to
14 replace it if you end up even unintentionally
15 threatening the existence of these facilities.

16 MR. DE BIE: I just want to maybe change
17 the character of the conversation a little bit.

18 Enforcement was mentioned early on. We
19 haven't mentioned enforcement. There's also
20 benefits of evaluating and measuring things for
21 reporting to send messages upstream saying, hey,
22 you got a neighborhood here that could be doing
23 better, and that's information. So there's a
24 reporting context in there.

25 There's just evaluating in my maintaining

1 what I did last year. Today did something
2 change? So there's a feedback loop about how
3 well I'm doing. Am I maintaining? Am I
4 improving? If I'm falling back, that sort of
5 thing.

6 So I appreciate the concern about, you
7 know, how we're going to use this? And, you
8 know, is it going to be three strikes and that
9 sort of thing? But there's other elements in
10 there, too, that I think have other benefits, so
11 think about those.

12 MR. LAPIS: Hi. Good afternoon. Nick
13 Lapis of Californians Against Waste. A comment,
14 and then a couple questions.

15 I think you guys are generally on the
16 right track here. It's a fine balancing act, as
17 you're well aware, and as you heard from Kelly
18 and others. And that's something we struggled
19 with when the legislation was being discussed, is
20 we didn't want the outcome of the legislation to
21 be a whole bunch of new mixed-waste processing
22 facilities that people view as the only way they
23 can comply with the regulations. But at the same
24 time, we also didn't want to pull the rug out
25 underneath from the -- some of the folks who

1 invested in the mixed-waste processing that
2 specifically targets organics and that, you know,
3 has relatively high recovery rates.

4 And so I think you guys are doing a good
5 job of walking that fine line. Obviously,
6 ongoing conversation is going to be necessary.
7 And there are people who have mixed-waste
8 processing now who are going to have to have
9 source-separated organics collection in addition
10 to it. Not every mixed-waste facility meets any
11 reasonable laugh (phonetic) test for having an
12 organics recovery program. But I do appreciate
13 your nuance there.

14 I'm sorry I missed the beginning of this
15 presentation. Has the concept come up of, in
16 addition to this, has the concept come up of
17 doing something along the lines of what Alameda
18 County is doing for limiting the amount of
19 residual recoverable organics or recyclables
20 that's in the waste stream? Because I believe,
21 maybe Kelly can comment more on that, but they
22 have a ten percent cap on the amount of organics
23 that's in the stream going to the landfill from
24 the facilities, and that's how they measure it.
25 I don't know if it's better or worse than this

1 approach, but it seems to be working for them.

2 And then on the financial assurances, I
3 think we need to think through the consequences.
4 I'm not exactly sure how I feel about it, and
5 that's partially because I don't know if the
6 number goes up or goes down. But if we're
7 assuming there will be less material overall
8 going to these facilities and less trichel
9 (phonetic) material, if that in any way leads to
10 people setting aside less for corrective action
11 and for post-closure maintenance than they really
12 need, that would be a concern.

13 So I'm not sure if it makes sense to
14 assume that we're going to hit 75 percent. We
15 definitely want to. But if that results in
16 people setting aside not enough money to handle
17 the corrective actions and post-closure
18 maintenance, then that would be a big problem.

19 Again, I think I just need to think
20 through the ramifications of this. And, frankly,
21 if you guys shared a little bit more about your
22 thoughts of what the ramifications could be,
23 maybe at a future workshop, that would be great.

24 MR. DE BIE: I think Hank's got
25 something, but I'll just add in, you know, our

1 thought process was that there's probably going
2 to be some kind of adjustment needed to be made
3 at the landfill because of this. We can't
4 predict high or low changes. But we share your
5 concern about not having adequate financial
6 assurance. And so when we talked about that we
7 said, well, if they do a calculation of changes,
8 and based on that it comes out lower, we say,
9 well, just keep paying the higher amount and not
10 back off. Vice versa, if they do the calculation
11 and it comes out higher in the new 1383, then
12 we'd say pay that new higher amount. So that's
13 been our internal thinking, is not back away but
14 just at least maintain the current calculation,
15 the higher calculation.

16 MR. BRADY: That's pretty much what I
17 was going to say. But just on the Alameda, it
18 would be good to see some language or examples on
19 that. I don't know if we've specifically looked
20 at it, but that's something we can take a look at
21 moving forward.

22 MR. THEROUX: Michael Theroux, JD MT.

23 I'm trying to put my finger on how far
24 back it was, but at some point we were talking,
25 perhaps when we first started looking at

1 separation of AD, whether it should go into
2 composting with idea of a bright line at existing
3 facilities to where, you know, if you're trying
4 to build a small unit or come in and invest in
5 organics management, one of the first questions
6 is, well, who else has got a property? Who else
7 has already got a permit that we could go in and
8 modify, rather than starting with a new system?

9 If you follow that thought statewide, you
10 have to question on our existing infrastructure,
11 who's best suited to where a slight modification
12 there, both in terms of investment and time on
13 the permitting, might have the most impact for
14 providing an increase in infrastructure in the
15 near term? The idea early on was that if you
16 take the plot line, this area over here, and you
17 put a berm around it, you could draw a bright
18 line and say this could be a small conversion
19 area, just like we do now with household
20 hazardous waste. It doesn't take much of a
21 permit change to put in paint management or
22 household hazardous waste. And that is the
23 cheapest and simplest most of the time for making
24 a new capability, if you will.

25 If we took that from the state

1 perspective, knowing that we're in a crunch and
2 we're not going to foreseeably figure out how to
3 build enough infrastructure, maybe that's the
4 first blush. We say, all right, look, the state
5 can help you. Let's see if you've got a little
6 bit of room off to the side. Let's look at how
7 we can do this on a smaller scale with existing
8 facilities.

9 MR. DE BIE: Great. We'd love to hear,
10 you know, what additional things we could do in
11 that area. I think, in my mind, we already have
12 some elements in there that make that kind of
13 thing easier to do than it was, maybe 10, 15
14 years ago. We can have a permit for a solid
15 waste facility that has multiple activities
16 covered by one permit, as opposed to separate
17 permits which used to be the model way back when.
18 I think something similar with a WDR for -- like
19 a landfill could be utilized to support the
20 establishment of a compost site on a landfill,
21 that kind of thing. So some of those are already
22 there, but there could be additional things that
23 we could look at, at a state level, that would
24 help things move in that direction or make it
25 easier to move in that direction. So any ideas

1 on that would be great.

2 MS. EADE: Hello. I'm Teresa Eade with
3 StopWaste. And just to respond quickly to Nick's
4 comment, and then I'm going to -- I have a
5 comment of my own, a question.

6 In terms of Alameda County Waste
7 Management Authority, we have a ten percent rule
8 for no more than ten percent of recyclables or
9 organics in the garbage. And so we look at
10 what's going in the garbage can and try to keep
11 the recyclables and organics to less than ten
12 percent. And it is often difficult to keep the
13 organics to less than ten percent. And we're --
14 it's -- we're not there yet. And so organics,
15 even though people -- we've rolled out organics
16 collection throughout the whole county, through
17 14 cities, 2 sanitary districts in the county,
18 it's still not fully utilized.

19 And so that goes into my comment, is
20 we're also seeing a much greater level of
21 contamination going into our source-separated
22 organics and a lower quality in the compost
23 coming out, where we're seeing more compost with
24 higher amounts of inerts that are visible, a lot
25 of glass and plastic. And it's hard. We spend a

1 lot of effort in building compost markets. And
2 that one contaminated load can take a couple of
3 years' worth of work away.

4 And so I really think that the state
5 needs to be the keeper of the organics standards.
6 Unlike other kinds of recycled materials, the
7 organics becomes compost, and compost can be this
8 great thing for the watershed, or it could be a
9 really efficient way to pollute the entire
10 watershed, because you're spreading it out on the
11 soil. It goes into -- you'll get glass and
12 plastic and other things in there. So it
13 really -- these sets of rules should be doing
14 sort of the highest and best use, and we roll out
15 more slowly trying to reach those other things.

16 So my comment on the diversion is that
17 when you set diversion goals for mixed solid
18 waste facilities, the inverse effect of that is
19 higher contamination. So as you force them to
20 get more of the organics out, you're going to
21 force them to have more contamination. And so I
22 think that's a very -- that might not be the best
23 metric to do.

24 And also, I don't think it's a metric
25 currently used in the industry. When you're

1 getting mixed solid waste in there, you don't
2 know how much organics in there will vary from
3 your feed stocks. And then you're asking them to
4 measure a percentage of that, so they're going to
5 have to analyze every load to know what percent
6 organic is in that mixed solid waste, and get 50
7 percent of that, that's usually what they're
8 looking at. And what they can tell you is of all
9 the tonnage coming in, we retrieve maybe 30
10 percent of our mixed solid waste. But they don't
11 know exactly what they're -- you know, that's a
12 very difficult metric to even use for these in
13 the current facilities. And then I think it's
14 also pressuring lowering quality.

15 And one last comment related to that is
16 if the state doesn't handle the standard, local
17 governments can't or won't. They don't have the
18 expertise. They're out there making their
19 franchise agreements. They don't have this
20 knowledge about what quality is. We do, as an
21 industry, know that sort separated leads to
22 higher quality, and education leads to higher
23 quality, but the local governments and the
24 decision makers don't. So it really has a lot of
25 onus on the state to be that keeper and guide the

1 local governments towards the right direction.

2 MR. DE BIE: Great. Great input. You
3 know, and the measuring is one we all struggle
4 with. But some of the thoughts that we had was
5 looking at sort of a front end, material coming
6 in, visual screening, kind of say does this look
7 like what we usually get or is there something
8 unusual, so not a load-by-load but, you know,
9 something quick and easy. And then on the back
10 end, trying to see if there's a way to evaluate
11 the level of contamination versus the organics,
12 or, you know, organics versus other.

13 So we know there's some strategies out
14 there for the front end, because operators are
15 already evaluating feedstock and using that
16 information to make decisions about how that
17 material will be handled, you know, how many
18 times to put it through the screen and all of
19 that. So they're making operational decisions
20 based on what's coming at them, so they have some
21 system to evaluate that.

22 The back end part, yeah, that's a
23 struggle. But again, if we're just at least
24 initially looking at data that can be used to
25 improve things and not necessarily make

1 statements about, you know, effectiveness and
2 efficiency and enforcement, then maybe we can
3 ease into that, so -- but want to hear other
4 ideas.

5 Let's have one more question in the room,
6 and then I think we've got three, at least three
7 queued up on the internet. So one more quick
8 one.

9 MS. SCHOONMAKER: Hi. Kelly Schoonmaker,
10 StopWaste, also, so it's kind of new, I guess.
11 Anyway, so I have two comments.

12 I think one idea for the -- I agree with
13 my colleague, Teresa, that the state -- it would
14 be really helpful to local jurisdictions if the
15 state could take a lead on developing a standard
16 for contamination in feedstock, or at least some
17 guidelines, something that they can point to, to
18 say, sorry, it's not us, it's the state, that
19 would be great. And I think maybe one way to
20 think about it is to align with other standards
21 that you already have in place. So there's
22 already a contamination level -- limit on
23 finished compost, and that's currently, what, 0.5
24 percent, right, with the plan to go down by, I
25 can't remember what year, to 0.1 percent?

1 MR. DE BIE: Just to clarify for the
2 record, it's not in place yet. It will kick in
3 January, and it's 0.5 percent dry weight. And
4 then it's 0.1 percent, or 20 percent, of that 0.5
5 for film plastic. So it's 0.5 for all, and then
6 specific for film.

7 MS. SCHOONMAKER: Great. Thank you for
8 clarifying. So I think that's a good starting
9 point. If you're getting a load that's got eight
10 percent contamination in it, it's going to be
11 really hard to meet that standard. It's not
12 going to -- it's not really going to be possible
13 for people. And with MSW, that's even, you know,
14 a higher rate of contamination.

15 And so I think the markets also are not
16 there for highly contaminated compost. We've
17 seen issues with Caltrans this year. Certainly,
18 the Water Efficient Landscape Ordinance requires
19 the use of compost, but they don't have a
20 specification in there, so landscape architects
21 are going to specify low contamination. So I'm
22 wondering, where is this compost going to go if
23 it's filled with contamination? So that's one
24 question to kind of think about.

25 And then I had another question about the

1 monitoring of contamination and the reporting.
2 So it's getting monitored and reported at several
3 points along the way, which sounds great. And
4 that would get reported back to jurisdictions.
5 And then would they be doing that, including that
6 in the annual reporting to CalRecycle? And would
7 that information be available for public viewing?
8 Because it seems like that would be a good way to
9 kind of get people on the same page about what's
10 going on out there contamination-wise.

11 MR. BRADY: So not to totally defer on
12 that, but part of what we're looking to talk
13 about in August is relative to reporting.
14 There's certainly a lot of sensitivities with the
15 data that we need to take into account. I think
16 part of what's included in this is looking at
17 some things could potentially be a record-keeping
18 requirement that's not necessarily reported, but
19 that's available for inspection, whereas other
20 things, there could be a benefit to having it
21 reported to CalRecycle, either through the DDRS,
22 through the annual report, and some of that
23 information, if it's helpful for the hauler to
24 get information on your bringing in loads that
25 are contaminated from these areas, that kind of

1 thing. So we want to use it as an educational
2 tool, but there's potentially other uses,
3 obviously.

4 So we'll kind of talk about that a little
5 bit more in August in terms of how data would be
6 reported and what it would be used for.

7 MR. BRIA: Okay. This one came in a
8 little earlier, but I think it's been addressed
9 through the presentation. It's from a Mukonde
10 Chama from Cornerstone, a Tetra Tech Company.

11 "If by 2025 implemented programs are not
12 adequate to provide the needed recycling
13 facilities, are landfills expected or will
14 landfills be supported to modify and erect
15 organic recycling facilities onsite or offsite?
16 I encourage implementation of a minimum threshold
17 for recycling organic waste instead of requiring
18 all organic waste to be recycled."

19 MR. DE BIE: Good question. I guess our
20 initial thought was that we wouldn't wait. We'd
21 be exploring the role, again, of landfills in
22 handling organics, keeping it from disposal, you
23 know, at some level, you know, from the get-go,
24 really. Again, a lot of material -- not a lot of
25 material, but some material does go directly to

1 landfill. Self-hauls haul it landfill. They're
2 not going through other facilities. I don't
3 think we've been thinking about requiring self-
4 hauls to go to other facilities, as yet. We
5 could think about that.

6 So certainly in the short term, material
7 would continue to go to landfill, and that would
8 be the only opportunity to try to separate out
9 the organics. So I think that's one reason why
10 it would be important to include landfills in
11 earlier than later. So that's the initial.

12 But other thoughts on that would be a
13 benefit in terms of if there's a timing aspect
14 that we should look at.

15 MR. BRIA: Okay. And same person but
16 different message, and there's three questions in
17 this one.

18 "How does a visual check determine
19 contamination level, especially toxic
20 contamination?"

21 MR. DE BIE: Good. I think just
22 superficially, when we're thinking contamination,
23 we're thinking physical contamination that
24 hopefully would be -- could be seen. Certainly,
25 when you get to a certain particle size, you're

1 not going to see it. I think relative to
2 chemical contamination, metals or pathogens, you
3 know, we're expecting this material would go
4 through some kind of process that would either
5 reduce the pathogens or effect the other
6 chemicals, but certainly would be obligated to
7 test for it in terms of a quality and meeting a
8 threshold, as compost and AD is now, so --

9 MR. BRIA: Related to that one, "Will
10 there be a certification process for transfer
11 processing facilities to reduce inspection times
12 at landfills and increase their efficiency?"

13 MR. DE BIE: Well, that's a concept we're
14 heard in lots of different areas in terms of --
15 and the way I'm taking it is I'm a good facility,
16 well operated, very few issues, can I get some
17 regulatory relief? And usually, it's less
18 inspections, that sort of thing. So if I'm
19 hearing it right, that sounds like something that
20 we could look at relative to handling of
21 organics, too, to help, maybe to Kelly's point,
22 the existing infrastructure. Maybe that's
23 something that would benefit them in some regard.

24 MR. BRIA: "Is there a minimum processing
25 efficiency that is targeted for source-separated

1 processing and mixed-waste procurement?"

2 MR. DE BIE: We don't have a number in
3 mind. But if you have one, we're glad to hear
4 it.

5 MR. BRADY: Well, the number we shared,
6 looking at the collection, just what's in the
7 statute, is 50 percent by 2020 and 75 percent by
8 2025. We haven't refined that beyond -- we
9 haven't refined that beyond what's in the
10 statute. But, I'm sorry, I'll just repeat, since
11 I was far from the microphone, is the statute has
12 50 percent by 2020 and 75 percent by 2025.
13 That's for the statewide goal. We include that
14 in the local collection concept as a potential
15 concept, but we haven't refined that beyond that.

16 MR. DE BIE: And what I was thinking was
17 we hadn't thought about how numbers could be
18 applied to facilities respectively. But, yeah,
19 that's the overall go, is 50 and 75, so --

20 MR. BRIA: Last one for now is from MR.
21 Mark Gagliardi, City of Oakland Public Works
22 Department, oh, and forwarded by Rhonda Redick.

23 "Regarding the use of disadvantaged
24 communities, starting with slide 28, I recommend
25 replacing with a term, such as impacted

1 community, or something that's less pejorative
2 and more descriptive than disadvantaged. What is
3 CalRecycle's definition or criteria for a
4 disadvantaged community in general and in this
5 context?"

6 MR. DE BIE: Yet to be determined. We
7 did, in the slide presentation, indicate the
8 potential use of EnviroScreen, which is a good
9 tool to help identify impacted, affected
10 communities relative to the type of community and
11 the level of environmental harm that they may be
12 experiencing. So the initial thought is to use
13 that kind of tool to identify communities of
14 concern that would benefit from additional
15 consultation as facilities are expanding or new
16 ones are established.

17 MR. BRADY: Yeah. Just in terms of the
18 term definition itself is that's in statute, and
19 that has their statutory metrics relative to how
20 we determine disadvantaged communities in the
21 CalEnviroScreen. So that's why we're going --
22 that's why we're putting that forward, is just
23 being consistent with the statutory language.

24 MR. HELGET: Chuck Helget, Republic
25 Services.

1 I think as we talk about -- and maybe I'm
2 misunderstanding, Nick, I'm not sure, but we need
3 to look at PRC 42652(c)(3), and I'll read it
4 because it's brief, "Shall not establish a
5 numeric organic waste disposal limit for
6 individual landfills." I think we need to keep
7 that in mind when we start talking about capping
8 things, as this specifically says in the statute.

9 MR. LAPIS: (Off mic.) (Indiscernible.)

10 MR. HELGET: Okay. Thanks. Then I did
11 misunderstand you.

12 A question then. When we talk about
13 post-closure maintenance, and, Mark, I think as I
14 understood you, you said in brief if a facility
15 recalculates their post-closure maintenance costs
16 and it comes up lower because of these
17 requirements, it's the 75 percent, they would
18 still pay a higher rate. If they recalculated
19 and then they came up higher, they would still
20 pay that higher rate. And that's what I sort of
21 understood you to say.

22 And so I want to understand, one, I find
23 myself reluctantly agreeing with somebody that
24 said the 75 percent, that that's a target, it's
25 not a goal. And it's kind of hard for us to

1 figure out how we're going to make these
2 calculations when they're hard enough to figure
3 out anyway, but to base them on something that's
4 a target that may or may not be achieved when we
5 try to base it on, at least, engineering and some
6 very solid calculations in order to get to it, a
7 number that makes some sense.

8 And if we're extending the life of
9 landfills, we're pushing the amount of organics
10 out of landfills. And at the back end we're
11 going to be producing less methane because we're
12 taking materials out of the landfill,
13 particularly during post-closure. That's needs
14 to be part of the calculation.

15 Thank you.

16 MR. DE BIE: Yeah. You know, I think the
17 initial concern is let's not be in a place where
18 we're five, ten years down the road and say, oh,
19 my goodness, we didn't think about the fact that
20 we are one of the landfills where a lot of
21 organics got diverted and we're seeing huge
22 changes in the landfill dynamic here. And now we
23 need to figure out what to do about it. So we
24 wanted to, you know, look at this proactively on
25 what could we put in place early, where we're

1 asking people to sit down and evaluate the
2 possibilities, really, because we can't predict
3 what will happen, and then see how that factors
4 into decision making and going forward.

5 So it's a concept and we need to think
6 about it and get more information around it and
7 see where it ends up.

8 MR. HELGET: As you know, from, what, six
9 years ago or seven years ago, when we redid the
10 calculations for post-closure maintenance, it's a
11 very complex topic. And, I mean, I'm sitting
12 here trying to go through in my mind how this
13 whole process might impact landfills, and it's
14 impossible. It might be something where at least
15 we pull some folks together to sit down and talk,
16 if you don't want to do another workshop on it.

17 Thanks.

18 MR. DE BIE: You want to sit on the Green
19 Ribbon Committee there to develop? Okay.

20 MS. STEIN: Toni Stein, Environmental
21 Health Trust.

22 Real quick is on the slide about the
23 disadvantaged communities EJ issue, I wondered if
24 offsets came up on the air quality? The facility
25 will need to have an air quality permit and there

1 may be offsets. And the money that's put into
2 offsets, if it could be used directly for the EJ
3 community to either mitigate or provide community
4 benefits for their health, that would be good.

5 MR. BRADY: Thanks for the comment.
6 We're not at that level of specificity here.
7 And, you know, we're have to -- in terms of
8 offsets, there are things that are outside of our
9 regulatory purview. But if you could submit
10 something in writing, that would be helpful.

11 MR. DE BIE: Yeah. Just to add to that,
12 we were looking at this concept solely from a
13 CalRecycle/LEA/local enforcement agency
14 perspective and what we could do in Title 1427,
15 so, yeah.

16 MR. BOONE: In Alameda County we have a
17 law that's called Measure D. And in that law we
18 ban incineration of wastes. In the findings
19 section we speak about the importance of each
20 individual person contributing to the reduction
21 of waste materials. And that seems to be to fly
22 in the face of the idea of mixed-waste
23 processing.

24 And I think the question would be: To
25 what extent the state would defer to local

1 options? The state certainly defers to local
2 options in many areas. And I think that that
3 would be something that you would want to pay
4 attention to.

5 Second, I hope that all the inspections
6 of these facilities would be done by state
7 officials, rather than LEAs. I have found the
8 LEAs -- I worked at a transfer station in a major
9 city for many -- several years. LEA came
10 through, looked for rats, looked for piles of
11 garbage, and if there was anything else that the
12 LEA was looking for, I could never figure it out.
13 No offense, but I think teaching them the
14 difference between contaminated and
15 uncontaminated materials and then expecting them
16 to enforce it is a little bit of a stretch.

17 The other problem we have is that local
18 elected officials are poky little puppies on the
19 matter of getting this done right. Once upon a
20 time we said that -- we put a line down the
21 middle of the street that said if you want to go
22 that way you've got to stay on that side of the
23 line, if you want to go that way you've got to
24 stay on that side of the line. It wasn't a
25 matter of whether you liked it or not, that was

1 the law, and people enforced it.

2 People are not enforcing the rules about
3 mandatory separation. We have all kinds of
4 cities saying we have a mandatory ordinance. And
5 you ask them, how many people were denied service
6 last month because they had a garbage cart full
7 of crap, and they can't give you a number. They
8 don't know. Either that or they say, "Well,
9 we're still working on more information to
10 people."

11 I know people who have run small
12 operations and they tell the drivers, "If you
13 think there's crap in that can, you leave it
14 there and leave a note. Tell the people to dump
15 it out and clean it up themselves or they're not
16 going to garbage service or they're not going to
17 get organics." That kind of will to behave is
18 not seen in a lot of local governments, and
19 that's a lot of the problem we have today.

20 The last thing I want to say, it costs
21 more to keep a person in the hospital for one day
22 than it does to bury them. And it's going to
23 cost a lot more to pay attention to the waste
24 stream than it is to bury it. And you have to --
25 people -- the public has to get used to that

1 idea. If the electeds don't want that to happen,
2 then they should stop passing these laws
3 increasing the amount of material going to
4 landfills.

5 So anyhow, thank you.

6 MR. DE BIE: Thank you.

7 Evan's got a question.

8 MR. E. EDGAR: Evan Edgar, Edgar
9 Associates.

10 With regards to the disadvantaged
11 communities and solid waste facility concepts,
12 CalRecycle did a great job a few years ago and
13 did a programmed EIR for anaerobic digestion. It
14 kind of demystified the technology, talked about
15 a lot of the benefits of the carbon-negative
16 fuel; it was a great document.

17 To the same accord, I think covered
18 compost is misunderstood out there by a lot of
19 disadvantaged communities. Covered compost is
20 the best available control technologies. You're
21 adding food to it now. We're capturing a lot of
22 VOCs. Plus, the vehicles that are coming and
23 going from those facilities are now CNG. We've
24 got the low-NOx engines or near-zero on engines
25 for the new fleet. We're making organic compost

1 that can be a new pesticide for a community that
2 may be using a lot of pesticides. So there's a
3 lot of re-advantaging some of these communities
4 where by having a new fleet, by having a net-zero
5 facilities these compost facilities can be proven
6 to be net-zero on the current definition from
7 CARB.

8 So I would highly recommend CalRecycle to
9 go forth with a program EIR for covered compost.
10 And that will give a lot of tools to local
11 governments who may not know about it and
12 disadvantaged communities that need to know about
13 it, because we're so misunderstood out there in
14 the field that they think we're hauling MSW to
15 (indiscernible) in dirty diesel trucks. We don't
16 do that anymore. We're a new industry and that
17 needs to be understood.

18 So please do a program EIR.

19 MS. STEIN: Toni Stein again, EHT, just
20 real quick.

21 When I spoke of offsets, are REC recs
22 going to be awarded to the communities and then
23 divided up, so that at least there's some budget
24 that could be then, you know, traded and used?
25 Are RECs, R-E-C, awarded?

1 MR. BRADY: A REC, renewable energy
2 certificate.

3 MS. STEIN: Well, you said we're starting
4 here from AB 32. AB 32 awards RECs for, you
5 know, reducing energy emissions. And then a REC
6 is a certified document that you can then sell.

7 MR. BRADY: So CalRecycle doesn't
8 administer renewable energy certificates. That's
9 not currently what we're looking at as it relates
10 to disadvantaged communities. That's not
11 something that we have authority over.

12 Our folks from ARB, I don't know if they
13 want to add on at all. They're a little bit more
14 familiar with that.

15 MR. LE: Hi. I'm Tung Le. I'm with the
16 Air Resources Board.

17 So the REC Program is a little bit
18 different. And I think there's a little bit of a
19 nuance there that I'd be happy to follow up with
20 you and discuss. If a community group is
21 something -- if generating a REC is something a
22 community group is interested in, certainly
23 they're eligible to do that. But it does -- it's
24 a little bit of a different process than what
25 we're talking about here today. They certainly

1 are all interrelated where we get some
2 environmental benefits from those types of
3 projects.

4 But like I said, it's a bit different
5 process. And it's kind of outside the purview of
6 what CalRecycle is trying to do today. But
7 again, I'd be very happy to follow up with you on
8 it.

9 MR. DE BIE: Any more comments?
10 Questions? We've got some on the internet.
11 Great.

12 MR. BRIA: Just one. It's from Kevin
13 Best, Real Energy, LLC.

14 "Rather than prejudice the mixed-waste
15 recycling because of the difficulty of conversion
16 to compost, we recognize in the European Union,
17 these organic streams go to wet digestion where
18 the contaminants are fully segregated."

19 MR. DE BIE: Well, good observation.
20 We're aware of technologies out there that can
21 handle the material, not too many in California
22 yet, but, yeah, they do exist.

23 MR. BRADY: So we've still got some time.
24 I'm not sure if there's any more questions in the
25 audience.

1 The next -- let me see, we'll take a 20
2 minute break. The next section will start at
3 2:15, if there are no more questions.

4 MR. DE BIE: Since we're got time, I'll
5 make a request. And we sort of made a request
6 already to ACP informally, is, you know, and I
7 talked about this already, is we're aware that
8 operators already have a way to evaluate -- of
9 evaluating feedstock and other material relative
10 to contamination or other issues that make it
11 more or less able -- prevents them from recycling
12 it more efficiently or less efficiently. And so
13 information, best management practices, just sort
14 of, you know, approaches to that kind of issue, I
15 think would benefit our process immensely. If
16 there's sort of an industry approach to this that
17 seems reasonable, we really want to hear about
18 that. You know, we don't want to start down a
19 road where we're thinking about one approach and
20 then, you know, people come back at us and say,
21 you know, that's just not doable, not practical.
22 So we'd like to start with, you know, something
23 that people are used to, found effective for
24 their operational process that we could think
25 about making consistent, and something that would

1 be used throughout the state.

2 So I'll put that pitch out again to see
3 if we can get that kind of input. That would be
4 a huge benefit, I think, for filling in some of
5 the gaps in some of these concepts.

6 MR. BRADY: Sorry. I just wanted to add
7 one more reminder. We're looking for written
8 comments by July 21st. We're not in the formal
9 stage of the rule making, so we're responding to
10 comments but we're not necessarily responding to
11 every single one individually. I think we've
12 tried to acknowledge in this process where we're
13 making adjustments to our concepts. A number of
14 folks here we've set up meetings with to discuss
15 these concepts and the concepts earlier, as well
16 as the edible food concepts in greater detail, in
17 a smaller setting. We want to make sure that
18 folks know that's available. If you reach out,
19 we're happy to kind of walk through these
20 sometime in July or August.

21 Thanks.

22 And just for folks online, we're going to
23 come back -- I know some people are coming
24 specifically for the edible food piece, so we
25 don't want to start that early, since I think

1 some people aren't planning on getting here until
2 2:15. So we'll just take a 15-minute -- well,
3 still 20-minute break, come back to 2:15 and
4 address that piece.

5 Thanks.

6 (Off the record at 1:56 p.m.)

7 (On the record at 2:17 p.m.)

8 MR. BRADY: All right, folks, if you
9 don't mind taking your seat, we're going to get
10 started on the last section here, so we can get
11 everyone out of here on time, earlier even.

12 So we're going to start talking on the
13 draft regulatory concepts for edible food
14 recovery. Kyle Pogue is going to present on a
15 number of slides here. And, yeah, Kyle's done a
16 really good job, so I'll leave it over to him.

17 MR. POGUE: All right. Good afternoon
18 everybody. Thanks for sticking it out here into
19 the afternoon on this hot summer day. I am going
20 to talk you through some pretty general concepts
21 on what we're seeing, based on the numerous food
22 recovery panelists that we've heard from and some
23 of the literature that we've reviewed, and
24 comments that you guys have submitted, and I'm
25 going to put that out there for you. But I want

1 to be up front and say we are interested in
2 additional concepts. So if you have any, please
3 submit them.

4 And I think, Hank, you were asking for
5 concepts in writing by July 21st?

6 MR. BRADY: Yes.

7 MR. POGUE: Okay. So please feel to ask
8 any questions you want and let us know if you
9 have additional concepts. I will be frank, we
10 are wrestling with this one still, and this is a
11 tough topic, one we're anxious to tackle. And
12 hopefully some of these concepts help move us in
13 the right direction.

14 So we thought it would be a good idea,
15 just as a reminder of what we're talking about
16 here on this 20 percent. So the statute included
17 a reference directly to recovering 20 percent of
18 edible food that is currently disposed, or what I
19 often times say, destined for disposal, is
20 recovered for human consumption by 2025. And I
21 put this up there, just as a reminder that this
22 is intended to tackle food destined for landfill.

23 We've heard a number of comments and
24 ideas about trying to capture additional field-
25 gleaned material, food that would be left in the

1 field until then, or other things that don't
2 actually hit the disposal stream. And I want to
3 make sure that you're clear that this is what we
4 are focusing on through this effort. And it also
5 is not focused on food waste prevention or other
6 fantastic concepts that we're looking at, too,
7 under the more global context of 1383. So again,
8 20 percent of edible food for human consumption.

9 So I thought it would be useful, and
10 you're not going to see this on my PowerPoint,
11 but to maybe remind you quickly the folks that
12 were on our two panels. And we had one here in
13 Sacramento, another down in Oceanside. And it
14 will just give you an idea of the breadth and
15 depth of the folks that we heard from and the
16 ideas that we got from them.

17 We heard from Justin Malan from Directors
18 of Environmental Health, Nancy Deming from
19 Oakland Unified School District, Matt Cliatt --
20 Mike Cliatt from Safeway and Albertsons Stores,
21 Andrew Cheyne, who's in the audience here, too,
22 from the California Association of Food Banks,
23 and Patrick Mulvaney, a chef and restaurateur
24 here in Sacramento, part of the Green Restaurant
25 Movement.

1 Then down in Oceanside, we heard from the
2 San Diego Food System Alliance; Barbara Hamilton
3 shared information there. Mike Haller from
4 Orange County Waste Not, a health inspector down
5 there, shared a lot of great information. Kelcey
6 Ellis from Feeding San Diego, Feeding America
7 Food Bank. And then Karen and Cia (phonetic)
8 from URIS Dining Services (phonetic), and they
9 provide dining services to a whole host of
10 companies, but they were primarily talking about
11 San Diego Gas and Electric and what they do there
12 to recovery food.

13 So I really want to again thank those
14 panelists. It's been very helpful to hear their
15 experience and their ideas.

16 But I also will acknowledge that we have
17 not heard from all the sectors that we'd like to
18 talk to about this. And so as you're listening,
19 as you have more information about those sectors,
20 please share them with us.

21 So let's talk a little bit about the
22 edible food donation -- edible food definition.
23 I thought it would be helpful if I read you the
24 original definition that we put out there at the
25 first workshop. It says,

1 "Edible food means food intended for
2 human consumption. In order for this edible food
3 to be recovered, it must read applicable public
4 health and food safety standards."

5 Now you can see in front of you, we have
6 a little bit larger, more expansive definition.
7 And I just want to really thank stakeholders for
8 providing some feedback on this, and specifically
9 Andrew from Association of Food Banks did share
10 this around with some of his colleagues and some
11 of the local food banks and organizations, and we
12 came -- we're coming back with this. And I just
13 want to point out that it includes some
14 additional -- we were sensitive to the comments
15 about public health and food safety. And I think
16 we heard that kind of discussed earlier today,
17 those types of public health and safety concerns.
18 That was in the original definition.

19 But we also indicate that food recovery
20 needs to be consistent with what food recovery
21 organizations are capable of accepting. And we
22 do acknowledge that food recovery organizations
23 vary, all shapes and sizes, and they can recover
24 certain types of food that others can't, so we
25 wanted to meet their standards. And then, also,

1 we included the clarification that edible food is
2 not solid waste.

3 And then here's a new definition that you
4 guys haven't seen yet, and you have if you have
5 all the background materials, but edible food
6 generator, we felt it was important to take a
7 first cut, anyway, at defining what an edible
8 food generator would be. A generator of edible
9 food is an entity that generates or sells a
10 specified amount of food per month. And you can
11 see here, and we'll queue this up in questions
12 towards the end, should we be considering some
13 type of threshold that would kick a generator
14 into this law, into requirements? Should we be
15 targeting the large generators of food waste or
16 recoverable food over those that are smaller
17 generators? We do recognize that the goal is 20
18 percent of edible food for recovery, so there's
19 an additional 80 percent that may be -- that
20 might not be recovered. We want to see that as
21 high as possible. But is there a generator
22 threshold that we should be looking at?

23 So just launching right into some of
24 these concepts, and again, these are very general
25 concepts. Frankly, I was trying to give you -- I

1 would like to give you examples out there of how
2 these concepts are playing out in the real world.
3 Is someone implementing these on a local level?
4 And, frankly, I couldn't find, at all times, real
5 great examples of this. Now you may know of
6 some, so I'd like to hear that from you. Share
7 it afterwards, share it now, but we are
8 interested in other examples.

9 The jurisdiction concept that we're
10 floating here is that a local jurisdiction could
11 adopt an ordinance and/or implement program
12 provisions to increase edible food recovery. So
13 could they build some requirements in the
14 programs that they put out there for food
15 generators to develop a plan that could include
16 these types of potential implementation methods,
17 include provisions that edible food generators
18 should prioritize food recovery first, we always
19 want to see this, top of the hierarchy for us.
20 Frankly, from a greenhouse gas perspective, this
21 is the best way to go, amongst them, prevention
22 first, recovery second, but we always would like
23 to see food recovery prioritized.

24 One way -- one example of that, that I
25 could think of, I was recently out -- a couple of

1 months ago I was out at a grocery store chain,
2 and also met with a composter. And those two are
3 working together right now to identify ways to
4 get at food that, frankly, was very edible. We
5 had -- you could see bags of bananas and other
6 fruit and vegetables that was very recoverable
7 for human consumption. This grocery store is
8 doing a great job getting it to a compost
9 facility. But there was an acknowledgment that
10 there are opportunities here to recover that and
11 get it out into the food recovery network.
12 They're currently working together to do that.
13 And I do think we heard from Mike Cliatt that --
14 from Safeway and Vons, that there are additional
15 opportunities that they haven't quite gotten to
16 yet, but they're working that way.

17 We could also include provisions that
18 edible food generators should estimate the amount
19 of edible food recovered. We are going to get a
20 little bit more into measurement, potentially, in
21 future workshop to talk about that. But are
22 there good ways that they can estimate that
23 amount, or do they weigh it? Is there more
24 specific information that's available?

25 We also included this, I mean, it sort of

1 ties into the first bullet, that we don't want
2 to -- we want to see disposing of edible food or
3 food in general as a worst-case scenario and an
4 effort of last resort, so could that be built
5 into a plan?

6 We also, I think, heard consistently that
7 education and outreach is imperative to help
8 promote local food recovery. And to go back to a
9 general concept that I think we were hearing from
10 the panelists is that the public health nexus,
11 and we heard this from Waste Not OC, we heard
12 this from Environmental Health Directors, Justin
13 Malan was pushing on this a little bit, too, is
14 that it's a perfect opportunity for public health
15 interface with food generators. They are the
16 front lines in working with restaurants, grocery
17 stores, others.

18 And it's a perfect opportunity to share
19 information on food recovery, and consistently
20 communicate the Good Samaritan Act, what types of
21 products are acceptable. And Waste Not OC has
22 even gone to the level of including a packet of
23 materials that they can share that shows the
24 types of food that can be donated, and under what
25 circumstances relative to date labeling and

1 others.

2 We do say local jurisdictions should
3 collaborate with local food recovery
4 organizations. And there is a concept that maybe
5 there's an approved list of organizations that
6 generators locally can work with, if there are
7 concerns about the proper handling of food,
8 what -- can rescue organizations, or are they
9 certified or safe to donate to? And I think I've
10 heard that consistently from generators, there
11 are concerns still about donating food, what
12 those liability issues are like, and they want
13 some protections there. So is there a way to
14 ensure that that happens appropriately?

15 And then incorporating food assistance
16 into a jurisdiction-wide database. And is there
17 some type of platform that could be established,
18 either on a statewide level, or, as what I'm
19 hearing, is a lot of these are very regional or
20 hyper-local solutions to recover additional food.
21 And is there a need for this type of statewide
22 platform, or is it simply a promotion of
23 additional local platforms that exist out there?
24 So we're interested in your feedback on that.

25 We did call out that local agencies

1 should develop edible food recovery plans for
2 city- and county-owned facilities, basically
3 setting an example of that. I think there are a
4 number out there doing that. Later I'll also
5 mention, state agencies should be doing the same
6 thing. So should there be plans in place to help
7 increase the amount of food recovery at those
8 facilities, whether they're, you know,
9 cafeterias? Could they be jails? Could they be
10 other hospitals or publicly-owned facilities?

11 And then we also mention venues and
12 events. And in this case, I think we have some
13 good examples of venues and events that we heard.
14 You know, some of the large stadiums here in
15 California have been recovering food like this
16 for quite some time. Petco Park is an example.
17 I spoke to the San Diego Zoo, just to name a few.
18 And there are others all throughout the state. I
19 think just one more global point is that we see,
20 I guess what I'm seeing, little points of light
21 in each one of these different groups on what
22 they're doing, but consistent application,
23 consistent implementation of food recovery
24 globally is not there. So we can point to some
25 examples, but how do we make this more universal?

1 Let's see, you know, this is where we get
2 a little bit more into generators. What should
3 generators be doing? And, you know, this kind of
4 goes back to the local jurisdiction slide.
5 Should they need to comply with a local ordinance
6 or program provisions, that could be one pathway
7 for generators to put plans together to identify
8 how they're going to recover this food, and that
9 they need to participate and offer unsold or
10 excess edible food to those types of programs,
11 and that they're consistent with and they work
12 closely with the food recovery organizations to
13 ensure that the food that they are recovering can
14 actually be recovered by those organizations. A
15 pretty critical component. I'll talk a little
16 bit more about that later.

17 And I put this on because we have heard,
18 in some cases, that some generators have
19 deliberately disposed or perhaps, you know,
20 rendered inedible for, you know, maybe good
21 reason. You know, there are some requirements on
22 meat and so forth that may not -- in certain
23 circumstances, that needs to go to rendering and
24 it needs to flow that direction. But we put this
25 in here to make sure that this, again, a pathway

1 of last resort.

2 And here I go, I talk about state
3 agencies and school districts. You know, we did
4 hear from Oakland Unified, and they're doing some
5 fantastic things. And they admit, hey, they're
6 early in this process. They need to expand more,
7 and they're attempting to do that. Could there
8 be plans in place for those school districts, as
9 well? I think that's -- there are a lot of
10 opportunities there.

11 So moving on to some additional issues
12 for consideration is, you know, back to the
13 defining edible food generators, that we're
14 seeking input on, is there some type of
15 threshold? Do you see something that would say,
16 hey, you're in, you need -- there's some
17 requirements, you put a plan in place and
18 recovery edible food?

19 We're really interested in what you see
20 as the roles for edible food recovery
21 organizations. We do recognize that they're
22 often times strapped for resources, have limited
23 staffing and ability to do certain things, while
24 at the same time this could help provide some
25 really useful food for them that helps service

1 what they need to do, so we'd like to see them be
2 part of it. And I really appreciate those
3 organizations being a part of this discussion
4 today.

5 And, you know, is there some type of
6 certification system for food recovery
7 organizations to give a little bit more, perhaps,
8 comfort to food generators? Is this needed? You
9 know, again, we have heard some concerns about or
10 worries about donating food and how that's going
11 to be handled, and is it done appropriately? We
12 haven't heard too much of that, but a little bit.

13 We're also concerned about donation
14 dumping. I think I've heard from Association of
15 Food Bank members and others that, again, they
16 have concerns about being able to accept food.
17 And they don't want to be put in a position where
18 they're receiving a lot of food that they can't
19 handle and they ultimately need to dispose or
20 send to compost or do something else. So there's
21 definitely some concerns there.

22 Again, back to the food donation
23 software, a lot of emerging ideas in this space.
24 Is there a role that the state can play in that,
25 or can we point at other local solutions, like

1 the 211 I cited before, that number? Or is there
2 something else that would help kind of that
3 communication in between generators and food
4 recovery organizations?

5 And before I -- I think I just shot right
6 by it, but I do want to mention a couple of
7 things, and I'm sorry if I'm taking a little
8 longer, but I wanted to give you context of what
9 I was seeing in some of the general themes from
10 the panels. I definitely was hearing that public
11 health officials are a crucial link between
12 generators and food recovery organizations, and
13 how that ties ultimately to public health. And
14 sometimes, and they admit it, they're seen as a
15 barrier. So I think they're willing to work with
16 us to help change that, and have expressed an
17 interest to do so.

18 Edible food generators in general are
19 still not clear on the Good Samaritan Act. There
20 may be some room for improvement there, that
21 consistent communication and education regarding
22 recovery opportunities is needed. So does that
23 come through the public health nexus? How does
24 that tie in? That recognition of food generators
25 is important. And I know Waste Not OCC has done

1 this with the sticker program they put in windows
2 that say "We donate food," we recovery food and
3 we're sending it here. That's important to
4 generators.

5 The cost savings on disposal, if you can
6 get this, too, moving in another direction, and
7 tax incentives, other financial incentives are
8 critical for not only generators, but also food
9 recovery organizations, to promote what they do.

10 The food recovery network in general
11 needs additional infrastructure to help
12 transport, refrigerate, prepare, serve, all of
13 those things. And that also includes -- that
14 infrastructure, in my mind, also includes
15 staffing to be able to do that, so additional
16 overhead costs.

17 On that note, I wanted to mention that
18 the Food Waste Prevention and Rescue Grant
19 Program closes July 18th. I know a number of you
20 are looking at that. We've got Alex Byrne, I
21 think, here in the back who's leading that effort
22 from a grant's perspective. So if you do have
23 questions, although he can't answer, really
24 answer any of them because we're in the dark
25 period, but he can at least direct you to where

1 you can submit questions. We have a lot of
2 interest in that grant program, so that will
3 help. We do recognize seed money for food
4 recovery.

5 And also, again, that food recovery
6 organizations are vast and varied. And the types
7 of food that they can recover reflects that, so
8 what one rescue organization can do is not
9 necessarily what a food bank can do.

10 And that many generators out there are
11 already doing a lot of this. There's room for
12 expansion. We've heard from supermarkets, that
13 they've been donating for years. But I think
14 there's still room for an improvement in that
15 area. And again, there are lots of points of
16 light, but not consistent implementation on a
17 generator level.

18 And, you know, overall I just want to
19 recognize that there are a lot of good things
20 happening in this space. It is an evolving, hot
21 topic right now. So we're seeing reports come in
22 right and left on food rescue, food recovery, so
23 we do recognize that. But we don't necessarily
24 see it all, so share ideas and information with
25 us as you get it.

1 And with that, I'll close out and open
2 for questions. Maybe I should put that back,
3 folks online.

4 MR. BRADY: A clear reminder for folks
5 online, the inbox should be there on the
6 PowerPoint that you're seeing. And folks here in
7 the audience, please identify yourself for your
8 name and affiliation. Thanks.

9 MR. THEROUX: Hello Kyle. Hi guys. To
10 this discussion regarding health and safety and
11 nutrition and who makes the decisions, very, very
12 crucial opening of our dialogue there that we
13 need to take a look at. Our expertise on the
14 ground in our communities and our counties are
15 those folks that have been trained for making
16 that determination, whether mayonnaise that's sat
17 out there for an hour is still food or not. And
18 that training needs to be shared with the
19 generators and with the folks in the food
20 collection-distribution network.

21 And I think a major push on that is
22 appropriate across the board, not singling out
23 one over the other but providing a very proactive
24 training, the kind of training that we get with
25 regional -- or registered environmental health

1 specialists at the county level. That's good
2 training right there on the base, and it's built
3 in a program that allows us to train young folks
4 coming right into an agency as a health officer.
5 So it's designed to be something that you can
6 assimilate.

7 So I'd ask that you consider across
8 statewide, taking that kind of -- what's a good
9 apple and what's not, what's good edible food and
10 what's not training, hands-on. If you get this
11 in, can you make that call? If this has been on
12 your buffet line, what do you do with it? And
13 that helps us in the areas of liabilities, as
14 well.

15 Now when we start that discussion, one of
16 the first things that I'm seeing on the ground is
17 we're opening the door in a completely different
18 audience than we normally speak with. On one
19 hand, we're talking with the folks that do the
20 hauling and the gathering. On another side,
21 we're talking to the chefs and the food
22 purchasers. And now we're talking to the
23 dieticians and nutritionists, and they hear
24 things completely different.

25 A study I mentioned this morning just

1 came out of John Hopkins that says we're not just
2 throwing away food. In particular, we're throwing
3 away nutrients. And if we look at how much
4 nutritional value, then it shifts who we speak to
5 and where those nutrients go to in the
6 demographics of the populations that we're
7 working with. And it's a crucial step to get us
8 into the draw, the market draw. Because you can
9 give all the stuff that you want to a food bank.
10 And if they don't have any way to get that out
11 there and don't know who to bring that material
12 to, then it's going to rot. And we're setting
13 ourselves up for a situation, I believe
14 statewide, where our existing infrastructure, as
15 Andrew mentioned here in one of our workshops,
16 that, you know, they take in USDA goods because
17 they're dry goods, and they don't have any way to
18 handle fresh produce.

19 I'm working with a food bank group that
20 they do a loop every two weeks, and some of it
21 only once a month. How are you going to
22 distribute tomatoes that way?

23 So if we, on one hand, say you've got to
24 donate all this material to somebody in an
25 organization like this, and on the other hand

1 provide no backstop for how to increase their
2 market draw, if you will, of distribution, and
3 what to do when they get a whole bunch of stuff
4 that they have to pay for disposal of, we've
5 caused that kind of a problem we're so familiar
6 with of not having the infrastructure. So
7 there's a piece there.

8 In order to get our heads around this, we
9 have to look at this as a systems' approach, as a
10 supply chain question. And there's onramps and
11 off-ramps to that supply change. This is the
12 European concept of a circular economy, and we've
13 got a piece of it here. And everything from
14 the -- the definition that you put up for
15 generators takes into farmers, too. Okay. Now,
16 on one hand we're saying, no, we're not going to
17 work with the gleaners and the farms, on the
18 other hand, they now have become, by this
19 definition, a food generator.

20 So we need to look not just at the
21 restaurant that's going to make the stuff, both
22 in the back of the kitchen and what the post-
23 consumers have generated in the front of the
24 house, but look at where it fits in the supply
25 chain and look for the pitfalls, look for the

1 disconnects.

2 Now one of the -- raise your hand who's
3 not here? If the food bank doesn't have any way
4 to get the fresh produce out there and yet the
5 population desperately needs an increase in
6 nutrition, then we see a disconnect that needs to
7 be worked on.

8 Those are the supply chain aspects that
9 I'm seeing on the ground that we need to focus
10 on. I will keep trying to bring what we're
11 finding on the ground back into the group.

12 MR. POGUE: Thank you, Michael. I just
13 wanted to respond to a couple of things that you
14 said.

15 One is, that's why on the edible food
16 definition, we did include reference to what food
17 recovery organizations needs to meet their
18 standards. So they can make those, perhaps,
19 individual decisions on what they can accept and
20 cannot. You know, we don't want to saddle them
21 with pallet loads of marshmallows versus, you
22 know, pallet loads of broccoli. Those are just a
23 couple of examples. They need to be able to make
24 those, in my opinion, those discretion decisions
25 on what they accept and does it meet their

1 standards?

2 I think that's a good comment on the
3 generator definition, as well. Our intent is not
4 to pull farmers into this. Again, you know, it's
5 really going after edible food destined for
6 landfill, and that's typically not going to
7 happen under that setting, so we'll do some
8 thinking about that, too.

9 Andrew?

10 MR. CHEYNE: Thank you so much. Andrew
11 Cheyne, California Association of Food Banks.
12 I'm going to make several comments, and then I
13 think just one question.

14 So just trying to work my way through the
15 deck.

16 First of all, just a huge thanks. As
17 Kyle mentioned, we were given the opportunity, as
18 everyone was, to provide input on the definition
19 of edible food, and a lot of the concepts that we
20 flagged were acknowledged. And I hope that that
21 is the starting point for some of the things that
22 Michael just spoke to you in terms of, you know,
23 edible food is going to mean different things to
24 different people. But to us it means the food
25 that we can actually (indiscernible). So I

1 appreciate that acknowledgment.

2 And that kind of gets into my next
3 comment, which is on the definition of generator.

4 MR. POGUE: Just real quick, can you hold
5 that up a little bit more?

6 MR. CHEYNE: Higher? Yeah.

7 MR. POGUE: I'm just concerned that
8 people can't hear you online.

9 MR. CHEYNE: Okay. I'm also -- I'm a
10 loud talker, so I don't want to blow people away.

11 But on the generator, I don't know if
12 this concept should be included in the
13 definition, or maybe on the back end? Right at
14 the very end you talked about appropriate roles
15 of edible food recovery organizations, so it
16 could be there.

17 But to a lot of the comments that have
18 already been made, right, but one thing that
19 we're very concerned about is not just dumping,
20 but what happens to us as, you know, nonprofits?
21 And really trying to stretch always, you know, to
22 fulfill our mission, we want to take as much of
23 this food as possible. But we're going to
24 inevitably have higher throughput. We're going
25 to have, you know, stuff coming out the back end,

1 which, of course, we can get to compost. But,
2 you know, it's going to add up in terms of cost
3 or compliance or whatnot, and overhead in terms
4 of our time. And compliance issues is already a
5 big deal for us as a nonprofit, so we want to
6 keep thinking about that.

7 And then, you know, you talk about
8 appropriate roles and some definitions of
9 recovery organizations. Maybe we do need to
10 define that, you know, not something that would
11 be too prescriptive but just to, you know,
12 acknowledge. Just as Michael was saying, in
13 terms of like the food system and the food chain,
14 you know, there's this sort of a pyramid of how
15 we operate which, for those of you who were at
16 the most recent meeting, I appreciate the chance
17 to articulate the basis of how that works.

18 And, Kyle, to your discussion, I forget
19 exactly where it was but I think it was in the
20 jurisdiction section about the roles that
21 counties and the state can play, so by and large
22 the recovery system is county-based. So when I
23 say food bank, I generally mean the countywide
24 coalition of, you know, hub. And then the spokes
25 generally go out to the much smaller pantry

1 systems. And so I would like to take you up on
2 the idea of not only do we need to be thinking
3 countywide, generally speaking, for how the
4 jurisdictions operate in this space, but also
5 what the state role is in connecting. Whether
6 it's just contiguous counties or whether it's
7 maintaining information statewide, I think that
8 there's a lot of value there.

9 One concept that we haven't floated
10 publicly, and I'm just going to put it out here,
11 and fully acknowledging this may be a bad idea,
12 but just the way we work, and this kind of gets
13 to Michael's comment, in terms of the food chain
14 and the food system, you know, the way that the
15 food banks and our pantry partners operate, it's
16 easiest for us, and it's often some of the most
17 nutrient-dense foods at the top of the food
18 system; right?

19 And that's why like we're so well known
20 for our Farmer to Family Program, because we can
21 get truckloads of it, it's incredibly nutritious,
22 we can break it down into smaller loads, we can
23 get it out. It's relatively nonperishable.

24 And as we move -- I mean, of course,
25 there's the whole process, through things that

1 are incredibly shelf stable, but things that are,
2 you know, processed and perishable, right, coming
3 from all those places, that's when we're not open
4 when the convention center closes or the
5 restaurant closes. That's when, you know, the
6 chain of custody, you know, issues and food
7 safety are so paramount. And those solutions are
8 going to be hyper local, we need to figure them
9 out.

10 But potentially, as a concept, you know,
11 one thing that would at least align with how we
12 operate, and again, this may be a bad idea, is
13 somehow to prioritize or incentivize, you know,
14 up the system as much as possible, or at least in
15 some circumstances. Because when it gets down
16 it's just the most costly and least effective.

17 And if no one has heard the Starbucks
18 Experience, forgive me if you have, but a good
19 example, a real-world example is that Feeding
20 America, the National Food Bank Network, has an
21 agreement nationally with Starbucks. And again,
22 you know, leaving even aside the nutrient
23 question, but it's mostly pastries and things
24 like that, it's like eight pounds on average. So
25 people are driving around at great cost to get

1 eight pounds of food, you know, when Starbucks
2 closes, which is very late at night. You know,
3 so now we have incredibly high labor and
4 transportation costs. And so that's just one
5 example of how this can play out and things that
6 we want to learn from as we go through this.

7 And then so my question is, if I heard
8 the end of the last, before we had the break,
9 Hank, your offer for small group discussions, I
10 think it would be great to pull together other
11 stakeholders. Because people have clearly heard
12 from me, and I appreciate the fact I got invited
13 back, but I don't, obviously, represent everyone
14 across the state in the edible food recovery
15 world. And I think we should pull together a
16 team on those questions and concepts.

17 Thank you.

18 MR. POGUE: Andrew, thank you for those
19 concepts, very helpful. And definitely
20 interested in who else we should get around the
21 table, so we'll talk to you more about that on
22 those types of discussions. I would encourage
23 that.

24 We're with Nick.

25 MR. LAPIS: Hi. Nick Lapis with

1 Californians Against Waste. I'm actually glad I
2 went right after Andrew, because I had some
3 similar thoughts.

4 Specifically on the last point he brought
5 up, you know, I think I've said this before, this
6 is the wrong audience to be having this
7 conversation with. We keep tacking on edible
8 food to solid waste workshops. And, you know,
9 god bless Andrew for coming out to each of these
10 workshops, but I feel like we need to have all-
11 day edible-food-focused workshop and really try
12 to get people there. This is a big deal,
13 potentially, in that world, and it should not
14 come at the tail end of a solid waste workshop.
15 So -- and that's not all criticism, because I
16 know you guys are developing this product and
17 it's in one bill, and you've actually done a
18 great job of reaching out to folks. But I think
19 now that you at least have these draft concepts,
20 it makes sense to have a one-day focused
21 workshop.

22 I think the concepts are a good starting
23 point. As was mentioned earlier, you have a lot
24 of shoulds, which isn't regulatory language. I
25 think you've got to decide where they are shalls

1 and where they are encouragements and incentives.
2 I would probably err more on the side of shalls,
3 personally, but that's a judgment call you're
4 going to have to make.

5 But one thing that's really hard for me
6 to wrap my mind around is how much do the items
7 we've identified, which seem like the obvious
8 first things to do, how much do they actually
9 move the needle towards the 20 percent. And you
10 don't really have good data because you don't
11 know, first of all, you don't know how much the
12 20 percent is, and second of all, you don't know
13 how much you're going to recover of each of these
14 items.

15 And so my recommendation for you,
16 specifically on the edible food item, is to
17 approach it the way the ARB approached AB 32;
18 start with a series of early-action measures that
19 you implement, things that are obvious, which are
20 some of the things you've identified so far, with
21 a commitment to come back in a couple years and
22 do a full regulatory package, a phase two
23 regulatory package. I think we'll have a better
24 sense of what else we can do in a couple years.
25 And if we can, you know, take the low-hanging

1 fruit, divert it to hungry people, and then come
2 back and really start looking at the more
3 complicated stuff, I just don't think we're
4 necessarily equipped to know what more we will
5 have to do to get to the 20 percent yet.

6 And finally, I had an interesting
7 conversation with the other day with one of the
8 local conservation corps. And they are really
9 interested in being part of this infrastructure.
10 And they kind of want to serve, at least based on
11 this one corps, they want to serve that middle of
12 the road capacity slot that's really necessary.
13 So you have, you know, the food runners, who are
14 going to pick up after the catered wedding;
15 right? And then you have food banks that are
16 going to pick up at the semi-truck load scale.
17 But for the Starbucks's, for the chain
18 restaurants where there is a collection route
19 there, potentially, but each stop is not a very
20 big quantity, but there is a regularly
21 schedulable collection route, they seem like they
22 would be very well qualified to handle that, and
23 that might be something you should explore.

24 Thank you.

25 MR. POGUE: Thanks Nick. And we have

1 done thinking on local conversation corps. We
2 work with them in many different capacities.
3 California Conservation Corps, as well, there may
4 be some opportunities there, so something we can
5 think about, as well.

6 Just for the record, we embrace all
7 stakeholders equally. Thank you all for being
8 here. I know that wasn't your comment. I have
9 been in discussions with other, more targeted
10 food rescue organizations through the Food Waste
11 Roundtable, which you participated in. So we are
12 sharing information outside, but I do take that
13 to heart, the need to have a more focused
14 discussion with generators and people working a
15 little bit more in this space. I think we do
16 have some of those people participating now, but
17 we could certainly expand that, so thanks for the
18 comment.

19 MR. LAPIS: (Off mic.) (Indiscernible)
20 followed by a reg?

21 MR. BRADY: Yeah. So that's what I was
22 going to comment on. In terms of early action, I
23 mean, kind of things that we've outlined here, as
24 Kyle mentioned, I mean, to be frank, some of
25 these are the obvious, obvious things, targeting

1 large generators, targeting single-venue -- or
2 single-day venue events. You know, there's
3 nothing we can do prior to 2022. But to the
4 extent that we can -- we're definitely open to
5 coming back with more focused ideas and
6 regulations at a later date, if we get more
7 information. I think, you know, with the waste
8 characterization study, we're going to try to get
9 some additional information. That's not
10 necessarily the best place to get information,
11 but that's a source of information that we're
12 going to get.

13 But, frankly, you know, part of why we're
14 trying to put this out early and get some
15 concepts is we're looking for additional ideas
16 here. I would -- you know, it's not necessarily
17 as forward as a step one, step two, step three,
18 but this is sort of our first cut of here's the
19 ideas that we've got to include in the regs. We
20 want to know what works with them, what doesn't.
21 If there's other ideas, we'll consider those.
22 But certainly don't want to make the impression
23 that we're adopting these and then that's it.

24 MR. LAPIS: Well, I would definitely
25 recommend that you do come up with a formal

1 commitment. Again, you can't make yourself do
2 anything in the future, but put a commitment out
3 there that you will come back with a second round
4 of ideas, just because we're not going to get it
5 right. There's no way we can. It's not -- this
6 isn't a composting program that we're replicating
7 from Alameda County to another county. This is a
8 completely new issue area.

9 UNIDENTIFIED MALE: I would like to just
10 to --

11 UNIDENTIFIED MALE: Hang on a second.

12 MR. JOHNSON: Just to clarify. So when
13 you're talking about early action items, you're
14 talking about the first version of the regs that
15 will go into effect 2022, or were you talking
16 about non-regulatory activity prior to 2022?
17 Because those are two different things.

18 MR. LAPIS: Yeah. I knew you'd ask that.
19 Probably both. And probably both. Probably some
20 set of best practices that you recommend people
21 adopt before 2022 with some set of regs in 2022.
22 And then revisit this in 2020 for -- because at
23 that time, you'll know a lot more.

24 MR. BRADY: Yeah. And the other thing is
25 1383 does specifically direct us to do a report

1 in conjunction with ARB on progress towards the
2 50 percent goal in 2020, and towards 75 percent.
3 And this 20 percent goal is certainly something
4 we're going to look at, at that, and try to
5 identify action items we can do at that point,
6 too.

7 MR. POGUE: I will say that -- you
8 mentioned the Food Waste Prevention and Rescue
9 Grant Program. Maybe one good insight into how
10 some of these programs can expand and work, so it
11 could help inform that because I do like learning
12 from the experience that's being had out there,
13 so I appreciate that.

14 MS. STEIN: Toni Stein, Environmental
15 Health Trust.

16 Just something real quick is back to AB
17 32. And the Department of Public Health has
18 climate change actions that they're concerned
19 about with heat and health and safety. And
20 CalEnviroScreen, and 1353, I think it is, show
21 communities or highlights the communities of
22 need. It should be -- it would be good if there
23 were incentives of this program given to the food
24 recovery distributions that give to those zones.
25 And I envision possibly, you know, grant programs

1 that had mobile sources that went into those
2 zones and distributed food and saw if it's
3 successful, and then located a permanent source,
4 is so.

5 That's about all I was thinking.

6 MR. POGUE: I will just say that we have
7 acknowledged that in our greenhouse gas reduction
8 funding for both organics infrastructure and for
9 food waste prevention and rescue that tie to
10 disadvantaged communities, and the benefits that
11 food recovery can bring to those communities. So
12 we have looked in that direction, too.

13 MS. MAHIL: Avneet Mahil of Stanislaus
14 County.

15 I've actually worked at as a REHS for ten
16 years. I worked for the Health Department, and
17 now I've gone over to solid waste for the last
18 year-and-a-half. So I totally agree with the
19 first gentleman that talked about education and
20 utilizing the REHSs out there to bridge the gap
21 between education to the generators.

22 Working for ten years in Stanislaus
23 County, I saw lots of different things. And I
24 used to do inspections of food banks and churches
25 that were getting donations from the community.

1 And the biggest issue that I used to come across
2 was, especially like churches and whatnot, they
3 didn't actually know what they were doing and how
4 to handle food. And so, you know, they would
5 have violations and whatnot, and so I would be
6 writing them up. And even though, you know, they
7 were doing it for the greater good, but they
8 still had to fix issues and go through certain
9 education, you know, and whatnot.

10 So I definitely think, you know, for
11 future, you need to make sure that you get REHSs,
12 you know, the directors and whatnot, involved.
13 In fact, I went back to Stanislaus County from
14 the last workshop and I talked to the manager of
15 Environmental Health and told him that this was
16 coming down. And I told him if there was any
17 education opportunities, to send the air
18 supervisors to do, send them because they need to
19 realize that this is coming down. And solid
20 waste, at least in Stanislaus County, we aren't
21 together. We're under the same department but,
22 you know, they are separate from us. So for me
23 to go out and do the education, yes, I am an
24 REHS, but my job is completely different now, we
25 need to utilize them, the Health Department, to

1 go out and give the information. And so he said
2 he was going to start sending -- you know, if he
3 found -- heard of anything, he was going to start
4 sending them and whatnot.

5 But I definitely do agree that the Health
6 Department is going to be the biggest group
7 that's going to help you guys.

8 MR. POGUE: Thank you for that comment.
9 Your experience helps with that. The food
10 handling certification, perhaps, and how does
11 that tie into consistent education? And I think
12 we've heard that from environmental health
13 directors saying there's a need for that, that
14 type of training. So thanks for the comment.

15 MS. MORGAN: I was curious how you see
16 that playing out in the reg concepts. Do you
17 think that we need to have something that
18 environmental health departments should have to
19 do, have inspectors educated and providing then
20 this education? Can you give us a little
21 feedback of how you see that playing out in the
22 regulation?

23 MS. MAHIL: So I think it needs to be
24 consistent, so that's why I think it's very
25 important that it's a statewide thing.

1 Consistency plays a major part when you're going
2 out there. Because in the ten years that I did
3 it, I realized that, you know, there were people
4 before me that would do a little -- something a
5 little different. And then when the operator
6 would see a new person, and then you're kind of
7 doing -- tweaking it a little bit, they would get
8 really frustrated, well, the last inspector told
9 us that it was okay, and now you're saying it's
10 not. So consistency is a big issue within, I
11 think, environmental health specialists.

12 So if you want to get -- especially if
13 you're trying to get people onboard with this.
14 So I think consistency, I think education, I
15 think if you guys can possibly do some kind of
16 workshop and take it across the state and work
17 with the different counties, and maybe have a
18 standardized way of educating the REHSs, I think
19 that's great.

20 I had told the manager in Stanislaus
21 County that I would be willing to put together a
22 worksheet or something for them, and then they
23 could pass it out. Because obviously certain --
24 each county goes out and does inspections so many
25 times throughout the year, so it would be more

1 beneficial and, obviously, streamlined if the
2 inspectors are the ones that are passing the
3 information. And we could work together as far
4 as, you know, the regulations and whatnot, and
5 what the standards are. And I could put together
6 something from the solid waste side, and then
7 they could put something together from the
8 environmental health side, and make it like a
9 worksheet or something, or a flyer that we could
10 pass out.

11 So consistency, I think, is the number
12 one thing. And I think that needs to be
13 statewide. I think if there's some kind of way
14 that you guys can come up with some kind of
15 workshop that you're going to take across
16 everywhere and just call all of the REHSs out
17 there, I think that would be a really good way
18 to --

19 MS. MORGAN: But I'm not hearing anything
20 in the way of the regulation.

21 MS. MAHIL: Oh, you're saying California
22 Retail Food Code, I'm assuming? You're saying
23 the -- yeah.

24 MS. MORGAN: I'm not really sure.

25 MS. MAHIL: Environmental health

1 specialists goes by California Retail Food Code.
2 There's regulations of, you know, food has to be
3 temped at certain --

4 MS. MORGAN: I think I was getting at
5 more to ensure that every environmental health
6 inspector does this, does this education in this
7 consistent way. Would you see something in our
8 regulation that would specify --

9 MS. MAHIL: Yeah.

10 MS. MORGAN: -- environmental health
11 specialists has to go this annual training or
12 whatever it is, environmental health has to
13 include this on their checklist when they're
14 looking at all these other things?

15 MS. MAHIL: Oh, so you're saying from
16 your -- okay.

17 MS. MORGAN: Yeah.

18 MS. MAHIL: Sorry. I apologize.

19 MS. MORGAN: That's okay.

20 MS. MAHIL: I think that would be great
21 if there was something written in their about
22 environmental health specialists. Because truly,
23 like I said, they are the ones that are going to
24 bridge the gap. Training would be one. The
25 second thing, I mean, on inspection reports, if

1 you -- we could have something written out on the
2 inspection reports that, you know, are they part
3 of a program permitting processes? I mean, each
4 food facility has to be permitted. Food banks
5 have to be permitted. Churches have to be
6 permitted if they're giving out food. So maybe
7 some kind of different way of possibly putting
8 them in a different category of a permit or
9 something, so maybe they get different
10 inspections and so you're looking for different
11 things.

12 I think probably more education, though,
13 the training would be important, I think. I hope
14 that answered your questions.

15 MEDICAL DIRECTOR BACKER: Thank you.

16 Neil?

17 MR. N. EDGAR: Neil Edgar with Edgar and
18 Associates.

19 So I'm 15 years removed from 20 years as
20 a grocery store manager. But at that time there
21 were no best management practices for not only
22 how to maintain food safety standards in
23 accumulating those materials at the store level,
24 but also best management practices as far as
25 logistically making it more efficient. So some

1 kind of best management practices, training
2 resources that, you know, follow the food
3 safety -- the house processes that start at the
4 field and work their way all the way through food
5 production and into food distribution, and
6 through the inspection process, they'll need to
7 be maintained all the way to the food recovery
8 organizations and out to feed, you know, healthy
9 food to hungry people.

10 So best management practices type of
11 documentation at all those levels is probably, it
12 seems to me, a good -- you know, the Restaurant
13 Association and the Grocers Association haven't
14 done that already, that's something they
15 definitely need to work on.

16 MR. POGUE: Thanks Neil. Thanks for
17 staying awake, too.

18 I do want to say, we did here from Mike
19 Cliatt on that and they are developing -- they've
20 done their own best management practices. They
21 are working on consistency throughout their vast
22 number of stores, 350 stores or some large
23 number, but that's, you know, chain by chain
24 perhaps. So maybe there's a need for that. I'll
25 push it a little bit on that, maybe like Cara

1 did.

2 How would we -- that play out in a
3 regulatory -- from a regulatory standpoint, or is
4 that more of just something to think about even?
5 How would it play into regulations? What type of
6 requirements could we -- sorry. What types of
7 things could we include in plans, perhaps?
8 Sorry. I pulled the mike out of Chuck's hand.

9 MR. N. EDGAR: I think you're going to,
10 through this process, identify the large
11 generators, so groceries, restaurants, other food
12 production facilities. And perhaps within those
13 industry sectors you could put requirements for
14 some kind of training and development by the
15 organizations that are overseeing them to try
16 help facilitate that. They're the ones that know
17 those industries best on how to make
18 implementation occur within their -- but on a --
19 yeah, to do it chain by chain, and what
20 Albertsons/Safeway might be developing, they're
21 not going to share with their competitors. And,
22 you know, this would be easy if it was through
23 industry associations, I think.

24 MR. POGUE: Okay. Thanks for that. I
25 think what I'm hearing a little bit is on the

1 association level, perhaps, those -- that type of
2 guidance. Okay.

3 MR. WHITE: Chuck White, Chuck White
4 Consulting. Just a couple of questions. And this
5 whole area is new to me. I've been kind of a
6 solid waste guy, disposal and recycling. And I
7 think rescue, well, I think it's a fantastic idea
8 and I would certainly support it.

9 I just am curious about the metrics,
10 because you have to reach 20 percent of the
11 edible food that is currently disposed of. We've
12 got 20 million tons of organics, but that's not
13 all food. So what's 20 percent of food waste?
14 What's the number that you're trying to get
15 established. It about half the organics food
16 waste, so we're talking about 1 million tons has
17 to be diverted by 2025?

18 MR. POGUE: Yeah. If you want to add on
19 to this.

20 You know, what we've been saying at the
21 workshops, in California we dispose roughly 5 to
22 6 million tons of food waste annually, going into
23 the waste stream. And that's broken up, as Hank
24 pointed out a little bit, about 18 percent of the
25 waste stream is food waste. Now we recognize,

1 certainly, that not all of that food waste is
2 recoverable for human consumption. It needs to
3 go --

4 MR. WHITE: Well, I was going to say
5 that. So it's 15 -- 20 percent of edible foods?

6 MR. POGUE: Of edible food.

7 MR. WHITE: Right.

8 MR. POGUE: So that's -- we're trying to
9 define that a little bit and --

10 MR. WHITE: So some number, but we don't
11 know what that number is plays into this?

12 MR. POGUE: we know it's certainly a lot
13 less than what it is. Some reports have said,
14 and I'll just say the ReFED Report has said that,
15 you know, roughly 78 percent of food that is
16 disposed is recoverable. So what does that mean?
17 You start breaking that number down a little bit,
18 you're at something much less.

19 MR. WHITE: So it's --

20 MR. POGUE: And then it's --

21 MR. WHITE: -- on the order probably of
22 100,000 tons, rather than 1 million tons?

23 MR. POGUE: Yes.

24 MR. WHITE: Okay.

25 MR. POGUE: It might be a little bigger

1 than that. But then the law says 20 percent of
2 that.

3 MR. WHITE: Right.

4 MR. POGUE: So we recognize we need to
5 further define that and measure that. I think
6 Hank mentioned earlier, we'll have some future
7 workshops discussing that. But that's something
8 we have to figure out through perhaps waste
9 characterization studies or other things to see
10 what that looks like.

11 MR. WHITE: The overarching metric is
12 still the 5 or so million tons for disposal in
13 landfills in 2025. So you'll note whether or not
14 overall the program is successful by knowing how
15 much organic waste in total is going in by 2025.

16 And my second question has to do with
17 what role, if any, does the traditional solid
18 waste service provider play in this? I know you
19 don't have anything in here. You have basic
20 jurisdictions and generators. And so does that
21 mean that the traditional hauler or facility is
22 left out of this altogether, or would there be --
23 could there be situations that a jurisdiction,
24 for whatever reason, may want to incorporate this
25 kind of service, a food rescue, into a service

1 contract for solid waste services? I haven't
2 polled all the jurisdictions in California to
3 know if anybody would be thinking about that, or
4 maybe it's not even an issue. But I'm just
5 curious whether or not you've come across that
6 question. And I'm sure you would not want to
7 have a service provider interfere with a food
8 rescue program. You know, you can't take that
9 waste from food rescue because I want to use -- I
10 want to see it go into my composting, or worse
11 yet, to the landfill.

12 But have you given any thought of what
13 role, if any? Are we just a bystander in our
14 traditional role of solid waste service provider,
15 and it's a whole new area that's going to be
16 developed, or is there a role for a traditional
17 solid waste provider to play?

18 MR. BRADY: So that is something we've
19 given some thought to. We are very much
20 interested in ideas on how that might play out.
21 We've seen, I think, a number of jurisdictions do
22 include that, either in their franchise or their
23 contract with the solid waste hauler, that they
24 provide some sort of edible food recovery
25 service.

1 MR. WHITE: For lack of any other
2 options, really, for the most part.

3 MR. BRADY: Yeah. I'm not sure where
4 it's stemming from, for why they're including
5 that. But that's certainly something we're
6 interested in exploring more, but it gets kind of
7 detailed and tricky in terms of what we can do in
8 the regulations as to these services need to be
9 included in a solid waste hauling contract or
10 not. So we're certainly open to ideas on that.

11 MR. POGUE: I will say that I've seen
12 some burgeoning, new relationships in between
13 solid waste haulers and generators and food
14 rescue organizations, and some good partnerships
15 that have evolved there. I do think, much like
16 public health officials or public health
17 inspectors, that could be a good interface in
18 between generators because you guys are there on
19 a regular basis. You're communicating with those
20 generators on the services you provide, and
21 integrate that into it, as well. I think there
22 are definitely some opportunities that we've seen
23 there.

24 But all ears on the concepts that you
25 send us by July 21st.

1 MR. THEROUX: Michael Theroux, JDMT.
2 And to respond directly back into what
3 Chuck is talking about, the haulers has got a
4 business to attend to. And that business may
5 well mean that he's collecting for free the green
6 waste and the food waste from clients on the
7 route and taking it to a struggling composting
8 operation. And they don't want anybody biting
9 into that, I'll guarantee you.

10 So you're in a situation of tension as
11 much as you are playing nice together. And it's
12 an understandable one because it's basic
13 economics, and nobody's got any real margin to
14 play with. So take into account that, you know,
15 when we push it down here, it comes up over
16 there.

17 And in the particular situation I'm
18 working with, that composter needs that food
19 waste and green waste mixed together, taken into
20 that plant. And that hauler picks it up for free
21 for a reason and takes it to that plant.

22 So it's a serious situation. And it's a
23 difficult one to work with on the ground when
24 we're trying to pull that food out of that supply
25 chain. Just a point in case.

1 Regarding your question as to we're in
2 the regulatory process, reflecting a comment that
3 was made earlier, with all due respect, maybe it
4 doesn't, not at this stage, that next in, we need
5 to have a straight-up focus on edible food, I
6 agree. I we have a trained mechanism within the
7 state for what is edible and what is not, and we
8 need to use it. But I don't think we have to
9 regulate anything. We don't know enough about it
10 yet. We're going to learn a lot in a round or
11 two of this food grant. But I think after a
12 little time here with good heads-up, hands-on,
13 bring everybody in on what is food, that we'll
14 see what needs to be done.

15 And I think out of that, after that
16 forum, then I think it would make sense to take
17 the show on the road to the counties and say,
18 look, we're talking about food rescue and food
19 waste prevention and all of that, and on aspect
20 is this.

21 Now I think if you handle that right, you
22 step into and can utilize the international
23 foundations and philanthropic organizations who
24 have such a focus on this issue right now. And I
25 think that you would find that you would attract

1 ReFED and Feeding America and people who look at
2 the 10,000-, 30,000-, 60,000-foot level and
3 understand how to standardize these kinds of
4 approaches, and I think that would important.
5 We're on the ground. We're in the weeds, trying
6 to figure out what the metrics are. They're
7 trying to figure out how to standardize what we
8 count so that it plays and speaks back and forth
9 across the states and the countries.

10 So I would encourage you to, before you
11 try to address the question of how we would
12 approach this regulatory in any way, that we
13 learn a lot more about it, that we hit it up on a
14 public format, that we attract in some real
15 smarts nationally and internationally, and we
16 make a big show out of it and get everybody's
17 mind on it and do it in public. And then take
18 the show on the road and take the training out
19 there and invite people in.

20 MR. BLOCK: So let me just add some
21 clarification here on your first point about who
22 does what. It's important that we keep two
23 different things separate. Recovery of organic
24 recycling is different than edible food recovery.
25 When we're talking about edible food that's being

1 donated or recovered, that's not solid waste. It
2 doesn't mean that a hauler might not also
3 contract to be part of that recovery process, but
4 it wouldn't automatically be part of a solid
5 waste hauling franchise.

6 The statute is very clear that if
7 material -- anybody can donate material on their
8 own. So it's not solid waste until they stick in
9 the garbage can. So that's an important
10 distinction, which is different than organic
11 waste that going to a composter. So that's -- we
12 want to, with the edible food activities, and
13 ultimately regulations, we want to capture the
14 stuff before it becomes waste where the only
15 avenue is, let's say composting or ADD.

16 So it's just we don't know where that
17 line is now, that's part of what we're doing, but
18 it's important to remember that those are two
19 different things. Obviously, edible food can
20 become organic waste at a certain point. But
21 while it's still recoverable, it hasn't that
22 order between -- it hasn't crossed that threshold
23 to solid waste.

24 MR. THEROUX: Unfortunately, that isn't
25 what's playing out on the ground now. If it's

1 more economical for a restaurant to go do what
2 they've always done and not do food waste
3 prevention and food recovery, that's what they're
4 doing to a large degree, it's the economics. And
5 that means that if they shove it off into that
6 bucket, it's waste.

7 MR. BLOCK: And that is why you see some
8 of the concepts in here about not allowing
9 businesses to spoil food and make it --

10 MR. THEROUX: Having said that --

11 MR. BLOCK: -- disposable, and to have
12 requirements.

13 MR. THEROUX: -- that quantity --

14 MR. BLOCK: And so we recognize that's an
15 issue. I just wanted to make sure, because as we
16 got into the will it be part of the haulers
17 business, we were starting to mix those two
18 things. So that's just important.

19 MR. THEROUX: But that hauler and that
20 compost facility are depending upon that flow and
21 that quantity, and we are biting into those
22 quantities. We have a good definition and a
23 separation of legalities on this, but
24 economically, right now the reality is, that
25 we're trying to change on the ground, is that

1 food waste prevention doesn't normally happen.
2 And because of that a certain quantity of
3 material of organics are flowing through the
4 hauler to the composting facilities. And man,
5 when we turn the -- tighten that tap back up,
6 we're impacting business along the way, and we
7 just have to be aware of that.

8 MR. BLOCK: Agree.

9 MR. POGUE: I'll just add, jumping in
10 this a little bit, that I think maybe from a
11 practical perspective, there's plenty to go
12 around. And again, this is targeting 20 percent
13 of food recovery, and hopefully we can exceed
14 that. But I also respect the need that there are
15 facilities that are looking at the same feed
16 stocks. But that's why we're trying to be clear
17 that -- and there are advantages to recovering
18 that edible food. There are benefits to
19 recovering that edible food, tax incentives and
20 so forth, that generators need to know about, as
21 well, so --

22 MR. BRADY: And I just wanted to add one
23 last thing in terms of focusing on education as
24 opposed to regulations or prior to. We
25 certainly -- and it's true, not just of the

1 edible food piece but of all of 1383 on the 50
2 and 75 percent for organic waste, that the
3 regulations are one key aspect of what needs to
4 be done, but it's not the solution in and of
5 itself in how we're going to achieve these
6 targets and goals.

7 It is -- though I did want to mention,
8 for edible food recovery, the legislation has a
9 lot of shalls, may, shall nots, may. One of the
10 things that we specifically shall do is include
11 requirements in the regulations to improve edible
12 food recovery by 20 percent. So that's not
13 something that we have an option on. It is
14 tricky, though, because a lot of the things that
15 you want to happen in order to improve edible
16 food recovery are not necessarily activities that
17 you regulate.

18 So that's where we're struggling here,
19 and we're trying to identify, what are things
20 that we could put in the regulations that would
21 push us towards that goal, fully in
22 acknowledgment that a lot of things outside of
23 the regulations need to happen and will continue
24 to happen, both prior to and after the
25 regulations?

1 MR. LAPIS: I actually just asked for the
2 microphone to say what you just said about the
3 requirements in 1383, so you covered it.

4 MR. BRADY: I always like when we can be
5 in sync, Nick.

6 MR. POGUE: I almost forgot, we do have
7 questions online, so I think we should jump to a
8 few of those.

9 Chris, maybe you could -- let's do that
10 first, and then we'll come back to this; how's
11 that? Is that how Howard would do it? I think
12 so.

13 MS. WHITE: Whatever works. My name is
14 Casey White. I'm a nutritionist. I want to
15 think to a couple of things we haven't spoken
16 about yet that were in the PowerPoint, talking
17 about waste of larger industries.

18 Right now our prisons, we've got about a
19 30 percent food waste coming from our prison
20 industries. They're required to cook to
21 capacity. And they also have the facilities to
22 take that food that's cooked to capacity and
23 immediately put it back into food-safe, you know,
24 storage facilities so that it can then turn
25 around and be donated. And that could actually

1 impact this 20 percent reduction with that.

2 In addition to that, our hospitals are
3 producing about a half a pound of food waste per
4 bed per day.

5 So if we look at those big facilities
6 right there, that can -- I mean, when we're
7 talking 20 percent of 13 to 18 percent, that's a
8 big impact in and of itself.

9 And other big producers, we're looking
10 at -- when you talk about the restaurant
11 industry, let's talk to people like the Hilton
12 Worldwide, like in San Diego, where they have
13 done like zero-waste facilities. They're really
14 making an impact. And there's a lot of these
15 large resorts throughout the state that can help
16 achieve this.

17 Now when we go and start talking about
18 the restaurant industry, first and foremost, I
19 want to let you know that everybody who works in
20 the restaurant industry has food safety
21 awareness, from the dishwashers all the way
22 through general management. Everybody
23 understands what's a good apple, how long your
24 mayonnaise can sit in the sun, it's four hours.
25 All that stuff is really well understood.

1 So it also employees roughly ten percent
2 of Californians, the food industry. And 85
3 percent of those are privately-owned, small
4 businesses. So as we talk about huge regulation
5 and a lot of, you know, how are we going to fine
6 them, how are we going to keep them in control,
7 what we're going to do is we're going to lose
8 restaurants. And then, therefore, we're going to
9 lose -- and we're also losing restaurants. Like
10 was mentioned from the food bank guy earlier,
11 that's the low-hanging fruit. The restaurants is
12 the end of the chain. It's the hardest place.
13 It's the consumer-driven direction. It's the
14 hardest place to recover food. It's not the
15 first place to start.

16 And also, when you look at that, our food
17 rates, we've got 40 percent residential, 30
18 percent from restaurants, that's consumer driven,
19 that's supply and demand.

20 So we go back to the education, which we
21 started with in the very beginning. We educate
22 the consumer. The producers are already
23 educated. They already know about the food.
24 They already know about everything. The people
25 that are ordering it, the people that are buying

1 it, they're the ones that don't understand. So
2 if that's where we focus our education, I think
3 we'll really be able to meet this 20 percent
4 quite easily, and maybe leave the restaurant
5 workers to deal with their four pounds -- or four
6 cubic feet of waste that they've got to manage
7 from a law that's already implemented.

8 So thank you.

9 MR. BRADY: And sorry, I didn't catch
10 your name and affiliation.

11 MS. WHITE: I'm Casey White. I'm a
12 nutritionist, and I'm a master student in food
13 recovery and policy.

14 MR. BRADY: Thanks. I just wanted to
15 mention a couple things. We are -- I mentioned,
16 we're meeting with various groups. The
17 California Restaurant Association is someone that
18 we've set up a meeting with.

19 But to your point, and it will be good to
20 get some feedback on any specifics, but that's
21 one of the questions we wanted to -- that we
22 specifically included, is what's an appropriate
23 threshold? Because there's a certain point, as
24 you're indicating, that you get diminishing
25 returns on how much food you can recover farther

1 and farther down the chain. So that is something
2 we're looking for feedback on, is whether the
3 threshold is a certain amount of food sold per
4 day, per year, per month, number of restaurants
5 owned statewide, that kind of -- we're looking
6 for metrics like that. So not asking you to
7 solve that, but just --

8 MS. WHITE: We had discussions earlier
9 about what size of how much of the smallest
10 container would they have to fill? And once
11 again, you're dealing -- it's a different
12 industry. It's a nighttime industry. There's a
13 lot of challenges that are going to come in this
14 sort of recovery. And I think really think that
15 if we're talking about the 20 percent and we're
16 talking about the landfill, and I've been to all
17 the meetings and that's the pretty consistent
18 thread, I think we need to go further up the food
19 chain, spend a little bit less time worrying
20 about what the threshold on the bottom is, and
21 let's work at the top of the cream and see if we
22 even need to banter that much down there and
23 spend that much time and energy, and we can focus
24 our energy on something that's going to be
25 recoverable, edible, going to feed the hungry

1 Americans. I mean, there's a lot going on here
2 that's bigger than how much trash they're putting
3 in their can.

4 MR. BRADY: Thanks.

5 Did we have some online questions?

6 MR. BRIA: Okay. First one is from Casey
7 Bartholomew, Stop Waste at Alameda County.

8 "Thank you for including edible food
9 tracking requirements for food generators under
10 the local jurisdiction concept, since the burden
11 of tracking often falls on food recovery
12 organizations receiving donations. What's missing
13 from the current provision language for edible
14 food generators is indicating the type of food
15 being generated and, when possible, the reason
16 why food is being donated, overproduced, past
17 date, et cetera. Food waste tracking by high-
18 volume generators provides a feedback loop to
19 ultimately help reduce and prevent food from
20 going to waste."

21 MR. BRADY: And sorry, Chris, how many
22 online questions? I'm just realizing we're at
23 3:30.

24 MR. BRIA: Yeah. NRDC basically
25 submitted their whole informal comment list, but

1 she highlighted a few that she'd like to -- if we
2 can.

3 MR. BRADY: Yeah.

4 MR. BRIA: Okay. The main one is, and
5 this is Andrea Spocht (phonetic) from the Natural
6 Resources Defense Council.

7 "The term edible food remains -- the term
8 edible remains problematic. We believe the law
9 should have called out surplus food instead of
10 edible food. There will inherently be recovery
11 of inedible food parts, as well as edible parts.
12 How does this relate to your measurements and
13 quantification? For example, when bananas are
14 rescued, how is the banana peel, which is not
15 edible food, counted? Please see the WRI
16 recommendations for more streamlined
17 definitions."

18 MR. BRADY: Thanks. We'll --

19 MR. POGUE: Thanks.

20 MR. BRADY: -- keep that in mind.

21 MR. BRIA: And three more.

22 MR. BRADY: Just do one more, and then
23 does anyone else in the audience have any
24 questions? I think we do have one more before we
25 wrap up.

1 So I'd just say one last question from
2 online, and then we'll close out.

3 MR. BRIA: "Do you mean for the purposes
4 of these regulations, edible food is not solid
5 waste so long as it is not disposed of to
6 landfill or incineration?"

7 MR. BLOCK: So this is Elliot. Referring
8 to is the fact that the statute specifically
9 calls out that nothing in the statute prevents
10 people from donating, taking their food wherever
11 they want prior to putting it in the can on the
12 curb. So that conversation was specific to
13 whether it's covered by the solid waste franchise
14 hauling agreement or not, and not specific to
15 it's not disposal until it gets to the landfill.

16 MR. BRADY: Thanks. And thank you,
17 everyone, for coming and sticking with us all
18 day.

19 Again, if you have written comments,
20 we'll certainly take them after July 21st. But
21 we're asking that folks please try to submit them
22 by that time so we can consider it prior to the
23 next workshop.

24 The next workshop, next week in Southern
25 California, we're going to cover the same topics.

1 And then we're going to come back in August on
2 August 16th to talk about reporting and
3 enforcement.

4 And again, encourage folks, if you have
5 specific items that you'd like to discuss with
6 us, please reach out and set something up.

7 Thanks again. Thanks to everyone for
8 coming.

9 (The workshop concluded at 3:31 p.m.)

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MARTHA L. NELSON, CERT**367

April 4, 2017