

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

LAKESWOOD CITY COUNCIL CHAMBERS

5000 CLARK AVENUE

LAKESWOOD, CALIFORNIA

MONDAY, JUNE 26, 2017

10:00 A.M.

Reported by:
Martha Nelson

APPEARANCES

Present

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Cara Morgan, CalRecycle
Hank Brady, CalRecycle
Kyle Pogue, CalRecycle
Mark de Bie, CalRecycle
Martin Perez, CalRecycle

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Public Comment

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Christy Kindig, City of Santa Ana
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Mike Mohajer, Los Angeles County Integrated Waste
Management and L.A. Food Policy Council
Robert Hill, EDCO Waste and Recycling
Alyson Schill, Tree People and L.A. Food Policy Council
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Rachel Otair, Waste Not OC
Ruben Aronin, Better World Group

AGENDA

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P R O C E E D I N G S

JUNE 26, 2017 10:05 A.M.

MR. BRADY: Thank you everyone for coming. My name is Hank Brady. I'm the SB 1383 Manager for CalRecycle. We're going to get started here.

I've got a couple housekeeping items to go over, as well as today's agenda, next steps on the informal workshop process, and a couple high-level policy items that I'm going to cover before we go into our first presentations. And we'll do some quick Q&A before we go into the first one.

Before I dive into that, I was going to ask -- invite Konya with the City of Lakewood to come up and make a quick announcement on some of the facilities, so --

MS. VIVANTI: Good morning everyone. Welcome to the City of Lakewood. My name's Konya Vivanti. I'm the Environmental Programs Manager for the City of Lakewood. And I'm pleased that you've chosen our Council Chambers today for your meeting. I hope you enjoy our facility. And if there's anything we can do to make your stay more comfortable, please let me know or let my staff know.

1 The City of Lakewood Council Chambers and
2 City Staff are very supportive of CalRecycle's
3 programs targeting at improving our environment.
4 We take preservation of our community very
5 seriously, and taking care of the environment is
6 an important part of our commitment.

7 Let me also at this time thank CalRecycle
8 for the grant programs that you administer. It's
9 a great program to help offset the costs of
10 general funds for us.

11 A couple of housekeeping. Restrooms are
12 located outside of the Council Chambers. And
13 additional restrooms are located next door in the
14 two-story building, Centre building.

15 During lunch break, I invite you all to
16 try one of the many new dining establishments on
17 restaurant row. If you want a suggestion, let me
18 know. We've got everything from Costco hot dogs
19 to sit-down places. So I invite you to check it
20 out.

21 And, again, I want to thank all of you
22 for visiting the City of Lakewood, and I hope we
23 all have a productive meeting today. Thank you.

24 MR. BRADY: Thanks, Konya. And thank you
25 again for hosting us.

1 One last housekeeping items for
2 participants on the web. If you have questions,
3 please submit them to our online inbox, that's
4 slcp.organics@calrecycle.ca.gov. We will have
5 that up on the slides when we're doing Q&A for
6 each section. And I just want to remind folks,
7 if you are participating, please do not submit
8 questions through the go to webinar. We're not
9 going to be able to monitor those, so submit them
10 through the inbox and we'll be able to get to
11 your questions.

12 So for today's agenda, we're covering
13 three of the sections that we're looking at in
14 the regulations. We're going to be talking about
15 local organics collections systems starting
16 around 10:20. It will run until 11:45, and then
17 break for lunch. We come back at 12:45 and
18 discuss regulatory concepts relative to
19 processing at solid waste facilities, and that
20 will run until 2:15. And then at 2:15 we'll
21 start with our last presentation, which is on
22 edible food recovery.

23 This slide, going quickly over our
24 informal rulemaking schedule for 2017, as many of
25 you know, we had our first informal workshop in

1 February where we gave a broad overview of the
2 regulatory concepts and sort of an outline of
3 everything that we're looking at in terms of
4 potential areas to cover in the regulations. In
5 May, we did a workshop where we hosted a couple
6 local panels that had business, city and county,
7 and hauler representatives, speaking to their
8 experience managing and implementing organic
9 waste collection programs, and a similar panel on
10 edible food recovery that included grocers on
11 some of their best management practices.

12 We also shared a draft outline of acts
13 that constitute disposal and recycling under the
14 1383 regulations. We are continuing to seek
15 feedback on that. We do not have changes to that
16 definition to share today, but we're actively
17 seeking feedback and comments on that. And we'll
18 be working with our counterparts at ARB over the
19 summer to reflect some of those changes as we
20 move forward.

21 Today, we're covering a couple, as I
22 mentioned, we're covering a couple sections of
23 the overall regulatory process. We're going to
24 come back with another workshop in August and
25 September time frame. We'll be discussing

1 reporting and enforcement, planning and market
2 development in about the same level of detail
3 that we're discussing these concepts here today.
4 And we are aiming for late October/early November
5 to have draft regulatory language. And that will
6 be largely built off the concepts that we're
7 sharing today, as well as feedback that we get
8 from you, both today and in writing, so that we
9 can make changes and address concerns that we
10 haven't -- issues that we haven't thought about.
11 And following that, we may have another workshop
12 on draft language. And then we're looking to
13 move into the formal regulatory process in early
14 '18.

15 So just covering a couple of the main
16 pieces for 1383 and why we're here today.

17 As I think everyone here knows, 1383
18 codified a statewide reduction, a target of 50
19 percent reduction in the level of organics
20 disposed compared to the 2014 level by 2020, and
21 a 75 percent reduction by 2025, with the
22 regulations that we're talking about today going
23 into effect in 2022. And there's also a 20
24 percent goal of for improving edible food
25 recovery, and that is also by 2025.

1 We're talking about organics for purposes
2 of 1383 as it's linked to the SLCP and methane
3 emission reductions. We're looking at organic
4 waste that potentially results in methane. So as
5 a breakdown of the waste stream, it's about 66
6 percent of disposal in 2014. So that puts us
7 with a baseline for 2014 of roughly 20 million
8 tons.

9 And let me actually go to the next slide.

10 As we mentioned in our February
11 presentation, as well as in our May presentation,
12 the significance of the 2014 baseline is that it
13 is a 50 and 75 percent reduction from that amount
14 that was generated in 2014. So that is a solid,
15 essentially a solid cap where we have to reduce
16 75 percent of the amount that was disposed in
17 2014 on and continuing after 2025. So 20 million
18 tons needs to be reduced to no more than 5
19 million tons of organics being disposed in
20 landfills on and after 2025.

21 And the orange line here is a rough
22 projection of continuous statewide generation of
23 organics. And you can see the difference growing
24 between the cap and where organics generation
25 will be moving forward.

1 This is just a little bit more of a
2 granular look at the data. Circled there is
3 2014. The significance of this chart is to show
4 disposal essentially remains static, although in
5 the last -- since 2012 it has increased on a
6 year-over-year basis, making -- and as we -- if
7 disposal continues to increase from the 2014
8 numbers, that makes the overall reduction that we
9 need to meet by 2025 that much greater.

10 I'm actually going to do two more slides
11 before we jump into questions.

12 We made one update to the draft
13 definition of organics based on some feedback
14 that we had at both workshops and in writing, to
15 request that manure be specified as included in
16 the definition of organic waste for the purposes
17 of 1383. We are proposing to add that at this
18 time.

19 We have received some other feedback on
20 the definition. Just a note a couple, one
21 recommendation that the definition -- that the
22 term organic, we use a different term than
23 organic waste, something like biogenic or
24 methane-producing organic waste to help
25 differentiate or distinguish it from existing

1 organic waste definitions. That's something we're
2 continuing to look at, and we'll review as we
3 move forward.

4 Other comments we received on the organic
5 waste definition are recommendations that we
6 prioritized in terms of which wastes receive the
7 most focus. That's something we continue to look
8 at. It's not necessarily what we'll prioritize
9 in the organic waste definition itself. I think
10 as you see the regulatory concepts coming
11 forward, you'll see where we're prioritizing
12 action based on organic waste and where it is in
13 the waste stream.

14 And to build on that, this is a chart
15 from our 2014 Waste Characterization. And this
16 shows where organic waste is generated by sector.
17 Residential waste is the most significant at 10.3
18 million of the 20 million tons of organics
19 disposed coming from the residential sector. And
20 it's important to note that about 71 percent of
21 residential waste is organic as we're proposing
22 to define it in 1383. Commercial waste is at 8
23 million tons, it's about 40 percent. And self-
24 haul waste at 2.3 million tons is about 11
25 percent. Note that this chart does include ADC,

1 AIC or other beneficial reuse. As we shared in
2 May, that's something we continue to look at in
3 terms of activities that constitute disposal and
4 activities that constitute recycling.

5 This chart, along with the charts on the
6 total amounts of disposal generated in 2014, are
7 very -- is data that we continue to look at as we
8 develop these concepts in terms of where is
9 organic waste being generated, how much was
10 generated in 2014, and how much do we need to
11 reduce. I think you'll see, when we talk about
12 the local collections concepts, some of our
13 prioritization based on what this data shows
14 becomes a little bit more evident. And I think
15 as we share more concepts throughout the year,
16 that will continue to become more evident.

17 So before we jump into the first
18 presentation, I wanted to pause and do about five
19 minutes of Q&A on this -- just on any high-level
20 comments, anything. Comments relative to what
21 we're going to be presenting later, I ask that
22 you hold that until after those presentations.
23 But with that, I'll open that up.

24 MS. KINDIG: Hi. My name is Christy
25 Kindig. I'm with the City of Santa Ana. I

1 wanted to go back to the pie chart that you had
2 that shows the organics waste and the percentage
3 of food waste. I'd like you to explain how you
4 quantified the amount of food waste, as compared
5 to organics. Because to me it looks vastly
6 overstated, 18 percent versus 19 percent, because
7 everybody's got green waste. But that amount of
8 food waste, we don't report it as a city, so how
9 did you quantify that?

10 MR. BRADY: So all of this data is coming
11 from our 2014 waste characterization study. And
12 this is actually with -- the study itself is a
13 yearlong and is done at several sites. And we
14 actually have Staff that are going through
15 numerous loads of material that are coming and
16 counting food waste, counting lumber, counting
17 organic waste. They count about 80 different
18 categories, and an additional 30 or 40
19 subcategories within that.

20 MS. KINDIG: So you went and did a little
21 bit of -- I mean, I've been to MRFs constantly.

22 Is this working? Is this on? [referring
23 to the mic] Yeah.

24 I've been to MRFs constantly, and I don't
25 see that kind of food waste. I mean, I see a

1 large amount of green waste. But food waste, I
2 think it's -- that's amazing. And I don't think
3 it's typical because, at least in Orange County,
4 you know, we have a tremendous amount of food
5 reuse that we deliver to people who need it, and
6 we do other things like that. But that just
7 seems way out of line, and so that -- especially
8 for residential. So I just -- I really question
9 the data.

10 MR. BRADY: Okay. And this is -- the
11 waste characterization study is landfill-based,
12 so this is looking at what's going actually into
13 landfill disposal. But, you know, this data is
14 broken -- this data does not necessarily transfer
15 to the residential, and residential doesn't
16 necessarily look exactly like this. This is for
17 the whole waste stream.

18 MS. KINDIG: Yeah. Way too long.

19 MR. BRADY: Okay. Thank you.

20 MS. ROBERTSON: You guys are going to
21 make me work. Good morning. Renee Robertson
22 with the City of San Diego. Mike knew we were
23 going to make the same comment.

24 So the definition of organic waste right
25 now, the way that it's written it says "solid

1 waste containing." So to me that means it's more
2 difficult to differentiate between what is
3 organic waste and what is solid waste. And I
4 think what's intended, if I understand correctly,
5 is to make organic waste a subset of solid waste;
6 correct? So right now -- so maybe just
7 "containing material" rather than consisting of
8 material. I think consisting of material would
9 be the more appropriate way to isolate this
10 subset away from what is, in fact, solid waste.

11 And then fiber, I'm understanding that to
12 mean all paper. And we're going to hopefully
13 better define that in this upcoming waste
14 characterization study; right?

15 MR. BRADY: Yes. Fiber is intended to
16 cover all paper or paperboard-type products.

17 And in terms of containing versus
18 consisting, we'll take a close look at that and
19 appreciate that.

20 MS. ROBERTSON: Thank you very much.

21 MS. MORGAN: Hank, I just want to add one
22 thing.

23 If you have suggestions with respect to
24 the upcoming waste characterization study, you
25 mentioned, that are going ahead, we would really

1 appreciate that. So if you would also include
2 that in your comments, because we will be
3 planning -- actually, they're starting to gear up
4 and do some planning before.

5 MR. BRADY: Yeah. Thanks for reminding
6 me of that.

7 MS. MORGAN: Yeah.

8 MR. BRADY: In the -- actually, in our
9 public meeting last week, I think we had an
10 agenda item that was shared, and that's on the
11 website. That shares, I think, the draft scope
12 of work that was posted. And we're actively
13 seeking feedback on that. And maybe that's
14 something we can send out on this listserv so
15 folks have that.

16 Do two more questions, and then we'll
17 jump into the first presentation.

18 MR. MOHAJER: Good morning. Mike
19 Mohajer.

20 And my questions are pretty much a
21 general. I would like to know how CalRecycle
22 enforces 1826's 50 percent organic reduction
23 versus SB 1383's 50 percent reduction by 2020, in
24 light of the definition of organic waste that you
25 guys have developed?

1 MR. BRADY: So I'll jump on that first,
2 and then let some of the other folks add on, if
3 they have anything.

4 So for 1826 there's a trigger that takes
5 place in 2020, and that's based on organic -- the
6 amount of organic waste, as defined in 1826,
7 continuing to go to landfills. So in 2020, if the
8 same amount of organic -- if more than 50
9 percent -- sorry -- if there's been less than a
10 50 percent reduction in organic waste, what kicks
11 in is that the trigger for businesses that have
12 to participate in organics recycling for 1826
13 goes from four cubic yards per week to two cubic
14 yards per week.

15 For 1383, enforcement doesn't take place
16 until 2022. So we will be monitoring where the
17 state's progress is in terms of organic waste
18 reduction. But the trigger that would happen in
19 2020 would be an 1826 trigger that's based on the
20 organic waste definition in 1826. Starting in
21 2022, we would be looking at requirements that
22 would be necessary if we are not to a 50 percent
23 reduction by 2020.

24 MR. MOHAJER: So summarizing it, for the
25 purpose of the cities and the counties, the 50

1 percent organic reduction uses the definition of
2 organic waste as exists currently in the AB 1826?

3 MR. BRADY: For the purposes of 1826, it
4 does. I think it's important to --

5 MR. MOHAJER: No. I --

6 MR. BRADY: It's important to remember
7 that these are statewide.

8 MR. MOHAJER: Excuse me. I don't like
9 that word, "for the purpose." I'm just asking
10 the simple question over here. For implementing
11 1826 and SB 1383, SB 1383, the regulation will
12 not go into effect until --

13 MR. BRADY: 2022.

14 MR. MOHAJER: -- 2022. So I'm at the
15 year, January 1 of 2020, and the amount of
16 organic waste that I have to divert or reduce or
17 whatever you call it, recycle it from the
18 landfill has to be by 50 percent. And AB 1826
19 very specifically defined organic waste. And SB
20 1383, you guys are attempting to expand it to
21 include much more than what 1826 requires.

22 So I just need to know. Let's say here
23 come January 2020. What is CalRecycle going to
24 be looking at? I see Cara is looking at me.
25 What are you going to be looking, Cara?

1 MR. LEVENSON: We all could answer this.

2 MS. MORGAN: Yes.

3 MR. LEVENSON: It's pretty simple in
4 our -- from our perspective, Mike. We will be
5 looking at, in 2020, the 1826 definition of
6 organic waste and whether jurisdictions are
7 implementing the programs that they're required
8 to implement under that statute. And that's why
9 Hank said, for the purposes of that statute, 1838
10 is different. It's going to probably have -- at
11 least proposing an expanded definition, but that
12 won't come into play until 2022, so it's a
13 different time frame.

14 MR. MOHAJER: So we don't have to about
15 it, huh?

16 MR. LEVENSON: The other thing I want
17 to -- and you'll hear this several times, we'll
18 all say this, is that under 1383, the 50 percent
19 goal by 2020 and the 75 percent goal by 2025 are
20 statewide goals or mandates. They are not
21 mandates on the individual jurisdictions.

22 MS. MORGAN: So to continue on that
23 conversation, for 1826, the same applies. When
24 we look at 2020 and meeting the 50 percent, we're
25 looking at statewide. So we are still not

1 measuring on individual jurisdictions. We'll be
2 looking at jurisdiction programs, as we do every
3 year. But in determining whether the threshold
4 should ratchet down, that again is based upon
5 statewide information.

6 MR. MOHAJER: (Off mic.)

7 (Indiscernible.)

8 MR. LEVENSON: You need to use the mic,
9 Mike -- microphone, Mike, since we have folks
10 listening in.

11 MR. MOHAJER: Oh. I said I probably
12 would ask an official response from CalRecycle in
13 writing.

14 MR. BRADY: Yeah. We're happy to provide
15 that.

16 Are there any other questions before we
17 jump into the first presentation? Okay.

18 We're going to move into -- the first
19 presentation is on collection systems. That's
20 going to be Howard and Cara.

21 And I'll turn it over to you guys?

22 (Colloquy between Ms. Morgan and Mr.
23 Levenson)

24 MS. MORGAN: I'm going to be discussing a
25 couple more of the definitions. And again, we're

1 seeking your input on these definitions. I
2 think, as Hank explained, when we talk about the
3 magnitude of the amount of material that we're
4 talking about diverting, you know, these
5 regulations, as you're seeing now from the
6 concepts that we presented back in February,
7 again in May, and today, you see that the
8 regulatory concepts cover a broad swath. We, I
9 think, also are looking at regulations that are
10 not just focused on the commercial sector. And
11 as you saw on the one slide, looking at how much
12 of the organic stream is coming from residential,
13 you'll see that's why a number of the concepts
14 are focused on the residential sector.

15 However, a nice tie-in to what Mike was
16 saying, we are looking at 1383 as that next step
17 with respect to AB 1826 the mandatory commercial
18 organics recycling, as well as mandatory
19 commercial recycling. Because as you see in the
20 definition of organic waste, many of these
21 materials are what would be traditional
22 recyclables that would go in the blue bin, for
23 example. And we want to continue that path, that
24 those materials would continue to go through the
25 traditional recycling stream. And then more

1 typical organics or food waste, green waste, et
2 cetera, would go through the organic stream.

3 In February, at the very top of the slide
4 the one sentence is what we presented for the
5 generator definition. Today we would like to
6 share with you a little bit more detail in what
7 we're thinking with respect to defining
8 generators. We are proposing that there would
9 not be a minimum threshold as there is with both
10 mandatory commercial recycling and mandatory
11 commercial organics recycling.

12 We're also proposing that the regulation
13 would be directed to residential, that's single-
14 family and multifamily dwellings, again, with no
15 threshold. And with commercial, what we've done
16 here is list examples of the types of commercial
17 entities that we're talking about. Commercial
18 would consist of your typical businesses, as well
19 as local, state and federal agencies, as well as
20 entities that are kind of quasi-governmental that
21 kind of don't fit in either world, like schools
22 and school districts and universities.

23 And again, we're looking for your
24 feedback on the definitions.

25 The next definition that I'd like to talk

1 about, this was also presented in February. And
2 what we are providing here is pretty much what
3 was presented back in February. We did not
4 receive any comments to revise this draft
5 definition. The key concept here is that
6 collection service would be automatically
7 provided to the generators. Instead of relying on
8 a generator to call up and subscribe for service,
9 we're looking at the jurisdiction, and maybe via
10 its hauler, to determine what service level is
11 needed. So very similar to mandatory trash
12 collection where, you know, the service level is
13 determined and provided to the generator, and
14 then the generator pays for that service.

15 There would be opt-out provisions. So,
16 for example, maybe you have a generator, you
17 know, like a supermarket that is already back-
18 hauling all of its recyclables, both cardboard,
19 as well as organic materials, and doesn't -- and
20 maybe is sending all of its edible food to food
21 recovery. Then they would have opt-out
22 provisions and wouldn't, obviously, necessarily
23 need that service.

24 But again, we're looking for your input
25 on the definition.

1 Howard and I will be covering the
2 collection program concepts. And as we get into
3 these, I did want to reiterate that again, later
4 in August, we will be bringing forward concepts
5 related to reporting and enforcement. And then
6 in September, we will be bringing forward
7 planning and market development concepts for your
8 input. So as we cover these concepts today, we
9 won't be hitting too much on any of those
10 particular topics.

11 Again, I also want to reiterate that the
12 measurement of this is not placing a numeric goal
13 or requirement on jurisdictions as it is
14 currently with 939. So the 75 percent goal, for
15 example, in 2025, we will be measuring that on a
16 statewide basis. However, the programmatic
17 components is what we would be looking at, at a
18 jurisdiction level, a generator level, haulers,
19 and later we'll talk about solid waste
20 facilities.

21 I also would like to address, because of
22 the scope of what we are trying to do here, we
23 are looking at developing concepts that are a
24 shared responsibility, a shared responsibility
25 from the state level to local governments, to

1 generators, to haulers, to food recovery
2 organizations, and solid waste facilities. So
3 this
4 is -- as we develop these concepts, that's why
5 you'll see them kind of hitting on all of these
6 different entities.

7 Let's see, as -- since February, when we
8 rolled out our first, higher-level concepts, we
9 took all of that feedback that we received and we
10 have since -- some we're still assessing, some
11 you will see in the concepts today, that we've
12 modified concepts based upon that feedback. As
13 we get your comments from today's workshop, we'll
14 continue to do the same. The team will assess
15 those comments and look to, you know, should we
16 revise a concept? If not, maybe we have to do
17 more thinking about it. So again, we really
18 encourage your input.

19 And in particular, please, if you can,
20 utilize the comment form that's on the website,
21 that really helps us. As we receive many, many
22 comments, it helps us to collate those comments
23 quickly, and for the team to be able to organize
24 them. When you send separate letters, it's
25 problematic for us in that we may miss like what

1 category it goes into, what topic area. So we
2 just want to make sure that we're really looking
3 at everyone's comments in an organized fashion,
4 so please utilize the comment form.

5 So now I'd like to -- I'll be covering
6 the jurisdiction-related concepts today. And
7 when we talk about the jurisdiction concepts,
8 what we're talking about is the jurisdictions
9 being responsible for providing mandatory
10 organics recycling services for the generators to
11 meet the generators needs. Jurisdictions might
12 implement these programs in a variety of ways.
13 They may use their own staff, they may use their
14 haulers, et cetera, to provide these collection
15 services.

16 We're trying to design these concepts to
17 allow for flexibility, because we understand that
18 jurisdictions have invested in infrastructure.
19 And so we hope as you see these concepts that you
20 will hit on the flexibility that we've built in.

21 CalRecycle's preference is for new
22 programs, new collection programs to be focused
23 on implementing source-separated collection of
24 organics. We feel that this is important because
25 we believe that it creates a cleaner stream of

1 materials that could be more marketable.
2 However, we heard in February many stakeholders
3 expressing their concerns about the
4 infrastructure that they've already invested in
5 with respect to mixed-waste collection systems.
6 Some of those mixed-waste collection systems are
7 being utilized in the residential sector. Some
8 are being utilized in the commercial sector. And
9 we understand the importance of not stranding
10 those existing assets.

11 And so to address that concern, we are
12 proposing that jurisdictions would be able to
13 utilize either source-separated recycling program
14 and/or a mixed-waste recycling program. And I'll
15 talk about the and/or component of that in the
16 next slide.

17 However, what we are proposing is for
18 jurisdictions to be able to utilize mixed-waste
19 processing systems, that there would be some
20 criteria to ensure that the performance of such
21 systems increases over time. And so we've laid
22 out some of that in that slide on the last two
23 bullets of this slide.

24 First, this would mean that the mixed-
25 waste processing system would need to be existing

1 in 2020. Additionally, the system would also
2 need to be recovering a specified level of
3 organic waste in 2020 and 2025. And we're
4 seeking stakeholder input on this concept, as all
5 the concepts. But we'd really like your idea on
6 how we can make this particular concept work,
7 allowing jurisdictions flexibility but still
8 ensuring that we're getting, you know, fairly
9 clean streams of organics materials.

10 So what do we mean by source-separated
11 versus mixed-waste systems? And from our
12 perspective, a source-separated system requires
13 minimal processing of organics. We totally
14 understand that even with a source-separated
15 system there's still going to be contaminants
16 that need to be processed. But we feel that that
17 would be much less than, obviously, mixed waste.
18 But mixed waste systems could be different
19 variations.

20 For example, some jurisdictions may be
21 taking a straight trash stream and then
22 processing and pulling out the various
23 recyclables, organics, et cetera. Some
24 jurisdictions have also implemented variations on
25 that, like AB or wet-dry routing where more of

1 the wet-stream materials is collected on separate
2 route and the dry collected on another route.
3 Also, there are variations in some communities
4 where they have a combo of trash/organics, and
5 another container for recyclables. Again, we
6 want to allow flexibility for jurisdictions, and
7 so we're proposing that these different types of
8 collection systems could be used. And where it
9 got to the and/or is some jurisdictions have all
10 of these going on. And others have maybe one
11 only source separated, and then some have mixed
12 waste and a variation on mixed waste. So again,
13 we want to allow for that flexibility.

14 With respect to education and outreach,
15 we are proposing that there would be a specific
16 minimum level of efforts for education.
17 Education would be provided in a variety of
18 means, such as electronic, print, and direct
19 contact methods. We would want them to be
20 provided on an annual basis. And again, just
21 like collection systems, jurisdictions might do
22 the education. They might do a part of it.
23 Their haulers might do a part of it. We would
24 allow for flexibility in who actually does the
25 education.

1 Also, with respect to the bilingual
2 education requirements or components that we
3 have -- we're proposing, environmental justice is
4 about the meaningful engagement of all people in
5 the decision making process, and this effects
6 people where they live, work and play. If we
7 have generators that are linguistically isolated,
8 it's going to be hard for them to be able to
9 participate in the program. And so it's really
10 going to be important that a jurisdiction's
11 education program is such that it's bilingual,
12 multilingual, in many cases, so that generators
13 are apprised of what the program requirements are
14 and how they can fully participate.

15 For example, if we have a neighborhood
16 that has 60 percent linguistic isolation, if they
17 are not being provided educational materials,
18 that's 60 percent of a neighborhood that probably
19 won't be participating very well in the program.
20 So we are looking to have bilingual education or
21 multilingual education components in this.

22 We're also looking for input on kind of
23 what that trigger should be as far as the
24 percentage of linguistically isolated households
25 that would trigger doing that type of education.

1 Additionally, we would be looking for the
2 education program to be informing generators of
3 the proper bins to place their materials in. We
4 think this is critical to ensure a cleaner stream
5 of the organics materials. And the education
6 program would have metrics for evaluating the
7 effectiveness. So, for example, metrics might be
8 looking at contamination levels in a certain
9 neighborhood and then targeting education if
10 there's an issue in that neighborhood.

11 Some additional program components are
12 with respect to the CALGreen Building Standards.
13 For example, this would mean that residential and
14 nonresidential construction and additions of a
15 specified size would have to have readily
16 accessible areas for recycling those wastes we're
17 looking at, with respect to CALGreen, and this is
18 with new construction. Also, the recycling
19 requirement, as of January 1, 2017, that
20 ratcheted up to 65 percent. And again, we're
21 looking at the fraction of the construction
22 demolition waste stream that's organic. For
23 example, there's a lot of wood that's still going
24 to landfill, so we think this would be important
25 to target, and that jurisdictions would be

1 implementing the CALGreen requirements.

2 Also in February, we presented a concept
3 about jurisdictions ensuring that recycling is
4 happening in public areas. We did receive a lot
5 of feedback, and I expect we will today, about
6 the challenges and difficulty in this. And we
7 are assessing that, as to whether this should be
8 a concept that continues to be proposed, or if
9 this is a concept that should be phased in or
10 should be totally off the table? So we're
11 looking for your input on that.

12 And then finally, you know, there are the
13 other organics in the waste stream, such as
14 textiles and composite paper and other organic
15 materials such as carpet. We think that it's
16 important to focus on these materials. For
17 example, textiles, obviously a portion of that is
18 organic. But again, as they degrade in the
19 landfill, that is methane that's being generated.
20 We're talking about significant amounts of
21 textiles, and so that's a reason for targeting
22 this material.

23 When we talk about carpet, for example,
24 we would be looking at jurisdictions continuing
25 to participate in the EPR programs, not

1 necessarily requiring that now carpet go into the
2 blue bin and carts.

3 So at this time, I'm going to pass it to
4 Howard to continue on with the concepts.

5 MR. LEVENSON: Thank you, Cara. For
6 those of you on the webinar, this is Howard
7 Levenson from CalRecycle. I want to -- I'm going
8 to talk about some concepts related to generators
9 and haulers. But I want to preface that by kind
10 of going back to some of the things we said
11 earlier, just reiterating a few points.

12 One, because we hear this all the time,
13 we want to hammer this home, just remind you that
14 the 75 percent goal -- the 50 and 75 percent
15 goals under SB 1383 are statewide goals. They
16 are not individual jurisdiction goals. But
17 because of that, that's one of the reasons why we
18 think this needs to be a shared responsibility
19 that covers a variety of entities, so that's why
20 we've got some concepts in here regarding haulers
21 and generators. And then later you'll hear about
22 solid waste facilities.

23 The other thing I want to mention is the
24 timing of this. We spoke a little bit about this
25 in the opening session. We are trying to enter

1 into the formal rulemaking period in early 2018
2 with the goal of adopting these regulations by
3 the end of 2018. That is so that even though
4 they don't become effective until 2022, i.e. we
5 will not be taking enforcement action under 1383
6 until the year 2022, everybody, all these
7 entities who are sharing responsibility for this,
8 would have about three years in order to plan and
9 make programmatic and budgetary and policy kinds
10 of changes so that they would be in compliance in
11 2022. So that's kind of an underlying principle
12 of our approach here, so I just wanted to kind of
13 give you that context.

14 So in terms of concepts related to
15 generators and haulers, again, we view this as a
16 shared responsibility. And while when we talk
17 about enforcement in August and September, you'll
18 see concepts related to jurisdictions having a
19 role in ensuring that there's compliance, that
20 generators and haulers are complying. There
21 also -- we also anticipate and are proposing that
22 there be concepts that are directly related to
23 the generators and haulers themselves.

24 So based upon some of the input that we
25 received in February and since then, we've

1 developed some of the -- some more specific
2 concepts related to generators that are up on
3 this slide. And this includes making it clear
4 that they would be expected to manage organics by
5 doing a number of different things as a
6 generator, either preventing generation in the
7 first place, and that could include recovering
8 edible food, and we'll talk about edible food
9 later this afternoon. They could recycle. There
10 might be other jurisdictional requirements that
11 they have to comply with. And in some cases,
12 they might be able to comply by back-hauling or
13 self-hauling. So there are a variety of ways
14 that generators could comply if we had this
15 concept in the regulations. But the main point
16 is that they have to manage their organics.

17 Just as we discussed for jurisdiction
18 programs a couple slides ago, another concept is
19 that generators would have to place materials in
20 the proper bins. So it's our expectation that
21 the jurisdiction program would focus on that, but
22 there would be -- jurisdictions would have to
23 place things in the proper bins, and it would be
24 flexible, depending on the jurisdiction, the
25 different kinds of collection systems that they

1 have. But that's a key concept that we heard
2 from stakeholders and one that we think needs to
3 be incorporated into the regulations.

4 For generators that are not subject to a
5 jurisdictions collection program, things like
6 schools and state agencies, they still would be
7 expected to perform one of these functions:
8 manage organics onsite; recycle them; back-haul;
9 self-haul; or, and they might in some
10 circumstances, take advantage of the
11 jurisdiction's collection program that's offered
12 through the hauler, but they would be expected to
13 make sure that the organics they generate are
14 being taken care of. They might find it more
15 cost effective to subscribe to the jurisdictions
16 program, but that's an option for them.

17 This is an issue that's come up in 939
18 and 1826 and will continue to come up in 1383.
19 The jurisdictions don't have authority over some
20 of the school districts and state agencies, so we
21 would expect there would be a state rule in that,
22 as well. But that's something we'll discuss
23 later on this year in terms of enforcements.

24 Similarly, we've developed some concepts
25 regarding hauler responsibilities, the primary

1 one being that they would have to provide
2 mandatory organics recycling services. And we
3 got some feedback from the February workshops
4 about that and we've made some changes. We're
5 still assessing exactly how this might be
6 incorporated into the regulations. But we have
7 indicated now that the service wouldn't just be
8 about simply offering organics recycling, it
9 would actually be a mandatory -- and automatic
10 provisions of those services, unless the
11 generator can show that it's back-hauling or
12 self-hauling or otherwise managing its material.
13 So there would be an opt-out provision, but it
14 would be a mandatory or an automatic provision of
15 services.

16 Some of the other concepts could include
17 that a hauler collecting source-separated
18 organics would have to take that material to an
19 appropriate facility. That's something we have
20 to define. But we're talking about a facility
21 that would be able to manage those materials and
22 process them in order to recover a high rate of
23 those organic materials that are coming into the
24 facility.

25 If they have mixed-waste the hauler would

1 have to take that to a facility that's meeting
2 specified recovery rates. The concept that Cara
3 talked about under mixed-waste systems that might
4 have to be in place, existing as of 2020 and
5 meeting some sort of increased recovery rates so
6 that we're ensuring that organics are being
7 recovered sufficiently.

8 One of the concepts or underlying
9 concepts that we think is really important is we
10 need to minimize contamination. So Cara talked
11 about some of the things jurisdictions might have
12 to do. We also are proposing that haulers have a
13 program that would have to be approved by the
14 jurisdiction via the franchise agreement or other
15 mechanisms, but the haulers would have to have a
16 program that minimizes contamination. They'd
17 have to monitor for contamination, report to the
18 jurisdiction, and have some metrics for assessing
19 the effectiveness of that program. So that's a
20 concept that we're seeking your input on, as
21 well.

22 Those are just a couple of ideas on
23 haulers and generators. We're seeking input from
24 you on whether those make sense, what else you
25 might think.

1 And, in fact, the next two slides, we now
2 want to open this up to just general Q&A. We
3 have a series of questions on this slide and the
4 next slide. I'm not really going to read them
5 all, but they're just designed to help stimulate
6 discussion. In general, we want to hear from you
7 whether you think certain concepts are good but
8 need some fine tuning, if they need fine tuning,
9 what would you suggest, or if you think they
10 won't work, why, and what alternatives would you
11 suggest? So certainly, we'll take verbal
12 comments today. And we urge you to put those in
13 writing and, as Cara said, to use the template
14 form that we've got because it makes it easier
15 for us to sort comments and kind of group them
16 all together.

17 So the questions on here are sort of on
18 those lines. Do they help ensure that generators
19 source reduce and the maximum amount of collected
20 organics is recovered?

21 Down at the bottom, too, are there
22 appropriate -- what would appropriate performance
23 standards be. Are there performance standards
24 that should be applied for source-separated
25 processing?

1 Is there -- if we were going to have
2 bilingual or multilingual educational materials,
3 is there some threshold and what would that be,
4 and how could be support that?

5 What should we do about managing the
6 other organics that we're currently including in
7 that broad definition, things like composite
8 paper and textiles?

9 So we're open to input on all these
10 topics that we've covered so far today. So we'll
11 go ahead and run the mike around and --

12 MR. BRADY: Before we do questions, I'll
13 just remind folks, we do have a court reporter
14 taking notes. If you can please clearly identify
15 yourself and your affiliation, that will make it
16 a lot easier for her. And if you have a card
17 that you could bring up, that would also be very
18 helpful.

19 And again, for folks participating
20 online, on the next slide we have the inbox that
21 we're requesting that you submit your questions
22 to. Chris will be able to read those off for us.
23 If you use the go to meeting, it's unlikely we'll
24 be able to get to your question, so please use
25 the inbox. It's much more efficient for us to

1 get the questions that way.

2 And with that, go to the first question.

3 MR. HILL: Yes. It's Bob Hill. I'm with
4 EDCO Waste and Recycling.

5 My question would be, you talked about
6 wood in the C&D stream. Right now it's -- the
7 C&D stream is calculated with diversion and
8 everything else. But would you actually factor
9 out the wood and put that in the category of
10 organics, as well, so you could apply it to your
11 organics as a jurisdiction? That's one.

12 And would also drywall from a C&D stream
13 be part of the organic stream? Because it's
14 going back into the ground a lot of times as
15 gypsum. That's the other question.

16 And the last question I had was you
17 talked about mixed solid-waste processing
18 facilities in 2020. So would that mixed solid
19 waste processing facilities would be no --
20 basically also grandfathered maybe after 2020?
21 You wouldn't allow them anymore to be
22 established?

23 MR. LEVENSON: I'll take the last one
24 first. And then maybe, Cara, if you want to.

25 The concept here on the mixed-waste

1 facilities, we had a lot of feedback in February
2 about stranded assets, i.e. there's been, you
3 know, many, many millions, hundreds of millions
4 of dollars invested in mixed-waste processing
5 facility, particularly here in Southern
6 California, but elsewhere in the state, and that
7 we can't afford to strand those assets.

8 So we've tried to build in some concepts
9 here that would allow mixed-waste processing, but
10 we would want to have those facilities in place
11 as of 2020 and achieving a certain level of
12 recovery. So it would be sending a signal that
13 they are going to perhaps needs to make more
14 investments in those facilities to ramp them up,
15 but then they would be able to continue. Now we
16 haven't worked out, you know, at the nuance
17 level, how that would work in terms of permits
18 and enforcement and so on, so those are things we
19 still have to think through.

20 MR. BRADY: On the question on gypsum,
21 we'll have to take a closer look at that and
22 circle back.

23 And then I think your question on --
24 relative to wood, is if it would be counted back
25 to every jurisdiction, we're not looking at

1 individual jurisdiction numbers. We are counting
2 wood as organic material that needs to be
3 reduced, but we wouldn't be looking at a specific
4 construction and demolition stream as in this
5 jurisdiction had not enough wood being reduced,
6 if that is where your question was getting at.

7 MR. HILL: Thanks.

8 MS. SCHILL: Hello. I'm Alyson Schill
9 and I'm with Tree People. I am also here on
10 behalf of the L.A. Food Policy Council. I
11 particularly work with schools, so I just wanted
12 to make a comment on that because I think there's
13 probably not a lot of comments from that sector
14 in the room.

15 Right now the biggest problem with even
16 trying to recycle correctly is that there are a
17 lot of school districts that have -- their
18 custodial staff are in a union, and therefore
19 they refuse to participate in anything other than
20 trash removal. If it's in one black bag, they
21 take that one black bag and put it into the
22 garbage dumpster. If it's a cardboard box,
23 they'll put it into the recycling dumpster. And
24 they refuse to do anything more than that.

25 So a lot of the programs that are

1 anything about just recycling, waste reduction,
2 food recovery, food share tables, or even
3 composting, have to do with the resources of a
4 teacher who is dedicated on the staff and their
5 students really leading the charge in any
6 programs like that.

7 So any resources that can go towards
8 helping those types of teachers, those types of
9 programs, grants, anything that can give them
10 recycling bins -- one school I work with there,
11 they're from a privileged community. They spent
12 \$9,000 on new recycling bins, and they called in
13 their waste hauler, Waste Management, to provide
14 organics hauling, as well. And they were able to
15 really do a comprehensive waste reduction
16 program, 52 percent this year, and it was
17 astounding. But they're spending a lot more
18 money on that now in order to have organics
19 diverted through their waste hauler.

20 And most schools are finding that if they
21 want to start any sort of an organics collection,
22 it costs more than the price of throwing it in
23 the trash or just trying to do regular recycling.
24 And most schools also are afraid to start
25 composting programs or afraid to even start food

1 donation programs because they're worried about
2 the liability, rats on campus, parents getting
3 mad, the board coming down on them. So there's
4 really a large, complex array of problems that
5 are preventing schools from being able to do
6 this, especially organics recycling, as well as
7 food donation that I think the answer really is
8 giving resources back to the schools that want to
9 self-lead in this array.

10 Thank you.

11 MS. MORGAN: Alyson, thank you so much
12 for those comments.

13 I don't think we mentioned at the
14 beginning, but as a part of the regulatory
15 development, we're working very closely with many
16 of our sister agencies, and Department of
17 Education is one of those. We're working with
18 them very closely on the concepts related to
19 whether it's edible food recovery in schools, or
20 the recycling requirements that we're talking
21 about for generators. That, I think, is an
22 important partnership because many of the
23 requirements that Department of Education sends
24 down, they know the communication mechanisms,
25 they know some of those issues related to union

1 issues, et cetera. So that's been an important
2 collaboration. And as these concepts continue to
3 develop, they'll be an important partner in
4 helping us develop those concepts.

5 With respect to resources for schools, we
6 hear you. It's something that is a challenge.
7 You know, a big focus of our resources right now
8 are going towards infrastructure development and
9 food recovery. But hopefully, you know, as time
10 progresses, and if we continue to have either
11 greenhouse gas reduction funds or other funds,
12 hopefully that can help.

13 But one thing that's really important is
14 with, and Kyle will hit on this, with the Food
15 Recovery Grant Program -- I probably said that
16 wrong, dang it -- schools are eligible. And so
17 anything that you all can do to help get out the
18 word on that is really important. I think that
19 that's a real opportunity with respect to
20 schools. And it's an opportunity for them to get
21 some funding, some grant resources right now,
22 too.

23 MR. POGUE: There we go. Can you guys
24 hear me now? This is Kyle Pogue with CalRecycle.
25 And I just want to jump in on that Food Waste

1 Prevention and Rescue Grant Program.

2 I know there are a lot of people looking
3 into that program. The final filing date is July
4 18th, so please take a look at that. But I will
5 say that it's focused on food waste prevention or
6 rescue, and it isn't focused on collection
7 programs for composting and other types of
8 recycling container collection. But it does
9 allow school districts to apply. And they can
10 partner amongst themselves and work with
11 additional partners in the community on that. So
12 hopefully if you -- hopefully you're all aware of
13 that grant program. We're in the process right
14 now of getting those applications in and
15 finalized. So I encourage you to take a look at
16 that.

17 MR. BRADY: Thanks Kyle.

18 And I just wanted to jump on your point
19 on funding. It's kind of sort of the 800-pound
20 gorilla in the room is that the legislation
21 established these targets that we have to develop
22 regulations to achieve. The legislation did not
23 include a specific funding mechanism. And as
24 we've said in many previous workshops and public
25 settings that we've held, there's a distinct lack

1 of infrastructure to recycle this material,
2 infrastructure that will be in the range of \$2
3 billion to \$3 billion to build in order to
4 recycle the amount of material that needs to be
5 recycled.

6 What CalRecycle, as well as local
7 governments, have somewhat struggled with is a
8 little bit of a chicken or the egg issues, that
9 there haven't been facilities because there
10 hasn't been demand. And the legislation sort of
11 directs us to develop regulations to help
12 increase demand for these facilities. But we're
13 not unaware of the challenges that local
14 jurisdictions, haulers and the state face in
15 terms of lack of infrastructure. We've indicated
16 in the past that we think a funding mechanism,
17 such as an incentive payment program coming from
18 a higher tipping fee, would be a potential way to
19 fund and develop the infrastructure, but that
20 would require legislation.

21 So I just want to make sure folks are
22 aware that we're not unaware of that issue as
23 we're having this conversation. It's a very
24 important issue to address, and we're eager to
25 work on that with folks. But for this, we're

1 really looking to get feedback on our comments.
2 But we really do appreciate that. And it's
3 important to keep mentioning the funding issue,
4 so thanks.

5 MR. VANDERSTAR: Hi. Chris with Republic
6 Services.

7 A question regarding contamination
8 monitoring. How do you recommend we monitor
9 customers through the commercial sector? We can,
10 you know, provide a waste characterization on a
11 large container. But when it comes to small
12 containers, how do you monitor contamination
13 levels to that point? We have a tagging process
14 which pretty much handles it whenever our driver
15 sees anything that's visible at the site. But in
16 terms of being able to evaluate those commercial
17 containers, there's a lot of times where we don't
18 realize it until, you know, all of the waste has
19 been picked up, placed in a truck. And then,
20 when we go to process the waste, that's when we
21 realize the contamination that's in there.

22 MR. BRADY: Thanks Chris. I would say at
23 this point, and jump on in, I mean, we are --
24 we're -- we'd like to have some level of
25 monitoring. We are looking for suggestions at

1 some of the best ways to address that.

2 The other thing is when we talk about
3 solid waste facility collection in a moment, or
4 later today, we are looking at some level of
5 contamination record keeping at the facility
6 level that could potentially contribute to some
7 sort of information awareness campaign of loads
8 coming from this area have high contamination.
9 But that's something we continue to work on to
10 develop further.

11 What we do want to communicate today is
12 that we'd like to have some level of monitoring
13 so that we can see where contamination is
14 happening and how we can reduce it.

15 Do you have something?

16 MS. MORGAN: No. I think along those
17 lines, we're looking at, you know, continuing
18 efforts, like tagging, making sure that the
19 education from the jurisdiction is focused on
20 placing materials in the proper bin. And then,
21 you know, we are also hopeful that by coming out
22 with a regulatory concept that maybe becomes a
23 regulation, that generators realize they have a
24 responsibility to put things in the right bins.
25 Hopefully all those things together will support

1 that. But probably from a hauler perspective,
2 those are the kinds of things we'd be looking at,
3 as continuing those efforts of tagging, as well
4 as education.

5 Did that help, Chris?

6 MR. VANDERSTAR: (Off mic.) It
7 helps. It's just that, again, tagging usually
8 gets handled.

9 MS. MORGAN: You need a mic. I can
10 repeat.

11 (Colloquy)

12 MS. MORGAN: Chris is going to make a
13 follow-up concept.

14 MR. VANDERSTAR: It helps. It's just
15 that tagging usually gets handled right at the
16 start. It's something that's kind of more of a
17 preventive nature than a reactive nature.

18 MS. MORGAN: Yeah.

19 MR. VANDERSTAR: So again, when you look
20 at monitoring, a lot of times, if you have a
21 commercial truck and it picks up 20 containers,
22 how are you going to monitoring that on the
23 individual customer basis when we can only
24 evaluate that when all of the waste has already
25 been, you know, pressed together and now being

1 dumped at the facility?

2 MS. MORGAN: Yeah.

3 MR. VANDERSTAR: There's no monitoring on
4 the individual customer basis that's really, you
5 know, that efficient. There's nothing in the
6 container that can, you know, pretty much scan it
7 and say there's --

8 MS. MORGAN: Yeah.

9 MR. VANDERSTAR: -- 10 percent --

10 MS. MORGAN: Yeah.

11 MR. VANDERSTAR: -- or 20 percent
12 contamination. Our drivers, too, I mean, you also
13 have to realize, we use union drivers at some
14 locations. You can only ask so much without, you
15 know, having to, you know, deal with, you know,
16 what their job duties are, so on and so forth.

17 So again, we're just looking for that,
18 you know, criteria. When it comes to monitoring
19 we can tell you how many, you know, containers
20 were tagged. But again, those tagged containers
21 were handled at -- you know, as soon as they were
22 tagged.

23 MS. MORGAN: Uh-huh. Yeah. I think
24 we're on the same page. I think, you know, as we
25 develop the concept with contamination, we're

1 really going to want haulers feedback on kind of
2 what's working well now and how we can build that
3 into the concept, what makes sense. So perfect
4 feedback. Thank you.

5 MS. ROBERTSON: Thank you. Renee
6 Robertson with the City of San Diego. I'm a
7 Supervising Recycling Specialist, so we'll be
8 responsible for -- we're responsible of the
9 jurisdiction reporting. Excuse me.

10 I just wanted to say thank you so much
11 again. I don't think I said that before. But
12 these informal workshops, they're not always that
13 common in regulatory development processes.
14 CalRecycle does an excellent job with them. And
15 so we really appreciate being able to get in the
16 room and really kind of hash out some details
17 before it becomes this very formal process, so
18 thank you.

19 San Diego will --

20 MS. MORGAN: Renee, before you go into
21 your comment, because I don't want to forget, and
22 I can't remember if we said this or not, but we
23 are also very interested, in addition to
24 receiving your written comments, if there are
25 groups that would like to meet with us to have

1 conversations more in depth, I know we talked to
2 a couple of folks already today, we're very open
3 to that. So please contact us and let us know.

4 Sorry. Go ahead.

5 MS. ROBERTSON: Great. Thank you. I
6 don't think -- we've been involved with the State
7 Water Resources Board and several of the local
8 AQMDs and APCDs, so we really appreciate that.

9 So San Diego will be regulated under this
10 process as a jurisdiction, as a hauler, as a
11 generator, and as a facility. So -- and I say
12 that because there are very interwoven and
13 complex funding mechanisms that are all dependent
14 on these things. And so the regulatory drop-dead
15 date of 2022, everybody sees that, understands
16 that. Figuring out how to create different
17 funding mechanisms for a jurisdiction by 2022 and
18 get programs in place is going to be very, very
19 heavy lifting for us.

20 So maybe one of the things that
21 CalRecycle could help do is to prioritize for
22 jurisdictions particular programs that you really
23 think this is what you need to do, maybe give
24 points, I don't know, something where it's not
25 all at once. Because, obviously, doing certain

1 things are going to be more effectual right off
2 the bat than other things. And certain things
3 have more complex ties that will be difficult to
4 figure out.

5 San Diego just adopted a Zero-Waste Plan,
6 actually several years ago now. And we had to go
7 through an entire -- most of the Zero-Waste Plan,
8 as it was taken forward to council, was
9 addressing funding switches. And every
10 jurisdiction that's sitting in the room has
11 realized that we have funded all of our recycling
12 infrastructures and programs and educational and
13 outreach efforts on disposal fees. So as
14 disposal goes down, we have to figure out a new
15 funding mechanism, and that's where the
16 complication lies.

17 So we looked at, from a Staff level, our
18 Zero-Waste Plan and the funding mechanisms that
19 were put in place for that, and they're not
20 enough. One, 1383 is really, you know, reducing
21 those disposal tip fees.

22 As a hauler, the city is responsible and
23 city forces are responsible for collecting from
24 single-family homes. I think it's about 290,000
25 right now in San Diego. We do offer biweekly blue

1 bin collection. And we do offer biweekly green
2 waste collection. That is not citywide right
3 now. That was done based on GIS surveys for
4 where the most yard waste was generated. So
5 we're required by a people's ordinance to pick up
6 trash weekly. So for us, funding mechanism-wise,
7 given the opportunity to pick up trash every
8 other week creates more opportunity to keep the
9 same amount of trucks on the street, but just
10 swap that service to a green waste collection.

11 There's still a major barrier of going
12 out and purchasing another 100,000 toter bins,
13 which is not cheap. I think it's in the couple
14 tens of millions of dollars. So I just would
15 point to that as that is a major, major component
16 for funding mechanisms, because we don't -- we're
17 not able to charge our customers.

18 MS. MORGAN: And I wanted to make sure
19 that would be a positive thing, to allow every
20 other week trash collection?

21 MS. ROBERTSON: That would be a positive.

22 MS. MORGAN: Yeah. And that is
23 definitely in the concepts now to address that.
24 Many of the jurisdictions that have been
25 interested in that have been concerned, because

1 it's not clearly laid out in regs -- I always
2 forget, Tamar, regs, statute, et cetera. So we
3 plan to propose that in the concepts, and
4 hopefully through the regulatory process, that
5 every other week -- oh, there we go. Source-
6 separated collected weekly --

7 MS. ROBERTSON: Uh-huh.

8 MS. MORGAN: -- at least. I thought we
9 had it somewhere. Oh, okay. Good. Yeah.

10 That's what we would be looking to
11 clarify in regulations, so that there's a very
12 clear path for jurisdictions to start
13 implementing that, because we're heard that loud
14 and clear. To make this work, then we really
15 have to change the collection schedule. And, you
16 know, again, also, we have, you know -- the goal
17 is, we move putrescibles out of that trash can,
18 there's less of a reason that that trash can
19 needs to be picked up every week. And we hear
20 things like, oh, how can you do that, will it
21 work, et cetera, and we think it is very doable.
22 And we are aware of some jurisdictions that are
23 starting to pilot and go down that path.

24 So not only will we clarify in the reg
25 that this is an option, but hopefully we will by

1 then have some good examples of jurisdictions
2 that have gone through the implementation process
3 in working with their LEAs, et cetera, to make it
4 happen. So I hope -- hopefully we'll have some
5 good models and BMPs by the time 2019 rolls
6 around.

7 Did that help?

8 MS. ROBERTSON: Yes, that's perfect.

9 MS. MORGAN: Okay.

10 MS. ROBERTSON: I think there's also a
11 PRC definition --

12 MS. MORGAN: Yes.

13 MS. ROBERTSON: -- that might need
14 some -- and I don't -- is that going to be a part
15 of this process or --

16 MS. MORGAN: It is.

17 MS. ROBERTSON: Okay.

18 MS. MORGAN: Yeah.

19 MS. ROBERTSON: Great.

20 MS. MORGAN: Yeah. Our legal team will
21 be addressing that through this regulation.

22 MS. ROBERTSON: Wonderful. And sorry to
23 get some much in the details and minutia, but
24 it's important --

25 MS. MORGAN: No, it's good.

1 MS. ROBERTSON: -- to understand all
2 the --

3 MS. MORGAN: Yeah. Thank you.

4 MS. ROBERTSON: And one other thing
5 related to facilities and recovery rates,
6 especially for mixed-waste processing or anytime
7 we're talking about contamination versus
8 residual. When a hauler of the city is
9 collecting material and dropping to a facility,
10 they are not aware of what that facilities
11 current recovery or diversion rate is. So our
12 C&D Program has something that's similar where we
13 go out and on a quarterly basis we review the
14 reports of how much material came in, what was
15 sent to market, and what is considered residual
16 that was sent to landfill. But that's always
17 done as a past look.

18 So there's needs to be potentially some
19 sort of understanding of recovery rates and how
20 they're calculated based on the material still
21 needs to go through there, as well. And there's
22 a difference to me, and there should be
23 regulatorially between contamination versus
24 residual. Contamination is something the
25 facility really doesn't want to receive, but it

1 doesn't necessarily mean that material is going
2 to go to the landfill as residual. So materials
3 can be brought out -- brought in as contaminants
4 but still recovered, so I think that's important
5 to make sure we capture.

6 And thank you. I'll probably have more
7 but --

8 MR. BRADY: Thank you. And also I just
9 want to not get too far ahead of ourselves. We
10 will be talking on recovery and contamination at
11 solid waste facilities in our next portion, but
12 it's really good feedback.

13 And, well, did you have anything to add
14 or just -- but, no, that's helpful. I think it
15 will be critical how we lay out the details of
16 that in terms of when that measurement takes
17 place and how that's done. But just at a high
18 level, you know, looking back at where organics
19 are coming from and how much organics needs to be
20 reduced, if, you know, we're recovering 50
21 percent at the residential level, out of 10
22 million tons, that means 5 million tons is still
23 being disposed. And that doesn't leave a lot of
24 wiggle room for achieving that 75 percent target,
25 really at all.

1 So that's why we wanted to put that
2 concept forward. But I think there's a lot of
3 details to work out, so thanks.

4 MS. WHITE: Monica White, Edgar and
5 Associates. I, first of all, just want to thank
6 you guys for your commitment to this process. We
7 know that on an individual basis you guys really
8 want to see this be successful. And I think we
9 should all take a moment to thank you for your
10 hard work and your efforts.

11 And I just wanted to touch on, actually,
12 the opt-out provision. So for me it's very clear
13 that a generator should have no minimum
14 threshold. But I don't know if that translates
15 directly into all generators requiring solid
16 waste collection. And I'm thinking about this
17 from like a commercial side.

18 So, you know, perhaps in our opt-out
19 provisions there could be a minimum threshold, or
20 a business could prove their compliance, as
21 you're saying. But, you know, they just may not
22 produce enough organics that warrant the added
23 fee of a third bin. I'm thinking of like a car
24 dealership, you know, that may have some kind of
25 food, but it would be incredibly costly for a

1 hauler to provide service when they're not
2 meeting some kind of minimum requirements. So I
3 heard some feedback about that last week in
4 Sacramento. I think it should be something to
5 consider. So not on the definition, as I said,
6 of the generator, but more on the opt-out
7 provisions, if there's something there.

8 MR. BRADY: Thanks. That's really good
9 feedback. I think that's certainly something
10 we're open to taking another look at. I think on
11 the opt-out at sort of a high level, it's
12 somewhat similar for how it's allowed for in 1826
13 in terms of if you're not generating organic
14 waste, you wouldn't need to have organic waste
15 services, or if you're generating organic waste
16 but you're handling it all onsite, that you
17 wouldn't need to have service. But in terms of
18 thresholds, that's a good thing for us to think
19 about.

20 MS. MORGAN: Yeah. And I think from the
21 industry, we would really like some specific
22 ideas on how we would set that threshold, what
23 does that look like? You know, it probably needs
24 something of, you know, I don't generate enough
25 to fill 32 gallon, or I don't know, whatever that

1 is. So we would like some specifics.

2 MS. WHITE: Yeah. And I'm sure there's
3 haulers out here that could tell you a cost
4 benefit relationship between how much they would
5 need to collect in order to get the fee to pay
6 for the truck.

7 MS. MORGAN: Yeah.

8 MS. WHITE: And then the other thing,
9 too, is because all of these opt-out provisions
10 can be tied to the annual reporting, you guys
11 have the ability to look at this and say this
12 shouldn't count, clearly there's enough, or --

13 MS. MORGAN: Yeah.

14 MS. WHITE: -- you know, haulers all the
15 time aren't going and doing waste audits and
16 visits to commercial customers.

17 I did want to touch on Chris's comment
18 earlier about, you know, kind of being proactive
19 about how is a hauler going to ensure that
20 customers aren't contaminating. And, you know,
21 we've seen successful programs, in the City of
22 San Francisco, for example, where they've put a
23 lot of resources into sending teams of people to
24 go out and educate and provide fines. So I think
25 that there's things there that, you know, better

1 outreach and really proactive outreach, it does
2 just come at a cost, and we all understand that.

3 So we do need to address the funding
4 mechanism. And whether that's looking at
5 landfills and increasing tip fees there, or
6 encouraging cities to set better ordinances, I
7 work with many haulers that are begging their
8 cities to take a more proactive role in engaging
9 generators and saying if you guys don't do the
10 right thing, we're going to come after you on
11 some level. And I think haulers appreciate that,
12 because we can't always be the bad guy. Things
13 look really bad if we're not collecting for
14 businesses and we're getting complaints. You
15 know, that comes out in the franchise contracts,
16 and they need some cover, too.

17 MS. MORGAN: So, Monica, along those
18 lines, I think it would help us from the haulers
19 to have some specific concepts related to what
20 does that look like under the jurisdiction
21 concepts --

22 MS. WHITE: Uh-huh.

23 MS. MORGAN: -- of what should be -- what
24 should jurisdictions have to do --

25 MS. WHITE: Yeah. Certainly. And I --

1 MS. MORGAN: -- to support that.

2 MS. WHITE: Yeah, exactly. And I think
3 some of it is really allowing jurisdictions -- or
4 getting jurisdictions to feel motivated to put
5 boots on the ground and start lifting cans up to
6 say, you know, maybe they're more involved with
7 the citation process. And if they are visually
8 seeing contaminants in organic bins or other on
9 the day of collection, before the truck even gets
10 there they have the ability to cite or provide
11 better outreach to those customers. Because, you
12 know, we deal with these union issues all the
13 time, and our drivers have to stay efficient and
14 safe. So, you know, there's things like that
15 that can be done.

16 MS. MORGAN: Yeah. I think, correct me
17 if I'm wrong, at last week's workshop, we did
18 have some ideas, that jurisdictions might use
19 their environmental health folks who are out
20 there inspecting these facilities to do some of
21 the education, not just with food recovery and
22 what you can -- what's allowed for food recovery,
23 but also with recycling and educating the
24 generators. So I think we're going to start to
25 hear more ideas along those ways, so we're going

1 to look for specific ideas on the regulatory
2 concepts.

3 Then we also have the aspect of tool
4 development. And Marshalle and Chris will be
5 leading that team. So over the next -- well, I
6 forget when we're going to start, late 2018, kind
7 of into next year, we're really going to go heavy
8 into the tool development. And so that, you
9 know, looking at case studies, examples, best
10 management practices will be a big part of going
11 tandem with our regulatory development process.

12 MS. WHITE: Yeah. And I think especially
13 tying it to, you know, addressing scavenging
14 issues in recycling, which everybody is suffering
15 from --

16 MS. MORGAN: Yeah.

17 MS. WHITE: -- would be huge; right?

18 MS. MORGAN: Yeah.

19 MS. WHITE: That's actually money that
20 you could save your franchise for the city and
21 the hauler to prevent people from scavenging
22 these cardboards and other assets.

23 MS. MORGAN: Yeah.

24 MS. WHITE: So --

25 MS. MORGAN: Thank you.

1 MR. BRADY: Just add one thing on the
2 contamination. We appreciate the comment. And
3 it would be helpful, I think, both Monica and
4 Chris, and anyone that wanted to provide feedback
5 on this, but as we're looking at a potential role
6 for haulers in contamination, think about what
7 level of detail that would go down to or how
8 micro that would be. Is it bin by bin, route by
9 route, neighborhood by neighborhood? And it
10 might be different from cities and counties.
11 Cities that have had programs for 10 to 15 years
12 and have already done a bin-by-bin type of
13 contamination monitoring maybe don't need that.
14 But others that are just developing programs,
15 that might be more appropriate. So it's just
16 something to think about in terms of -- and we
17 could use feedback like that as we're developing
18 this.

19 MS. MORGAN: Yeah. And then one more
20 thing, Hank, along those lines. One thing that
21 we're looking at with this idea is that each
22 jurisdiction with its hauler or haulers, we have
23 some type of program or plan in place for how
24 they deal with contamination. Because I think
25 Hank hit it well, some jurisdictions, what they

1 need to do may be very different than what
2 another jurisdiction needs to do. And also, that
3 may tie to the type of collection system that
4 they have, so there's so many variables. So we
5 also, right now, are looking at the jurisdiction,
6 where its haulers would have some type of program
7 or plan. Likely, we'll talk about reporting, but
8 that might be reported in the annual report.
9 CalRecycle staff would review that: Is that an
10 adequate approach for that community?

11 MS. KINDIG: Hi. Christy Kindig again
12 with the City of Santa Ana.

13 I just wanted to say that managing
14 contamination is so expensive, no matter whether
15 it's the hauler or their jurisdiction trying to
16 do it in a different way, and so it's a huge
17 unfunded mandate.

18 And we, also, in Santa Ana have probably
19 the biggest scavenging problem in Southern
20 California. We have the most buy-back centers,
21 and so everybody's out there ahead of all the
22 trucks, pulling out all the recyclables. So, you
23 know, that eats into our diversion numbers, as
24 well.

25 But I think that these mandates come from

1 the state. And I think if the state gave the
2 city the cover to say you need to mandate, you
3 know, that there is no contamination, the cities
4 don't want to be the first one in there to say,
5 well, we're just kind of going to fine you now.
6 That's really ugly politically. So -- and it
7 really isn't our decision. We have to do it in
8 order to meet the mandate. So if we could get
9 some cover from the state, I think that would be
10 helpful.

11 I wanted to say something else. One of
12 the questions that you had on up there, kind of
13 as a reminder to talk about items, was should
14 hospitals or prisons be mandated to recycle?

15 I think the thing that has always stunned
16 me is that there are -- everything, AB 939, 341,
17 1826, that it doesn't apply to everybody. I just
18 don't understand why there are exceptions to
19 every rule. But I think that if we all should be
20 doing it, we all should be doing it. And I think
21 this, you know, opting out because you already
22 have a program is a great thing. But opting out
23 because you're a prison or you're a hospital or
24 you're a school, I don't think that's
25 appropriate. I think that if we all have the

1 burden, that we need to share it equally.

2 Thanks.

3 MR. LEVENSON: Thanks Christy. That is
4 the intent of -- it's not on this slide, but the
5 question was just kind of reflecting that
6 provision, that state agencies, prisons, you
7 know, schools and so on, would have to comply
8 with this, as well. Now obviously there are
9 nuances in what level of detail that we have to
10 work out, but we appreciate that.

11 You want to say something? We're going
12 to --

13 MS. MORGAN: Oh, well, I was just --

14 MR. LEVENSON: We're going to the
15 webinar -- I mean the remote questions for a
16 couple of minutes.

17 MS. MORGAN: Yeah. And going along those
18 lines, what we were thinking of is calling out in
19 the regulation that for those particular
20 entities, calling that out very specifically so
21 they know that they need to do it, and that's
22 where a lot of this material is coming from. So
23 it's not to say that others wouldn't have
24 programs dealing with it, but it would be like an
25 extra calling those groups out specifically that

70

1 generate a lot of those materials.

2 MR. LEVENSON: And we also realize that
3 for some of those entities, like state agencies,
4 that's going to require a state role in terms of
5 enforcement, as well.

6 MS. KINDIG: Just a quick jumping back to
7 the contamination issue, is there any hope of
8 getting any cover from the state for, you know,
9 telling cities that we have to do this? Because
10 we don't like really upsetting all of our
11 constituents. I mean, that's just not great.

12 MR. BRADY: Hold on, Maria. Let's let
13 us -- so when you say cover, you mean in terms of
14 including it as a state mandated requirement?
15 So, okay, big bad state is telling us we have to
16 do this, that's why we're doing it?

17 MS. KINDIG: Not us. It's you.

18 MR. BRADY: We play that role a lot, and
19 we're happy to do that. I mean, I think that's
20 part of what we're trying to communicate through
21 these regs is that we would have an expectation
22 that there would be some monitoring and action on
23 contamination. Maybe we can kind of talk after
24 this thing about what the best way to communicate
25 that would be.

1 MS. KINDIG: That would be great.

2 MS. MORGAN: Yeah. And as I mentioned,
3 the tool development, if there are things like in
4 the way of a letter that says, you know, this is
5 what's required of us and this is why we're doing
6 it, we've been doing that under 1826, and would
7 be happy to develop tools like that. So whatever
8 you think, Christy, we'd like your tool ideas, as
9 well.

10 MS. KINDIG: Great. Thank you.

11 MR. LEVENSON: Okay. Now we're going to
12 switch over for a little while to some of the
13 questions we've gotten.

14 Chris, how many have we got?

15 And for the court reporter, that's Chris
16 Bria over there.

17 MR. BRIA: I'm going to stick with --

18 MR. LEVENSON: You need to use the
19 microphone, Chris.

20 MR. BRADY: And stick to the
21 contamination for now.

22 MR. BRIA: Okay.

23 MR. LEVENSON: And I don't know how many
24 we're going to be able to get through. For those
25 of you who submitted a lot of questions from --

1 and, you know, maybe you sent five or six or
2 more, we'll have to do some follow-up, as well,
3 and see where those fit.

4 MR. BRIA: Okay. So sticking with the
5 questions about enforcement and contamination.
6 Sarah Davis, City of Oceanside.

7 "Tagging is a very difficult compliance
8 mechanism for automated collection system and
9 requires drivers to get out of the car.
10 Recycling contamination is still an issue and
11 reflects monitoring issues. There needs to be an
12 enforcement outlet for contamination for haulers
13 and generators to require the generator be
14 responsible at the source of compliance."

15 And another from Colleen Foster, also
16 City of Oceanside.

17 "Contamination enforcement are
18 programmatic requirements that require additional
19 staffing to check bins, do audits, visits. Many
20 cities do not even have a funded program or
21 staffer dedicated to these types of needs. Would
22 you consider requiring cities have dedicated
23 staff for 1383 compliance?"

24 MS. MORGAN: Thank you for both of those
25 comments. And again, anything specific that you

1 have would be really helpful as far as what the
2 concepts should be.

3 But we are proposing that generators
4 would have a requirement to put the materials in
5 the proper bins. So how that plays out when we
6 talk about enforcement, in August, we'll talk
7 more about that.

8 Also, with education, part of that is
9 monitoring contamination. And one of our
10 questions is: Should there be requirements that
11 staffing is assigned? So I think we are looking
12 for feedback, if the regulations should have a
13 concept that deals with, you know, each
14 jurisdiction or a jurisdiction of a certain size,
15 I don't know, we haven't talked in that little of
16 detail, should have a certain level of staff
17 assigned to implementing 1383? We know it's a
18 challenge in many jurisdictions where
19 jurisdiction staff might be wearing many hats and
20 may not even really be a part of or have
21 knowledge/experience with the waste management
22 program.

23 So that certainly could be a concept. And
24 we would like stakeholder feedback on
25 jurisdiction staffing and what that might look

1 like.

2 MR. BRADY: Yeah. I would just add, the
3 resource issue is a challenge I think we're all
4 grappling with, even at the state level, I think,
5 as we move towards achieving these targets. It
6 creates real resource problems for CalRecycle, as
7 well, in terms of our disposal-based funding
8 mechanism. And we know a lot of cities and
9 counties are funded through similar methods in
10 terms of implementing their recycling programs.
11 So we're certainly open to conversation on that.

12 We do acknowledge that this will --
13 implementing and complying with the regulations
14 will take resources, both at the state level and
15 the local and city/county level. I don't know
16 that we're looking at specifically you must have
17 1.5 staff working on this. You know, we
18 recognize that it might vary from city to city.
19 But we do acknowledge that there will be many
20 resource challenges with implementing this.

21 MR. VANDERSTAR: Hi. Chris with Republic
22 again.

23 Just circling back to the jurisdiction
24 problem, I think the real under-covering issue
25 really lies with, you know, some city contracts

1 differ from others where, you know, those
2 penalties may not be able to be, you know,
3 applied by the city or applied by the garbage
4 company to the customers. So when you talk about
5 being able to mandate that, if there's no, you
6 know, capabilities of issuing a penalty, you
7 know, how, you know, how effective can that
8 really be?

9 You know, at the end of the day, we
10 provide so much when it comes to education and
11 really getting out to the customer. But if they
12 don't listen and there's no penalty for it, it
13 could just be, you know, the same step and repeat
14 process.

15 So again, you know, you've got to just
16 look at -- when it comes to mandating, you've got
17 to realize there's some cities that, you know,
18 have in their contracts, hey, contamination
19 percentages, contamination levels, you can't fine
20 the customer for this. In some cities, you know,
21 that isn't the case. So, you know, you've got to
22 look at it from that perspective.

23 MR. BRIA: Okay. I have a couple more
24 regarding thresholds and opt-outs, both Colleen
25 Foster, City of Oceanside.

1 "Will CalRecycle provide sample opt-out
2 guidelines for self-haul, onsite, et cetera?
3 There can be a lot of fraud in opt-out options.
4 Will opt-out options be considered for
5 residential?"

6 And along with that, "A minimum threshold
7 can be tricky, considering that we will
8 ultimately be requiring commercial and
9 residential customers recycled food waste. If I
10 have a four-person auto parts store to opt out,
11 why am I not providing an option for a four-
12 person household to opt out? This would cause
13 major issues as they develop systems facilities
14 to cover costs and across the full rate base."

15 MR. BRADY: Thanks. That's helpful
16 feedback. Again, I think we are looking for
17 recommendations on opt-out thresholds that would
18 be appropriate.

19 I don't know, Cara, if you have anything
20 to add?

21 MS. MORGAN: Yeah. And it is on our list
22 of tools. I think having model opt-out language
23 for ordinances, et cetera, is something we
24 planned to do. And I do think that we would be
25 looking at it for both residential and commercial

1 because, obviously, there are some residential
2 households that may be only -- I don't know,
3 what's an example, maybe they don't have any
4 green waste but they generate food waste, and so
5 we'll be thinking about that and how that looks.

6 We also have been exploring what
7 jurisdictions who are already implementing these
8 programs have. And we're going to be gleaning
9 from those to develop the models. So certainly
10 the opt-out provisions will be on our tool list.

11 MR. BRIA: Okay. Which one? Let's go --

12 MR. BRADY: Go to a question from the
13 audience.

14 And then, Chris, do the next one.

15 MR. BRIA: I'm just trying to put them
16 together, so --

17 MR. DAVIS: John Davis, Mojave Desert and
18 Mountain Recycling Authority.

19 As you're starting to think about
20 contamination, there's a corollary to that, and
21 that's the lack of recovery, that's material that
22 should be at a MRF or at a compost facility that
23 still go to a landfill. And we always think in
24 terms of both to be -- it's more about overall
25 effectiveness. Contamination could be a sign of

1 good processing to remove material that shouldn't
2 be, you know, being sent to markets. And really,
3 the marketplace is going to define what's
4 acceptable finally as far as material going --
5 entering that marketplace, whether it's a compost
6 facility or a paper processor or paper mill. But
7 there is that whole side of losing material or
8 continuing to lose material. It's not going to
9 show up as contamination because it's going to
10 show up at the landfill.

11 And I think the other concept that you
12 might want to start grappling with is the whole
13 idea of consumer behavior. You know, if we're
14 recovering 90 percent of aluminum cans, that
15 means that 10 percent of them are still
16 apparently not identified as recyclable. And so
17 there's still a lot of confusion. I can't always
18 tell somebody what should go where. And I think
19 at some point we're going to have to grapple with
20 that in this overall context, or it's going to be
21 really hard to hone down what is contamination,
22 because it's going to be very, very specific.

23 But anyway, I wanted to bring out that
24 point, that there's also the loss of material
25 that's not going to show up as contamination, but

1 it's not recovered.

2 MS. MORGAN: So later on today, when Mark
3 talks about the solid waste facility
4 requirements, some of that, I think, we're going
5 to hit on by where material can and can't go. So
6 stay tuned for that conversation.

7 MR. BRIA: Okay. Oh, it froze. Come on.
8 Okay.

9 One question about schools, and I think
10 we addressed it but I'll mention it again anyway.
11 Sarah Davis, City of Oceanside.

12 "As school districts and state agencies
13 are not subject to franchise agreement, who would
14 be the authority in ensuring these generators are
15 implementing methods to reduce organics?"

16 MR. BRADY: So for generators that are
17 generally outside of the city or county's
18 jurisdiction or oversight, I would be looking for
19 the state to, so CalRecycle would be taking a
20 direct role in that.

21 MR. BRIA: Okay. All right. And there
22 more regarding collection system and compliance.
23 All of these all right from Colleen Foster, City
24 of Oceanside.

25 "Would a city be found in noncompliance

1 if their program only served a limited scope of
2 organics?" And then, "For instance, food
3 recovery program for commercial, food waste
4 recycling for commercial only, backyard
5 composting for residential, yard waste
6 collection, no food for residential. Basically,
7 can we comply without offering a food waste
8 recycling service for residential?"

9 MR. BRADY: So I think we're still a
10 little early in the process to be defining
11 exactly what would be noncompliant and what is
12 compliant. What we're trying to do right now is
13 develop sort of the base programs that a
14 jurisdiction would be implementing. I think
15 it's -- we will be looking at residential
16 collection, and that would most likely include
17 food recovery or food -- not the edible food
18 recovery, but that there be food recovery in the
19 organic bin, that that would have to be --

20 UNIDENTIFIED FEMALE: (Off mic.) Can you
21 speak a little bit louder? You're really soft.

22 MR. BRADY: Sorry about that.

23 UNIDENTIFIED FEMALE: It's okay.

24 MR. BRADY: That residential collection
25 would be a part of the program. So we're still

1 hammering out the details on that, but we'll have
2 to stay tuned on that.

3 MR. BRIA: Okay.

4 MR. BRADY: Sorry about that.

5 MR. BRIA: All right. And --

6 MR. BRADY: And we have a question behind
7 you, Chris, so we're going to go to that.

8 MR. BRIA: Okay. I've got two.

9 MS. ROBERTSON: Renee Robertson, City of
10 San Diego.

11 In the draft jurisdictional concepts you
12 discuss -- it's not really clear on the
13 PowerPoint, but you discuss that facilities would
14 be required to meet certain recovery mandates.
15 And that was mentioned both in source-separated
16 facilities, facilities receiving source-separated
17 material and mixed waste. That can be slightly
18 problematic. And I'm just -- I wonder what the
19 concept is further, because jurisdictions don't
20 always have the exact authority, whether a
21 facility is permitted in their jurisdiction or
22 not.

23 So are you envisioning increasing the
24 amount of like facility franchise agreements that
25 jurisdictions would want to put in place, or

1 would it potentially be done through the solid
2 waste facility permitting side and requirements
3 on the facility itself.

4 MR. BRADY: That's a really good
5 question, I think. We're going to be talking
6 about that in the next presentation in terms of
7 looking at where we're measuring and how we're
8 measuring. So unless you have anything to add, I
9 think that's something we'll be talking about in
10 the next presentation.

11 Are there more questions from the
12 audience?

13 Otherwise, Chris, if you want to --

14 MR. BRIA: Okay. This is regarding
15 public recycling. It's also Colleen Foster, City
16 of Oceanside.

17 "Our city has over 1,000 public trash
18 cans. Adding a one-to-one trash-to-recycling
19 ratio has been difficult, costly, with results
20 being contaminated. Is CalRecycle really going
21 to expect a one-one-one trash recycle organic
22 ratio for public recycling? Will facilities be
23 considered noncompliant in 2020 -- or 2022 if
24 they do not have an absolute match of
25 infrastructure for public organics recycling?"

1 MR. BRADY: So that's the concept we have
2 out right now, that it have bins provided where
3 public trash cans are located. We're looking for
4 feedback on that. We've had lots of similar
5 feedback, so we're taking that into
6 consideration.

7 MR. BRIA: Okay. And the last one, also
8 Colleen Foster, City of Oceanside.

9 "There's a lot of skepticism about data
10 in CalRecycle Waste Study. Would CalRecycle
11 consider working with a stakeholder review group
12 during planning and implementation of next
13 study?"

14 MR. BRADY: So that was -- and we'll --
15 it might be good for us to send something out on
16 this. But it was -- at our public meeting on
17 Tuesday, we shared the draft scope of work for a
18 2018 waste characterization study. We would urge
19 folks here to take a look at that and provide
20 feedback on that. We'll make sure to send
21 information out on our listserv, as well.

22 Are there more questions from the
23 audience?

24 MR. DERDERIAN: My name is Armen
25 Derderian, Resource Management Group, a private

1 recycling service provider throughout Southern
2 California. Not so much questions, but more
3 comments about what we are seeing and what we are
4 hearing.

5 We have been in the organic sector
6 recycling food waste for tier one and tier two AB
7 1826-compliant folks for the better part of the
8 last eight years. There's a lot of common
9 problems that are going through from jurisdiction
10 to jurisdiction. But there's also a big question
11 that lingers from the generators' side of the
12 equation. Whereas the services that they are
13 being provided do not necessarily fall within the
14 scope of their own operational processes. So
15 there's a disconnect between what is being
16 offered to achieve the mandates and become
17 compliant to what is actually required by the
18 generating public.

19 Now to dissect the services specifically,
20 residential is vastly different than the
21 commercial requirements. So there's -- it's a
22 two-approach solution that is required out there.
23 And what we are also seeing is an obstacle to
24 achieving some of the state mandates is the
25 current infrastructure of franchised exclusivity.

1 What I mean by that is defining a recyclable
2 commodity or recycling source by the economics
3 aspect of it, not so much the recyclability of
4 it, to exclude true recycling service providers
5 from actually entering a jurisdiction to provide
6 such services.

7 So, in essence, solutions may be
8 available to address contamination, to address
9 facility diversion rates, but they are excluded
10 from participating because of a single rule that
11 says if you charge for recycling, you can't play
12 in our city. That, I think, is a big problem
13 that needs to be addressed. Because as you
14 continually climb up the fruit tree of recycling
15 towards 90 percent, 75 percent, there is
16 theoretically less trash going to the landfills.
17 And, yes, there is going to be economic problems
18 within cities that rely on trash for their
19 general funding, for whatever, you know, aspects
20 those funding go to.

21 So I think the industry itself needs to
22 reevaluate who it's playing with, how it's
23 playing with those players, and who is actually
24 going to provide solutions to achieve mandated
25 compliance.

1 MR. BRADY: Thanks for the comment. As
2 it relates to franchise, that's something we'll
3 continue to look at. I don't know that our
4 regulations can change what franchise contracts,
5 as well as most of that. Those decisions have
6 been made through case law as opposed to
7 regulation. Our chief counsel isn't here right
8 now.

9 We do have, Tamar, if you had anything to
10 add on that?

11 But we're aware of the issue and continue
12 to look at as we develop these. But it may be
13 out of our hands in terms of how we define that.

14 MS. MORGAN: When --

15 MS. DYSON: Hi. Tamar Dyson.

16 MS. MORGAN: Oh. Okay.

17 MS. DYSON: That's what I was going to
18 say basically, Hank, that we're talking about
19 something that's not really in our purview with
20 the statute or with the regulations that we're
21 going to be doing. This has been established by
22 case law, and so it would have to be changed,
23 probably statutorily, another statute.

24 MS. MORGAN: One thing, though, that we
25 did talk about, and we don't have it on the

1 slides but we would like your feedback on, is we
2 did think that we could clarify, potentially, in
3 the regulation that a hauler could utilize a
4 recycling service that maybe does de-packaging,
5 for example, where it's not their area of
6 expertise, but then they could partner with a
7 company that, for example, does de-packaging. We
8 don't think that we can handle through the
9 regulation allowing generators to contract with
10 an entity. But we do think we could potentially
11 look at haulers being able to contract with
12 someone.

13 So, Armen, I don't know what your
14 thoughts are on that. But we would appreciate if
15 you think that that is a concept that maybe
16 doesn't get us all the way, but at least maybe
17 helps address it a fraction of the way. And if
18 that would be helpful, we'd appreciate that. And
19 then we will look to work that into the concepts.

20 MR. BRADY: I just want to note, on time
21 we're at about 11:40. So maybe do this question
22 and one more, and then we'll take a break.

23 MS. SCHILL: Just on what Cara said, I
24 used to work with -- oh, I'm sorry. Alyson
25 Schill with Tree People and the L.A. Food Policy

1 Council.

2 And I used to work with New York City's
3 Office of Recycling Outreach and Education. And
4 something that we did was a really big pilot
5 program where we had food scrap collection at the
6 green markets at the farmers markets all
7 throughout the city. And we gave those scraps to
8 local, small, like you're saying, small
9 organizations that were pretty much illegally
10 taking those food scraps and turning them into
11 compost, and then giving them back to the public.
12 And it was illegal because of these certain types
13 of laws and regulations in regards to that.

14 But how they overrode it was that the
15 City of New York, the Department of Sanitation,
16 which was the waste hauler of the area, absorbed
17 these groups as a part of themselves and started
18 paying them to start to do these food scrap
19 recovery things, and then expanded it to more
20 markets. And now they're expanding it to
21 residential areas, as well, so --

22 MS. MORGAN: Thank you for that. And if
23 you could provide that, that's great, because I
24 think that gets at what we're proposing as a
25 concept for consideration. We can't get all the

1 way to the franchise issue, but allowing haulers,
2 or in that case, jurisdictions, to hire companies
3 that provide those kinds of extra services that
4 maybe a hauler doesn't have the ability to
5 provide. So that would be great, Alyson, if you
6 could share that with us.

7 MR. BRADY: If there's no more questions
8 from the audience, Chris, is there anything else
9 online? Okay.

10 Thank you, everyone, for the feedback.
11 You've given us a lot to think about. Hopefully
12 our responses were helpful.

13 We're going to come back at 12:45 and
14 discuss concepts relative to solid waste facility
15 processing of organics, and we'll see you then.
16 Thanks.

17 (Off the record at 11:43 a.m.)

18 (On the record at 12:50 p.m.)

19 MR. BRADY: We're going to move into the
20 next presentation which is on solid waste
21 facility concepts. Just a couple of housekeeping
22 items and one quick change.

23 For questions for this session, I think
24 it's going to be more efficient, we're asking
25 folks to either use this mike in the center or

1 this microphone here on the side. And if you do
2 have a card, if you can bring that up with you to
3 the dais when you come to state your question.
4 And if you leave it there, we'll make sure we get
5 it to the court reporter. That makes it a lot
6 easier to identify who's asking the question.

7 And then the other is for online
8 participants, it will be up again when we get to
9 the questions. But if you submit questions
10 through slcp.organics@calrecycle.ca.gov, we'll be
11 able to address as many of those questions as we
12 can when we get to the Q&A portion.

13 So with that, Mark de Bie and Martin
14 Perez are going to move into their presentation.
15 And then I'll hand it over to Mark here.

16 MR. DE BIE: Thank you, Hank.

17 I'm Mark de Bie with CalRecycle. I'm the
18 Deputy Director heading up the Waste Permitting
19 Compliance Mitigation Division. And there's a
20 lot of areas of CalRecycle that are involved with
21 developing these concepts for 1383. And my group
22 has a lead role on two areas. One is solid waste
23 facilities, which we'll be talking about today.
24 Martin's got some slides to share with you about
25 those concepts. We're also involved with helping

1 develop concepts around enforcement, which will
2 be in a future workshop but not today.

3 In the Solid Waste Facility Team is
4 Martin Perez. There's also Diane Vlack and Gino
5 Retka. And they're supervisors and managers also
6 have a role.

7 So I'll turn it over to Martin to walk
8 through the various concepts. And he's got the
9 mouse figured out already, so, Martin?

10 MR. PEREZ: Thanks, Mark. So we'll get
11 started here.

12 MR. DE BIE: Why don't you look here so
13 that you're in the mic.

14 MR. PEREZ: Oh. All right.

15 MR. DE BIE: Yeah.

16 MR. PEREZ: Thanks. So we have solid
17 waste facility concepts, and they are in three
18 different categories. The first category is
19 dealing with solid waste facilities and
20 operations -- or operations at solid waste
21 facilities receiving, procurement and/or
22 recycling organic waste. The next category is
23 new and expanded solid waste facilities. And the
24 last one will be regarding closure and post-
25 closure financial assurance at landfills.

1 So this is just an overview of the main
2 concepts for each category. So for operations at
3 solid waste facility, we're going to be looking
4 at the measurement of organic material recovery,
5 and then as well as measuring contamination. And
6 the last concept in this category is with regard
7 to strategies for better assurance that materials
8 are fully recycled. And this is just another
9 overview of the category for new and expanded
10 solid waste facilities. So it's going to touch
11 on pre-processing -- organic pre-processing at
12 new and expanded landfills. And then we're going
13 to touch on consultation with disadvantaged
14 communities for new and expanded solid waste
15 facilities. And then again, the last category is
16 with regard to financial assurance planning at
17 landfills.

18 So for solid waste facilities -- hang on
19 one second. So let's start with the first main
20 concept, and the concept is to measure recovery
21 of organic material at transfer processing
22 facilities and operations that receive mixed-
23 waste organics and/or source-separated organics.
24 And so to make sure we're able to measure the
25 recovery efficiently, we need to keep source-

1 separated organics and mixed-waste organics
2 separate, so separate streams.

3 And so we're looking to evaluate the
4 effectiveness of the facility to process organics
5 by looking at the level of contamination at the
6 back end. So, for example, for source-separated
7 organics processing, we will be looking at the
8 back-end measurement of residuals or contaminants
9 to determine their processing efficiency. And
10 for mixed-waste organics, they will be performing
11 a back-end measurement of organics or residual
12 material to determine their processing
13 efficiency. So ultimately the end result is that
14 the material leaving the site after it's been
15 processed is suitable and acceptable for the
16 receiving facility, such as composting and vessel
17 digesting facilities.

18 So an implementation -- possible
19 implementation method is to revise our record
20 keeping requirement to include a record of
21 organics and mixed-waste -- organics and mixed-
22 waste streams at the back end, contaminants and
23 source-separated organics at the back end, and
24 that's it.

25 We're going to move to the next one.

1 So the second concept is to measure
2 contamination at transfer processing facilities
3 and organic recycling facilities that receive
4 source-separated organics and organic waste that
5 has been separated for reuse as a private
6 facility. So we're looking at contamination in
7 feedstock material coming both for generators and
8 from processing facilities. The aim would be to
9 evaluate the level of contamination so that the
10 information could be reported back to those that
11 could make adjustments upstream to focus their
12 effort to reduce the level of contamination. And
13 this could be done by creating a load checking
14 program. And this load checking program, it
15 could be mostly through a visual inspection to
16 determine the amount of contamination and loads.

17 And through this load checking program,
18 they would be providing reports of the level of
19 contamination to be made available to CalRecycle
20 jurisdictions and haulers supplying the organics.
21 And this would be helpful in providing those that
22 can help reduce the level of contamination in
23 those streams, so the jurisdictions and the
24 haulers.

25 And we're going to move to the last

1 concept.

2 And so this last concept is focusing on
3 building assurances that source-separated
4 organics and organics that are coming out of the
5 mixed-waste processing are, in fact, being sent
6 to organic -- to facilities that are recycling
7 organic waste. So facilities that would be
8 recycling organic waste would include composting
9 and vessel digesting facilities. And composting
10 and vessel digestion facilities could also be
11 collocated at landfills.

12 And so a possible implementation method
13 would be to have a tracking system to ensure that
14 when organics that have -- that need to be
15 recycled are going to -- you know, they need to
16 go to for additional recycling, that they are, in
17 fact, going to that -- to where they need to go,
18 and they're not going directly to the landfill.

19 Okay, moving on to the next concept, so
20 we're going to go into the next category, which
21 is concepts relating to new and expanded solid
22 waste facilities.

23 This is just a transition slide. One
24 second.

25 So the first concept is we want landfills

1 to incorporate a form of organic preprocessing.
2 First, we have to define what the term
3 preprocessing is, and it could include a separate
4 collection area or size reduction or slurring.

5 And so this kind of goes back to the
6 whole tracking system, is that we want to make
7 sure that when material -- if material has
8 already been processed at a prior facility, when
9 it gets to the landfill it doesn't need to be
10 sent for further processing and could be sent to
11 the landfill for disposal, and vice versa. So
12 the tracking system would help determine that the
13 material is going where it needs to go. And so
14 this could be done -- a possible implementation
15 method is that it could be done through a
16 revision of our regulations, transfer processing
17 regulations or disposal regulations.

18 MR. DE BIE: Or through a permit.

19 MR. PEREZ: Or through a permit --

20 MR. DE BIE: Yeah.

21 MR. PEREZ: -- yeah, through the permit
22 process.

23 MR. DE BIE: Yeah.

24 MR. PEREZ: So the second concept is that
25 we want to increase consultation with

1 disadvantaged communities to ensure that the
2 community is engaged very early on in the
3 process. And possible implementation methods
4 would be to either amend our internal business
5 practices or revise the permit process through
6 the regulations. And one second. We can use
7 current tools, such as the EnviroScreen. And
8 this helps identify disadvantaged communities
9 during the siting of the proposed projects.

10 Let's see.

11 MR. DE BIE: You want to close with CEQA?

12 MR. PEREZ: Yeah, sure.

13 And also when -- if the LEA has been
14 determined to be a responsible agency in a
15 proposed project, hopefully, well, we would want
16 that the LEA consult with the surrounding -- with
17 the disadvantaged communities early on. That way
18 they can gather their comments and determine what
19 they would need to provide in their comment
20 letter to the lead agency in the CEQA process.

21 And so the last concept is with regard to
22 the financial assurance planning for landfills.
23 So as landfills experience less organics entering
24 the site, there may be issues that could affect
25 the financial assurance calculations for closure

1 and post-closure. For example, a landfill may
2 determine that the date of closure has changed or
3 that they may need to adjust for reduction in
4 landfill gas production, or there may be changes
5 in calculations relative to differential
6 sediments in fill areas. So operators will need
7 to evaluate their operation, their design, their
8 closure and post-closure, based on the assumption
9 that they will have 75 percent reduction of
10 organics by 2025.

11 So potential implementation methods would
12 include amending the preliminary closure and
13 post-closure maintenance plans to address site
14 life closure date, landfill closure design,
15 landfill gas monitoring, and any other costs
16 associated to closure and post-closure. And so a
17 possible -- in order to make changes, we could
18 address them by making revisions to Title 27 of
19 the regulations.

20 And that -- and those are the concepts.
21 So at this time, we would like to open it up to
22 receive your input and --

23 MR. DE BIE: Right. And so on the screen
24 are just some questions that might spark your
25 thoughts, you know, talking about contamination,

1 talking about different waste streams, source-
2 separated, mixed-waste. As Martin indicated, he
3 had some -- or we've had some ideas of what
4 preprocessing at a landfill would look like in
5 terms of maybe just having an area set aside for
6 self-hauls, but it could be more extensive.
7 We've begun talking with the State Water Board
8 about colocation of organic processing in and on
9 landfills. And they're very, at least staff
10 level, very open to the idea. It would be
11 something that would be added to existing WDRs.
12 It might not require new WDRs, waste discharge
13 requirements.

14 And then the concepts relative to closure
15 and post-closure and potential impacts, this
16 concept, we're looking at being proactive and not
17 reactive. If landfills potentially are going to
18 see a reduction in the volume of organic waste,
19 but certainly a reduction in the type of
20 material, more inert material coming into the
21 landfill, we would expect that there would --
22 that would result in some level of operation and
23 design. And we want to see if maybe the avenue
24 we're proposing of addressing it through the
25 closure or post-closure plan review process might

1 be the best way to do that.

2 So -- but we're open to any observations
3 and questions. Come up to the mike. Yeah.

4 MS. SCHILL: Hi. Alyson Schill with Tree
5 People.

6 And the L.A. Food Policy Council wanted
7 me to ask and request that there is language put
8 into SB 1383 about incineration not being a
9 viable form of food waste recovery or diversion.

10 MR. BRADY: Thank you for the comment.
11 As we're developing the regs, we did share in May
12 some draft language in terms of activities that
13 would be -- would constitute disposal and
14 activities that would constitute recycling of
15 organic waste. So we'd definitely appreciate
16 some written feedback on that as it relates to
17 that definition. We are working in coordination
18 with the Air Resources Board, not just on that
19 but on all of the regulations. And what's
20 critical to how we define what constitutes a
21 recycling activity is whether or not the activity
22 reduces methane. And so incineration is
23 something that we are looking pretty closely at,
24 but could use feedback from folks like you on
25 that.

1 MS. SCHILL: Definitely. Considering the
2 ability to hold carbon in soil from composting, I
3 think would make us want to promote that as
4 opposed to just burning the food, so, yes.

5 MR. DE BIE: Great. Thank you.

6 MR. BRADY: And just a reminder for folks
7 on the web, if you can submit your comments
8 through the inbox.

9 Martin, if you don't mind clicking to the
10 next slide?

11 So that will be -- please don't use the
12 go to meeting inbox. It's hard for us to track
13 that. So please submit them through the inbox
14 that's here on the slide. Thank you.

15 MS. ROBERTSON: Hi. Renee Robertson with
16 the City of San Diego.

17 I'm really curious to see that term
18 expanded landfill better defined. New landfills,
19 that seems pretty clear. But expanded, what do
20 we mean? Do we mean permit revision, increasing
21 daily tonnage, disposal footprints, different
22 things like that, which could feasibly be done at
23 an existing landfill that has a very
24 comprehensive environmental document and not
25 trigger a new CEQA review. But this, adding

1 preprocessing, could trigger requirements for the
2 landfill which the community around them may or
3 may not be happy with.

4 So just wondering what we mean by that,
5 and are we going to trigger additional
6 requirements on landfills? And is that really
7 necessarily the best place to do it, at all
8 landfills? There's some that I would argue
9 potentially aren't the best place to add these
10 types of preprocessing for organics.

11 And then additionally, for solid waste
12 facilities, and this was in, I think, the
13 workshop last time, there are some exclusions as
14 to what constitutes an organic recycling
15 facility. And when I looked back at the regs
16 there's, specifically in the new anaerobic
17 digestion regs, and in the composting regs, and
18 actually in very set, every chapter, there's
19 activities that are excluded from requirements,
20 from permitting requirements or notification
21 requirements, if they meet a set of criteria. We
22 would consider that those meet 939 and recycling
23 requirements. So let's say you have a
24 vermicomposting operation, that would not require
25 a permit, so there wouldn't be any reporting

1 requirements. But they would, in fact, be
2 eligible to recycle manure, even food waste,
3 depending on how they handle it, and things like
4 that.

5 So I just would encourage you to look at
6 all those exclusion criteria and make sure those
7 facilities are getting credit. And if they need
8 to be reporting, if that's how we're going to
9 track this thing, then they need to have
10 reporting requirements probably put on them.
11 Maybe 901 will take care of that. I'm not quite
12 positive on that.

13 Sorry. Just with my notes.

14 MR. BRADY: I can address that last one
15 while you're going through it.

16 In the draft definition that we shared in
17 May, we do intend for activities, like from
18 composting or activities that are excluded from
19 the composting permitting requirements could be
20 considered activities that recycle organic waste.

21 Appreciate the feedback on needing some
22 level of reporting. Hopefully we will have some
23 from 901. One of the things we're looking to
24 cover in August is the level of reporting that
25 might be necessary in order to ensure that these

1 concepts are measurable and achievable, so -- and
2 I think you had another comment.

3 But maybe, Mark, if you wanted to address
4 the first one?

5 MR. DE BIE: Sure. I think when we, in
6 the slides, reference expanded we're certainly
7 thinking about handling facilities, transfer
8 stations, compost sites, that sort of things, so
9 new and expanded there. But then your point
10 about, yeah, technically adding preprocessing to
11 a landfill is an expansion of activity, maybe not
12 a footprint. And we are thinking about, right
13 now, all landfills, but that doesn't necessarily
14 mean where we end up. But we're looking for
15 ideas about what kind of preprocessing makes
16 sense in a landfill environment.

17 You know, the obvious ones is you get a
18 lot of self-hauls coming into a number of
19 landfills still that are high in organics. Do
20 you set up sort of a drop-off area where you
21 could isolate those organics and deal with them,
22 and maybe just re-haul them and send them off for
23 processing, not necessarily do everything at the
24 landfill. That is one level.

25 And then the other level is, you know,

1 siting a compost site on top of some of the
2 partial or preliminary closure areas of a
3 landfill that you're not going to use again. So
4 we're seeing more and more compost sites showing
5 up within landfills. So is that something we
6 want to encourage, or maybe even require,
7 exploring? So it needs to be a system where, you
8 know, local considerations are taken into
9 account. That's why we've, in this group of
10 concepts, looked at making sure that new
11 facilities, expanded facilities, new activities
12 at landfills, there's an opportunity to engage
13 with the community around there. We're focused on
14 disadvantaged, but it doesn't have to be limited
15 to just disadvantaged communities.

16 So I think we've got bits and pieces of
17 what you're sharing with us. And I'd like to
18 hear more about the nuances there so we can
19 address those earlier than later.

20 Thanks.

21 MS. ROBERTSON: Yeah. Potentially a
22 programmatic, you know, EIR, or a programmatic
23 look at it might be helpful or motivating for --

24 MR. DE BIE: Right. Yeah.

25 MS. ROBERTSON: -- landfills.

1 MR. DE BIE: Well, we heard something
2 similar about that. So, yeah, you're echoing
3 that, so thank you. Yeah.

4 MS. ROBERTSON: Okay. And one last
5 thing, just related to measuring of recovery.
6 Once again, so when we're talking about residual,
7 to me residual means, especially coming from a
8 transfer station or a compost facility, means
9 what's actually ending up going to the landfill
10 for disposal. So residual could be a lot of
11 plastic. It could be a lot of inorganic
12 materials. So I just want to make sure that
13 that's clear when we come to the regulation
14 point, that really only what's regulated in the
15 residual is not the total residual, it's just the
16 organic component of the residual, if that's
17 my -- if that's correct, anyways?

18 MR. DE BIE: Yeah, I think so. Yeah.

19 MS. ROBERTSON: Okay.

20 MR. DE BIE: And really the focus -- part
21 of the focus on looking at contamination in a
22 solid waste facility context, be it a transfer
23 station or at a landfill or a compost site, is
24 its impact on the ability to handle that material
25 to make a usable product. Not obsessing about,

1 you know, residual and how that factors into
2 regulation and permitting aspects, but just, you
3 know, getting the data, you know, understanding
4 the front-end piece and how it's impacting the
5 back-end piece relative to the contaminants is
6 part of the main focus on that.

7 So residual is a term that's used on the
8 three-part test for recycling. But also in the
9 three-part test is a one percent putrescible,
10 which is your organics. So residuals tend to
11 have some organics, but it also has all the other
12 kinds of things, things that that particular
13 facility is unable to recycle because they don't
14 have the technology or the markets aren't there,
15 or whatever the dynamic is. So it can vary, and
16 it can vary day to day. You know, sometimes
17 they're pulling out high number of plastics and
18 the next day they're not. So, yeah.

19 Thank you.

20 MS. ROBERTSON: Okay. And one last
21 comment related to load checking, we operate the
22 Miramar Greenery, and it's collocated at Miramar
23 Landfill. And one of the reasons we're able to
24 make sure a usable product amongst all the
25 various streams that we take in is the ability to

1 reject loads, and to reject entire loads.

2 So I would encourage you guys to figure
3 out a way that facilities can maintain the
4 ability to just say no if it's something that
5 doesn't fit those requirements, and put it back
6 on the generator or whoever is bringing the
7 material in to deal with it.

8 MR. DE BIE: Great. Yeah. Aligned with
9 the concepts, again, is I think we had -- one of
10 the items was ultimately the test is, is this
11 material acceptable to the site that it's being
12 sent to ultimately be recycled into a product,
13 and figuring out how we can work that so that
14 happens more often than not, so you're limiting
15 those loads that have to be rejected? Because
16 once they're rejected, what happens to them?
17 They go back to the facility and they try again,
18 or does it go to the landfill? So I think it
19 goes to the landfill.

20 MS. ROBERTSON: Usually, they try a
21 couple other facilities.

22 MR. DE BIE: Yeah. Okay. Yeah. Shop
23 around.

24 But that's a good point. Not all
25 facilities have the same tolerance level, too.

1 Some can have onsite additional processing
2 capabilities, so they can handle dirtier loads.
3 Some, you know, don't want to try or bother for
4 multiple reasons. So what might be acceptable in
5 one won't be acceptable in another. Yeah.

6 Thank you.

7 MS. ROBERTSON: Thank you.

8 MR. BRADY: Thanks. I just wanted to add
9 on. I think what we're trying to capture in the
10 concept is in alignment with what you're
11 communicating is your interest.

12 One thing I did want to mention is in
13 terms of rejecting material at Miramar, for
14 example. I think we'd be interested in examples
15 of, you know, how material coming in is inspected
16 and what that metric is. At what point is it,
17 no, we can't accept it? At what point can you
18 accept that? If there's a visual inspection, or
19 how that's done, that kind of information would
20 be helpful for our process.

21 MR. DE BIE: Yeah. Let me echo that,
22 too. In a broader context is, you know, we know
23 that operators, be it transfer stations,
24 composts, anaerobic digesters, other folks
25 handling material, have some practice to

1 recognize problematic loads, be it contamination
2 or something else. We're guessing it's some sort
3 of visual methodology some way. Maybe it's the
4 smell test, I don't know. But some way of
5 determining that's not something we want on our
6 site and/or we'll take it but we're going to have
7 to process it more, and so maybe there's a fee
8 balance that happens. But there's some way of
9 assessing these loads as they come in, or routes
10 or whatever.

11 So having information that you're willing
12 and able to share about how do you evaluate those
13 loads and make decisions about it would be very
14 helpful to us to see how that might work in a
15 broader, statewide context.

16 Thanks.

17 MS. WHITE: Monica White, Edgar and
18 Associates.

19 So I just want to preface my comments
20 with this idea that, you know, whatever we're
21 setting at a facility standard also ties very
22 closely, as you guys said, with reporting and
23 enforcement actions. So I've been thinking and
24 mulling these concepts over with the idea that
25 whatever standards we have, they have to work on

1 all ends of the spectrum to make sure that all
2 operators are on an equal playing field.

3 So one of the ideas that I've been
4 kicking around personally with the facility-level
5 reporting is instead of setting a blanket
6 requirements across all facilities, whether it's
7 source-separated or MSW processing, is having an
8 onsite recycling rate for each facility. So you
9 would be able to have sort of a mass balance of
10 tons coming in and tons coming out where an LEA
11 or CalRecycle would be responsible at looking at
12 all these tons as they move through the facility.

13 So as far as applications of it being
14 done, I've seen some counties have facilities
15 report through your DRS system, where the tons
16 are coming in, actually from a jurisdiction
17 basis, and how those tons are leaving the
18 facility, whether it's being sent as compost,
19 ADC, biomass or other. And so you can take a
20 look at how all of these programs are being
21 managed.

22 Another option, you know, we do
23 greenhouse gas calculations all the time for our
24 clients where we're looking at the amount of
25 commodities they recycle or use for compost, to

1 find that benefit that these facilities are
2 providing. And then, you know, as an added
3 benefit, when cities are choosing haulers and
4 operators for their franchise agreements or
5 other, they have sort of transparency to know
6 that someone has vetted these facilities and
7 they're sort of guaranteed to get these recycling
8 rates.

9 The benefit of this is it really provides
10 these operators the incentive to make their
11 facilities better over time, that they know that
12 if I invest in this technology, I have a greater
13 chance of winning better contracts and really
14 pushing them from a business sense to be more
15 proactive with the technology that they're
16 putting in there.

17 So -- and then the other side of it is by
18 tying it to a permit is you're requiring someone
19 to be accountable for that. So what I see right
20 now, that's sort of failing, and I'll provide
21 written comments later, is no one is really in
22 charge of how a facility is managing their
23 recyclables and how that might impact multiple
24 franchise contracts. So, you know, we kind of
25 have this loosey-goosey annual reporting where,

1 you know, you're getting tonnage amounts, but no
2 one is auditing that and ensuring that that's
3 really happening. So I think I look at this as
4 an opportunity to make sure that there's greater
5 levels of transparency and accountability with
6 these facility-level recycling rates.

7 So the other thing I wanted to comment
8 on, I think there's a great opportunity with
9 putting compost facilities at landfills. And I
10 understand from an environmental perspective
11 that, you know, there's sort of a streamlined
12 approach to this. But I will add the adage that
13 we want to be very careful about the fox watching
14 the hen house. If you have a situation where you
15 have an operator who's collecting materials,
16 who's in charge of the gate, who's in charge of
17 the compost facility, and in charge of the
18 landfill, all of that reporting can very easily
19 be made to look like they're doing something that
20 is right where they may not be. And I think
21 there's enough benefit to really investigate this
22 further. But whatever we're expecting on the
23 enforcement side and the reporting side, whether
24 it's a third-party operator that can sort of be
25 that person on the ground to vouch that

1 operations are happening as they're reported, I
2 think would be very important. Because we
3 just -- we don't -- we want to ensure a level
4 playing field. We want to ensure whatever goals
5 we're setting out there are going to be achieved
6 and we're not going to have someone subverting
7 the system.

8 MR. DE BIE: Great. All good thoughts,
9 many of them aligned with our current thinking
10 about how these concepts might get rolled out.

11 We've heard some discussion about rates,
12 and there's pluses and minuses, so we can
13 continue hearing input on that. That would help
14 us kind of decide about that. We did -- we are
15 looking at the permit as a tool to require these
16 things. That will allow some site-by-site
17 variation when it's necessary, but it will also
18 allow a level of consistency, a level playing
19 field, if you will.

20 And then Martin mentioned some kind of
21 tracking system and sort of the -- where that
22 started was, you know, these sites where there's
23 four or five things going on, how -- where's the
24 level of assurance that when it comes through the
25 gate it actually does go to the compost site and

1 doesn't go to the working face. And so that's an
2 internal system, not just between facilities but
3 within a facility. So the thought was that there
4 would be some kind of tracking system, record
5 keeping, that could be viewed by an inspector, so
6 it would have to be tied to the permit or the
7 regulations for that facility.

8 So aligned with those thoughts, but just
9 how do you find the right balance and put that
10 in? So that's why we need more input on those
11 details, but thank you.

12 Come on up. Come on down.

13 MR. VANDERSTAR: Hi. Chris Vanderstar
14 with Republic Services. I just want to make two
15 comments.

16 One, food waste, I mean, as we all know
17 that it's most effective at the source. If it's
18 not really source-separated, it makes it very
19 difficult to recover.

20 The second thing is just to start going
21 back to the other page where you spoke about
22 mixed-waste processing facilities and dirty MRFs.
23 In that process, you know, the recyclable
24 recovery is very limited because you have to
25 realize, trash, organics and recyclables are all

1 mixed together. So when you look at the dirty
2 MRF, typically we see areas where containers
3 have, you know, high volume content of water
4 which makes that organic portion almost nearly
5 impossible to recover.

6 So when you talk about putting out
7 monitoring numbers to be able to show diversion
8 for recyclables, as well as organics, I don't see
9 the organics really having a heavy number
10 adjustment. Because when you go through a dirty
11 MRF process, we're just trying our best to pull
12 out the recyclables. I don't believe that --
13 again, I'm not on the operational side, but I
14 don't believe that they take the organics out of
15 there. I think that's pretty much where it's too
16 far gone and it's too mixed in with everything
17 else to, you know, make it recoverable.

18 Well, I think we agree about upstream is
19 the place to focus. And part of the reason we
20 were looking at a way of evaluating feedstock or
21 material coming into a facility in identifying
22 load-by-load, really, level of contamination as
23 collecting of information that could be reported
24 upstream, either to the jurisdiction or the
25 hauler, so they can work with their customers and

1 that sort of thing, so a focus on upstream.

2 And, you know, we're aware that there are
3 difficulties with mixed-waste and isolating
4 organics to pull that out. I have seen some
5 technologies, not focused on trying to get
6 organics out, but that's basically what ends up
7 happening is they were trying to make a material
8 that was more inert. And so they were able to
9 isolate the inert material in a very efficient
10 way. And the end result is what they were
11 pulling it out of ended up being very high in
12 organics, much more than it would have been
13 preprocessed. Whether that material could go on
14 for additional processing, composting, anaerobic
15 digestion, that wasn't part of the calculation
16 there.

17 But, you know, there are some strategies
18 out there to -- by pulling out those recyclables,
19 those inert materials, you do get the portion
20 that's heavy in organics. There's still a lot of
21 contaminants in there, so -- but there maybe a
22 technology out there that could utilize those yet
23 to be seen. We see black boxes being proposed
24 all the time, so that might be a new black box
25 for that.

1 MR. BRADY: Yeah. Thanks for the
2 comment, Chris. I'm just looking at it, it kind
3 of links back to what we were talking about on
4 collection, and that's towards your comment in
5 terms of mixed-waste having some difficulty
6 pulling out organic waste from the waste stream.
7 That's part of why we're looking at a preference
8 of source-separated collection for organic waste.
9 That's -- and we know there's a lot of mixed-
10 waste processing that, you know, pulls out other
11 recyclable materials to the extent, if they can,
12 if there's a new mouse trap that we're not aware
13 of or that comes online before 2025, we want to
14 be open to that.

15 But that's why we're looking at having
16 some standard for recovery. Because depending on
17 how much materials go into that pathway, we'd
18 have to make sure that we're actually getting a
19 recovery rate that enables us to meet the
20 statewide targets.

21 MR. DAVIS: John Davis, Mojave Desert
22 and Mountain Recycling Authority.

23 Mark, it would be really helpful, I
24 think, to get some definitions working, like
25 processing and contamination I think were the

1 terms you used. But then I hear residue factored
2 in which, you know --

3 MR. DE BIE: I'm not factoring it in.
4 I'm trying not to factor that in, so --

5 MR. DAVIS: But I've heard that in --

6 MR. DE BIE: Right.

7 MR. DAVIS: -- in discussions, that
8 people -- so just to kind of begin to draw
9 circles around what we're talking about I think
10 would be really, really helpful.

11 MR. DE BIE: Yeah. Yes. We're not there
12 yet. I know from my experience with past
13 regulations, definitions factor in. And they're
14 significant on not just how you define terms, but
15 how they're used in the regulations. And there's
16 a feedback there. So if you want to use a term
17 in a specific way, you define it in a specific
18 way. And then if your use of it changes, then
19 you probably have to go back to that definition
20 and adjust it. So there's a constant back and
21 forth.

22 So it's hard right now to see if we
23 could, you know, define some of these terms that
24 might end up being in regulations associated with
25 solid waste facilities. Maybe we do modify

1 existing terms to accommodate their new usage in
2 the regulations. But, yeah, it's a concern
3 and --

4 MR. DAVIS: Yeah.

5 MR. DE BIE: -- but we're not there yet.
6 So a lot of the terms we used in the slides, we
7 were trying to be generic and not sort of point
8 at, well, here's a new type of facility or a new
9 word to define. We were just trying to get the
10 concepts out and not step towards, you know,
11 identifying or defining new things.

12 MR. DAVIS: And I guess the other
13 conceptual is what are we getting at? Is it
14 beginning to measure some kind of thresholds,
15 performance standards, collect information,
16 provide feedback? You know, it's not clear where
17 these regulations are heading, and so it's --
18 yeah.

19 MR. DE BIE: Well, I'll affirm, I think
20 we see benefit from evaluating non-organic
21 materials, there, another generic term, from
22 organic material, collecting that information to
23 report upstream to try to educate and provide
24 outreach opportunities to the generators that,
25 you know, are maybe not doing the best they

1 should in keeping materials, non-organic
2 materials out.

3 So certainly, that's the focus. If it
4 factors in other ways yet to be determined, we
5 need your input. If there's other benefits that
6 would come out of getting tracking and data from
7 material coming in and/or the material going out
8 the back end after processing and post-
9 processing.

10 MR. DAVIS: So a couple of specific
11 observations. I know I've talked with mixed-waste
12 operators who end up blending in source-separated
13 material, particular on the paper-fiber side now,
14 but I've also heard this on the compostable
15 organic side, in order to create a high enough
16 value material to be able to market it. And I
17 got the sense that, you know, keeping source-
18 separated material separate was important, and
19 yet it could end up effecting the marketability
20 or being marketed with the non-source-separated
21 recovered materials. So just an observation, I
22 guess, to point to.

23 MR. BRADY: Yeah. John, is that a
24 blend -- is that blended after the paper has been
25 pulled out of the mixed-waste stream or --

1 MR. DAVIS: Yeah. I've seen two lines
2 running parallel, in fact, in some facilities
3 where they're processing, you know, heavier, say
4 multifamily, commercial line material that didn't
5 come in, in a source-separated manner. And then
6 at the end it's merged back in, depending on the
7 market requirements with material that came in
8 that was source-separated, or it came through a
9 buy-back operation or some other source.

10 MR. BRADY: Okay. I think it would be --
11 I think we'd be -- it would be helpful to get a
12 little more information on some of that dynamic.
13 That would be helpful for us to know a little bit
14 more about that. I think kind of the concept
15 originally is we're looking at having a recovery
16 rate that needs to be achieved for mixed-waste,
17 that if you're mixing it together then it's kind
18 of mixing sources, then it's a recovery rate for
19 the facility for everything that's coming in.
20 It's not necessarily for the mixed-waste that's
21 going through. So that was why our thinking was
22 to keep those two lines separate.

23 I can say, I had not really thought about
24 when mixed-waste is going through, if the paper
25 is pulled out or organic material, whatever it

1 may be, and then it's mixed in with source-
2 separated, it's something we'll take a look at.

3 MR. DAVIS: Yeah. They're just --
4 they're coming from different sources at the same
5 facility, so it's -- and I don't believe it's
6 particularly uncommon in mixed-waste processing.

7 MR. DE BIE: Yeah, it may be. Just to
8 echo what Hank was saying is, again, from a data
9 collection and feedback loop upstream, being able
10 to identify contamination in source-separated,
11 you know, versus mixed-waste and being able to
12 report that up for those programs that are there
13 so they can improve and as a benefit. The back-
14 end mixing, you know, I've got to wonder about
15 that market that's accepting, you know,
16 potentially dirtier stuff and what the economics
17 are. You know, I can -- if it's happening, then
18 someone penciled it out and it's working. But,
19 you know, globally, what's the benefit of making
20 clean stuff dirty?

21 MR. DAVIS: That's right.

22 MR. DE BIE: I guess the benefit is
23 making dirty stuff cleaner, so --

24 MR. DAVIS: If you have clean cardboard,
25 it gets made back into cardboard.

1 MR. DE BIE: Yeah. Right.

2 MR. DAVIS: Cardboard that's been
3 saturated with food --

4 MR. DE BIE: Right.

5 MR. DAVIS: -- it doesn't really --

6 MR. DE BIE: Yeah.

7 MR. DAVIS: -- come back in cardboard.
8 It ends up in some other use.

9 MR. DE BIE: So maybe you're just pulling
10 out the contaminants and mixing contaminants with
11 contaminants or something, but, yeah. Okay.

12 MR. DAVIS: Yeah.

13 MR. DE BIE: Yeah. We'll need to explore
14 that, definitely.

15 MR. DAVIS: And just a last thought, and
16 it really gets into if you start looking at, like
17 the residue or the contaminants, because you're
18 going to balance the incoming and outgoing
19 material. We do residue characterizations at the
20 MRF whose contract I manage. And so we want to
21 know what's in the residue, and not just how much
22 is there but is it really --

23 MR. DE BIE: Right.

24 MR. DAVIS: -- stuff that we didn't want
25 to get? It helps us operationally, but it may

1 give you a good sense. Because if you only look
2 at the percentage, for example, you get a
3 distorted view. A facility that's really trying
4 to remove contaminants is going to have a higher
5 percentage necessarily than one that's just
6 pushing it through and moving it. So just
7 another thought that -- again, back to
8 definitions and, you know, utility of the
9 numbers, there's a lot of complexities and --

10 MR. DE BIE: Great. Just to show you how
11 my mind works when you were describing that. So,
12 you know, you look at your residual and see all
13 these banana peels and you say, we need to do a
14 better job pulling banana peels out, so you
15 educate your line people to say pull those banana
16 peels out, so --

17 MR. DAVIS: Well, you want the banana
18 peels not to be there --

19 MR. DE BIE: Right. Yes.

20 MR. DAVIS: -- in the beginning. And
21 that's always --

22 MR. DE BIE: You want to pull them away
23 from -- yeah. Yeah.

24 MR. DAVIS: But a good facility is going
25 to pull them out of the paper.

1 MR. DE BIE: Right. Yeah.

2 MR. DAVIS: And they shouldn't be there,
3 which is really a collection issue that Howard's
4 going to deal with.

5 MR. DE BIE: Yeah. Thanks.

6 MR. BRADY: If I could just add, on the
7 definition piece, that's certainly on our
8 homework list throughout this process. But if
9 you have draft definitions you'd want to share,
10 or anyone here, we'd certainly be -- feedback is
11 very helpful, you know, draft definitions of
12 contamination, of processing, we'd be interested
13 in seeing that. That helps our thinking. So I
14 would invite folks to, in their comments, provide
15 information like that, if that's something
16 they're interested in.

17 MR. DE BIE: So I think Hank just invited
18 you to write your own definitions, so --

19 MS. ROBERTSON: Renee Robertson with the
20 City of San Diego.

21 And in relationship to a load checking
22 program at facilities, I mean, the majority of
23 facilities already have these in place,
24 especially green waste composting facilities,
25 transfer stations for hazardous material or

1 unacceptable materials. The concept right now
2 points that if there's a problematic load, they
3 want to track that by hauler type, so with
4 creating a feedback loop, is what I'm
5 understanding, which is great in theory. But
6 when you have situations where you've got one
7 hauler, who's also hauling, operating the
8 facility and other haulers bringing material in,
9 there could be the propensity or the idea to
10 check the other haulers loads more, especially if
11 it triggers additional expense on those haulers.
12 I don't ever want to accuse anybody of that.

13 But it would just be very difficult,
14 also, to create load checking by hauler at some
15 of these large facilities. The Greenery is 74
16 acres. You've got sometimes three to four
17 different tipping areas, depending on which
18 material types. You've got self-haul bringing in
19 green waste. You've got haulers bringing in
20 green waste or food waste or lumber. So you
21 could really add a staffing level requirement
22 inadvertently by tracking it by hauler.

23 So perhaps writing something in that's
24 more specific that levels the playing field to
25 ensure that all facilities are treating all

1 haulers the same would be great. And doing
2 something where it's more of a targeted load
3 checking. Everybody's visually -- I believe
4 everybody's visually load checking, but not
5 necessarily to the point of getting to a percent
6 contamination or things like that. So you could
7 have or ask for a more targeted approach which
8 ensures a level playing field.

9 MR. DE BIE: Good. Yeah. Very good
10 points. Thank you.

11 MR. BRADY: Chris, I think you indicated
12 there were two --

13 MR. BRIA: Right.

14 MR. BRADY: -- to online comments.

15 MR. BRIA: These are both from Sarah
16 Davis, City of Oceanside. She has a question
17 regarding preprocessing requirements.

18 "And when you speak about solid waste
19 facilities, you only mentioned landfills. Is the
20 requirement for preprocessing only required to
21 landfills, or any facility that requires a solid
22 waste facility permit?"

23 MR. DE BIE: Well, certainly the concept
24 was focused on landfills. And I think the main
25 reason for that is, well, a couple reasons. One,

1 in a lot of jurisdictions, it's just a landfill.
2 There isn't a transfer or preprocessing facility
3 out there before it gets to landfill, so having a
4 greater assurance in those situations that there
5 is some opportunity to separate out organic or
6 rich organic loads before it goes to the working
7 phase.

8 I think, also, in our heads is there
9 are -- a lot of transfer solid waste facilities,
10 transfer stations, other kinds of facilities, do
11 already have some level of preprocessing or
12 processing occurring there. But certainly, we
13 want to encourage more of that, grow the
14 infrastructure. When we talked about expanding
15 facilities, part of that was expanding the
16 capability to process materials. So we'll just
17 need to be more specific as, yeah, the
18 expectation is just not on landfills but on other
19 solid waste facilities.

20 MR. BRIAN: All right. This is one is
21 also from Sarah Davis, City of Oceanside.

22 "Are dehydrators considered compliant?
23 What if a business has purchased a dehydrator but
24 the byproduct is being placed in the landfill
25 bin, will businesses be required to prove that

1 they are composting the byproducts?"

2 MR. DE BIE: I don't want to get into
3 dehydrators right now.

4 MR. BRADY: The definition that we shared
5 in May, I don't think we've covered every single
6 specific technology.

7 And I'll answer the second part of the
8 question, though, in terms of is the dehydrator
9 is reducing the amount of organics but the
10 residual is still going to a landfill? Just to
11 be clear, our consideration of disposal out a
12 landfill is if organics are ending up at the
13 landfill, whether or not they're residual or
14 they're going straight to the landfill if it's
15 organic material that's being disposed of in a
16 landfill, we're going to consider that as
17 disposed in a landfill.

18 If -- you said some information on
19 dehydrators. We'll take a look at that. That's
20 good feedback for us to consider as we're looking
21 at developing what constitutes disposal and what
22 constitutes recycling. And for the purposes of
23 these regs, I do also want to indicate that when
24 we shared our initial definition, one of the
25 concepts that we've included as a part of that is

1 there be a process for the Air Resources Board to
2 determine future technologies that maybe reduce
3 methane from organic waste compared to landfill
4 disposal. So that's something I just want to
5 make sure is captured and that folks know that
6 that's part of our draft. And we're continuing
7 to look for feedback on that.

8 MR. DE BIE: Thanks. And, you know,
9 regarding my hesitancy, just a few thoughts. I
10 can't keep myself away from it. But, you know, I
11 think from a regulatory side of things, many of
12 us are concerned about when you dehydrate food
13 waste, if it's not handled appropriately it could
14 rehydrate, and then you have basically food
15 waste. So if it's placed in a situation where it
16 can rehydrate and it's not controlled, that could
17 create nuance and health and safety issues.

18 I think just holistically, the energy
19 required to remove the moisture may be equal to
20 the cost savings in transportation, transporting
21 lighter material. But I haven't seen a lifecycle
22 assessment relative to that, as yet.

23 But we have opined. CalRecycle
24 regulatory staff have opined that dehydrated food
25 waste that leaves a generator, that material

1 should be viewed as a solid waste facility. And
2 our hope would be that it would go to composting
3 or a anaerobic digestion or some way to get
4 further benefit out of it.

5 MR. BRADY: Other questions from folks
6 here in the audience, or comments, critiques,
7 heckling? We're open to anything. MS. WHITE:
8 Just since there's an open mic. Monica White,
9 Edgar and Associates.

10 I just want to reiterate, I know you guys
11 are getting this comment all the time, the
12 importance of looking at gasification to manage
13 our biomass. Biomass is a huge issue.
14 Facilities are shutting down, and we have a lot
15 of stranded assets all over California, and not a
16 great solution moving forward to use these woody
17 materials to create electricity, bio char, et
18 cetera. This is something that is hugely
19 important to many of our clients, and we need a
20 solution for this. And it's also going to be
21 integral into meeting -- getting our organic
22 goals met.

23 So thanks.

24 MR. BRADY: Thanks. That's helpful. I
25 think, again, biomass conversion is something

1 we're looking -- viewing as recycling. I think
2 it was SB 498 from a few years ago specified non-
3 thermal combustion is a type of biomass
4 conversion. However, the statute does
5 specifically identify what materials can be
6 accepted as a biomass facility in order for it to
7 continue to be considered biomass conversion. So
8 that might be an acceptable management practice
9 for a specific -- that specific subset of
10 material.

11 MS. WHITE: Sorry, I just had a thought.
12 And feeding off of this idea, the concept of
13 compost facilities at landfills, is there
14 potentially an opportunity for a small-scale
15 biomass at landfills and looking for sites there?

16 We did -- you mentioned self-haul.
17 Landfills do receive a lot of woody materials
18 through self-haul, or C&D materials. Maybe
19 there's an opportunity for that.

20 MR. DE BIE: Certainly. I can't think of
21 anything that would prevent it from being
22 proposed. In fact, some of the discussion -- is
23 Evan here, Evan Johnson? No. Okay.

24 Some of the discussion that I'm aware of
25 through Evan Johnson's work with the tree

1 mortality --

2 MS. WHITE: Uh-huh.

3 MR. DE BIE: -- locations at solid waste
4 facilities, including landfills, have been
5 identified as places to locate not just chip and
6 grind handling facilities, but also small-scale
7 biomass facilities. So -- and we've been
8 consulting on that and, again, haven't seen any
9 reason as yet, from CalRecycle's point of view,
10 that would limit or prevent that from happening.
11 So certainly air districts and other folks would
12 have questions, concerns, but nothing from
13 CalRecycle as yet, so --

14 MS. WHITE: Yeah. I mean, I think the
15 idea is that we need to encourage it. There
16 needs to be solutions throughout the state to
17 manage it since, you know, we're losing, like I
18 said, these sources now to deal with the
19 material.

20 But, you know, we talk about programmatic
21 EIRs. If we're discussing compost facilities at
22 a landfill as a solution to 1383, perhaps we can
23 lump biomass, small-scale biomass facilities in
24 there, too.

25 MR. AJWANI: Hello. Clark Ajwani, L.A.

1 County Public Works.

2 Along those lines of the biomass
3 conversion, I was wondering if these regulations
4 will be considering facilities and concepts for
5 facilities in digestate management of the
6 digestate after anaerobic digestion? And if all
7 of this organic waste and food waste needs to
8 either go to composting or digestion, chances are
9 there will be a lot of digestate left over after
10 the anaerobic digestion process. And it may not
11 be feasible to send all of that digestate to
12 composting or land application. So perhaps these
13 regulations could consider adding in digestate to
14 the allowable feed stock for biomass conversion.

15 MR. DE BIE: Well, I don't know if the
16 regulations can do that, since it's a statutory
17 requirement. In statute, it has the list of
18 materials that can go to biomass, as defined in
19 statute.

20 MR. AJWANI: Right.

21 MR. DE BIE: And then current regulations
22 do indicate that digestate need not just go to
23 compost and anaerobic digestion, but if there's
24 an agency that has opined that there's a use that
25 is appropriate for anaerobic digestion, digestate

1 leftover material from anaerobic digestion, that
2 it could go to that end use, though. There's
3 nothing that CalRecycle would do to prevent that,
4 but we need CDFA or some other entity saying it's
5 appropriate use.

6 So -- and we have seen cases where some
7 digestate material has been pasteurized, and all
8 the pathogens had been reduced to nearly zero,
9 and there was some metal testing. And so it was
10 almost equivalent to what you might see coming
11 out of the back end of a compost site. And the
12 level of contaminants were very small, if any.
13 And those materials had been allowed to be used
14 as a fertilizer and certified as a fertilizer.
15 So there is -- you know, it's open right now.
16 It's not specific on what those things might be
17 because we left it open on purpose because we
18 didn't know what those end uses might be, so --

19 MR. AJWANI: Will these regulations be
20 looking at any potential concepts for digestate
21 management to further expand those markets or
22 play in that at all?

23 MR. DE BIE: Sure. Yes.

24 MR. AJWANI: Okay.

25 MR. DE BIE: They can. Yeah. So give us

1 those ideas.

2 MR. AJWANI: All right.

3 MR. BRADY: Yeah. Thank you. Digestate
4 management is something that we're going to be
5 looking at in this, and would really welcome
6 feedback on that.

7 And if you have a card, if you don't --
8 if you could bring that down for the court
9 reporter or give her your name afterwards.

10 But, yes, that's something we'll be
11 looking at and would really appreciate feedback
12 on.

13 MS. ROBERTSON: Renee Robertson, City of
14 San Diego. Just one more.

15 So painted and treated woods. A great
16 example. If you walked by Costco at lunch, every
17 pallet that they have onsite at Costco is fully
18 painted.

19 So if we're -- are we planning on
20 revising what compost and AD facilities are
21 allowed to handle, or are we planning on
22 developing new facilities to handle those
23 facility types? Are we going to require
24 generators to not paint wood?

25 MR. BRADY: Painted wood is a good issue

1 to raise, as well as there's treated wood. To
2 the extent there is organic material that we need
3 to sort of count towards this baseline, because
4 there is the potential for methane generation,
5 but would also note that the state is tasked with
6 achieving is 75 percent. So there is a potential
7 allowance for -- there's going to be organic
8 materials that are difficult or not possible to
9 manage through compost or through AD or through
10 any practice that we look at in these
11 regulations. So there is a certain allowance
12 that the legislature provided for unmanageable
13 materials that can only be managed through
14 disposal to continue to be disposed, if that
15 answers your question.

16 MR. DE BIE: Well, yeah. And I'd add on,
17 again, from a regulatory health and safety, is we
18 also don't want to put so much pressure out there
19 that starts forcing materials that shouldn't be
20 recycled, that should be better managed in
21 potentially a landfill situation, because of the
22 contaminants. So we need to find that right
23 balance, too.

24 A number of the concerns for treated wood
25 waste and the type of paint, not all paints are

1 created equal, is the hazardous aspect of that
2 material. And so, you know, CalRecycle just
3 deals with nonhazardous, and so we have to -- and
4 do work in cooperation with our colleagues with
5 DTSC and the We Board about issues associated
6 with treated wood waste and painted wood, and
7 we'll continue to do that.

8 MS. ROBERTSON: I think one of the issues
9 that -- I did the math, and maybe I'm thinking of
10 it for San Diego's Waste Characterization Study
11 versus the 2014 statewide, is if you take other
12 wood waste which is majority where the painted
13 and treated wood is falling in remainder
14 composite organic, those two categories, if we
15 don't get something out of those, we won't meet
16 the 50 percent, and we definitely won't meet the
17 75 percent.

18 So I just do think that there's
19 opportunity for upstream solutions that
20 CalRecycle really could look at related to
21 keeping some of these materials that don't need
22 to become hazardous or become problematic. Maybe
23 it won't get us there right now in the next five
24 years, but it might make it easier in the future
25 to capture these materials.

1 MR. BRADY: Thanks. And I didn't mention
2 anything on upstream when I initially answered,
3 and that was just an oversight. I mean, we do
4 want to look at any innovative solution that we
5 can that would help address that, so --

6 MR. MOHAJER: Mike Mohajer with the L.A.
7 County Integrated Waste Management Task Force. I
8 have really a couple of questions in reference to
9 chip and grind facilities.

10 Do you have any requirement about this?
11 I didn't see any requirements you have for
12 composting or a MRF as to what needs to be done.

13 And also, we have great concern, as we
14 previously mentioned, that we get materials from
15 quarantined area that gets shredded with the mix
16 and grind. And so you're carrying all the stuff
17 all over the state, so that needs to be
18 addressed.

19 And the second issue is land application
20 now is one of the methodology that you can manage
21 organic materials to reduce to 50 percent or 75
22 percent reduction. And who is going to be
23 checking to see what type of materials is going
24 to be land applied?

25 Now working with you guys, and also the

1 Water Board, I really didn't see anything. And
2 other than if you put 12 inches in the
3 residential area or three feet -- or three times
4 a year in an agricultural-zone area and that land
5 application, which could use food waste and
6 animal waste and dead bodies, for all -- for that
7 practice's purposes as a land application.

8 So, Mark, I'm really happy what you
9 mentioned. We have to make sure as we develop
10 these regs, public health and safety has got to
11 be a criteria that we need to look at it. And I,
12 again, I appreciate what you mentioned.

13 Thank you.

14 MR. DE BIE: Thanks Mike. Yeah, the chip
15 and grind and land application, you know, is
16 still a factor. We did hopefully added some
17 clarification that would be useful to LEAs so
18 that they can better determine whether an
19 activity really is beneficial, really is
20 something that should be occurring, versus one
21 that's just disposal pretending to be something
22 of benefit.

23 I know that we continue to work with our
24 State Water Board colleagues, and through them
25 with the regional boards. In fact, I think just

1 a week or so ago there was a meeting where about
2 half a dozen projects were being discussed and
3 information shared between regional boards and
4 LEAs about what the activities were and whether
5 they met the requirements or didn't? And if
6 there was consensus that they did not meet the
7 requirements, who was going to be lead for
8 enforcement to address those issues? So there --
9 it hasn't -- we didn't just write the regs and
10 forget about it. We're, you know, working with
11 LEAs and regional boards to implement those regs,
12 and it seems to be well on its way. Is it
13 comprehensive? Probably not. If there's new or
14 better tools that we can use to address that,
15 glad to hear them.

16 I think the best tool we have is people
17 sharing what they know. We hear lots of stories
18 about, oh, there's this guy that did this and did
19 that, but the names and locations aren't
20 forthcoming. So if we had more of that happening
21 I think we could address things and get the word
22 out that where it's appropriate, fine, but where
23 it's not you need to be cautious because someone
24 is going to sneak up behind you and tap you on
25 the shoulder and say, clean that up, or something

1 to that effect.

2 Thanks Mike.

3 MR. BRADY: Yeah. Thanks for the comment
4 Mike. And while you're coming up, I just want to
5 respond to the first part, as well.

6 Unfortunately, no one from the Air
7 Resources Board was able to make it down today,
8 but we have been working with them on a continual
9 basis. And in terms of land application, in
10 particular, that's something that they continue
11 to look at and want to evaluate as to whether or
12 not that reduces methane compared to landfill
13 disposal.

14 And I think one of the points you were
15 getting at is sort of monitoring and looking at
16 that. Reporting is something we'll be talking
17 about soon, but that's is -- end-use reporting is
18 something the Air Resources Board has indicated
19 as something that's of interest to them, because
20 they have to tie all these methane calculations
21 back together. So land application would be a
22 potential end use that they may want us to focus
23 on in terms of reporting, so --

24 MR. MOHAJER: Well, myself being sort of
25 a regulator for most of my professional career, I

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1 have seen a lot of things that made sense to
2 start with. And then as you start implementing,
3 it just goes totally berserk.

4 The issue that I raised, matter of fact,
5 one day I was meeting with the County
6 Agricultural Commissioner about this
7 contaminated, and I -- there in Baldwin Park.
8 And I was leaving, going home, and I got at the
9 intersection of the 605 Freeway and 210 Freeway,
10 the Foothill Freeway. And down the embankment,
11 Caltrans has dropped substantial quantity of chip
12 and grind materials that had started a fire, and
13 the freeway had backed up. And this is what I
14 saw myself, and I can even give the date and the
15 hours that it happened. And so as we write the
16 regulation, it looks pretty darn good on the
17 paper. But there are people that abuse that.

18

19 And one totally different subject. The
20 lady that made a suggestion that CalRecycle ought
21 to prepare, also, a program EIR for biomass
22 facility, I fully support that. And that's
23 something that needs to get done.

24 Thank you.

25 MR. BRADY: Thanks for the comment.

1 Other -- are there any other questions
2 online or other folks in the audience that have
3 questions or comments? So nothing else online.

4 So, Mark, did you want to close out?

5 MR. DE BIE: Are we close to final words?

6 So --

7 MR. BRADY: Yes. We're at two o'clock
8 right now. We are going to start the edible food
9 recovery portion right at 2:15. I do know there
10 are some folks that are coming specifically for
11 that, so we don't want to start that too early.

12 So if there's no other remarks or
13 questions from the audience, Mark, I'll just --

14 MR. DE BIE: I wanted to reiterate an
15 early request that also came up in the comments
16 is really trying to get as much information
17 coming at us relative to how to evaluate both
18 feed stock and post-processed material relative
19 to the usefulness, let's use another generic term
20 here, in terms of being able to recycle that, be
21 it level of contaminants or types of materials,
22 that sort of thing.

23 So what methodology is being used out
24 there by facility operators to help them guide
25 their decision making in terms of what loads to

1 reject, which loads to process more, which ones
2 to send to compost or the AD or wherever it is,
3 would be very beneficial to us when we sit down
4 to think about what should be required to do
5 statewide in that area.

6 So that's my second pitch to try to get
7 information coming to us. And I believe there's
8 an inbox that people can write up their comments
9 and send it to us, and that is on the screen.

10 All right. So --

11 MR. BRADY: Thanks. And just to --

12 MR. DE BIE: Yeah.

13 MR. BRADY: -- reiterate, we do have on
14 the screen -- we are looking for -- we'll
15 continue to take feedback after July 21st, but
16 asking that folks, please, if you can, provide
17 written feedback by the 21st so we can consider
18 that as we're moving forward. In future
19 workshops, thought they may address different
20 topics, we'll do our best to respond to comments
21 that we've received so far and how we may be
22 adjusting the concepts that we've presented here
23 based on that feedback.

24 So with that, I think we're going to
25 break until 2:15, and then we'll present on

1 edible food recovery. Thank you.

2 (Off the record at 2:03 p.m.)

3 (On the record at 2:16 p.m.)

4 MR. BRADY: Thank you everyone. We're
5 going to start our last presentation of the day
6 with best for last. We've got Kyle Pogue here to
7 talk on edible food recovery and some of the
8 concepts that we've put together on this piece.

9 So, Kyle, I'll turn it over to you.

10 MR. POGUE: All right. Good afternoon
11 everybody. Thanks for holding in here and
12 staying with us. If I see anybody yawning,
13 you're all going to have to get up and do jumping
14 jacks. Maybe I need that. But I'm here to talk
15 to you today about what we're doing or proposing
16 to do with some concepts on edible food recovery.

17 And just so I understand a little bit
18 better who's in the audience, I'm just curious by
19 a show of hands, who either works with a food
20 recovery organization, works -- is affiliated
21 with a food recovery organization, or helps
22 facilitate getting food to a food recovery
23 organization. Okay.

24 So for everybody online, there's quite a
25 few hands here. I saw a dozen or saw hands out

1 of thousands of people that are here. I don't
2 know, what, we've got 40 people here with a dozen
3 hands going up, so let's just round that off.

4 But let me start by saying that we did
5 design this today to be time sensitive. So we
6 could include folks interested in food recovery
7 and food recovery organizations and those
8 affiliated with them. We are very interested in
9 all of your ideas associated with the angles that
10 we're going to talk about today. We have also
11 been having some targeted meetings with food
12 generators and recovery organizations as we've
13 been doing along through this process, as well.

14 I thought it would be helpful to put this
15 part of the Public Resources Code language back
16 up here, just to be clear that we're talking
17 about 20 percent of edible food that is currently
18 disposed, or I like to say destined for disposal,
19 is recovered for human consumption by 2025. So I
20 want to point this out because there have been
21 questions about does this apply to say field-
22 gleaned food? Does it apply to on-farm food loss?
23 And I want to say, no, that most likely it does
24 not. We're talking about food that is hitting
25 California's landfills and that waste stream.

1 And by way of context, I'll tell that,
2 you know, we have roughly -- we see roughly 5 to
3 6 million tons of food waste annually disposed in
4 California landfills. And it was on one of the
5 earlier slides, that's the largest single
6 component of the waste stream at 18 percent based
7 on our waste characterization studies. But I
8 also want to be clear that in no way, shape or
9 form do we feel that there is 6 million tons of
10 recoverable for-human-consumption food going into
11 those landfills, that it's something much smaller
12 than that. And I think as we kind of look at the
13 waste stream and see that rough 50/50 split
14 between residential and nonresidential sources,
15 and people can correct me if I'm wrong and have
16 other opinions on this, but typically from a food
17 rescue standpoint, we're not really going to
18 target residential food waste.

19 There are a lot of opportunities for
20 going after that from a food waste prevention
21 standpoint, and composting and other recovery
22 opportunities that the more global 1383 process
23 can address. But when we're talking edible food,
24 most likely it's going to strip about, let's just
25 say 3 million tons out of that total. Then we

1 start going down the line and realizing that
2 there's a lot of food material, like peels and
3 shells and other things, that would never be
4 edible to begin with. And then -- so -- and we
5 don't know what this number is for sure, but
6 according to the ReFED Report, which many of you
7 may be aware of, roughly 78 percent of that food
8 waste is recoverable for human consumption. So
9 we apply that to the 3 million and then realize
10 the measurement is going to go after 20 percent
11 of that, we're more on the order of, let's just
12 say 50,000 to 100,000 tons of recoverable food
13 under this portion of the law.

14 So I just want to be clear on that. We
15 don't know those numbers for sure, but there are
16 a lot of opportunities to recover food. And that
17 just give it a little bit more of that context.

18 Also, I wanted to let you know that we
19 have had several additional workshops where we
20 had a number of folks, stakeholders, come and
21 present. And I imagine many of you got to hear
22 that, but I just wanted to just recap real
23 quickly and let you know that we heard from the
24 directors of environmental health from a public
25 health perspective.

1 We heard from the Oakland Unified School
2 District, the California Association of Food
3 Banks. We heard from restaurateurs. We also
4 heard from San Diego Food System Alliance.
5 Orange County Waste Not; many of you may be
6 familiar with, they're another public health
7 perspective. We also heard from Feeding San
8 Diego here. And you guys, many of you are aware
9 of what they do in San Diego County. And then we
10 also heard from a dining service provider. So
11 just putting that out there to illustrate, we're
12 trying to reach out to a broad range of
13 stakeholders and find out what opportunities they
14 see in the food recovery space.

15 Thematically, this is before I move into
16 the presentation a little bit more, I just wanted
17 to let you know, these were the types of things,
18 on a larger scale, that we were hearing from
19 those panels, that there is a critical link in
20 between the public health nexus, basically those
21 public health officials, and food generators.
22 Because those health inspectors are often times
23 the front lines of communicating with food
24 generators. And that's an important linkage in
25 that sometimes those public health inspectors can

1 be seen as a barrier, and they've admitted that.

2 And also that edible food generators in
3 general often times are not aware of some of the
4 protections they have under the Good Samaritan
5 Act. There's a need for consistent communication
6 and education regarding recovery opportunities,
7 what can be recovered and how. That there is a
8 recognition -- or food generators that are
9 donating would like to be recognized for that.

10 We also hear that the food recovery
11 network in general has a lack of infrastructure
12 needed to help recover additional food. So
13 there's a profound need for additional
14 transportation, refrigeration, food preparation
15 and distribution if we're going to get at
16 additional recoverable food.

17 I think we also heard that different food
18 recovery organizations work in different food
19 recovery spaces. Some are good at recovering
20 prepared foods, while others are more focused
21 on -- and I might say the California Association
22 of Food Banks, their members often times are a
23 little more focused on pallet loads of food,
24 right, so large amounts of donations. They're
25 certainly in the fresh fruits and vegetable

1 business, as well. But just illustrating, it
2 depends on where you are in the food recovery
3 network, what type of infrastructure they need
4 and what they can accept.

5 I think we also heard from many
6 generators. Supermarkets, for example, are doing
7 a good job at recovering food, but there's plenty
8 of room for growth, even within the grocers or
9 other generators, too. We had a great
10 presentation from Mike Cliatt with Safeway and
11 Vons here in Southern California. And they're
12 doing some great work in that space, but they
13 were -- he was one of the first to admit, hey,
14 we're still evolving this out. We're growing it
15 amongst the large number of stores that we have
16 here in California.

17 Also, that partnerships are important.
18 And that probably came out most in that food
19 recovery organizations working with public health
20 inspectors, working with generators, working with
21 haulers, perhaps, on how to coordinate and
22 collect this food and make that clear to
23 everybody involved.

24 And just overall, I want to recognize,
25 there are a lot of good things happening out

1 there in the food recovery area. But often times
2 they're seen as points of light, or I would see
3 them that way. And it's not consistently applied
4 statewide throughout those different sectors.

5 So let me launch into the presentation a
6 little bit more here.

7 Here is a draft definition that we put
8 together for edible food. I'll read you the
9 original definition, I didn't put it on the
10 slide. It says,

11 "Edible food means food intended for human
12 consumption. In order for this edible food
13 to be recovered it must meet applicable
14 public health and food safety standards."

15 And so we heard from stakeholders at our
16 workshops. And we also reached out, specifically
17 had some discussions with the California
18 Association of Food Banks and some other food
19 recovery organizations, and they provided some
20 feedback here. So you're seeing an expanded
21 definition of what edible food means.

22 I think some of the main things we wanted
23 to have in here consistent with what we've heard,
24 public health and food safety standards are
25 extremely important, so that remained in. That

1 it needs to meet food recovery organization
2 standards for acceptance, that, again, as I
3 illustrated earlier, not all food recovery
4 organizations want the same types of foods, so it
5 needs to meet their standards. And I'll talk a
6 little bit more about what I've heard as donation
7 dumping a little bit later. And then, also, we
8 added at the end that we wanted to be clear that
9 edible food is not solid waste.

10 So this is a new definition you guys
11 haven't seen before, and this is an edible food
12 generator definition. And much like in the
13 morning discussion when we started to talk about
14 thresholds on who would be in and who could be
15 out, perhaps, depending on how much they
16 generate, we're asking the same question here
17 about edible food generators.

18 Someone was quick to point out, I think,
19 in our Sacramento discussion that we need to work
20 on this definition a little further, and I'll
21 admit that we need to do that. Based on this
22 definition, it does look like it would pull in
23 farmers regarding on-farm food loss. That is not
24 our intent through this. Again, you know, it's
25 got to be destined for landfill. So maybe we

1 need to improve this definition. So any feedback
2 you have on this, we're eager to hear it.

3 So here are a few, you know, draft
4 concepts we're going to kind of lob at you here.
5 And one is to adopt an ordinance for local
6 jurisdictions to either adopt an ordinance or
7 require program provisions to increase edible
8 food recovery. Those provisions could -- should
9 prioritize food recovery first. We want to see
10 that as close to the top of the hierarchy, right
11 after food waste prevention, but in this context,
12 food recovery first.

13 We also -- perhaps those edible food
14 generators would need to estimate or somehow
15 measure the amount of edible food that they're
16 recovering, and include provisions that keep
17 generators from intentionally spoiling food that
18 should not be spoiled, or disposing of it. I'll
19 talk a little bit more about that in a minute.

20 So we've also heard that education and
21 outreach is crucial to this effort. And could
22 there be kind of a pathway to do that through
23 county health inspectors, that they should be
24 required to or, you know, encouraged to promote
25 and educate edible food generators, or are there

1 others that should be doing that?

2 We want local jurisdictions to
3 collaborate with food recovery organizations and
4 perhaps maintain approved lists of organizations
5 that food generators can work with when you're
6 talking food recovery. I think we have heard
7 some concern from generators that they want to
8 be -- have some assurances that the food that
9 they're donating is being handled appropriately
10 and going to the right place. Is that needed?

11 And is there -- could you also require
12 those types of organizations to contribute to a
13 database so we can help promote either statewide,
14 or it may be on a regional level or a hyper-local
15 level, that there are food recovery opportunities
16 in your area?

17 We would like to see public facilities
18 lead the way, and I think some are already doing
19 that, and that they should develop edible food
20 recovery plans.

21 We also talk about venue and events. We
22 already have a Venue and Event Recycling Law.
23 Can we expand that a little bit more and get into
24 edible food recovery at those venues and events?
25 We've got some great examples of those that are

1 already doing it, again, not consistently
2 applied. Is this something that we could apply
3 consistently?

4 Did I skip one? Okay. Well, I'll just
5 move into -- also, I believe I had a slide in
6 there, maybe I just raced past it, that talked
7 about state agencies also needing to do this, as
8 well, and school districts needing to be able to
9 do this, as well. So we want those types of
10 generators feedback on that. But those types of
11 generators seem like they should be accountable,
12 too.

13 And then -- so we've got some kind of
14 general concepts on food generators. And again,
15 we are interested in is there some type of a
16 threshold where a generator would be in? Do they
17 generator a certain amount, a large amount of
18 edible food? Should we be targeting them first?
19 I think we heard a few of those sentiments up in
20 Sacramento, focus on the large generators, that
21 would help you get to that 20 percent. Where do
22 you draw the line? Now that could be, you
23 know -- or do you avoid the smaller generators
24 that can work more on a voluntary basis with food
25 recovery organizations? And I think we heard

1 some examples of some recovery that's happening
2 on a very small scale that's being successful.

3 It was somewhat questioned, the cost
4 associated with collecting small amounts of food,
5 but maybe there's a model for that. Maybe
6 there's a way that you can combine collections
7 and go after the small generators, too, so I
8 don't want to leave them off the list.

9 Let's see, again, you know, bullet three,
10 ensuring that those donations are consistent with
11 food recovery organizations' ability to accept
12 the food has been a critical comment, I think a
13 consistent comment we've been hearing. And
14 again, not deliberately spoiling unsold food. In
15 some cases there may be a need for that. If,
16 perhaps, some spoiled meat it going to rendering,
17 that could be one angle. But we certainly want
18 to see food recovery prioritized first again.

19 So here we get into some just general
20 questions, like the earlier sessions that we're
21 queuing up for you and definitely would like
22 feedback on. Again, I can't say enough about the
23 thresholds, I probably have already, but think
24 about that.

25 Is there an appropriate role for a food

1 recovery organization? They are a critical
2 component of recovering this food. What should
3 they be doing out there? Also being sensitive to
4 the fact that we know that they have limited
5 resources often times, and what can they commit
6 to doing this. But there's a great opportunity
7 for them to help meet their mission and goal by
8 recovering additional food.

9 Is there a need to establish some type of
10 a certification system for food recovery
11 organizations, again, giving some confidence to
12 generators that the food is going to be handled
13 appropriately, a comment that we've heard a
14 couple of times.

15 And then this, I mentioned the donation
16 dumping earlier. I have heard from Association
17 of Food Banks that they are concerned that they
18 could see large amounts of food that does not
19 work within their structure. And they don't want
20 to be saddled on the back end with a large amount
21 of organics being -- you know, needing to go
22 somewhere else and paying the bill on that, so
23 that is a concern they have.

24 And then I put food donation software on
25 here, as well. This is consistently something

1 that I hear. And I think there's a lot of
2 evolving work in this area about applications
3 that can help facilitate food recovery. The 211
4 number that I put on a previous slide is
5 something Orange County has done locally. Is
6 there a need for something on a statewide level,
7 or is it better to promote local applications or
8 local programs that help facilitate food
9 recovery?

10 So at this point, I'll open it up to
11 questions and answers. But I'll be very frank
12 with you, we are very interested in additional
13 concepts. Many of those that I've listed could
14 be considered, you know, needing some type of
15 legislation to impact them. We heard comments
16 about increasing tax incentives or strengthening
17 the Good Samaritan Act, or doing some other
18 things. Is that something that needs to happen
19 through legislation? Maybe not. But are there
20 specific regulatory concepts that you have in
21 mind? We're all ears.

22 Thanks.

23 MR. BRADY: Thanks. And we'd ask folks
24 to come up to the mikes. And again, please
25 introduce yourself and your affiliation for our

1 court reporter. Thank you.

2 MS. SCHILL: Hi. Alyson Schill with L.A.
3 Food Policy Council and Tree People. And I have
4 so many things to say about this, so stop me if I
5 say too much.

6 But first off, I wanted to ask you a
7 question. Do you guys have any plans to call
8 food recovery orgs to get diversion numbers?

9 MR. POGUE: We're, yeah, we're interested
10 in any data that they would have currently and
11 how that could fit into potential further
12 discussions on reporting and those types of
13 things.

14 MS. SCHILL: Uh-huh.

15 MR. POGUE: Yeah.

16 MS. SCHILL: So my two cents on that are
17 many organizations that are just particularly
18 food recovery organizations that don't
19 necessarily have their own distribution aspect to
20 it are currently reporting poundage, because they
21 usually are asking their stakeholders to provide
22 more resources to them based on the amount of
23 poundage that they're able to recover, so there's
24 a large number you can get from there.

25 And with the gleaning organizations that

1 are working with farms, I know in San Luis Obispo
2 there's a really great organization that actually
3 is going out to farms and helping the crops that,
4 for whatever reason, can't get harvested, to
5 instead go to the organizations that are feeding
6 the very farmers that are working on those farms,
7 and their families, too.

8 Another, and I don't know if this would
9 count, but Imperfect Produce is now a company
10 that's up and coming that is reselling food that
11 would have otherwise been rejected because of its
12 aesthetic valley. I'm not sure if that would be
13 a partnership you could glean recovery
14 information from, but they are really big in
15 California right now.

16 And then this isn't food recovery, but
17 the chip drop is another application that people
18 are using for mulching. Landscaping companies
19 are coming in and cutting down trees. And then
20 they need to go drop those chips somewhere.
21 Usually they would do it for free, if you wanted
22 to mulch your garden. And that way they don't
23 have to go pay the tipping fees to dump in a
24 landfill. That might be another source of
25 diversion numbers for you guys, as well.

1 And in regards to how to get information
2 like that, also from either jurisdictions or
3 nonprofit organizations, like on a larger
4 concept, you asked should we do it on a statewide
5 level or on a local level? I think local is
6 really useful if you have an organization that
7 has the resources to go out. Because there's an
8 ever-evolving number of organizations that can
9 accept food for recovery for redistribution. And
10 a state -- I don't see the state being able to go
11 out and constantly call up new organizations and
12 see if they can continue to report and make sure
13 that they're in compliance with the state or the
14 local health regulations, as well.

15 If there was a centralized -- and I know
16 I've expressed this to you before, I'm working on
17 website that is a centralized database of those
18 different types of food recovery organizations,
19 the types of food they can recover, in what
20 quantity, at what time. Like you said, that's a
21 huge --

22 MR. POGUE: Uh-huh.

23 MS. SCHILL: -- that's a huge problem.
24 To be able to navigate that and have that open-
25 sourced information for not only the average Joe

1 that's having a wedding that has too much cake
2 left over, or some larger organization that is
3 doing a massive scale of recovery but maybe they
4 meet a new area that they've never worked in
5 before, they have a customer there that has a
6 large donation and they don't know where to take
7 it to that's nearby, to be able to have that
8 database available to them. And then to report
9 those numbers back to you guys, as well, for that
10 diversion rate, I think that would be worth the
11 state supporting local database-type holders for
12 that.

13 And also, you mentioned that food
14 recovery orgs, what's their role in this? I
15 think that it's really hard right now to ask
16 somebody who's been doing something for free for
17 so many years to expand and to start giving you
18 more information without giving them more
19 resources in order to provide that expansion.

20 And where does that come from? It's not
21 from the individual donors to bear the
22 responsibility, the people that have been giving
23 money year after year, to keep increasing this.
24 It should either come from either jurisdictions,
25 generators or haulers. My personal vote is for

1 generators, because haulers, obviously, they've
2 got their bottom line. Jurisdictions, they don't
3 really know who to give the money to. And it's
4 the customers that are generating the waste that
5 should be held accountable for that.

6 If you're already paying \$40.00 a ton to
7 landfill it and you're going to be paying \$80.00
8 a ton to send it to a composting facility, why
9 can't you pay \$10.00 or \$20.00 a ton to give it
10 to a food recovery organization, and then have
11 them report back the information to you of how
12 much you can claim that now on your tax write-
13 off, too, because we have, like you said, tax
14 incentive for them, as well.

15 And in regards to education and outreach,
16 there are multiple food recovery organizations
17 offering those different types of services, like
18 I said. And to have that comprehensive database
19 should be promoted through the cities, through
20 the haulers, and through the individual food
21 recovery organizations themselves to have that
22 database be reported, so that it's not just one
23 person trying to figure out which org should I go
24 to, which person should I call.

25 And also, for the haulers and their

1 subcontracted providers, to identify the
2 resources available for them and to have a
3 system, like you said, put in place for
4 authenticating and vetting the resources provided
5 by the jurisdiction and the health department in
6 order to be able to say, yes, they do indeed have
7 a refrigerator. They're not just going to take
8 all this food and let it go to waste, or start
9 serving food that is unhealthy, so that they have
10 their food handler certification. I think that
11 should be dealt with by the jurisdiction and
12 their health department.

13 So that's all. Any questions?

14 MR. POGUE: Great. Great. That's a lot
15 of comments, and thank you. And I do encourage
16 thinking more about it. Give us some comments in
17 writing or give me a call. I'd love to hear more
18 about it.

19 Just a few quick thoughts on some of
20 that, like gleaning organizations or those that
21 glean from infield, I'd like to say that most
22 likely that's not going to be our sweet spot for
23 this legislation. Again, that's on-farm food
24 loss. But there are a lot of groups that are
25 looking at on-farm food loss and opportunities.

1 And sometimes those opportunities could cross
2 over with maybe what we're trying to accomplish
3 here, but again focused on food that's destined
4 for landfills.

5 Some really great leads on the database
6 and your funding idea. I appreciate that, as
7 well. So thanks.

8 MS. WHITE: Hi. Monica White, Edgar and
9 Associates. So I'm sort of a newbie to food
10 recovery, but I'm anxiously learning as much as I
11 can about it.

12 I think really from a CalRecycle
13 perspective, what really jumps out at me is a
14 requirement for county health officials to
15 provide guidelines to their counties for how to
16 provide food. And, you know, we've -- we're
17 attempting to try and start new food recovery
18 programs or more formal programs with some
19 haulers and counties that don't have regional
20 programs. And the biggest problem is as soon as
21 we talk to the counties they're like I don't know
22 how to even begin approaching this. And
23 there's -- you guys see this all the time,
24 there's a lot of fear. If you guys had a
25 requirement in statute, it really forces their

1 hand to start the dialogue county to county and
2 get some consistent guidelines throughout the
3 state.

4 The second part specifically, you had a
5 comment up there about requiring generator
6 tracking of donated foods. I see that as very
7 burdensome. I'm going to echo some comments that
8 Alyson just pointed out, that the tracking, I
9 think, really has to come from the food recovery
10 organizations. The generators are not going to
11 do it, or I just see that as a really difficult
12 thing for a city to go and collect that
13 information. It seems like there's fewer points
14 of contact if the food recovery associations are
15 providing that the cities as part of inter-
16 reporting, or however you're going to evaluate
17 compliance here.

18 I think that the ordinances are
19 phenomenal. I think the ordinances are really,
20 really difficult to mandate without funding. So
21 this is -- you guys are going to hear it all the
22 time. So again, the same comments as Alyson,
23 maybe with a slightly different nuance, that we
24 have opportunities of funding when we do look at
25 haulers and current collection franchises.

1 So I actually ran the numbers for Orange
2 County when we were looking at Waste Not OC, who
3 is a unique coalition because they work with a
4 variety of food rescue organizations. So if I
5 look at the cost per ton for them operating at
6 full scale, it's about \$20.00 a ton for them to
7 recover a huge amount of food within Orange
8 County, perhaps well beyond the goals set in
9 mandate, that compared to either landfill or, you
10 know, anaerobic digestion compost at \$80.00 to
11 possibly \$110 a ton. There's a huge revenue gap
12 there that we could really leverage either cities
13 to invest in, or haulers to invest in. So
14 someone is going to save money on the back end
15 here, and it should be donated back.

16 The mechanism to who you select, how you
17 select it, you know, is a city going to end up
18 with an independent contract with Waste Not OC,
19 just as an example? Maybe a hauler would have,
20 as part of their franchise bids, a partnership
21 with a food rescue organization that they would
22 fund. I think there are some kind of nuances
23 there of how to flow the money down. But again,
24 these collaborative efforts, I think, are
25 absolutely required, really get as many outreach

1 opportunities.

2 I know his came up in Sacramento last
3 week and I want to echo it again. I think as we
4 move down organic diversions, having the state
5 really put forward a lot of good advertisement
6 and campaigns about the importance of diverting
7 organics is huge. I think as much -- you know,
8 NRDC is doing a great job with their Ad Council
9 campaigns about food rescue and source reduction.
10 And I think as more people are aware of food
11 recovery, we're going to get the benefits of
12 source reduction and more questions about how --
13 what's happening to the rest of this organic
14 waste. And it's just going to lead to a lot of
15 great things.

16 And, oh, with donation dumping, I think,
17 again, the collaboration. If there's a
18 partnership between a city and a food recovery
19 organization that's a little more formal, or a
20 hauler and a food recovery organization, you can
21 really close the back end of that where, you
22 know, maybe the food recovery organization is
23 getting their organics collected for free because
24 it's all wrapped up into the cost of the system,
25 and they're not bearing the burden of that.

1 So thanks.

2 MR. POGUE: Great. Thank you. Lots of
3 good comments. I'd be interested in that, in the
4 figures that you came up with.

5 MS. WHITE: Yeah.

6 MR. POGUE: And I think we had spoken
7 before about maybe sharing that, so thank you.

8 MR. HOWE: Steve Howe with Balliet,
9 Camera & Howe. Just a couple of things.

10 On food recovery organizations and more
11 of their accounting or record keeping, I would
12 say realistically about a third of them keep
13 really good records of what they're getting in,
14 whether it be from restaurants that night that
15 has to get distributed that not, or whether it's
16 fresh fruits and vegetables, they have a pretty
17 good accounting of it, about a third of them.
18 There's two-thirds that don't. So how do you
19 reach those other two-thirds so they can be able
20 to have like a little package of forms that just
21 hit it? That's what you need, what they need?

22 And then maybe assistance with software.
23 I know the Food Recovery Grant that was out --

24 MR. POGUE: Uh-huh.

25 MR. HOWE: -- for waste prevention and

1 recovery is great. I was sad to see a drop from
2 what was the original consideration of payment.
3 I understand why it did.

4 MR. POGUE: You're talking total dollar
5 amount for the grant?

6 MR. HOWE: Total dollar.

7 MR. POGUE: Okay.

8 MR. HOWE: Yeah, total dollar amounts.

9 And I do understand why, because it just wasn't
10 there to put in. But it will make such a huge
11 difference for these organizations to be able to
12 get that infrastructure, just like you said, they
13 don't have the infrastructure. They also need to
14 find for the restaurants, and I've talked to CRA
15 about it a little bit, some of the members, what
16 is the simplest way to get into the restaurants,
17 get that education? Signage is going to be
18 crucial to it, so it's just generic across the
19 board, everybody understands it. And turnover is
20 so dramatic in restaurants. So they need to be
21 able to have those people, wherever they end up
22 going, it's uniform, this is where food recovery
23 goes, this is where food waste, organics
24 collection goes, and that's it.

25 San Francisco is going to hit a real

1 difficult spot because there's so much
2 limitations in space, how are you going to
3 address that? With a limitation in space and
4 trying to do food recovery or food waste
5 collection, organics in those areas, they can't
6 put another bin. They can't put even a thirty-
7 yard container out there. And they have to have
8 it collected every day in certain jurisdictions
9 in San Francisco. It's restrictive. It's good
10 because it effective at what it does. But the
11 infrastructure, how are they going to get those
12 guys in there? What are they going to do?

13 So a few things to consider, but your
14 grant program is wonderful. I would love to see
15 it continued and expanded upon. Because if you
16 want to make an impact on not just food recovery
17 but organics diversion, that's the right area to
18 do it.

19 Thank you.

20 MR. POGUE: Great. Thank you for the
21 comments about the grant program. I mentioned
22 earlier in the morning that final filing date on
23 the Food Waste Prevention and Rescue Grant
24 Program is the 18th of next month, so keep an eye
25 on that. And I encourage you to get your

1 applications in. As far as I can tell, we've got
2 some robust interest in that program right now.
3 It's \$5 million, and we've got it broken up into
4 a couple of tiers, large tier depending on dollar
5 amount, small tier. But it does look at food
6 waste prevention, and also rescue, so recovery.

7 MR. BRADY: Thanks. I actually just
8 wanted to follow up on the one point on food
9 recovery organizations, about a third of them
10 having record keeping. Is there a common thread
11 between the third that do have record keeping?
12 Is it just size or --

13 MR. HOWE: (Off mic.) No it's -- size is
14 --

15 MR. BRADY: Oh, sorry, if you don't mind
16 coming -- sorry to make you march all the way
17 back down.

18 MR. HOWE: That's okay. Sorry. Steve
19 Howe, Balliet, Camera & Howe.

20 Size does make a difference. But a lot
21 of really large ones don't get into food recovery
22 from restaurants or fresh food recovery. They
23 get into, like you said, the pallets. That's
24 simple. If you can't record that, if you
25 can't -- I mean, that's easy stuff.

1 But the smaller organizations tend to
2 collect the restaurant that night and get that
3 distributed that same night. They do get weight.
4 They're trying to create the right vehicles to be
5 able to get those hot meals or that hot food to
6 that organic that night. And most of those
7 organics have volunteers in that part of it.

8 Size does make a difference. But I've
9 found that some of the smaller organizations keep
10 better records, because now they're getting
11 interest from the collectors and how are they
12 going to be able to find out what's going on in
13 their cities, their jurisdictions for food
14 recovery? Well, where do you find that? Food
15 recovery organizations in there. So there's
16 people who are very interested in being involved
17 with food recovery organizations and adding that
18 additional funding to make it happen.

19 But as I said before, the grant, I mean,
20 you're going go to see a lot of applications and
21 a lot of different variations coming at you.

22 MR. POGUE: I hope so. Yes.

23 MR. BRADY: Thank you.

24 MR. POGUE: Thank you.

25 MR. CHONG: Good afternoon. Suk Chong

1 with L.A. County Public Works.

2 Last month I talked to you about the
3 county's Pilot Organics Waste Program. We've
4 been doing that for a year. And I mentioned that
5 it took us about a year-and-a-half to develop and
6 implement that. Today, it's a little early, and
7 we are still developing the food donation
8 program, but it's been something that we've been
9 working on for over six months.

10 In L.A. County, we have more than 200
11 nonprofits that are involved with either food
12 recovery or distribution. We surveyed all of
13 them and we narrowed it down to about 34, 35
14 nonprofits that we believe will meet our needs.
15 They would include picking up and distributing
16 the food, as well as providing us with data on
17 how much they collected, and things like that.

18 And so, also, there was a comment about
19 working with public health or local public health
20 for each county. We are working with L.A. County
21 Public Health. We have the LACFRI, which is L.A.
22 County Food Redistribution Initiative, and it's a
23 group of agencies, as well as nonprofits and
24 businesses, restaurants and so forth, that get
25 together and discuss on the issues that they are

1 dealing with in being able to donate food.

2 The concern that we have that's been
3 discussed today is we need to target -- there's
4 20 percent of edible food that is being disposed
5 today. Well, what -- how much is being disposed?
6 How much of the edible food is being disposed
7 today? So we don't know what that baseline is.
8 But without knowing that, our approach is not to
9 necessarily focus on that. Our approach is to
10 get as much participation as possible.

11 So whereas we have identified those food
12 recovery entities and developed certain outreach
13 material, our next task is to identify those
14 businesses that want to donate food. As part of
15 our survey we conducted over the past two years
16 during our site visits to identify those that are
17 required to abide by 1826, we've also identified
18 those who would participate in food donation who
19 are already donating food. And so we're going
20 off of those things. We're developing a website,
21 as well. There's a lot of things that's going
22 on.

23 Another thing that we -- that was
24 mentioned here was the need to support the food
25 recovery entities. Again, it's a little early,

1 but our goal, our plan is to develop a grant
2 program that would provide about \$500,000
3 annually to these food recovery entities. That
4 could include things like tools or equipment, as
5 much as even a refrigerated truck which may go up
6 to \$70,000 to \$80,000 apiece.

7 There's a lot that we could share with
8 you. We'd be happy to do it.

9 MR. POGUE: Great. All kinds of great
10 things there. I'd definitely like to get your
11 card and talk a little bit more specifically
12 about some of those things.

13 One thing, just from a grant perspective,
14 also you mentioned the \$500,000, perhaps, for
15 recovery organizations. We were also hearing
16 through our grant program when we were kind of
17 framing up the criteria that there was a need of
18 help fund overhead, as well, so salaries to pay
19 people to implement these programs. So we built
20 that as a component into our grant program. I
21 didn't hear you mention that. Maybe that's part
22 of it or would be part of it, but that's specific
23 feedback we got. And we'd definitely love to
24 share more information on what you guys are
25 doing, what you're hearing in those surveys.

1 So thank you.

2 MR. BRADY: I just wanted to add on, and
3 also appreciate your participation in the
4 previous workshop and presenting as one of the
5 local panels. That was very helpful.

6 And on the 20 percent, that's something
7 that we have been grappling with, as well. It's
8 not similar to the 50 and 75 percent for organic
9 waste specifically. We're not interpreting it as
10 a 20 percent on every single jurisdiction needs
11 to increase 20 percent. And we also, with 50 and
12 75 percent organic waste, the legislation pointed
13 to a very clear baseline of 2014. The 20 percent
14 of edible food doesn't have such a clear
15 baseline, so we're looking at how we evaluate
16 that and are certainly open to feedback and
17 ideas. I think you mentioned some survey
18 information that L.A. County conducted. We'd be
19 interested in seeing that. So I think some
20 follow-up would be really good.

21 MR. POGUE: Yeah.

22 MR. BRADY: So we appreciate your
23 comments.

24 MS. OTAIR: Rachel Otair. I'm the
25 Program Manager for Waste Not OC. I just have a

1 couple interesting points that I wanted to kind
2 of touch on in terms of what we do in food
3 recovery and what's seemed to work for us, and
4 our ideas.

5 So we were talking about grants, and
6 grants are awesome, great ways to start programs
7 and kind of get your bearings in your program.
8 But sustainable funding is kind of where the
9 biggest issue is. You can't, five, ten years in
10 your program, still be applying for grants.
11 They're a little bit unpredictable sometimes.

12 And I know a lot of people want rate
13 increases with either cities, haulers, waste
14 generators. But kind of where we think about it
15 a little bit differently, we think some -- or
16 Waste Not OC, our kind of methods of thinking, is
17 that you would spread that cost over all
18 commercial accounts. If you think about it,
19 waste generators, grocery stores, restaurants,
20 they all provide a service for everybody. I
21 don't know too many people that grow their own
22 food or, you know, go to a farm or anything like
23 that. Everyone is a contributor in waste
24 generation. So spreading that across -- that
25 rate increase across all accounts kind of makes

1 sense in that way.

2 Another issue that we had come across was
3 that donation dumping. We have a close
4 relationship with the different donors that we
5 come in contact with. That's when you need to
6 make sure that they are really clear on the Good
7 Samaritan Act, the fact that you are only held --
8 you're not held liable, only if you know it's
9 been held or been handled correctly. We have to
10 make sure that we set a meeting and go and talk
11 to them, this donation could hold you liable if
12 you do it again.

13 Another huge part of our program that has
14 kind of boomed in the past year is our school
15 program and getting schools to donate. Schools
16 seem to be very excited to donate. A lot of
17 schools come to us and are really interested in
18 it. A lot of the food that the kids aren't going
19 to be eating at lunchtime, they're going to be
20 eating later on in an afterschool program. So
21 the food that we recover usually goes to some
22 kind of Boys and Girls Club or a YMCA. So they
23 may not be eating it at lunch, but it could be
24 the last nutritious meal they get after school.
25 So the school program, I think there's a huge

1 opportunity in schools.

2 And also hospitals, as well. Hospitals
3 have started to come onboard, and it's been
4 really awesome to see.

5 Another thing, we were talking about
6 donors, and do we want to hit the major donors
7 first and then go down to smaller donors? I
8 think that in a perfect world you would want
9 everyone to donate. The more participants, the
10 better. In actuality, once you start donating,
11 you're going to see donations going --
12 decreasing, going down. They're starting to now
13 log how much they're donating. They're starting
14 to realize how much they can cut back on their
15 cost. Maybe I don't need to make that extra
16 pound of mashed potatoes every day. They're
17 going to -- their donations, in a perfect world,
18 they're going to start decreasing.

19 So you want more participation or more
20 participants, no matter how big or small.
21 Because no matter what, you're going to see a
22 decrease. The longer they've donated the less
23 they're going to donate. That's what we've seen.

24 MR. BRADY: If I could, I just had a
25 follow-up question. You mentioned on donation

1 dumping, some level of liability.

2 MS. OTAIR: Uh-huh.

3 MR. BRADY: What did that look like?

4 MS. OTAIR: Or if you're just donating
5 food that isn't -- maybe donation dumping was the
6 wrong word. But people, in order to meet the
7 criteria, they will start donating food that they
8 don't know has been handled 100 percent
9 correctly, and they'll have the food bank sort it
10 and look through it, and that can't happen.

11 So what I was trying to say is that when
12 people just want to get the excess food out of
13 their possession, they'll start donating food
14 that hasn't been -- one of the -- Orange County
15 Food Bank, they got a truck full of food that
16 wasn't handled correctly, and you could tell. So
17 we had to sit down with that donor and make sure
18 that they understood that you can be held liable
19 for that, that kind of donation, that you can
20 get, you know, in trouble for that or some kind
21 of liability can come back to you for that. So
22 we sat down with them and made sure they
23 understood what that is, what that looks like.

24 MR. POGUE: Yeah. On that note, I've
25 seen a lot of the resources that you guys have

1 put together, and they're very helpful --

2 MS. OTAIR: Uh-huh.

3 MR. POGUE: -- with specific donation
4 guidelines and standards and how to get out into
5 that recovery network. Have you found that
6 that's -- is there room for improvement in that
7 area? Would that be helpful? Because I've kind
8 of seen that as a potential model to --

9 MS. OTAIR: Yeah.

10 MR. POGUE: -- roll out to additional
11 public health departments.

12 MS. OTAIR: I think the more information
13 you provide someone in donation, the better. The
14 people are already so -- or donors, potential
15 donors are already a little bit nervous about
16 what they're donating and whether it's okay or
17 not and, you know, when in doubt just throw it
18 out kind of a thing. So they could be throwing,
19 just for fear, they could be throwing away
20 something that they don't know is still okay.
21 Dented cans, it depends on where the dent is.
22 You know, there are so many different pieces of
23 information that you can kind of go through and
24 make sure that this food is okay.

25 And we actually encourage, if you have

1 something that you're not sure you can donate, we
2 encourage you to call your health inspector and
3 ask them. They should be your partner, not
4 someone you're so afraid of. And that also opens
5 up a communication, just a donor opens up
6 communication to your health inspector. So even
7 if you had something not related to food
8 donation, you feel comfortable talking to them.

9 But one of the first things that we say,
10 after we give our resources and if that doesn't
11 give them enough information, call your health
12 inspector. Ask them and they'll let you know
13 exactly whether you can or cannot.

14 MR. BRADY: Thank you. We appreciate it.

15 MR. MOHAJER: Mike Mohajer, L.A. County
16 Task Force. I basically have two questions that
17 I may have misunderstood.

18 From what you mentioned, as far as the
19 quantity available where food is concerned,
20 really, there is no number out there. But your
21 guesstimate was that it's probably about 6 million
22 tons, and maybe about 3 million tons of that
23 comes from the commercial facility, and that is
24 where the focused is being placed it; am I
25 correct?

1 MR. POGUE: Yeah. That was my point with
2 that. I was trying to, again, and I'll -- let me
3 clear, we don't know. We know -- we're confident
4 in the amount of food waste in general we see in
5 California on a global scale. But how much is
6 recoverable and edible, don't really know an
7 answer to that. So I was trying to put a little
8 bit of that more into context. And we're
9 interested in comments on whether --

10 MR. MOHAJER: Yeah. Well, I've --

11 MR. POGUE: -- the residential sector is
12 something to target in that area, or is it mainly
13 nonresidential sources?

14 MR. MOHAJER: Well, that's where I get
15 confused. Do you want the jurisdiction to count?
16 Because there was a response that you want a
17 diversion count. And do you want the residential
18 food based, edible food base to be counted, or
19 they're completely off the radar for the time
20 being?

21 MR. POGUE: I don't think I'm saying one
22 way or another. I'm interested in feedback --

23 MR. MOHAJER: All right.

24 MR. POGUE: -- on if that's the case. I
25 have seen that it's been very difficult, in

1 everything I've read and the people I've talked
2 to, that it's extremely difficult to recover
3 residential edible food. That's more of a space
4 for food waste prevention. Now it doesn't have
5 to be the final answer. But that really, if you
6 go after perhaps more of the large,
7 nonresidential generators, that's where you could
8 more easily get it at 20 percent recovered food.

9 MR. MOHAJER: Well, then my suggestion
10 would be globally. But you suggested that you're
11 going to go after the commercial, roughly about 3
12 million. You start implementing programs and
13 then you do a waste calculation in 2018, and that
14 gives you a better picture of what is going on.
15 And at the same time, since this is a state goal
16 of 25 percent, and then you're going to look at
17 the programs that both residential and commercial
18 implement, and that gets everybody moving toward
19 that side.

20 My next question was that did you say
21 that edible food waste is not a solid waste
22 anymore?

23 MR. POGUE: Based on our proposed
24 definition in here, we're stripping that out of
25 solid waste.

1 MR. MOHAJER: Okay.

2 MR. POGUE: It would not be solid waste.

3 MR. MOHAJER: I would suggest, if you
4 talk with the Council, with Elliot Block, just to
5 make sure from the standpoint of Prop 218 and
6 Prop 13. Right now, refuse collection and
7 recycling services is exempt from Prop 13. And
8 all we do when we want to raise our fee and that
9 sort of thing, we conduct a public hearing and
10 notification of the affected property under the
11 Prop 218, and we go from there. And that is
12 because food waste is a refuse, and refuse is
13 exempt from Prop 13.

14 So if you take out of that definition,
15 you just want to make sure it doesn't come back
16 and bite you in the back because of Prop 213
17 [sic], not that I'm against it or for it, I'm
18 just -- this is something that came to my mind.

19 And I had one other comment. I guess
20 Alyson made comments that generators ought to pay
21 fees for edible food. And then this becomes
22 exactly -- if you take it out of the definition
23 of solid waste, then it's going to be practically
24 not possible to charge the generators.

25 Thank you.

1 MR. POGUE: Okay. Thank you.

2 MR. BRADY: Thank you. And Elliot is not
3 here, but I think Tamar is probably taking pretty
4 good notes. But we'll make sure to follow up
5 with him on the Prop 13/Prop 218 question on
6 refuse and edible food.

7 Chris?

8 MR. POGUE: It sounds like we have a few
9 comments online here.

10 MR. BRIA: Okay. While we're on the
11 subject of residential, this Colleen Foster, City
12 of Oceanside.

13 "Many households have large properties
14 with two to ten fruit trees. On a residential
15 level, many of these properties are not
16 recovering all their process, and this often ends
17 in the landfill bin or green waste bin if food is
18 allowable. Would a food recovery gleaning
19 program for residential properties be considered
20 a food recovery program under the regulation and
21 applicable for food recovery grants?"

22 MR. POGUE: Go ahead.

23 MR. BRADY: That's a good question.
24 We'll have to take a closer look at that.

25 MR. BRIA: Okay. And next closest, this

1 is Sarah Davis, City of Oceanside.

2 "Is CalRecycle going to require schools
3 to meet the 20 percent food recovery
4 requirement?" There's a comment about portion
5 sizes and whether we're working with USDA and,
6 additionally, the limiting factor for students to
7 take food from the schools' shared tables home.

8 MR. POGUE: Thanks for the comments. We
9 specifically listed school districts in the
10 PowerPoint because of that. That's one thing
11 that we're looking at. And we hear that there's
12 some great opportunities within the school
13 districts. Nancy Deming from Oakland Unified
14 presented on one of our panels, and they're
15 having some great success with share tables. But
16 that's certainly not consistent, even within that
17 same district. So we definitely see some
18 opportunities there, and that is certainly part
19 of the discussion on the 20 percent.

20 MR. BRIA: Okay.

21 MR. POGUE: Did I miss anything there?

22 MR. BRADY: Just on the -- I think one
23 specific aspect of that question is whether or
24 not school districts individually will be held to
25 a 20 percent standard? And that's not really how

1 we're approaching it at this point. We do see
2 them as having a potential role in contributing
3 towards a statewide achievement of a 20 percent
4 reduction and could see certainly some
5 implementation aspects of the regulations for
6 school districts to contribute towards that. But
7 at this point, I don't think we're looking at
8 putting a 20 percent mandate on every school
9 district or every jurisdiction, or any individual
10 business for that matter.

11 MR. POGUE: I will say, also, that Nancy
12 recently released a great document that talks
13 about -- includes food recovery for schools and
14 what they're doing there within Oakland Unified.
15 I know there are others that are currently
16 working on draft versions of that, so there are a
17 lot of great examples that we can ultimately
18 share on how districts are getting at that.

19 MR. BRIA: Okay. While we're on the
20 subject of other entities, "How does SB 1383
21 impact military bases or adjacent communities?"

22 MR. BRADY: It kind of goes into the same
23 state agency, school district, federal facility.
24 We understand that jurisdictions don't
25 necessarily have jurisdiction oversight over

1 those facilities, so we'd be looking for the
2 state to play a role there.

3 MR. BRIA: Okay.

4 MR. BRADY: And then we have some more
5 questions from the audience. Do we have any more
6 from --

7 MR. BRIA: Yes.

8 MR. BRADY: -- Oceanside --

9 MR. BRIA: There's more from Oceanside.

10 MR. BRADY: -- or anyone else online?

11 MR. POGUE: Thank you, Oceanside.

12 MR. BRIA: Yes.

13 MR. POGUE: We appreciate it.

14 MR. BRIA: This is also from Colleen in
15 Oceanside.

16 "Concerned about CalRecycle's
17 interchangeable use of food recovery and food
18 donation. It limits opportunities for secondary
19 markets for recoverable food. Donation systems
20 have caused a significant lack of comprehensive
21 food recycling, food recovery services and
22 infrastructure, often resulting in food waste by
23 food banks. How can the system of food recovery
24 be expanded to meet demand without being so
25 dependent on donations, or the perception, if I

1 get the food, I have to pick it all up for free?
2 How are we going to monitor food banks -- or
3 monitor waste by food banks? For instance -- for
4 example, major food bank only tracks the amount
5 of food donated by the store. It does not track
6 how much of that food is getting disposed by the
7 local volunteer agency picking it up."

8 MR. POGUE: Well, as to maybe the first
9 part of that about the terminology that's used in
10 there, it's something we are aware of. We've
11 heard that expressed in the previous workshops
12 and other discussions we had. And we will be
13 careful with the way we use that terminology.

14 When we talk about rescue versus recovery
15 or how donation fits into that equation, I don't
16 have an answer for it, other than we are aware
17 that there are concerns about that.

18 Thank you for your other comments.

19 I think we'll go to Alyson.

20 MS. SCHILL: Alyson Schill from Tree
21 People and L.A. Food Policy Council.

22 I also wanted to comment about the
23 residential waste. There is a food recovery org
24 here called Food Forward that started by just
25 doing backyard cleaning, and they were recovering

1 hundreds of thousands of pounds a year. Now
2 they're recovering millions because they've moved
3 into farmers markets and wholesale food recovery,
4 as well. But they would be an entity that
5 hopefully, just because they're helping with
6 residential waste, that wouldn't discount them.

7 There's also the fact that sometimes
8 residents have specific events that they will be
9 purchasing much more food. If an average Joe has
10 a wedding or a barbeque where they're buying too
11 much food, then where are the resources to help
12 them to discover a place to take that to? And I
13 think personally that shifting the paradigm that
14 it's somebody else's responsibility to take waste
15 from you, and giving and empowering people to be
16 able to find the organizations that they
17 themselves can go deliver food to for free would
18 not only help to increase diversion, but it would
19 also bridge the community gap that happens a lot.
20 People don't know that there's a church down the
21 street from their house that is being able to
22 distribute food that they could donate to
23 regularly.

24 Additional, I forgot to comment earlier
25 about the Zero-Waste L.A. franchise system. I've

1 been working closely with Don't Waste L.A. and
2 the Food Policy Council. And for those of you who
3 don't know, L.A. City has been divided into 11
4 zones. And seven waste haulers have bid on those
5 zones and have been given different sized
6 portions, the largest of which is Athens Waste.
7 And every single one of these haulers is required
8 to offer food donation before -- or food recovery
9 before composting for all of their clients that
10 are interested in it, and to partner with
11 nonprofit organizations that are local here in
12 order to make that happen.

13 And there's a piece of their contract
14 that says they're supposed to allocate a certain
15 amount of funds, \$1,000 per hundred customers, to
16 donate to not only food recovery organizations,
17 but also other such nonprofit organizations that
18 are doing textile or waste recovery, as well.

19 So a lot of these haulers have been
20 contracting now and partnering with these food
21 recovery organizations to give them an allocation
22 of funds in order to give them a certain type of
23 service that they're looking for to handle food
24 recovery in their specific area. And because of
25 that, we've created a coalition. The L.A. Food

1 Policy Council has invited all of the different
2 food recovery organizations in the L.A. City area
3 and County area to get together and find strength
4 in being able to decide things, like the number
5 that you were talking about with the \$20.00 per
6 ton, is that something that could be charged? Is
7 that something that we could ask the city require
8 of the different waste haulers to provide us a
9 service? And to not compete with each other, and
10 to also be able to not reinvent these different
11 websites and technologies that are necessary in
12 order to create more of a collaboration and
13 coordination of all the different types of food
14 recovery that could be happening.

15 So -- and I think that's all.

16 Oh, and schools, schools finding --
17 finding funding, again, for sources to go out and
18 help implement food share tables. Like you said,
19 that's the best way.

20 I went out with Andre Villasenor from the
21 EPA of Southern California. And we did some
22 audits on food waste happening at, particularly,
23 the lunchtime program for a few schools here and
24 found that most of the food, if offered to
25 students after the end of the meal, is gone. And

1 most of the different programs I've been working,
2 too, with different high schools, middle schools
3 and elementaries, if they've got a breakfast
4 program or if they have a lunch program, if you
5 offer students to eat it later, then they'll eat
6 it. The only thing that's ever left over,
7 usually, is like a couple fruits and a lot of
8 milk. And that's easily set up with a donation
9 program, as well.

10 LAUSD just recently published an article
11 saying how much they were able to close their
12 gap, budget gap that they were having with their
13 food, where they were paying more money than the
14 amount of food that they were selling was
15 bringing in. And because they've launched a Save
16 It for Later Program where they have students
17 that can set food that they don't want from
18 breakfast programs on a specific table in a
19 classroom and then later go back and eat it, if
20 they want, they don't have that much food waste
21 anymore.

22 The problem, again, is implementation.
23 And it's the organizations that can go out and
24 help teachers to learn how to set up these
25 programs to actually go help the cafeteria

1 manager set up these programs that is needed now.
2 So hopefully, when you're funding, you can
3 consider that.

4 MR. POGUE: Great. Thank you for those
5 ideas. And I do -- I'm hearing a lot of good
6 ideas around the room. I do encourage you to
7 think through those maybe a little bit, put
8 yourselves in our shoes here and how from the
9 regulation angle, that would fit in. And again,
10 would love to hear how that fits and your ideas,
11 so thanks.

12 MR. BRADY: And while Chris is walking
13 up, just, Alyson, thanks again for your comments.

14 And I just wanted to mention, we have it
15 in -- our concept paper is looking at single-day
16 events, like farmers markets, as potential
17 opportunities or food recovery. And so I just
18 wanted to acknowledge that we are thinking on the
19 same wave length on that.

20 MR. VANDERSTAR: Hi. Chris with Republic
21 Services. I just want to add one comment.

22 You know, as we're working together to,
23 you know, contribute to the achievement of all
24 these goals, if your staff could just take, you
25 know, in mind that when we're, you know, putting

1 these responsibilities and duties, that we
2 allocate it to the appropriate source, you know,
3 for example, you know, what the hauler has to do,
4 duties and responsibilities, what the city has to
5 do, duties and responsibilities, as well as the
6 generator. Because, again, a lot of times, and
7 even when we're circling back with audits and
8 stuff to that nature, a lot of stuff just gets
9 pinned on the haulers.

10 So again, we just want to make sure that
11 these duties and responsibilities are shared
12 equally in a partnership versus everything going
13 back to the haulers.

14 Thank you.

15 MR. POGUE: Thank you, Chris.

16 On that note, Chris, anything online?

17 MR. BRADY: While Chris is getting to
18 that, I just want to note, it's about 3:23 right
19 now, and we have until about 3:30. So if anyone
20 has any last burning questions or comments,
21 please run on up to the microphone.

22 And, Chris, if you've got any more
23 comments from online?

24 MR. BRIA: Yes, from Colleen Foster, City
25 of Oceanside.

1 "There's a lack of information or listing
2 of who is donating, what days they are donating,
3 and who is picking up the food, and to what
4 extent generators are donating. Can we require
5 that good generators and food banks provide this
6 information? There's definitely competing food
7 bank distribution systems that make it difficult
8 to develop a full-service food recovery route for
9 all businesses that will need to participate in
10 the system to meet the 20 percent edible food
11 recovery standard."

12 And then there's another part, if you
13 want to address that first.

14 MR. BRADY: Why don't you finish the
15 point? I mean, the first part is a good comment.
16 We'll take that into consideration in terms of
17 requiring some level of reporting.

18 MR. BRIA: All right. The second part
19 is, "Will CalRecycle continue food recovery grant
20 programs, and will this grant be open to food
21 processing infrastructure? The major limitation
22 to increasing food recovery is the ability to
23 return recoverable food and the food product.
24 For example, if you can only divert bruised
25 tomatoes if you have the facilities to turn it

1 into spaghetti sauce. Could CalRecycle require
2 government contracts and grant agencies to
3 procure food product from a certain percent of
4 food recovery sources?"

5 MR. POGUE: We hope we're going to get
6 more grant cap and trade dollars to expand on
7 this grant program. I anticipate it will be
8 heavily oversubscribed, just my prediction at
9 this point. But there are no guarantees that
10 we're going to see that money. We did -- we do
11 allow, and I encourage folks to look at the grant
12 criteria closely and if it's not clear -- we're
13 kind of in this dark period right now, you guys,
14 so I have to dance a little bit. So if you have
15 a specific question on a grant -- on the grant,
16 make sure you send it in through that program.

17 But I think there was a question about
18 are food processors eligible? And we did allow
19 for-profit businesses to be eligible for the
20 grant program, as long as the food that they were
21 are recovering was headed to a food recovery
22 organization.

23 So I encourage you to look a little
24 closer at the grant program and ask us questions,
25 if you have them.

1 MR. BRADY: Okay. And I think we have
2 one more question here from the audience, so --

3 MR. ARONIN: I'm Ruben Aronin with the
4 Better World Group. And I'm really impressed
5 that you're looking at state and local agencies
6 and schools as first adopters. I think there's
7 huge opportunity there.

8 I haven't heard as much about restaurants
9 and whether you've looked at a voluntary, even
10 window sticker programs; right? And I'm in
11 interested the opportunity to get first movers,
12 because I think that we've heard about resistant
13 and concern from restaurants. And so before you
14 get to implementation and a place where consumers
15 can learn about this, right, right at the
16 restaurant point, I'm interested if there's a
17 working group on that, or just kind of what
18 opportunities there are. And we're starting to
19 work with some philanthropies that are really
20 interested in figuring out, where can they
21 provide some gap resources? And I don't know if
22 that, you know, may be an area to help pursue.

23 MR. POGUE: We did hear, for example, in
24 one of our panels up in Sacramento, a member of
25 the Green Restaurant Association is certainly,

1 and you're probably aware of --

2 MR. ARONIN: Yeah.

3 MR. POGUE: -- some of those discussions.
4 So there are a lot of restaurateurs looking in
5 that direction.

6 And correct me if I'm wrong, and this may
7 be for Waste Not OCC, I believe they had a window
8 sticker program that they had for food donors.
9 And I heard that that was well received, so
10 there's some acknowledgment that you're donating
11 or recovering food and getting it into the
12 system, and that's appreciate by generators. So
13 we can talk more offline, too, about other ideas.

14 MR. ARONIN: Okay. Thank you.

15 MR. BRADY: Yeah. I just wanted to add
16 onto that. Thanks for the comment, Ruben. I
17 think that's a concept that we can take a look
18 at.

19 You asked specifically if we're looking
20 at including restaurants. I think that actually
21 gets towards, at the beginning of Kyle's
22 presentation, we're sort of looking for feedback
23 on what an appropriate threshold would be in
24 terms of defining edible food generators. We
25 think there's certainly an element of getting the

1 best bang for your buck in terms of where we're
2 focusing our efforts or where we're asking
3 jurisdictions to focus their efforts. So
4 feedback on that, whether it's -- and it could be
5 a threshold based on cubic yards per week of
6 solid waste. It could be product sold, the
7 number of businesses throughout the state, if
8 it's, you know, a chain with ten businesses.
9 We're looking for ideas on that. So any feedback
10 on that would be helpful.

11 MR. ARONIN: Thanks.

12 MR. BRADY: Not seeing any more
13 questions, I did want to thank everyone for
14 coming today. This feedback is incredibly
15 helpful for us. We hope this is helpful for you,
16 as well, in getting a little bit more -- shedding
17 some light on our thinking so far. So we
18 appreciate the feedback and look forward to
19 working all of you moving forward.

20 We are looking to hold a workshop again
21 in August to discuss reporting and enforcement
22 concepts. So we appreciate feedback by July 21st
23 in writing, if that's possible. If not, we'll
24 continue to consider feedback. We've got --
25 we're looking at doing these informal workshops

1 throughout the end of the year, throughout 2017,
2 so there will be plenty of opportunities for
3 comments.

4 And with that, also just reiterate that
5 we're very happy to meet with folks on a small-
6 group basis or individual basis and go over these
7 in more detail.

8 So unless you had anything to add?

9 Oh, yes, Chris, did you want to explain
10 the form better than I can?

11 MR. BRIA: There's a link to the online
12 form we have created. It sort of takes a lot of
13 the concepts and breaks them out into certain
14 categories which helps us immensely distribute
15 them amongst the team. So it really helps us if
16 you use that. Thanks.

17

18 MR. BRADY: Yeah. Thank you Chris.

19 And, folks, that will help, certainly
20 help us expedite how quickly we can go through
21 comments. At this point, not being the formal
22 regulatory process, we're not providing written
23 responses to every single comment that we
24 receive, but would ask that, folks, if you have
25 specific items that you would like us to address

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1 or discuss further, please set something up with
2 us and we're happy to meet and walk through those
3 things.

4 Thank you again, everyone, for coming.

5 And have a good day.

6 (The workshop concluded at 3:30 p.m.)

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CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

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MARTHA L. NELSON, CERT**367

April 4, 2017