

STATE OF CALIFORNIA

CalRecycle

In the Matter of:) Case SB 1383
)
SB 1383 Short-Lived Climate)
Pollutants: Organic Waste)
Methane Emissions Reductions)

2017 STAKEHOLDER WORKSHOP

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
AUDITORIUM
21865 COPLEY DRIVE
DIAMOND BAR, CALIFORNIA

THURSDAY, FEBRUARY 16, 2017

9:00 A.M.

Reported by:
Mason Booker

APPEARANCES

Speakers

Hank Brady, SB 1383 Implementation Manager
Elliot Block, Chief Legal Counsel
Evan Johnson, Policy Development and Analysis Office
Tung Le, California Air Resources Board
Howard Levenson, Deputy Director, Materials Management
and Local Assistance Division
Cara Morgan, Branch Chief, Local Assistance and Market
Development Branch
Kyle Pogue, Manager, Materials Management Section
Scott Smithline, Director, CalRecycle
Georgianne Turner, Branch Chief, Waste Evaluation and
Enforcement Branch

Present

Paul Wright, South Coast Air Quality District Management
Christopher Bria, Senior Environmental Scientist,
Materials Management and Local Assistance Division
Marshall Graham, Senior Environmental Scientist,
Materials Management and Local Assistance Division

Public Comment

Paul Ryan
Paul Relis, CR&R
John Davis, Mojave Desert and Mountain Recycling
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Colleen Foster, City of Oceanside
Karen Coca, City of Los Angeles
David Reynolds, City of Laguna Beach
Frank Caponi, Los Angeles County Sanitation Districts
Sharon Green, Los Angeles County Sanitation Districts
Layne Baroldi, Synagro Technologies
Monica White, Edgar and Associates
Kreigh Hampel, City of Burbank
Barbara Hamilton, San Diego Food System Alliance
Armen Derderian, Resource Management Group
Trevor Blythe, EcoNomics, Inc.
Ruben Aronin, Better World Group
Greg Reyes, Riverside County LEA
Konya Vivanti, City of Lakewood
Suk Chong, Los Angeles County Public Works
Jeff Siegenbein, Association of Compost Producers
Yaniv Scherson, NRG

APPEARANCES (cont'd)

Public Comment (cont'd)

Eric Martig (via email), L.A. Compost
Robert Northoff, Los Angeles Alliance for a New Economy
Alyson Schill, Tree People
Lynn France, City of Chula Vista
Noreen Swiontek, City of San Juan Capistrano
Ignacio Valdivia, CR&R
Angela Williams, City of Inglewood

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P R O C E E D I N G S

9:16 A.M.

DIAMOND BAR, CALIFORNIA, THURSDAY, FEBRUARY 16, 2017

MR. LEVENSON: I'm Howard Levenson with CalRecycle. I'm going to be your moderator today.

I want to welcome you to the first of what are going to be a series of workshops throughout the 2017 calendar year on Senate Bill 1383, which covers a lot of different topics but all related to short-lived climate pollutants. The workshop that we're having today and that we'll be continuing to have workshops during the course of the year is relative to CalRecycle's obligation under SB 1383 for organic waste methane emissions reductions.

I wanted to -- today what we're going to do, it's going to be a long day. We'll try and get folks out of here before -- we can go to five o'clock, but if we can get out of here before so people can deal with traffic, that would be A-Okay.

The agenda today will have some welcoming remarks from the Director of CalRecycle, Scott Smithline, from Tung Le, the Manager of Regulatory Assistance Section at the California Air Resources Board, some remarks from Hank Brady, who is up at

1 the dais here, as well, who is overseeing the
2 entire 1383 effort at CalRecycle, and from our
3 Legal Counsel Elliott Block. So that will be kind
4 of the introductory section this morning.

5 And then we'll pause for some questions
6 and answers, a discussion with stakeholders, to the
7 extent that you have comments and questions. And
8 then we will move into, in the latter half of the
9 morning, into a presentation on definitions and
10 baselines that we're thinking about for purposes of
11 this law. And then a discussion about potential
12 programmatic concepts that might be applied to
13 jurisdictions, generators and other entities.

14 We'll take a lunch break, and then we'll
15 come back and we'll have three or four -- four
16 different sections of presentations, one on edible
17 food recovery issues, a second on reporting
18 concepts relative to these regulations, a third on
19 enforcement and a fourth on soliciting comments and
20 ideas on how to streamline the corollary AB 939
21 Process. After each one of those sections, we're
22 going to open it up to questions and answers. So
23 there's going to be plenty of opportunity for all
24 of you to provide comments and have input today.
25 We're really here to listen to you. This is the

1 start of a long process, and we're really eager to
2 hear what you have to say.

3 To that end, I just want to -- I know
4 people are still probably driving and coming in, so
5 we hope the auditorium will get fuller. But
6 besides CalRecycle staff, I just want to get a show
7 of hands on roughly who we have in the audience.
8 How many are from jurisdictions, county or city?
9 Okay. That's great. How about generators,
10 businesses? Not too many. Okay. That's good
11 know. Haulers, wastewater manager folks?
12 Nonprofits, maybe food recovery nonprofits or
13 consultants? Okay. So what am I forgetting?
14 Community groups? Okay. So we have a
15 preponderance of jurisdiction folks, which is
16 really good. We'll need to be -- we'll be reaching
17 out to lots of other groups to make sure we're
18 getting their input, as well.

19 Just a couple of logistics that I want to
20 mention, and then we will launch into the actual
21 meat of the workshop.

22 First of all, we have a court reporter
23 over there, so I appreciate that. This is all
24 going to be transcribed so that -- and it will be
25 posted, so that we can all make sure we heard

1 exactly what you said. We're taking notes, but we
2 want to make sure that we get everything
3 completely.

4 A couple of other housekeeping things.

5 Thank you, Paul.

6 Phones; please turn your phones to silent
7 or vibrate mode. That will interfere with, you
8 know, some of the discussions if we hear that.
9 Restroom locations are located down the hallway and
10 across the auditorium entrance.

11 And in the event of an emergency, you may
12 need to shelter in place or evacuate the building.

13 If an evacuation is called, we'd exit the building
14 through the back of the auditorium and outside. If
15 a shelter in place is necessary, such as event of
16 an earthquake, please drop, cover your head and
17 hold onto your chair. So let's hope we don't have
18 to deal with any of that.

19 Thank you, Paul.

20 For those of you who are listening online,
21 we will be taking your questions via email. You
22 should be aware of the email address but let me
23 repeat it for right now, it's
24 slcp.organics@calrecycle.ca.gov.

25 And, Paul, do you want to make a Wi-Fi --

1 MR. WRIGHT: Okay. On the screen, there's
2 our email for providing comments. And if you're
3 looking to log onto an AQMD Wi-Fi, you just look
4 for AQMD Wi-Fi. There's no password needed, and
5 just log on. Thank you.

6 MR. LEVENSON: Thanks, Paul.

7 One other thing I forgot to mention, for
8 the court reporter, when we go around in the Q&A in
9 discussion, we'll have roving microphones and we'll
10 ask you to identify yourself. But the person
11 holding -- bringing the microphone will probably
12 also ask you for a business card, so that the court
13 reporter can make sure we get your name and
14 affiliation correctly.

15 And then I will be monitoring time, so I
16 get to wear the imperial timekeeper scepter and
17 crown. I will -- I think, based on Tuesday's
18 workshop, we'll have plenty of time for everybody
19 to have their comments provided. And you'll have a
20 chance to come back and speak again throughout the
21 day. But if it starts to run on too long, I'll
22 probably chop off the discussion or ask you to
23 shorten things. We'll see how many people want to
24 speak during the different breaks that we have.

25 So with that, I'm going to stop and I'm

1 going to introduce the director of CalRecycle,
2 Scott Smithline, who's been championing this and
3 other issues. And Scott's going to make some
4 introductory remarks to frame the work that we're
5 doing, starting today.

6 MR. SMITHLINE: Thanks, Howard.

7 Good morning everybody. Thanks for coming
8 today. This is broadcast; right? So thanks to
9 everyone who's listening in. We look forward to
10 your participation.

11 This is probably the most substantial
12 effort that CalRecycle and we all collectively will
13 be undertaking since AB 939. When you just look at
14 the sheer mass of material that we're talking about
15 diverting, it's an infrastructure of the scale of
16 billions of dollars. And it's an expansive effort
17 that's going to require coordination between the
18 state, local governments, industry, consumers,
19 generators, everybody. I think the good news is
20 we've done this before, but it's really time to do
21 it again.

22 And so as we look forward, our approach is
23 going to be one of collaboration and trying to work
24 with everyone. We understand that this is a
25 challenging lift. There's going to be tension.

1 It's a hard conversation. But our approach is
2 going to be one of transparency and collaboration.

3 I always want to note that given this
4 scale of the development that we're talking about,
5 we have a particular sensitivity now that we didn't
6 have before with respect to building and
7 disadvantaged communities and impacts on
8 disadvantaged communities. And that's something we
9 really want to make sure we have a robust
10 conversation about moving forward.

11 We are starting this conversation now. As
12 you may or may not know, the effective date of the
13 regs that we are required to adopt pursuant to SB
14 1383 is in 2020, January 1 of 2020. We're starting
15 this conversation now, five years early, A, because
16 we understand the amount of time and the work
17 involved in developing this infrastructure, and we
18 really want to make sure that there's sufficient
19 time, that we don't jam this up at the end. So
20 we're starting literally as quickly as we possibly
21 could.

22 The concepts that are going to be
23 discussed today are just that, they're concepts.
24 We do not have a regulatory approach that we are
25 prepared to provide. The first step for us is to

1 sort of look at the statute, make a general
2 assessment about what we think will be necessary in
3 terms of components and moving parts to achieve the
4 targets that are in the bill. And then we've
5 developed some concepts around that, that we intend
6 to highlight today, and then really start a
7 conversation about where responsibilities
8 ultimately should fall over a period of time.

9 I want to just quickly highlight a handful
10 of kind of specific goals that we have moving
11 forward, just to keep in mind as we move -- one
12 I've already mentioned, which is just making sure
13 that we have a transparent and engaging process.

14 The next is that we really have an
15 obligation to develop regs that are effective,
16 measurable and enforceable. And so that has to be
17 a guiding principle for the department as we move
18 forward.

19 I've mentioned, we have a particular
20 sensitivity now, when we think about the scale of
21 developing this infrastructure and how it impacts
22 all communities, and in particular disadvantaged
23 communities. We also recognize that just pushing
24 on the material is not going to be sufficient. So
25 you're going to hear us constantly coming back to

1 how can we develop markets for this material? How
2 can we work on the pull side of this equation,
3 whether there's additional laws that we need to be
4 considering to work on demand pull, or whether
5 there's something we can do in these regs, or
6 whether there's particular funding sources that we
7 should be trying to take advantage of. And
8 ultimately, we recognize that we need to work on
9 both of this equation to be successful.

10 And then the last thing is really SB 1383
11 is very specific with direction to focus on edible
12 food recovery. That's not something that the
13 department has historically had a focus on, but
14 it's something that we think is really important.
15 It certainly matches with our agenda, almost in
16 every way anyways. And it is specifically called
17 out in 1383, so that's something new that we will
18 be talking about.

19 Given the scope of the work that needs to
20 be done, we recognize that it might create a lot of
21 overlap with existing regulations and requirements
22 that already exist under AB 939. So as part of
23 this conversation moving forward, we're hoping to
24 be looking at how we can streamline that process,
25 avoid duplication and overlap, so that's something

1 else we'll be discussing.

2 And then finally, I want to note that this
3 not a CalRecycle effort. This is very much an
4 administration effort. At yesterday's workshop we
5 all had representatives -- or Tuesday's workshop,
6 we had representatives from ARB, California
7 Department of Food and Agricultural and Office of
8 Planning and Research, the Governor's Office of
9 Planning and Research, in addition to CalRecycle.
10 We're working as a team in this administration.
11 This is a priority across the administration. And
12 so I think you'll see a pretty robust engagement
13 from a lot of other agencies. And we do have Tung
14 Le from the Air Resources Board today who's come
15 down with us to represent the Air Resources Board.

16 The last really big elephant in the room
17 is funding. We know this is a very expensive
18 adventure. The department's focus, you know, we've
19 been stating for years now that we know organics
20 are going to need to come out of the landfill. And
21 we've been stating for years now that we've
22 recognized that there needs to be public investment
23 made at the state level to make that happen. That
24 hasn't changed. We still recognize that an
25 investment needs to happen.

1 Our focus right now is on making sure that
2 we can continue to have cap and trade dollars
3 available for this infrastructure. So that's
4 something that we know how to do that's in front of
5 us and requires our attention at the moment. We
6 know there have been other mechanisms that have
7 been introduced and discussed in the past. And if
8 there are additional recommendations, either
9 through -- come up through this conversation or
10 through the legislature, of course, we will be
11 responding and engaging to those, as well.

12 So with that, I will stop. And we can get
13 to the meat of the conversation now. So thank you
14 very much for coming and really look forward to
15 your engaging with us on this process.

16 (Applause.)

17 MR. LE: Good morning. My name is Tung
18 Le. I'm a Manager with the Air Resources Board. I
19 oversee the Regulatory Assistance Section.

20 As many of you may know, the Air Resources
21 Board is responsible for many of the climate change
22 programs here in California. And one of the items
23 that we work on is the scoping plan. That, like
24 Scott said, is also an administration-wide effort.
25 We'll work with many of the other state agencies.

1 We'll work with CalRecycle, of course, the Energy
2 Commission, CDFA, the PUC, Natural Resources and,
3 you know, a whole lot of -- a whole host of other
4 state agencies when we put that together.

5 What the scoping plan is the roadmap to
6 meet a lot a lot of the climate goals that we have
7 identified in SB 32 and its predecessor AB 32.
8 We're currently updating the scoping plan to meet
9 the 2030 targets, so that effort is going to
10 continue this year.

11 We also oversee development of the Short-
12 Lived Climate Pollutant Strategy. And what that
13 is, it's a plan to address super pollutants,
14 methane being one of them. Super pollutants have a
15 very high global warming potential. They're very
16 short-lived in the atmosphere, but they're much
17 more potent than carbon dioxide or CO2. And so
18 immediate reductions in short-lived climate
19 pollutants result in very great benefits with that,
20 as well. The legislature recognized the importance
21 of these super pollutants by passing SB 605 and, of
22 course, SB 1383, which is what we came to talk a
23 little bit more about today. The Short-Lived
24 Climate Pollutant Strategy will be heard at our
25 March board hearing, and it will be up on the

1 agenda for consideration.

2 Reductions through the SLCP are critical
3 to meeting our 2030 targets that we identified in
4 the scoping plan. In fact, the short-lived climate
5 pollutants, methane, black carbon F-gases account
6 for about a third of the total reductions that
7 we're going to need to meet our 2030 targets.
8 Again, they're identified in the scoping plan.

9 So SB 1383 set some specific goals for
10 organics diversion and gave CalRecycle the
11 responsibility to implement that program. So the
12 Air Resources Board is here, and I represent a
13 whole team of folks at the Air Resources Board.
14 And we're glad to be a part of the CalRecycle team,
15 as well. We've been working very closely together
16 to, you know, develop this program, think about
17 some ideas as we put it together, and you'll hear a
18 lot more about that later today.

19 We're very interested in the greenhouse
20 gas reductions that could potentially come from
21 this. We're also interested in the biofuel and
22 biogas that come from this for our Low Carbon Fuel
23 Standard. And we're also interested in this
24 because of the infrastructure that might need to be
25 developed in response to the organic diversion, it

1 might have benefits and it might have impacts, as
2 well, for disadvantaged communities. And so we
3 want to make sure that infrastructure developed
4 addresses those needs, as well.

5 So there are a lot of issues. We're well
6 aware of them. Like I said, we've been working as
7 a team with many of the state agencies,
8 specifically for this process. We're a very large
9 of the part of the team with CalRecycle, and there
10 are a lot of issues that we're going to have to
11 address. And I'm sure that with working with
12 CalRecycle and working with you, the stakeholders,
13 we'll be able to come up with innovative ways to
14 address those challenges.

15 MR. BRADY: Good morning. My name is Hank
16 Brady. I'm the SB 1383 Implementation Manager at
17 CalRecycle. It just wanted to say a few words
18 about what we're hoping to accomplish today and
19 over the next year to two years.

20 And really, today's workshop is a
21 culmination of several months of internal thinking
22 within CalRecycle and the administration. I'd like
23 to echo what Scott said, thanking some of our
24 sister boards, departments and agencies that we've
25 worked with. We've worked particularly closely

1 with the Air Resources Board, as well as the
2 Department of Food and Ag, OPR, DGS, and a number
3 of other state agencies and acronyms, that I won't
4 go through all of those.

5 But in terms of today, we're hoping to
6 really outline a series of concepts that we think
7 we've developed far enough that they're enough for
8 you folks to provide us feedback and help us
9 develop them further. But we're also really hoping
10 to clearly communicate what we see is the lift of
11 the next five to eight years.

12 Scott mentioned 939. We've accomplished
13 that. And we, not CalRecycle, we, jurisdictions,
14 the state, industry, consumers accomplished 939.
15 The legislature set that out in 1989 and provided
16 ten years to get a 50 percent reduction. This goal
17 is -- and another 50 percent reduction for a very
18 specific material type that the legislature has
19 provided three years to achieve. And the follow-up
20 goal needs to be -- of 75 percent needs to be
21 achieved by 2025. So there's -- just to give some
22 context of the scale of what we're setting out to
23 do.

24 And the concepts that we'll put out today,
25 we think, are developed enough to get some

1 substantive feedback. But they're -- we don't want
2 you to feel as though we've predetermined what the
3 regulatory path forward is. That's what we want
4 your feedback for.

5 And in terms of -- we're going to go over
6 a number of different sections related to
7 collection systems, edible food recovery,
8 reporting, as well as enforcement concepts. And
9 each of those sections really lends itself to its
10 own more detailed and specific workshop, and that's
11 what we'll be looking to do over the next year or
12 so.

13 I should stress that this is our informal
14 regulatory process. We want to vet concepts with
15 you, our stakeholders, over the next year. And
16 once we feel that we've had sufficient feedback and
17 vetted proposals to then enter into formal rule-
18 making with our goals, starting that process at the
19 end of the year or early 2018, and that will be
20 another year-long process. Part of that is so our
21 regulations can be developed by 2019. And that
22 will help communicate what the expectation is for
23 compliance when the regulations will eventually
24 take effect in 2022.

25 With that, that's what we're hoping to

1 accomplish today and over the next year or so, so
2 thank you all for being here.

3 MR. BLOCK: Where's the clicker that I
4 use? Yeah.

5 Good morning. I'm Elliot Block, Chief
6 Counsel at CalRecycle. I'm going to quickly --
7 yeah, you can, thank you -- walk through the
8 statute that forms the framework for the
9 conversation that's going to happen as we proceed
10 today and throughout the course of the year. There
11 we go.

12 So as has already been mentioned, here's
13 just the statutory requirements for the organics
14 waste reduction targets, 50 percent by 2020, 75
15 percent by 2025. One of the things I want to point
16 out here is that the reduction is from the 2014
17 level, just a very brief mention of that. Unlike
18 those of you that are familiar with the AB 939,
19 this is not something with a built-in adjustment
20 for population or the like. Evan is going to be
21 talking about that in the next section, after we
22 discuss how we're going to measure that. But
23 that's where that discussion that he's going to
24 engage in comes from-a very general grant of
25 authority to adopt regulations that are necessary

1 to meet those requirements. And then what the
2 statute then does is it provides a few details on
3 top of this very general grant of authority, some
4 things that shall be included in the regulations,
5 some things that may be included in the
6 regulations, and some things that shall not be
7 included in the regulations.

8 So the one shall is for edible food, as
9 also will be discussed later on today. But we are
10 required in the regulations to include requirements
11 to meet this edible food reduction requirement.

12 Then the statute has a couple of
13 permissive items in there, which is one of the
14 things we, of course, can talk about as we go on
15 throughout the presentations today. We may require
16 local jurisdictions to impose requirements and to
17 impose penalties, so that's something that
18 obviously has been contemplated in the legislative
19 intent and for the bill, but without any
20 conclusions. And then we also may include
21 different levels of requirements, essentially
22 phase-ins, depending on differences between
23 jurisdiction, assuming we have requirements for
24 jurisdictions.

25 The other may that's outlined in the

1 statute is that we may include penalties to be
2 imposed for non-compliance. One of the things I'm
3 going to reference here and that's going to be
4 talked about this afternoon when we talk about
5 enforcement is that it does -- there's a limitation
6 on the amount of those penalties. Those of you
7 that are familiar with AB 939 know that section
8 41850 has the \$10,000-a-day penalty amount, but
9 there's no other details here. So one of the
10 things that we're going to be talking about later
11 today is the fact that we essentially have to place
12 in these regulations a new structure process and
13 the like of how we're going to do that.

14 And then finally, well, not finally, but
15 in terms of the regulations, there are a couple of
16 things that we're prohibited from doing. We're
17 prohibited from including a numeric waste disposal
18 limit for individual landfills. And as Scott had
19 mentioned, the regulations themselves don't take
20 effect until January 1st, 2022. And in addition,
21 to the extent we include penalty provisions for
22 jurisdictions to impose penalties, those don't go
23 into effect until two years after that.

24 And then finally, to the extent that we
25 are going to include requirements on jurisdictions,

1 the statute provides some explicit authority to
2 allow local jurisdictions to impose fees to cover
3 the costs of whatever those requirements are.

4 And with that, I'm done.

5 MR. LEVENSON: Thank you, everyone, for
6 that, the kind of opening remarks.

7 What we're going to do now -- we started
8 15 minutes late. We still have plenty of time.
9 I'd like to open it up to comments on those
10 presentations by all four of those folks in terms
11 of overall perspective, legal authority, kind of
12 what our plan is, to see if there's any issues that
13 you have -- (cell phone rings) -- okay, and if you
14 can turn off your phones, remember that, whoever
15 that was, I'm not going to point any fingers -- and
16 we'll take questions. If you can -- we have a
17 roving mic. I'll try to keep my eyes open for
18 who's raising their hands. Please identify
19 yourself and your affiliation. If you've got a
20 business card, let's get it in so we can get that
21 to the court reporter.

22 If you can keep your comments relatively
23 focused and brief so that, one, we have a chance to
24 respond if it's appropriate, or we may just listen,
25 or particularly so that other folks have an

1 opportunity to get their comments in, as well. We
2 really appreciate it.

3 Paul?

4 MR. RYAN: Thank you for the opportunity
5 to meet with you folks in terms of not only SB
6 1383, but the bigger picture of the short-lived
7 climate reduction strategy, and also the
8 implementation of the AB 32 plan updates.

9 One of the things, in studying all of the
10 parameters and discussions, both in this forum, as
11 well as ARB and the Water Board and so forth, it's
12 becoming clear that there's a nexus between the
13 agencies, not only under AB 1045, but the need for
14 the stakeholders to have continuity and
15 participation in all the forums.

16 One of the things I'm seeing right now,
17 particularly with where we're at today, many of us
18 have had experiences throughout the life of AB 939
19 and beyond. And it seems like it's, as I mentioned
20 to Staff, it was a deja vu experience for me. But
21 one of the things I'm finding is that we're dealing
22 with a supply-and-demand problem, as Scott talked
23 about, in terms of organics. And I want to throw
24 out some ideas, and I need some direction from both
25 ARB and you folks on how to deal with the various

1 levels of complexity. And it has to do with the
2 markets for organics.

3 One of the things that I'm seeing is
4 there's a great emphasis on supply but not enough
5 on demand, as Scott pointed out.

6 I'd like to throw this out, going back to
7 some of the things that we did early on in 939. I
8 would like to see both ARB and/or CalRecycle form
9 an advisory group or a working group to looking at
10 market-based compliance mechanisms for both the
11 Short-Lived Climate Pollutant Plan, plus SB 1383,
12 because we need to look at the differentiating
13 markets. As was specified by you guys on the 14th,
14 you can only do so much, and primarily your role is
15 with the urban markets.

16 We have to force markets, agricultural and
17 so on, and transportation. And that's certainly
18 beyond the scope of this, but we do need to address
19 those issues. And I'm hoping that at some point
20 you come to the stakeholders and we go back to the
21 same approach that we used for the RMDZ programs
22 and put some things in place where the stakeholders
23 can work with you folks to make things better and
24 balance the equation.

25 MR. LEVENSON: Thanks, Paul. And we heard

1 that comment on Tuesday, as well.

2 Does anybody want to say anything?

3 MR. SMITHLINE: Well, I just want to thank
4 Paul for the comment. It's a critical point. Our
5 task will be -- it's complex; right? We have to
6 figure out on the broader level across the state,
7 how do we address markets and develop those
8 markets? And specifically, we have to see what
9 opportunities to do we have within 1383 to do that
10 right here? That's what's in front of us.

11 So we want to keep that conversation going
12 on all fronts. If you have ideas that you think
13 are specifically germane to 1383, fantastic, please
14 let us know. If you think they're not and still
15 important, you know, we'll work with -- as an
16 administration to try and find an opportunity for
17 those.

18 MR. LE: There's a couple of --

19 MR. SMITHLINE: Oh, go ahead.

20 MR. LE: There's actually a couple of
21 points for you to engage with us on in some of
22 those discussions. You may know about the 1045
23 process that CalEPA is heading to look specifically
24 at compost development and at some of the markets
25 that could be developed from that.

1 There's another group that you can engage
2 with. It's been identified in the Short-Lived
3 Climate Pollutant strategy, and that's the
4 Interagency Waste Workgroup. That's an effort
5 that's being led by ARB, but many of the sister
6 agencies that we have already spoken about this
7 morning are a part of that effort. Some of the
8 conversations that we'll be having in that group
9 will deal with markets. They'll also deal with
10 siting challenges, permitting challenges, a lot of
11 the challenges that folks will be facing and how --
12 you know, some recommendations moving forward on
13 how to address those challenges when we're siting
14 infrastructure to support a lot of the diversion
15 goals that are going to be coming out 1383 the
16 SLCP.

17 So that public -- so that process is going
18 to go public later this year, probably in spring or
19 early summer. And I would really encourage you to
20 go ahead and engage with us in that process in
21 helping form it.

22 MR. LEVENSON: I'll add, and Hank will get
23 to this later, as well, but I will add that we will
24 be taking comments post-workshop. We'll have a
25 place where you can submit comments online. So

1 specifics, you know, on those, for example, what do
2 you mean by market-based compliance mechanisms?
3 We've had discussions in the past about some of the
4 bills that have been introduced on TPPF (phonetic)
5 reform, about the idea of using monies for
6 incentive payments, but that's different than a
7 compliance mechanism, so we're eager to hear that.
8 Some of that is within the framework of -- or
9 outside the framework of these regs, but we
10 definitely want to have that conversation.

11 So to the extent that those ideas come up
12 today, we probably won't go into them in a lot of
13 detail. But we definitely want to note them and
14 consider how to respond to those.

15 I think Paul, and then John.

16 MR. RELIS: Hi. My name is Paul Relis.
17 I'm with CR&R, and we're in the anaerobic
18 development area and have invested some \$55 million
19 so far in that, and look to \$100 million in the
20 next few years.

21 So I want to impress on you from the
22 enforcement and the compliance side that companies
23 like us are engaged in very long-term investments.
24 These projects take a long time to hatch. It took
25 us three years to build our first phase. It gets

1 shorter after that, much shorter, but still,
2 they're long lead times. And then there's the
3 complexity, in our case, of linkage with the
4 transportation side. So we're producing fuel which
5 ties to pipelines that ties to trucks, to fueling
6 infrastructure, to RFS and the whole gambit. And
7 there's the soils side.

8 So we serve municipalities, and we have 11
9 municipalities signed up so far for our AD project.

10 But I know it will a complex challenge to
11 calibrate, I guess, the flexibility that we need to
12 have.

13 So for instance, say when 2020 comes
14 around and 2022, 2022 is the enforcement dates.
15 But you have these, okay? You have a contract, and
16 then you have to build a phase to accommodate that.

17 So it falls at late 2021 and you might go over,
18 but you clearly have the mechanisms in place for
19 full compliance. I hope that you will give a lot
20 of attention to the flexibility side, because those
21 are real challenges. You would have demonstrable
22 proof that the compliance will be met, but all time
23 frames can't be controlled neatly.

24 So I just wanted to impress on you, that
25 is a big deal for companies like us.

1 MR. BRADY: Thanks Paul. Thanks Paul.
2 And I just wanted to touch on your point about the
3 timelines and, you know, the construction and the
4 permitting process does take time. And that's just
5 another reason of part of why we're trying to start
6 now, is that some of these projects need to be
7 started immediately if they're actually going to be
8 coming online by 2022 realistically, so we
9 recognize that.

10 And also appreciate your comments in terms
11 of linking between the waste sector and
12 transportation and how we can best establish those
13 links, both inside, but also outside the scope of
14 just the regulatory process and the broader 1383
15 effort.

16 MR. SMITHLINE: One more comment, Paul.
17 Thanks.

18 If we're going to contemplate what you're
19 recommending, we'll need really specific approaches
20 on how to do that, right, real metrics. We won't -
21 - this is specifically not written as a good-faith
22 effort type of law, right, and there's none of that
23 language in there. So that means we're not going
24 to be able to kind of sit down with a jurisdiction,
25 like they're trying hard. So what we'll need to do

1 is have objective metrics that we can refer to so
2 that we will be able to provide that kind of, I
3 don't want to call it leniency, necessarily, but
4 just sort of recognition of the realities of what's
5 going on. I mean, if there's a jurisdiction that's
6 doing what they're saying and they're -- you know,
7 we don't necessarily want to find them out of
8 compliance, but we'll need to really figure out how
9 we can objectify that, so just to put that out
10 there.

11 MR. LEVENSON: And I think that becomes
12 particularly important when we talk about some of
13 the programmatic concepts that might be possible.
14 Rather, it's with respect to jurisdictions or
15 haulers or generators, facility operators, and then
16 the enforcement concepts that, you know, we need to
17 discuss, how do we have the objectivity and
18 specificity so that we can assist people to get
19 into compliance, but also recognize those
20 situations.

21 I'll just reiterate what Hank and Scott
22 have said, is that we want to -- we're doing this
23 rulemaking informal part now, the formal rulemaking
24 probably next year so that hopefully they're
25 adopted three years ahead of time and people at

1 least have a change to start making budgetary and
2 programmatic decisions that they'll need to come
3 into compliance with recognition of some of those,
4 you know, real-world situations.

5 So I think I have John in the back, and
6 Colleen. And raise your hands if you're in the
7 queue.

8 MR. DAVIS: John Davis, Mojave Desert and
9 Mountain Recycling Authority. We are nine
10 jurisdictions. We've been working together, now in
11 our 26th year in the high desert and the mountain
12 communities in San Bernardino County.

13 So I have one kind of basic question. As
14 I was reading the background material it came up
15 and it's really, I don't know, Scott, if it's a
16 CalRecycle or ARB or joint answer. But short-lived
17 climate pollutants are different than methane-
18 generating organic material, particularly the way
19 it's defined. You're going to get short-lived
20 climate pollutant reduction from keeping food out
21 of landfills, from generating that methane over a
22 short time frame. Wood might generate methane over
23 a very long time frame, or sequester carbon
24 depending on how you view it.

25 So where's the focus? Is the focus under

1 1383, all of this organic material, and I know
2 we're going to talk about what that definition
3 means, or is -- or should we really be initially
4 focused on the short-lived question, kind of how do
5 we implementation 1826 more efficiently?

6 So that's, I guess for me, that's kind of
7 a framing question.

8 MR. LEVENSON: Okay. John, as you said,
9 we will -- the next presentation will be on the
10 definitions and baselines, so I think that's a key
11 question there. We had some of this discussion the
12 other day. You know, at least in my mind, we have
13 multiple goals that we have to juggle and
14 accomplish. We have the methane reduction goals
15 that are supporting ARB's efforts under 1383. But
16 we also have the specific provisions that require
17 50 and 75 percent waste diversion. So do we need
18 to prioritize things? Do we phase things? Those
19 are the kinds of questions that we want to have
20 that discussion on.

21 I'd like to go to -- oh, you've got one
22 more quick?

23 MR. DAVIS: Yeah, I did.

24 MR. LEVENSON: One quick one.

25 MR. DAVIS: Yeah. So we'll talk about

1 that later.

2 On the market idea and market pull and the
3 impact on fees, that's really going to be
4 important. A lot of the benefits from organic
5 products are in the use of the products.

6 But the one thing that Elliot mentioned,
7 the ability to levy penalties, was really important
8 in the AB 939 phase. It was that risk, that threat
9 that motivated a lot of people. And I think as we
10 -- if we can address it on the market side, because
11 when we were doing AB 939, we didn't really know if
12 we were going to move mixed paper. There was not
13 commodity like mixed paper. But we knew we didn't
14 want to pay \$10,000 a day fines.

15 So, you know, I think that's an important
16 thing to elaborate a little bit, whether you ever
17 reach it or not, just the threat of it motivates a
18 lot of people.

19 MR. LEVENSON: Okay. Thanks John.

20 I've got three folks in the queue. And
21 then I think we'll probably close it there and move
22 on to the next presentation, just so we can keep
23 going through the day. There will be plenty of
24 opportunities to talk about some of these things.

25 We've got Colleen, Karen and the

1 gentleman.

2 MS. FOSTER: Colleen Foster, City of
3 Oceanside. I just have a quick point of
4 clarification.

5 On your slide, Permissive in Regulations,
6 and then your slide, Limits on the Regulations, am
7 I understanding this correctly, that penalties
8 could go against the jurisdictions as early as
9 2020, but the jurisdictions cannot enforce
10 penalties on generators until 2024?

11 MR. BLOCK: The way the statute is
12 written, if we include penalties against
13 jurisdictions, those could be effective as -- well,
14 those regulations with the penalties would be as of
15 2022, but there is that specific language. If we
16 include a provision for jurisdictions to impose
17 penalties on generators, those would be two years
18 after the effective date, so essentially 2024.

19 Now to the extent that jurisdictions have
20 their own ordinances under their own police power
21 that have penalties, this wouldn't affect that at
22 all.

23 MS. COCA: Good morning. Karen Coca with
24 the City of Los Angeles. My question is about
25 lines of authority.

1 Can you describe the difference or the
2 similarities between the AB 1826 lines of authority
3 and the SB 1383? Because those -- well, we're
4 getting at the same stuff with these regulations.

5 MR. BLOCK: Not exactly sure what your
6 phrase "lines of authority" means, but let me try
7 to answer it this way and maybe this will help,
8 because we'll talk about this a little bit later,
9 as well.

10 We have this existing 1826 which is
11 mandatory organics recycling, commercial recycling,
12 which is a broader universe of waste that we're
13 dealing with potentially, although there's
14 obviously a lot of overlap. And then we have 1383
15 which is a little bit more focused but had some
16 other specific requirements.

17 So one of the things we're going to try to
18 do, talk about it today and, of course, as we move
19 this forward, is to try to not reinvent the wheel
20 and try to, to the extent that there's overlap, not
21 have two different sets of requirements.

22 MS. COCA: Okay.

23 MR. BLOCK: And you're going to hear about
24 this when we talk about reporting, as well. One of
25 the things we're going to talk about is to the

1 extent we already have a reporting mechanism,
2 rather than creating a new one is just simply add
3 on to the existing one.

4 So that, if I'm hearing that that's the
5 question you were asking, we're going to try to
6 make this as efficient, for lack of a better word,
7 as possible because there is a significant amount
8 of overlap.

9 MR. LEVENSON: Okay. And we have one
10 more. Can you raise your hand so we can see where
11 to bring the mic?

12 MR. REYNOLDS: Hi. My name is Dave
13 Reynolds with the City of Laguna Hills.

14 And in the opening comments there was the
15 statement that funding is a big question, and I
16 could understand that as the regulations are going
17 to still be built with the SB 1383. And also a
18 point was made on infrastructure and how that's
19 important. And in Orange County there probably is
20 more of a need for infrastructure for processing
21 facilities.

22 So I was curious if a general comment can
23 be made on what the state means in terms of
24 funding? Does that take the shape in the future
25 for grant opportunities to help for the investment

1 in the development of some of these facilities and
2 jurisdictions that are in need of it?

3 MR. SMITHLINE: So you asked the question,
4 and it's a fair question. And I'm pausing because
5 I think what I was going to say was going to make
6 it sound dismissive and I don't mean it to. I
7 can't speak for the state, obviously, right, this
8 is CalRecycle, Tung can, and speak on behalf of
9 ARB.

10 So I think the point I was making is that
11 we recognize that this is a significant
12 infrastructure that needs to be developed. And we
13 have had enough conversation with the local
14 governments and industry to understand that it's
15 going to be very expensive, let alone siting
16 complications. The administration has indicated in
17 the past and I think continues to feel that there's
18 a role for investment at the state level to this
19 infrastructure.

20 And so beyond that, there's not a lot of
21 specifics I can provide. I think we've made
22 efforts and engaged in efforts historically that
23 probably could help you understand our approach and
24 what we think is important; right? We've been
25 working on this for some time to try and recognize

1 the need for funding for this infrastructure.

2 Currently our focus is on cap and trade
3 funding because it's funding that is potentially
4 available immediately. It doesn't require any new
5 programs to be developed. There's a revenue
6 source. We have staffing in place. We have
7 excellent programmatic capacity to move cap and
8 trade funds to help support the infrastructure. We
9 recognize it's incomplete and has other challenges
10 associated with it, but that is our current focus
11 right now is to continue to support that effort for
12 cap and trade funds.

13 There have been efforts in the past. As I
14 mentioned, there was a bill last year on fee
15 reform. The administration engaged in a pretty
16 detailed fashion on that reform proposal. That did
17 not move forward for a number of reasons. There is
18 not current proposal. If another proposal were to
19 arise, you know, we would, of course, have to
20 engage again on that.

21 But I can't speak on behalf of the state
22 in total, other than saying that we recognize
23 there's a need, and there is a current focus on cap
24 and trade funds.

25 MR. LEVENSON: Okay. Thanks everyone.

1 I'm sure that there's more comments that you might
2 want to bring to bear on this general opening. But
3 I think right now, just to keep on track, we're
4 going to ask those folks to move off, and Evan,
5 Cara and Hank to -- oh, yeah.

6 MR. SMITHLINE: You just kicked me off the
7 dais, huh?

8 MR. LEVENSON: Pardon?

9 MR. SMITHLINE: You just kicked me off the
10 dais?

11 MR. LEVENSON: Yeah, I did.

12 MR. SMITHLINE: Thank you.

13 MR. LEVENSON: You bet. Thanks Scott.

14 I just want to remind folks on the
15 broadcast that the email for sending in questions
16 is up on the screen right now.

17 And so now we're going to move into a
18 presentation on some of the issues that a few folks
19 have already raised about definitions and
20 baselines. What are we starting from? What's the
21 universe that we're dealing with and where are we
22 starting from? So we'll have that presentation.
23 We'll stop and have some Q&A on that. And then
24 Cara and I will present some ideas on some of the
25 programmatic possibilities for collection and

1 recovery.

2 Evan?

3 MR. JOHNSON: So my name is Evan Johnson.

4 I'm a Science and Policy guy over at CalRecycle.

5 And I want to talk a little bit about what we're

6 talking about when we talk about organic waste and

7 some of our preliminary ideas here.

8 SB 1383 didn't really provide any

9 definitions for some of the key terms that you

10 might need in developing this regulation, thinking

11 about the term generators, the term edible food,

12 which we'll be talking about a little bit later

13 today, and I think Kyle will be talking about that.

14 So through the regulatory process we're going to

15 be working with ARB to develop those definitions.

16 But a key one is organic waste, because

17 the definition of organic waste will determine how

18 much methane we're eventually avoiding, and that's,

19 of course, the key part of this.

20 Oh, yeah. Oh, sorry, I should have

21 advanced the slide. You are the guy with the

22 scepter. Thank you.

23 So, you know, the way we define organic

24 waste will ultimately be responsible for

25 determining how much methane we're avoiding. And

1 so it's critical to meeting the requirements in
2 1383 and the Short-Lived Climate Pollutant Plan.

3 We obviously have a number of existing
4 definitions for organic waste under AB 1826 and the
5 regulations under 901 now, as you guys are probably
6 familiar with. But they all aim at different
7 objectives, and the objective specifically here is
8 methane reduction and organic waste diversion, and
9 so the definition has to be tailored for that
10 purpose.

11 So I think I'll just switch ahead. I'm
12 putting up here, this is just a draft definition
13 that we've come up with in development with the Air
14 Resources Board, and I think Tung is behind me, and
15 we've worked together closely on this. I'll read
16 it out loud.

17 "Organic waste is solid waste containing
18 material originated from living organisms and
19 their metabolic waste products, including but
20 not limited to food, green waste, landscape and
21 pruning waste, applicable textiles and carpets,
22 wood, lumber, fiber, biosolids, digestate and
23 sludges."

24 And this definition, when we run the
25 calculations in terms of methane reduction, gets us

1 to where ARB outlined in its Short-Lived Climate
2 Pollutant Plan. And it gets us to the emissions
3 reductions, the 40 percent methane, the piece of
4 the 40 percent methane emission reductions that
5 1383 calls for from the landfill sector. So the
6 breadth of this definition gets at that.

7 And I did want to be clear, this came up
8 in the first workshop, when we talk about fiber,
9 that's intended to be papers, basically, papers and
10 cardboard, et cetera.

11 So using this broad definition, we decided
12 to run some calculations to see where this gets us
13 and what the lift is, really. But a little detail
14 on the baseline here.

15 So I think Elliot described this before,
16 but the legislation, 1383 and the statute now
17 basically sets a waste reduction goal or target
18 associated with the 2014 baseline.

19 So what it does is it says you take the
20 amount of organic waste that was thrown away in
21 landfills in California in 2014, you multiply it by
22 0.5, that's the 50 percent reduction, and that's --
23 what's left is how much you're allowed to be
24 throwing away in landfill or disposing in landfills
25 in California in 2020.

1 And then for the 2025 goal which is 75
2 percent, you just take what was thrown away in
3 landfills in terms of organic waste in 2014 and
4 then you multiply it by 0.25, and that's how much
5 you're allowed to be throwing away in California
6 landfills in 2025.

7 And I go through that just a little, I
8 don't want to belabor it, but I go through it in a
9 little bit of detail here simply because what it
10 means is that there's effectively a hard cap on how
11 much material can be thrown away in landfills from
12 2025 and beyond. And when you run the calculations
13 using the definition that we had on the last slide,
14 they're talking about effectively 20 million tons
15 of material that were thrown away in 2014 of
16 organic waste.

17 And then by 2025 -- let me see if I've got
18 my pointer here. No. That's okay. That's all
19 right. I don't -- oh, okay. Got you. There we
20 go.

21 So by 2020, right here, we're talking
22 about a 50 percent reduction from that 20 million,
23 so that's 10 million tons that can be thrown away
24 in landfills. And then -- there you go. And then
25 here, at 2025, you're talking about roughly 5

1 million tons of material.

2 So this is to say that using projections,
3 you know, and we have -- CalRecycle has some
4 projections, basic projections of landfill material
5 growth based on population growth. And that is to
6 say that this lift gets more difficult as
7 population grows and as we start to throw away more
8 stuff. But we're talking, you know, the lift
9 ultimately is -- you know, when you look at the
10 factor in population growth, it's about 20 million
11 tons of material in the year 2025 that will need to
12 be moved away from landfills and to other uses.

13 And I think, Howard, do you want to -- all
14 right, so that's it for my part, but I'll stay
15 around for questions.

16 MR. LEVENSON: So questions about
17 definitions and baseline? I figured John would
18 have some.

19 We'll get a mic to you in a minute, John.

20 Anybody else? Okay. Frank? Okay. Okay,
21 we've got --

22 MR. DAVIS: I can talk loud.

23 MR. LEVENSON: -- two over here when --
24 two over here when you're done, Sam. There's a
25 couple over here.

1 MR. DAVIS: Okay. John Davis again, the
2 Mojave Desert and Mountain Recycling Authority.

3 Is the basis for the sludge, is that
4 available or will it be available? Is it going to
5 be in the ARB's plan, the strategy?

6 MR. JOHNSON: So you mean the data
7 associated with it?

8 MR. DAVIS: Yeah.

9 MR. JOHNSON: So the date is pulled from
10 our 2014 Waste Characterization Study, so it is
11 available already. You know, once, I think, as we
12 refine this work, we can make all the data
13 available and that would be --

14 MR. DAVIS: I mean, well, so basically it
15 was that each material has its own methane
16 factor --

17 MR. JOHNSON: Right.

18 MR. DAVIS: -- associated with it. ARB
19 has only issued factors for food and landscape
20 material. And when you show this slide that shows
21 the reduction of this whole big aggregate of
22 material and it's one number, it's just really hard
23 for me to understand. You know, I mean, getting 75
24 percent of carpet out would not have the same
25 methane impact as 75 percent of food.

1 So what does that mean? Does that mean an
2 across the board reduction of all those materials
3 on the same basis or is it weighted by specific
4 methane factors for material type?

5 MR. JOHNSON: Sure, I can answer that.
6 And then I might hand it off to Tung, as well, to
7 go into more detail.

8 But the estimates of the emissions
9 reductions associated with these are based on
10 emissions reductions factors associated with each
11 of those types of materials. ARB has done their own
12 calculations for the Short-Lived Climate Pollutant
13 Plan. We've done our own calculations sort of,
14 just to get a sense of whether it trued up with
15 that, and it did.

16 But you're right, that each of these
17 materials has a different methane generating
18 potential. For example, the highly agnostic
19 (phonetic) -- is that the right word, agnostic, did
20 I use that right? Anyway, some of the white paper,
21 for example, is high in methane-generating
22 potential. Some of the wooden materials will
23 generate methane, but slowly over time.

24 So you're right. There's different
25 amounts of methane associated with each of these.

1 And then doing the calculations to see that it got
2 us to where we need to be, we, you know, CalRecycle
3 and ARB both independently ran those calculations.

4 Tung, do you want to talk a little bit
5 about ARB?

6 MR. LE: Yeah. So in the SLCP we did rely
7 upon CalRecycle's Characterization Study to look at
8 some of the inventory data that was in there. If
9 you look in the -- I do believe it's in Appendix F
10 of the SLCP, and our methodology is outlined in
11 there, if you look at the values, they may not be
12 as detailed as what, you know, we may have done in
13 the background for some of the presentation this
14 morning, but they align every closely and we come
15 to a lot of the same numbers.

16 MR. LEVENSON: And I'll just remind
17 everyone that, again, we have the short-lived
18 climate pollutant reduction goals in SB 1383, the
19 40 percent. And what we're trying to do here is
20 two things; one is contribute to that by diverting
21 materials from landfills, but we also have this
22 other provision in 1383 that specifies 50 and 75
23 percent reduction of organics. So how we go about
24 that, do we prioritize certain things? We have a
25 lot of material we need to get out to get to 75

1 percent, and we need to probably get most of it
2 out.

3 We've got one over here and a couple of
4 hands over here, and then one in the back.

5 Sam, after Paul, we'll have these folks
6 over here.

7 MR. RELIS: Question related. Paul Relis,
8 CR&R. A question related to in the
9 organic -- the working organics definition, you
10 have digestate. I'm having difficulty
11 understanding the use there, because I know we
12 produce digestate, but that's met the time-
13 temperature-to-compost definition. So are we --
14 we're not -- surely, we're not having to reduce the
15 digest state by half, are we?

16 MR. JOHNSON: Well, I think the intent
17 here is to say what goes to landfills. And so in
18 terms of the material, if you're sending digestate
19 to a landfill as an end product
20 ratio --

21 MR. RELIS: But that doesn't happen.

22 MR. JOHNSON: -- that is a waste.

23 MR. RELIS: I mean, we would produce
24 digestate if we were sending it to a landfill.
25 That would completely be contrary to -- anyway,

1 I'll let that hang out there. It's a problem the
2 way I read it as a definitional matter.

3 MR. JOHNSON: So I actually just -- if I
4 can just follow up with a question there, you know,
5 so we understand the concern?

6 You know, I think that this definition is
7 meant to say, you know, stuff that's material that
8 going, if you -- he may need the microphone.

9 The material that's going to landfills,
10 you know, the organic waste piece here is talking
11 about material that's going to landfills and needs
12 to be gotten out. And so digestate, for these
13 purposes, is still talking about going to
14 landfills.

15 But I think you're getting at a nuance
16 question here, which is that if it's in the
17 definition at all it could cause trouble.

18 MR. RELIS: Yes. I think it's a big
19 problem if it's in the definition, how it could be
20 interpreted, like suddenly what we're doing is
21 looked at as disposal of organics. That would
22 frighteningly bad.

23 MR. JOHNSON: Sure. Sure. All right.
24 Thank you, and point taken.

25 MR. BRADY: Evan, if I can just add on, I

1 think that's a good point. Sort of the purpose for
2 this first section, though, is to very clearly
3 outline what material is organic in nature. We're
4 very far from what that means for programmatic
5 requirements. And that's part of, you know,
6 looking and exploring what some of those concepts
7 might be and how to best address those types of
8 issues moving forward.

9 MR. CAPONI: Frank Caponi, L.A. County
10 Sanitation Districts. I just wanted to follow up
11 on John's comment. I agreed with everything he
12 said.

13 It seems that the definition gets overly
14 complicated when you start including, for 1383
15 purposes, start including organics that don't
16 really produce methane to any great degree.
17 Echoing Chuck White, there's a fair amount of
18 carbon sequestration that goes on in landfills,
19 including lumber, fiber, textiles, carpet. It
20 seems that you're getting overly complicated when
21 you're including these in the definition, once
22 again, for this purpose. And I know there's
23 complications with other regulations and other
24 purposes.

25 It just seems like it would be a whole lot

1 simpler if you just concentrated on the methane-
2 producing products or the constituents of organics
3 as you move forward. You're going to have enough
4 complications in trying to enact this regulation.

5 MR. JOHNSON: Can I just do a quick
6 response to that?

7 Just to point out that, you know, when
8 we're talking about -- and, you know, and I think
9 you're point is taken. But when we're talking
10 about organic waste, you know, if you're talking
11 about reducing the amount that's going to the
12 landfills by 75 percent, that does mean that
13 there's a 25 percent that stays in. And so, you
14 know, this will all be discussed as we go through
15 the regulatory process over the next year, the
16 informal process over the next year. But you could
17 imagine that some of those materials may stay in
18 the landfill because they're too difficult to get
19 out, and they'll just be part of the 25 percent
20 that stay in. And hopefully programs target the
21 higher methane-generating material, the food and
22 some of the papers and whatnot, so --

23 MS. GREEN: Hi. Sharon Green, also with
24 the Sanitation Districts of Los Angeles County.

25 I was just going to raise a point about

1 another complicating factor, which is things that
2 are mixed materials, some of which may be organic
3 and some of which may be inorganic, and so how
4 those would be managed will be another
5 complication.

6 MR. LEVENSON: Great. And I think I'm up
7 for -- oh, go ahead. Oh, wait, I'm sorry. I
8 didn't hear what you -- hang on one second. For
9 sure. And we're going to talk about contamination
10 and handling -- ideas on how to handle multiple
11 materials as we move on, so I definitely want to
12 hear more on that, Sharon.

13 Over there, and then back in front.

14 MR. BAROLDI: Thank you. Yeah, my name is
15 Layne Baroldi with Synagro Technologies. And we
16 have composters throughout the state.

17 And one of my questions is that for the
18 purpose of the baseline here, you didn't include
19 digestates and biosolids and sludges. And how does
20 that work in the California for the purpose of 75
21 percent reduction?

22 And then I have one follow-up.

23 MR. JOHNSON: I'm sorry. Can you say it
24 again?

25 MR. BAROLDI: Yes.

1 MR. JOHNSON: I was just making a note on
2 that.

3 MR. BAROLDI: No worries. On your
4 baseline, your calculation for organics going to
5 landfill, which was 2014 data, if you look at the
6 table, you don't have the sludges, the biosolids,
7 the digestate in that table for the purpose of
8 calculating a 75 percent removal. And I was
9 wondering, how does that factor in for your 20
10 million down to, you know, the 75 percent
11 reduction?

12 MR. JOHNSON: It's a good question. And
13 we don't have, through our Waste Characterization
14 Study, we don't have good data on that at the time,
15 so it's not included for that reason, but it would
16 be included. You know, I don't think we're talking
17 about huge, huge volumes of material, though you
18 probably have a much better sense of it than I do.

19 MR. BAROLDI: Yeah. Because looking at
20 the data, if you have -- it was pushing 50 percent
21 of that waste stream and tallies just shy of a
22 million tons a year, so I think it's probably
23 significant. So just curious how you calculate
24 that?

25 So -- and the second question would be is

1 as you're looking at the methane production factors
2 that you're using, how do you look at, when you mix
3 things, synergistic effects and how that impacts
4 different waste streams that go into a landfill?

5 MR. JOHNSON: Thanks for the question.
6 And I think that, you know, I will get rapidly out
7 of my depth if I start talking about the envelope
8 that's used for calculating emission reduction
9 factors associated with each of these materials.
10 But I think that's a really good point, that those
11 factors, especially as they sit in the landfill,
12 you know, have to be taken into place. And my --
13 you know, if I were a wagering man, I'd say that
14 ARB does a pretty good job of doing so.

15 But I don't know whether Tung wants to
16 weigh in.

17 MR. LE: Yeah. So I couldn't give you an
18 answer right now as far as how that's characterized
19 in the SLCP.

20 But I can say that, you know, alluding to
21 some of my comments that were made earlier, ARB did
22 go through and rely on some of CalRecycle's data.
23 And the data that was available and that we rely
24 upon, we include in the SLCP for calculation of the
25 inventory purposes and some of the reductions that

1 we identified in the SLCP.

2 That being said, if there are additional
3 data points that, you know, could be helpful for
4 this process, then we would certainly encourage you
5 to bring those forward.

6 MR. BAROLDI: Great. Thank you.

7 MS. WHITE: Monica White, Edgar and
8 Associates. Just a general comment, that it is
9 very nice to see such a great collaboration between
10 these state agencies. And I think this is a unique
11 opportunity for us to look at the organic waste
12 stream in a comprehensive way, especially as we
13 start dealing with the edible food waste component,
14 which is exciting.

15 That leads to me a friendly counterpoint
16 about wood materials. So even though, yes, we do
17 have a variety of organization materials that have
18 different methane generation, as we all know, wood
19 chips provide a very good opportunity for us to
20 generate renewable electricity within the state in
21 certain applications. Certainly with gasification,
22 we can get the benefit of using biochar within
23 soils, furthering their carbon sequestration
24 capacity and water holding capacity.

25 So when we're looking at the organic waste

1 definition, I think that keeping that comprehensive
2 outlook on the purpose of this is very important.
3 So, yes, there could be challenges with carpet
4 recycling, but I don't think we should let go of
5 woody materials based on their methane content
6 alone.

7 MR. JOHNSON: Good comment. Thank you.

8 MR. LEVENSON: Thanks. And I will just
9 point out that there is a lot of discussion going
10 on within the administration across multiple
11 agencies about biomass, woody material in the
12 context of the co-gen plants that have been
13 declining, and also in the context of tree
14 mortality. And so that's all part and parcel of
15 that bigger picture, so thanks.

16 MR. JOHNSON: And I'd add that simply
17 that, you know, I think it's recognized that that
18 material is a challenge in terms of management
19 right now. And there's a lot more of it around
20 than there was before, and so we don't want to lose
21 sight of that as both a management challenge, but
22 also an opportunity to create other products and
23 the co-benefits that are associated with those
24 products, so thank you.

25 MR. LEVENSON: Okay. We've got time for a

1 couple more comments on this, or we can move on to
2 the next set of presentations. I'll give everybody
3 a chance to -- okay.

4 I know that this will continue to be a key
5 topic. Clearly, we have a lot of work and that's
6 why we're doing this initially, just to get some
7 feedback on the kinds of things we need to
8 consider, the nuances and some of the points and
9 counterpoints, before we can put out something
10 that's a little bit more definitive. So thanks for
11 those comments.

12 So now, I'll just stay here, Cara and I
13 are going to tag team on the next section which is
14 about organics collections. And this starts to get
15 into concepts related to programmatic requirements.

16 What might we think about in terms of what should
17 jurisdictions do, what should generators do, other
18 entities that might be involved, depending on where
19 we go with this regulatory package?

20 I want to emphasize again, these are just
21 concepts at a very high level. As Hank and I think
22 Scott said, we haven't decided on anything. This
23 is just to put out ideas that we think might be
24 needed in some way to move forward in achieving
25 these goals, but we want your feedback on those.

1 So in this section for this presentation,
2 one other thing I want to say is all the
3 presentations that are going to happen almost from
4 here on out, except maybe edible food recovery,
5 they're all going to be shaped by what we decide in
6 terms of the definition. And so, you know, we
7 can't -- there are going to be a lot of nuances and
8 a lot of things that we're going to have to get
9 into detail once we have that definition more
10 refined and hopefully have more consensus on what
11 that should be. So keep that in mind as we talk
12 about these programmatic concepts. They're all
13 going to vary and be very nuanced as we move
14 forward, but right now we're at the high level.

15 So right now, in this section what we're
16 going to try and do, and we'll probably go about an
17 hour-and-a-half and then break for lunch, the
18 presentation won't be an hour-and-a-half. Mostly,
19 hopefully, it will be comments. But we're seeking
20 feedback on a number of different concepts. One is
21 how do we provide organics recycling services to
22 every generator of organics in the state? How do
23 we keep organic materials clean and recoverable?
24 Which might relate, in part, to Sharon's comment.
25 How do we foster sufficient capacity planning? And

1 how do we strengthen organics recycling markets?

2 So first, Cara and I are going to address
3 organics collection concepts. We've got about
4 three slides that show nine different concepts that
5 we've thought about, so we'll walk through those.
6 And then Evan is going to talk a little bit about
7 market and procurement issues. And then we'll open
8 it up to discussion.

9 So the big picture is, that we're talking
10 about within this section, is to ensure that
11 organics are being collected, which can be done in
12 a number of different ways. One way that it might
13 be done is through collection services that are
14 being provided to all generators. For example,
15 this could be done by having jurisdictions require
16 their haulers to provide mandatory organics
17 recycling services to all generators. That's one
18 idea. We're going to talk about generator ideas a
19 little later.

20 At the workshop on Tuesday, we had some
21 discussion, some feedback on the different between
22 jurisdictions and their haulers providing a
23 mandatory service versus a mandate to source
24 separate. And so that's a nuance that we're going
25 to need to be looking at.

1 And there might also be other ways to
2 capture organics. For example, you could have
3 organics bins placed next to trash bins at parks
4 and large events, farmers markets, things like
5 that.

6 Another collection concept is to specify
7 that organics that result from building-related
8 activities, kind of construction and demolition
9 activities, have to be recycled, and tying that to
10 the existing CALGreen Building Standards.

11 Whichever programs end up being in this
12 package to address collection of organics, we know
13 that education and outreach are going to be key to
14 promote this. This concept came up again on
15 Tuesday as to what's the state role in outreach and
16 education? And clearly, what's the role of
17 jurisdictions and haulers at the local level in
18 terms of providing information to generators about
19 what's required or what they might do?

20 Another -- let's see, Cara, you're going
21 to go ahead and take these.

22 MS. MORGAN: Thanks, Howard.

23 Collection services might be provided via
24 single-stream recycling or mixed waste. So let's
25 first talk about single-stream collection.

1 Jurisdictions that have a single-stream
2 collection would have source-separated organics.
3 But we talked about earlier, with the definition of
4 baseline, in our typical blue bin, that would be
5 the place to collect some of those non-putrescible
6 types of organic materials, like the paper and
7 cardboard aseptic packages.

8 For jurisdictions that have mixed-waste
9 collection systems, it would be important that the
10 collection system is set up to ensure that all of
11 those organics are pulled out of the system,
12 pulling out the yard waste, the food waste and the
13 paper. So that will be important as we talk about
14 what types of collection services there might be.

15 Another concept that might be included is
16 placing a recovery rate on material recovery
17 facilities. This might look something like 50
18 percent of the organics that come through that
19 material recovery facility would need to be
20 captured, or maybe even 75 percent when we hit the
21 2025 time frame.

22 With organics collection another key issue
23 is not having the organics sit around for too long.

24 So another concept might be providing
25 jurisdictions with the authority to have source-

1 separated organics collection on a weekly basis and
2 allow jurisdictions the flexibility to provide
3 trash collection and maybe even recycling
4 collection on every-other-week basis.

5 Beyond that, how do we ensure that
6 organics don't end up at disposal facilities, and
7 instead end up at recycling facilities?

8 So a couple of concepts to consider might
9 be that haulers and processing facilities send
10 source-separated materials to recycling facilities.

11 Another option might be if the material does end
12 up in the landfill, that landfills would have some
13 type of preprocessing to capture those organics.

14 Now let's talk about generators.
15 Generators will have a responsibility to either
16 source reduce their food waste -- we're going to
17 talk later about edible food recovery -- and also
18 participating in recycling programs. So one concept
19 could be when we talk about the collection
20 services, as Howard mentioned, jurisdictions would
21 provide service to generators automatically. So
22 instead of relying on the generator to subscribe to
23 that service, just like you do with trash now, that
24 generator would be provided their organics
25 recycling service.

1 However, there are generators that do
2 recycle in other manners, so they would be allowed
3 to opt out of those services if they can
4 demonstrate that they are recycling their organics
5 materials in another way. Maybe they're
6 backhauling to a distribution facility that are
7 then being sent to a recycling facility, so that
8 could be an option.

9 And I'll turn to Howard to talk about
10 managing contamination.

11 MR. LEVENSON: One recognizes that organic
12 feedstocks need to be as clean as possible if we're
13 going to ensure that they can be processed
14 efficiently and that the ensuing market -- ensuing
15 products are marketable at a price point that makes
16 it at least a little bit more cost effective.

17 One of the things that CalRecycle has
18 already done in our composting facility
19 regulations, we have put in new physical
20 contaminant levels standards for things like
21 plastics and glass that can be in the resulting
22 products, and that is ramping down over time.
23 That's already in place. And so that's one effort
24 to try and address product quality.

25 We'd like to, in this regulatory package,

1 be able to at least put out some other concepts for
2 your consideration to support and address this,
3 particularly at the interface between generators
4 and collectors. So here's a couple of concepts on
5 this slide, very high level.

6 You know, what kind of education and
7 outreach efforts might we need, whether it's from
8 the jurisdiction to generators or through the
9 hauler, or are there other mechanisms?

10 Should there be compliance monitoring of
11 the levels of contamination that are in bins?

12 Should that be done by -- should it be
13 done and should it be done by jurisdictions or
14 haulers?

15 Could there be -- another concept is to
16 have additional inspection monitoring and reporting
17 of contamination by haulers and facilities, beyond
18 what they already do in terms of bin checks and
19 load checks at facilities?

20 Those are all just high-level
21 possibilities. What we're really looking at is
22 what can we do to enhance our ability of everyone
23 involved to get materials that are cleaner and that
24 are going to be more easily processed if they go --
25 whether they're source separated or whether they go

1 to a mixed-waste facility in some manner.

2 Another concept, looking at the last
3 bullet there, is to specify materials that should
4 or should not be placed in organics collection
5 bins. So are there materials that are particularly
6 challenging for organics that are going to a
7 composting facility or a digestion facility, or
8 that cause problems in the products and uses? And
9 we've, you know, heard many, many examples, aseptic
10 packages, mixed materials, polyethylene-lined
11 paper, things like that. Should be trying to
12 address those in some way in these regulations? So
13 we're wide open for questions or comments on that.

14 Now I think Scott has already and a number
15 of people have already alluded to the difficulties
16 of siting any kind of facility. We're all well
17 aware of that. We know this is a huge lift. We've
18 done a lot of work for many years, trying to
19 address some of the barriers that exist for siting
20 and developing facilities. And, you know, we've
21 made some progress but there's a lot of work to do
22 within the context of this regulatory package. So
23 we'd be happy to talk about some of the other
24 things that are going on.

25 But within the context of this regulatory

1 package, we're interested in your feedback on what
2 can we do to enhance facility capacity planning,
3 facility siting? What are the things that we can
4 include here that might be helpful on that and so
5 that we make sure that market drivers exist and, to
6 the extent that we can, that any siting or other
7 kinds of barriers be addressed here?

8 Now, we can't deal with some of the cross-
9 regulatory issues, such as air offsets and things
10 like that, that were mentioned on Tuesday. I'm
11 sure some of you are thinking about. Tung, who is
12 now in the back, mentioned the Interagency Working
13 Group which is working on issues like that. So
14 just be cognizant that a lot is going on outside of
15 this particular package.

16 So here's a couple of concepts for your
17 consideration and feedback, and whether there's
18 other ideas.

19 Those of you who are familiar with AB 876,
20 a bill that passed a few year ago and that we're
21 now implementing, that requires counties to provide
22 information on capacity and the potential
23 geographic areas that might be used or needed for
24 new facilities, without specifying any particular
25 specific locations.

1 So one concept to expand this and provide
2 more specificity is to require plans from
3 jurisdictions and haulers that don't have access to
4 adequate capacity. Right now they have to provide
5 information under 876, and also under 1826, on some
6 of these barriers. But should we have a more
7 formal discussion about formal plans that would be
8 submitted for folks for areas that don't have
9 sufficient capacity?

10 Another concept to expand 876 is to
11 require planning for edible food recovery capacity
12 and programs. And we'll talk more about edible
13 food later on this afternoon, but that's just
14 another idea for trying to deal with some of the
15 capacity issues.

16 Separately, we could also look at solid
17 waste facility permitting process. For example,
18 one of the big issues that we've come across with
19 the Greenhouse Gas Grants under the cap and trade
20 program is that we need to be working with
21 disadvantaged communities to make sure that impacts
22 are minimized, that the communities are involved in
23 the discussions about facilities, and that we are
24 working, we at the state and the facility
25 operators, are working with the communities on a

1 continuing basis.

2 So is that something that we should
3 include within these regulations, that facilities
4 that are going to be newly sited or expanded, or at
5 least within our solid waste facility permit
6 regulations, should they be demonstrating some type
7 of consultation with disadvantaged communities and
8 other community groups when there's a facility
9 going in one of those areas?

10 Another facility-related concept is since
11 SB 1383 and this rulemaking, we believe, ultimately
12 is going to result in a lot less organics going
13 into landfills, that's going to change the entire
14 nature of the closure of landfills and post-closure
15 maintenance. And so we wonder whether there needs
16 to be -- one concept is to require landfills to
17 adjust their financial assurance planning to deal
18 with these changes and what's going to be in the
19 landfills.

20 So there's just a few ideas, they're very
21 broad. And we're open to concepts on how to improve
22 facility siting, capacity planning, those kinds of
23 things within this package.

24 Now I'm going to turn it over to Evan to
25 talk a little bit more about some of the ideas we

1 have for market development, again within the
2 context of this regulatory package. And then we'll
3 open it up to discussion for -- until we head to
4 lunch.

5 MR. JOHNSON: So I'm going to try and keep
6 this conversation, actually, pretty wide open.

7 It's already been identified in some of
8 the comments that the markets for these products is
9 a critical piece of this, that we need a draw for
10 the material. There needs to be economic viability
11 of that material. And there needs to be sort of a
12 transparent flow of that material, meaning that we
13 need to remove any barriers that we have. And I
14 think all those things are important.

15 So I kind of just want to throw out there
16 for -- well, and I should say upfront that we --
17 you know, CalRecycle has been working on this a
18 long time, and we have programs in place already at
19 the state level for procurement for paper and other
20 recycled products, recycled content products. We
21 have CDFA. They presented at the first workshop
22 about their Healthy Soils Initiative, and we're
23 hoping that that provides an additional draw for
24 compost and markets for compost in the ag sector.
25 And we also have procurement requirements for mulch

1 on public facilities. And so there is some of this
2 out there, but I guess we want to open this up to
3 other ideas for how to strengthen the markets and
4 the draw for this material.

5 When we think about some of the products,
6 we have compost, mulch, biogas, recycled cardboard,
7 recycled paper, building materials. The list is --
8 that list is certainly not complete. There's a
9 whole host of products that come out of these. So
10 how do we strengthen the markets for them? Are
11 there requirements that we could say, you know,
12 could we have jurisdictions required to purchase
13 material for use on public spaces, something like
14 that; right? You know, where can we strengthen,
15 obviously, that flow?

16 And the we want to talk a little bit about
17 market ideas on market development tools. Are
18 there specific incentives of subsidies that would
19 be helpful in procurement, market incentives or
20 market incentive payments? And are there specific
21 procurement mandates that might be helpful? You
22 know, obviously the state has led the way on some
23 of that and we hope will continue to lead the way
24 on that, and we've had some of those conversations
25 already with DGS, what would help there and what

1 would help in terms of procurement requirements
2 elsewhere.

3 So I think that just -- I just wanted to
4 frame the conversation that way and leave it.

5 MR. LEVENSON: Okay. We ran through those
6 very quickly. I think it's really more just to
7 give you a sense of the scope of ideas that we're
8 talking about here potentially.

9 And so I want to open it up to questions,
10 suggestions. I've got one in the back, and then I
11 see you guys over here, and then back to Frank. I
12 can probably handle four or five in the queue at a
13 time before I lose track.

14 MR. CAPONI: Just to give you some
15 thoughts on what I was talking about in terms of
16 market-based compliance mechanisms, though you have
17 responsibilities, both within CalRecycle for the
18 state agencies in the Buy-Recycle Program, there is
19 a connection or a nexus with other programs in the
20 state, such as the stormwater programs and the MS4
21 Program, which effects the jurisdictions, as well
22 as Caltrans and others.

23 Keep in mind that the way market
24 development can occur is if we work together with
25 these agencies, either in educational mode of put

1 in place things like best management practices and
2 so forth, which are available and are being
3 discussed right now in the water world. It becomes
4 a benefit to you folks in terms of the overall
5 strategies that you're putting together.

6 In addition, you know, even local
7 procurement is very important. And keep in mind
8 that the local jurisdictions have a great deal of
9 power under the Green Building Programs and the
10 recent requirements of MWLO and other things. They
11 also have the construction SWPs. I'd rather seen
12 compost used rather than gravel bags and silt
13 fences, or an alternative to that, and many, many
14 things that they can do. And, you know, you can
15 even carry it forward to OPR and set standards for
16 the environmental review to include, you know,
17 those things that are germane to us using more
18 organics and getting away from more polluting types
19 of procedures and products.

20 Additionally, if you look at what's
21 happening with the stormwater programs, and also
22 service water programs, and the governor's mandate
23 in terms of water reuse and so forth, there's a
24 number of areas that what you are promoting in your
25 programs work very well in terms of those

1 applications.

2 So getting back to my original thoughts,
3 it's important for you and ARB to start the
4 dialogue from your point of view. I've talked to
5 Scott Couch (phonetic) and others, and Dr. McCarthy
6 of ARB, on these matters. And I think it's time to
7 start looking at that very carefully and put a
8 heavy-duty emphasis on looking at diversified
9 markets and so forth, because this is the time that
10 you can adjust the programs within 939, as well as
11 move forward with AB 901, and also SB 1383. I'll
12 be happy to join you guys in discussions.

13 And Cara, remember, we're done the dog and
14 pony shows in the Inland Empire many times. And,
15 Howard, you remember you saw some of the advance
16 technology that we'd been working on in the Inland
17 Empire. And I think those are the kinds of things
18 that I'd like to see carried forward throughout the
19 state.

20 MR. LEVENSON: Thanks Paul. I think that
21 that helps a lot. I will -- I do want to say a
22 couple of things.

23 One is as we move forward this year,
24 unless we want to engage in those conversations and
25 get into specifics, one of the questions will be

1 what specific things are within the purview of this
2 regulation? What kinds of things are outside but
3 still need to be done? For example, we have worked
4 with Caltrans for years, as you know, on developing
5 specifications for the use of mulch in erosion
6 control. That has some cross-regulatory issues
7 with stormwater runoff that haven't been fully
8 resolved yet. But that, you know, we have been
9 working on that for a long time. What more do we
10 need to there? And is it part of this reg or is it
11 just, you know, something equally important but
12 separate?

13 Similarly with -- you mentioned MWLO, for
14 those who don't know that, that's the Municipal
15 Water Landscape Ordinance by Department of Water
16 Resources. We worked with them in developing that
17 and promoting that. So again the question would
18 be, what more should done? Should that be
19 something that's mandated within these regulations
20 or something we need to expand, so we definitely
21 want to engage in that specificity of deep
22 discussion, so I appropriate that.

23 I forget where we -- let's see. I had a
24 couple -- yes, sir. Yeah.

25 MR. HAMPEL: Kreigh Hampel, City of

1 Burbank. And I'd just like emphasize that our
2 single-family neighborhoods have tremendous
3 capacity for absorbing organics. You know, if
4 we're talking about healthy soils, we need to talk
5 about healthy soils in urban settings, as well.

6 We do a lot of hauling. The City of
7 Burbank, for instance, collects 20,000 tons of yard
8 clippings every year. But if you break that down
9 in a different way, if you look at grass which can
10 be dropped on the grass, if you look at chips from
11 our forestry and our utility clearing and the
12 leaves that we sweep up, we're getting close to 40
13 or 50 percent of the stuff that we haul out of
14 town.

15 So if we have local programs, you know,
16 there's great apps that are showing up for both
17 food and chips, things like -- can I say it in an
18 official hearing? We have apps that distribute
19 chips from tree trimmers. And when I talked to our
20 forestry department, I said, "How much does it cost
21 to go across the scales for the Green Waste
22 Program?"

23 They said, "Well, that's about \$200 a
24 load."

25 And I said, "How much does it cost to drop

1 it on a driveway?"

2 They said, "About \$50.00."

3 So I said, "There's about a 75 percent
4 savings then by doing local programs."

5 So I want to emphasize here is that we
6 have tremendous potential in looking at healthy
7 soils in cities, certifying gardeners so that they
8 understand things like mulching, composting, grass
9 cycling. And that's where we can all work together
10 on promotional programs and drop the tonnage that
11 needs to be hauled.

12 When we get into high-density
13 neighborhoods, commercial settings for food, we
14 have to haul it, or we have to look again at
15 possible local programs where we can set up hubs
16 and mix that with local yard clippings and actually
17 make that a center of educational activity.

18 So I think, you know, we're going to need
19 all the horsepower around this that we can get.
20 We're going to need big, big composting facilities.

21 But we can reduce the dependency on that
22 tremendously by looking at local programs and
23 boosting those, and I think we should do that
24 first. Because once we do the collection programs,
25 we've lost the interest of the public.

1 MR. LEVENSON: Thanks very much, Kreigh.

2 MR. JOHNSON: Oh, sorry.

3 MR. LEVENSON: Go ahead, Evan.

4 MR. JOHNSON: Sorry. I just wanted to say
5 that I think that those comments are well taken.
6 And those local programs are going to be so
7 important to this.

8 And it provided an opportunity to tee up a
9 comment about source reduction, which I think is
10 really important to this, too, that we talk a lot
11 about finding the opportunities to recycle this
12 material.

13 But making sure that this doesn't go in
14 the bin in the first place is really a key part of
15 this, and the local programs that you're talking
16 about are integral to that. And I want to make
17 sure, you know, that we're, you know, in your
18 comments here, we're not losing sight of that
19 aspect of it. And I think CalRecycle recognizes
20 the significance of that and how it reduces the
21 lift ultimately that's ahead of us if it's just not
22 going in the bin in the first place or not even
23 being generated, so thanks.

24 MR. BRADY: And I just wanted to add, to
25 the extent that you mentioned some kind of specific

1 financial pieces, the 75 and \$200, as we move
2 forward in the rulemaking from informal to formal,
3 that type of data will be very helpful, even at an
4 anecdotal level because it will help guide where we
5 should be looking for that.

6 So anything -- not to give you a homework
7 assignment, but if you could send any data, we'd
8 really be looking for that.

9 MR. LEVENSON: Go ahead, Colleen.

10 And let's see, let me just have a show of
11 hands just so I -- one. Okay, we'll kind of --
12 we'll go up that row, we'll come down here, and
13 then we'll go back up that way. There's too many
14 of you.

15 MS. FOSTER: I just had a couple
16 questions. Is it going to require organics in a
17 public setting? That can be very difficult for
18 communities that have high populations to tourism
19 from other states, et cetera.

20 Secondly, I was wondering if there's going
21 to be any enhancement or clarification on the DAC
22 process? The DAC standards from CalRecycle are
23 actually different than the State Water Resources
24 Control Board. And State Water Resources Control
25 Board is more accommodating to communities that

1 might have, you know, homes or that puts
2 communities outside of a DAC, even though a major
3 portion of the population would fall into a DAC and
4 vulnerable community, especially your coastline
5 cities.

6 Secondly, I just want to reiterate, I'm
7 glad to hear that the agencies are working
8 together, especially with the State Water Resources
9 Control Board, to kind of manage some of the
10 limitations that could be set by some of the new
11 stormwater standards in regards to land application
12 of compost and other types of materials. And I'd
13 like to see those organizations and agencies in
14 these workshops. And hopefully you're working down
15 to even the regional level. Because the
16 interpretation on the different Regional Water
17 Boards can be very different than the state level.

18 Thank you.

19 MS. MORGAN: Colleen, I'd just like to hit
20 on the first one with respect to having organics'
21 receptacles wherever there are trash receptacles in
22 public sites. It's a concept that we want to put
23 out, and we want that feedback so that we can
24 further refine the concepts.

25 MR. LEVENSON: And we'll do a follow-up

1 with you, Colleen. I'm not sure what you meant on
2 the DAC requirements, because we don't have any
3 regulatory requirements on disadvantaged
4 communities. But let's do a follow-up and talk
5 about that.

6 On the cross-regulatory issues, those are
7 very, very difficult. There's a lot of discussions
8 going on at many, many, many levels on cross-
9 regulatory issues, some of them Tung has mentioned,
10 some of the air offset issues, some of the issues
11 with co-benefits that accrue from composting or
12 digestion versus groundwater protection, stormwater
13 protection. And so those are not something that we
14 can address directly in this regulation. We have
15 to work under the frameworks that the other
16 agencies have and see what we can do to deal with
17 those. But happy to engage in that, as well.

18 Let's see, a couple more on there, and
19 then we'll come down the middle and we'll go back
20 up the side. Sorry, that's the best I can do right
21 now.

22 Go ahead. And let's try to get some folks
23 who haven't spoken yet. Let's do that if we can.
24 So if you can concede the mic, Paul, for now, and
25 we'll get folks who haven't spoken. And then we'll

1 come back around to folks who have spoken.

2 MS. HAMILTON: Barbara Hamilton with the
3 San Diego Food System Alliance. And I'm making a
4 comment, an additional comment in regard to the
5 reduction strategies.

6 And I saw some of the concepts. There
7 were reduction strategies in regard to consumer
8 education campaigns in regard to contamination.
9 And I would suggest that we have some enhanced
10 rigor around additional opportunities for
11 incentivizing collaborative efforts within counties
12 on these issues in regard to consumer education
13 campaigns, specifically on food waste reduction,
14 and incentivizing programs for waste tracking for
15 businesses and institutions, as well as looking
16 into opportunities to incentivize donor-matching
17 software technology, and then the infrastructure
18 needs that are needed to make up the difference in
19 the capacity for the food providing agencies to
20 then get that food out to the people, specifically
21 refrigeration transportation, things like that.

22 Thank you.

23 MR. LEVENSON: Thanks. And I just -- I
24 won't spend any time on this, but I want to make
25 sure everyone is aware that we do have \$5 million

1 this year for a Food Recovery and Prevention Grant
2 Program. The notice of funding for that is going
3 to be out April or May, so to address exactly those
4 kinds of things. But I know you're saying that
5 within the context of this regulatory package, as
6 well, so I appreciate that.

7 Someone else who hasn't spoken yet? Yes,
8 sir.

9 MR. DERDERIAN: Thank you very much. My
10 name is Armen Derderian. I'm with the Resource
11 Management Group, service provider, hauler
12 recycling service provider, commodities, waste
13 materials management company. I wanted to
14 correlate and address the connection between the
15 collection aspect of it and the market development
16 and commoditization of the various organic
17 materials.

18 I think a lot of the materials on the
19 list, particularly the low-hanging fruit, the
20 cardboard, the papers, the woods, the lumbers, have
21 already a good, mature industry behind it. It uses
22 good values on the recycling side, the rebate side
23 of things.

24 I think the aspect to keep in mind is the,
25 as we go further up on the recycling fruit tree

1 where we're talking about the putrescibles, the
2 food waste, the organics, the more difficult items
3 to take. As AB 1826 has iterated, the first phase,
4 eight cubic yards or greater, the second phase,
5 four cubic yard or greater, next phase, two cubic
6 yard, at each individual phase you're going to run
7 into challenges where a uniform collection system
8 will not apply successfully at the different tiers,
9 at the different phased in levels. Each level will
10 require a very specific type of collection program,
11 just because of the nature of the beast. But also,
12 if you consolidate it, as the older mentality of,
13 you know, recycling, of single-streaming it, then
14 you'll lose the opportunity of commoditizing it.

15 So I think that is an important facet to
16 be kept in mind where it might buck the traditional
17 mind set of one hauler fits all mentality or one
18 recycling type of processor fits all mentality.

19 Thank you.

20 MR. LEVENSON: Thanks.

21 Somebody else who hasn't spoken yet?

22 We've got someone up in front. I'll come back to
23 all of you folks for a second round and we'll get -
24 -

25 MR. BLYTHE: You got it? Yeah. I'm

1 Trevor Blythe. I work as a consultant with
2 EcoNomics, Inc. We provide consulting services to
3 some cities in Southern California. One of the
4 services we offer is working with restaurants to
5 set up organics programs to help our clients comply
6 with AB 1826. What we've seen with these programs
7 is there's a higher success rate when there is a
8 discount offered for organic services, and that
9 magic number is around 50 percent the cost of
10 equivalent trash service.

11 What we're seeing, though, with organics'
12 service is that it costs about three times the cost
13 of trash service. So essentially the discount is
14 artificial, so that opens up a whole can of worms
15 with Proposal 218 issues, and recent case law has
16 really emphasized that.

17 Has the state looked at this issue with
18 respect to rates?

19 MR. LEVENSON: When in doubt, turn to your
20 attorney.

21 MR. SMITHLINE: It's one of the issues
22 we're aware of that's part of the mix of as we
23 start talking about what the requirements are, but
24 nothing specific yet. This is still a fairly early
25 stage of what we're looking at. But there's no

1 question that that will factor into what's
2 appropriate to require or not require in the
3 regulations.

4 MR. LEVENSON: Did you want to say
5 something?

6 MS. MORGAN: Yeah. We also did some work
7 with the Institute for Local Government, and did
8 some work with respect to Prop 218 and some of the
9 jurisdictions that have dealt with that. So I do
10 see as we move forward with some of the challenges
11 with rate setting, as we collect, and we'll see
12 later with reporting, collect more information with
13 respect to what's happening with rates, we probably
14 will have to continue to do more work on that.

15 But I think a lot of what we have focused
16 on and will continue to focus on is sharing what's
17 worked in jurisdictions to deal with some of the
18 Prop 218 rate-setting issues.

19 So I don't -- we're happy to do a follow-
20 up with you and make sure you've got some of that
21 info.

22 MR. BLYTHE: Thank you.

23 MR. LEVENSON: We have a new hand, Sam.
24 Sam, a new hand back there. Thanks.

25 MR. ARONIN: Hi. I'm Ruben Aronin with

1 the Better World Group. We're an environmental
2 consulting firm for foundations and nonprofits that
3 are looking at this space.

4 My question is on the communications
5 marketing thinking, you know, we're a big
6 marketplace in California. What kind of budgets and
7 messaging campaigns are you thinking about? And
8 what's the role of the private sector, of
9 philanthropy in that space? And then as a
10 corollary, one of my nonprofit clients, Global
11 Green, is working on multifamily pilot projects on
12 composting. And it's been all about getting a
13 champion low-income resident to buying in and
14 spread the word, if you will, to proselytize. And
15 the apartments where this goes south, those are not
16 the pilots that you want to showcase. So I worry
17 about having really good model programs in
18 municipalities throughout the state early to be
19 able to share success before you have the negative
20 snowball effect of poor implementation and consumer
21 backlash.

22 MS. MORGAN: Yeah, Ruben, thank you so
23 much. I think that is absolutely key. And I think
24 as the jurisdictions are rolling in to
25 implementation AB 1826, that is certainly the kind

1 of information that we'll need for peer matching.
2 You know, I look at Karen Coca and some of the
3 things that City of L.A. is doing and some of the
4 other jurisdictions, Colleen, some of the things
5 that Colleen has done, San Francisco, Alameda.
6 We're really focused on trying to share those
7 models, especially the lessons learned, the hard
8 lessons. Because I think that's where a lot of
9 cost comes into play for jurisdictions, so we're
10 trying to get that information out.

11 So if you have feedback for us on how we
12 can do a better job of that in disseminating that
13 information, sharing lessons learned, we'd love to
14 hear that.

15 MR. LEVENSON: And I would just add onto
16 that and look to you in a sec, your feedback on
17 what's the state's role in that, obviously, getting
18 some information out, we don't have to answer your
19 question about budget. You know, we do not have
20 millions and millions of dollars to run broad,
21 statewide campaigns. So to what extent do you we
22 use social media? To what extent do we use case
23 studies and peer matching? To what extent do we
24 use -- disseminate that information through other
25 venues? I think we need that kind of feedback in

1 terms of what's most effective and what's needed,
2 so appreciate that.

3 MS. MORGAN: And one more thing on that.
4 If you have ideas, you mentioned the -- I can't
5 even say it -- philanthropic organizations, it's an
6 area we really haven't explored and would love
7 input on ideas related to that, because we do need
8 to leverage.

9 MR. LEVENSON: Okay. Do we have a hand
10 back there? Yeah.

11 MR. REYES: Greg Reyes, Riverside County
12 LEA.

13 So most of the focus on this has been
14 commercial, 1826, 1383. We're talking a lot about
15 commercial recycling programs and push.

16 Do you have a sense of when a residential
17 organics program might become mandatory to achieve
18 these goals? Essentially, you've discussed here.
19 In some of your slides, you're talking about
20 residential programs. But that's never been the
21 focus, at least not in the mandatory programs, up
22 to this point.

23 MR. BRADY: So with 1826 the statute very
24 clearly specifies it's commercial organics; 1383
25 doesn't have that level of specificity. We are

1 still at the exploratory phase in terms of concepts
2 of what might become requirements.

3 I think as it relates to residential
4 collection, you know, Evan was outlining the lift
5 and how much material has to be moved out of the
6 waste stream and how many tons of organics need to
7 be collected and recycled. It's hard to imagine
8 how that would be done without some residential
9 programs in place.

10 That said, the regulations don't come into
11 effect until 2022, so there's not -- even if we
12 were exploring that specific requirement, the state
13 would not be able to require that until 2022.

14 MS. MORGAN: And then if I might add, what
15 we are seeing, because of 1826, is many
16 jurisdictions are starting to move into adding
17 residential collection of food waste with organics,
18 you know, with green waste. So it's definitely a
19 trend that we're seeing. And many jurisdictions
20 are doing that because it does help to spread out
21 the costs. We were talking about the rates
22 earlier. That is one reason that jurisdictions are
23 starting to do that.

24 MR. REYES: And in Riverside County,
25 that's been part of the debate and with organic

1 rate presentations. Some haulers, such as CR&R,
2 have offered a residential rate. But there is some
3 political pushback because there's no mandate for
4 the residential. So we're trying to figure out how
5 to bridge that gap. Some jurisdictions, some
6 cities have taken it on wholeheartedly, but some
7 don't. So you kind of have -- you lose traction on
8 the whole rate when some portion of it they don't
9 find as mandatory.

10 MS. VIVANTI: Hi. Konya Vivanti, City of
11 Lakewood.

12 I'm starting to notice some fee and
13 regulatory fatigue from our business in my city
14 with all these competing regulations. And, you
15 know, we're requiring them to redo their trash
16 enclosures for stormwater and make sure there's
17 enough space for organics. And, you know, we're
18 requiring grease control devices for our food
19 services, as well, for other regulations. And so
20 it's just we're starting to see a little pushback
21 from businesses, that all this is really starting
22 to cost them a lot of money, and they're starting
23 to complain a little more.

24 And for me, it's particularly concerning
25 because we have a municipal election coming up.

1 And, you know, there's -- you know, it's a problem.

2 And I don't know if any other cities, I'm sure
3 they are, are facing the similar situation. But
4 with all these competing regulations, and I'm not
5 saying I'm anti-regulation, I mean, this is my job
6 but, you know, it's harder to look a business owner
7 or a contractor across, you know, the counter when
8 I'm reviewing their plans and telling them all
9 these different things that they have to do for
10 stormwater, fat oils and grease, for solid waste.
11 You know, they're getting fatigued by it and
12 starting to complain a little bit more.

13 So the other thing was, you know, putting
14 organic waste out in public places, is CalRecycle
15 considering any kind of grants for cities to
16 purchase some type of, you know, container that
17 will contain it and keep it, you know, without
18 getting contaminated and all that stuff? So --

19 MR. LEVENSON: Well, I'll tackle that last
20 one, if you're done, Konya. I didn't want to cut
21 you off.

22 MS. VIVANTI: Okay.

23 MR. LEVENSON: I'll tackle that one. And
24 then I'll punt to Hank to start on the other, more
25 difficult question about rates and so on.

1 We don't have funding for grants for
2 collection systems, MRF (phonetic) enhancements,
3 things, like that. That's part of that broader
4 discussion that Scott was talking about, you know,
5 what kinds of funding is needed from the state to
6 help jurisdictions and the private sector to
7 implement that, where might that come from? So we
8 engaged in that discussion and those kinds of ideas
9 have been on the table as to, if we had funding,
10 should we be able to do grant programs, but we
11 don't have it right now.

12 You want to take a stab at --

13 MR. BRADY: You want to talk about the
14 grants, and then I'll talk about rate?

15 And so Howard was talking about the good,
16 the happy side of things. But on 1383, I think
17 it's beyond -- it's larger than just the regulatory
18 process. And it's trying to identify areas where
19 there might be funding opportunities that the state
20 can help provide on the ratepayer side and
21 regulations. I think we're very sensitive to that.

22 However, we do have a legislative requirement and
23 a mandate to implement the law. And where that may
24 come down is that looking at different types of
25 mandatory programs and services that would need to

1 be provided, and services do cost money. So we
2 want to be -- I don't want to sound insensitive to
3 that, but we want to work with you to understand
4 how this can best be designed to minimize those
5 impacts.

6 MR. LEVENSON: And I'll just tag onto that
7 --

8 MR. BRADY: Yes, sir.

9 MR. LEVENSON: -- that with both AB 341
10 and AB 1826, although there are enforcement
11 provisions and we are taking them seriously, for
12 those of you who have read Scott's letter that came
13 out a month ago, within the 939 context, we're
14 doing what we can to make sure that there's
15 compliance and we are not -- where things are out
16 of compliance, where there's enforcement. But the
17 enforcement tools in those statutes are -- you
18 know, they are not super strong.

19 And so one of the issues for us to
20 consider here in the SB 1383 is what kinds of
21 enforcement concepts and provisions do we need to
22 enact? Georgianne is going to talk about
23 enforcement later on, what should be mandatory,
24 what should have flexibility, how do rate
25 structures and those kinds of things fit into that.

1 So that's a really key discussion. And we've
2 heard a lot from folks around the state on both
3 side, both perspectives. We need more enforceable
4 provisions. We need more versus we shouldn't have
5 these kinds of mandates. So were going to have to
6 continue talking about that.

7 Yes, sir?

8 MR. CHONG: Good morning. My name is Suk
9 Chong. I'm with L.A. County Public Works. I
10 oversee the commercial waste collection through our
11 non-exclusive franchise system.

12 So I wondered if you could speak a little
13 more about what do you mean or what do you have in
14 mind for making the organics collection services to
15 be provided mandatory?

16 So we started a pilot organics or food
17 waste collection back in August. And this pilot is
18 to last for a year. We have three waste haulers
19 signed on, but we have very limited, very limited
20 businesses participating. This is a pilot where
21 it's no net increase in cost to the businesses, to
22 the customers, and yet we have very few people
23 signed on.

24 So depending on what you have in mind or
25 how you plan to make it mandatory, it could go --

1 it could be favorable or unfavorable, so I would
2 like to know what you have in mind.

3 Thank you.

4 MS. MORGAN: Well, I think the concept
5 that we presented earlier, it's similar to trash
6 service. When I as a business, you know, start up
7 a business and I turn on my utilities, I receive
8 trash service. So the concept is when you receive
9 trash service, if you're a generator of organics,
10 you would also automatically receive your organics
11 collection service. And then you would be allowed
12 to opt out if you could demonstrate that you were
13 recycling in it some other way, that you didn't
14 need that collection service.

15 What we're seeing in some communities that
16 have already deployed this method, it can reduce
17 the amount of monitoring that's needed. It puts it
18 on the generator then to say, hey, I don't need
19 this service and this is the reason why. What
20 we're seeing is a lot of haulers are expending a
21 lot of effort to try and sell, even though it may
22 not cost anything for someone to subscribe. So in
23 a way it takes the kind of generator having to
24 subscribe and call up and say, hey, I need this
25 service. It takes it out of their hands in that

1 respect.

2 And so that's -- does that help answer
3 your question? So it's making it more
4 automatically provided with an opt-out provision.

5 MR. CHONG: So right now we have the
6 ability to make it a requirement for the haulers to
7 offer the service, but it's not a requirement where
8 we require the haulers to provide the service, and
9 that's where I'm coming from.

10 When you say you make it mandatory, do you
11 -- so how do we see ourselves -- how do we see
12 collectively making that mandatory? So obviously,
13 different people or different jurisdictions have
14 different capabilities and abilities based on the
15 system they have, so that's what I'm looking -- I'm
16 wanting to discuss.

17 MS. MORGAN: So I think you're hitting on
18 it. The jurisdiction would have their haulers
19 provide that service, so that the haulers are
20 providing that service automatically to the
21 customer.

22 And, you know, depending upon what the
23 situation is in your jurisdiction, whether you have
24 a franchise, whether it's a permit type of system,
25 it's an open system, those are things, as we talk

1 and refine these concepts, we have into
2 consideration how that would work with the
3 jurisdiction, how you would -- a jurisdiction would
4 have their hauler provide those services
5 automatically. Certainly, there's probably rate
6 setting -- there is rate setting involved likely,
7 if a hauler hasn't been doing that before. So
8 there's a lot to that.

9 Did that help answer it?

10 MR. CHONG: Yeah.

11 MR. LEVENSON: Well, we'll keep talking
12 about that one.

13 And we're going to open it up back to
14 second-timers, third-timers.

15 So go ahead, Karen.

16 And then I'll try to --

17 MS. COCA: Thank you.

18 MR. LEVENSON: -- to see if John and Paul
19 and Frank --

20 MS. COCA: So --

21 MR. LEVENSON: -- yeah.

22 MS. COCA: -- a number of things. I fully
23 agree with this gentleman in front of me about the
24 inability right now to go to a true three-bin
25 system here in the region because of our

1 infrastructure issues. Everybody's scrambling
2 around right now for what little organics
3 processing and management capacity exists in this
4 region. And it's come to light very strongly
5 because, well, we just negotiated these franchise
6 contracts, and they have requirements for diversion
7 of a million tons out of the landfill per year by
8 2025, so that's our time frame.

9 We're not going to be able, in the City of
10 Los Angeles, to move to a true three-bin system
11 until that capacity exists. I mean, we can't --
12 there is -- in no way am I going to require my
13 residents to source separate material or put it in
14 their green bin and have it go to landfill. I
15 mean, that's not going to happen.

16 So what we're looking at as far as our
17 window, just so you have an idea, is we have about
18 \$210 to \$220 million in investment in our franchise
19 contracts in infrastructure. Much of that is
20 processing infrastructure, contamination removal,
21 and then organics management. But even when we
22 look at the franchise contracts which would service
23 all of our commercial accounts, we're looking at
24 probably it's going to be 2021 or 2022 before we're
25 going to be able to reach all those generators and

1 provide them the full menu of organics programs.

2 What's most available right now is the
3 source-separated clean food waste. Those processes
4 and it going to wastewater treatment are moving a
5 lot faster than the ones that take the mixed
6 materials. It's not just permitting, it's what you
7 do with the material after you compost it and
8 marketing, that's giving people heartburn.

9 One of the things, because I won't be here
10 after lunch, is the edible food and the food
11 recovery. It's wonderful. We've done a lot of
12 work with our network in Los Angeles. They're very
13 active. We've gotten a lot of information. And so
14 in our franchise contracts we require that the
15 haulers offer to every single customer edible food
16 recovery as part of their waste assessments that
17 they're required to do. So they have to partner
18 with someone, and partner means money. There are
19 financial requirements, as well, for reuse and for
20 food recovery. And it has to be what they offer up
21 front.

22 Now it's not the normal course of business
23 for them but it is a requirement. Because I find
24 that with the food recovery networks a little money
25 goes a really long way. The networks have the

1 capacity to take and redistribute millions of more
2 tons of food. They just need a little bit of
3 money.

4 So I think that folding it in and making
5 it a requirement of an offering to the customer, we
6 could do that a lot faster than we can the mixed
7 organics green bin. Then we have to manage it
8 afterwards. And it's also a lot less expensive.
9 So that was something that I would suggest, rather
10 than trying to build something new outside of the
11 networks that already exist.

12 Also, phasing. As far as our program
13 goes, the way that we're looking it is we are going
14 after the food-rich, you know, commercial first
15 because the infrastructure exists for that. Then
16 we're moving down and adding materials as we go
17 lower and lower. Because once you get to
18 residential -- and my point is, is that single-
19 family residential, duplexes, very difficult to get
20 the material out of, very difficult to have
21 material that can be beneficially reused, even
22 after you've paid \$120 to \$150 to transport and
23 process it.

24 So if we could work in some sort of
25 phasing so that we can get at these materials, you

1 know, the easiest to get and the most beneficial
2 first, and working down, that would be a lot easier
3 than going forward with just a flat mandate,
4 everybody has to have organics. Because then
5 you're going to get everything under the sun.

6 So I just wanted to make those comments.
7 I'll also have more comments, some additional ideas
8 as far as what you can do, you know, moving
9 forward.

10 Thank you.

11 MS. MORGAN: And I think we also are
12 really interested in, if we are looking -- and
13 Scott mentioned it earlier, if we're looking at
14 phasing, we really need objective specifics so that
15 we -- and this gets to Paul's comment earlier, what
16 that looks like. So we really need your input on
17 what that might be.

18 MR. LEVENSON: Yeah. No. Thank you for
19 the comment. That's very helpful. And I think
20 that's something we have heard and are looking at
21 in terms of, you know, as we develop this
22 regulation is where can we get the most bang for
23 our buck. And not just at the statewide level, but
24 also to the comment on local costs and impact on
25 ratepayers, how can we best minimize that and how

1 can we -- you know, there's a lot of organic
2 material that needs to be moved out. So there's
3 certainly potential opportunity for strategizing
4 where you place the most focus, so that's certainly
5 something we're thinking about.

6 Who's got the mic? Okay. We've got Paul,
7 John, and I saw Frank, Monica.

8 MR. RELIS: Okay. Paul Relis, CR&R.
9 Three comments that are more reconnaissance in
10 nature.

11 One is markets for paper. We want to
12 collect a lot more paper still, so any feedback.
13 It doesn't need to be dealt with here and now but
14 just, I want to put on record, how are the
15 market -- what's the market situation, the ability
16 to absorb more material? We've had no industrial
17 paper growth domestically for a long time. And we
18 rely almost, in a major way, on exports. Just
19 table that.

20 Second, we're going to build a multi-
21 billion-dollar organics infrastructure, composting,
22 AD, all the like.

23 You'll recall, Howard, some years ago we
24 had a real scare with a product called clopyralid
25 that almost killed the compost industry and

1 required emergency action.

2 I would think it would be wise to begin a
3 disclosure process that California is developing
4 the next phase of organics and to alert the product
5 manufacturers, particularly the chemical side, that
6 we have an industry to protect from unknown
7 products that could be a detriment to the
8 investment and to the safety of the products that
9 we produce from the organics. So I know that seems
10 abstract, but it was nearly fatal a number of years
11 ago. And we typically don't know what is being
12 manufactured until after the impacts. So we can't
13 afford, you know, a buyer's report that their
14 seedlings won't germinate, something like that.

15 The third factor relates to plastics. As
16 you know, plastics are the anathema to composting
17 AD, all of the organics management for, what, 20
18 years now. We've heard about bioplastics and
19 whether they're compatible or not.

20 Will you be offering any information, any
21 advice, any insights on field plastics of a bio-
22 based nature? Because so far that hasn't worked,
23 as far as I know, that the products being
24 introduced don't typically perform at the levels
25 that have been marketed.

1 That's it.

2 MR. BRADY: Those are all very good
3 comments. I can actually -- I want to jump on the
4 plastic one that you mentioned, but also would like
5 to hear more on what you're talking about with
6 paper, as well.

7 But the short answer is that's certainly
8 something we're looking at. I think part of what
9 Cara and Howard alluded to is other -- how do we
10 address other organic material streams in this but,
11 also, how do ensure that there's contamination -- a
12 reduction of contamination, and plastics are
13 certainly a source of contamination in the organics
14 collection and processing stream. So we're looking
15 for ideas on how to address that. But I think
16 you're also talking sort of to product
17 specification in terms of where it's labeled
18 biodegradable or compostable. That's also
19 something we're looking for information on moving
20 forward in this, and concepts on how to address
21 that.

22 And then the other -- and I don't think
23 this is really getting at what your comment was,
24 but just to note, there are other materials, such
25 as polyethylene-coated paper that do have organic

1 material in that, that we think looking at -- you
2 know, they count in the total amount of what's
3 organics, and so how do we account for that and how
4 do we potentially develop programs for that, as
5 well?

6 MR. LEVENSON: I'd like to tag on to what
7 Hank said on a couple of those points.

8 On the biodegradable plastics, you know,
9 as Hank said, we're soliciting your input on what
10 kinds of materials should we be trying to address
11 within these regulations? We would need to -- if
12 we were going to look at biodegradable plastics, do
13 we use the ASTM Standards, which really do not jive
14 with composting practices? And we're active on
15 that committee, but that's a nationwide voluntary
16 consensus approach. How would we incorporate those
17 into a regulatory package, or should we, or is
18 there some other approach to that?

19 I also wanted to speak to your mention of
20 clopyralid, Paul. That was a big scare for the
21 industry. We've had other scares, too, with
22 bifenthrin and other products. And we actually
23 have engaged quite a bit with the Department of
24 Pesticide Regulations on trying to work through
25 USEPA on how you get additional labeling

1 requirements and disclosure requirements. So I
2 think this is something the industry itself needs
3 to really pick up on, because we can only influence
4 that pathway back to USEPA so much. And the
5 industry really needs to articulate where the
6 issues are and what possible changes might be
7 needed. And we can, you know, try to help
8 facilitate that discussion, as well.

9 So we'll need a mic. You're not allowed
10 to sit down, Jeff.

11 MR. RELIS: We've learned that disclosure
12 can be a powerful tool in itself. You're probably
13 not going to get too much rigorous help from the
14 EPA, so --

15 MR. LEVENSON: And we don't have the
16 authority to require --

17 MR. RELIS: Right.

18 MR. LEVENSON: -- that either, so --

19 MR. RELIS: But just getting the
20 information out, that it's disclosed that
21 California has a stake in this organics industry
22 and we're basically putting manufacturers on
23 notice. Now where that goes, it does create a
24 potential legal matrix there. And so I would just
25 urge you to do what you can to protect all of us

1 who are making investments, and the consumer who is
2 relying on the representations of our products.

3 MR. LEVENSON: Thanks, Paul.

4 John?

5 MR. DAVIS: I want to go back to one of
6 the items that earlier had laid out the
7 42652.5(a)(4) which says there may be different
8 levels of requirements for local jurisdictions.
9 And I didn't hear Cara or Howard, I didn't hear you
10 refer to that. In fact, you talk about having all
11 generators have access, et cetera. And, you know,
12 some of the communities in our authority have
13 really tough issues to deal with.

14 You know, small amounts of material on a
15 community scale, you know, trying to fit that into
16 a system, compost facilities that may be hours
17 away, you're not going to drive a collection
18 vehicle to them. So, you know, keep that in mind
19 as you lay this out, that one size doesn't fit all
20 and the impacts are great. You know, what Karen
21 does in Los Angeles on January 1 has a bigger
22 impact than what Needles might do through December
23 31st. It just is -- and you're talking about a
24 statewide goal, a statewide set of programs. And
25 I'm going to come back to this repeatedly, but I

1 want to lay that out.

2 And a couple of things that I'm glad you
3 mentioned, biweekly hauling option. It may even be
4 as needed for refuse once you pull the putrescible
5 materials out, and we've got the recycling
6 obligations, as well, you know, what's left and why
7 does it have to go every week? I think that's
8 something that we really need to clear the air
9 about and do it soon so that we can make logical
10 decisions about what service levels might be
11 required.

12 And I wanted --- on contamination,
13 particularly if you're going to talk with some of
14 the people who might fund efforts, you know,
15 strategies like community-based social marketing,
16 find out what are the obstacles and what strategies
17 might work to overcome those obstacles to change
18 behavior. I've promoted that time and again for
19 recycling contamination issues. Apparently there
20 are people in California who don't know that you
21 can recycle an aluminum can because we're less than
22 100 percent recycling rate. So what are the
23 obstacles and how do we address them? We all --
24 everybody has ideas, but give us some hope that we
25 can someday try to figure out what those obstacles

1 really are.

2 And we'll talk about glass, because glass
3 in composts, all the compost operators tell us,
4 yeah, we can blow the plastic out. It would be
5 nice if it's not here, but we can get rid of it
6 from the final product. Glass, you can't. And of
7 the, you know, go to the beverage container program
8 discussions that are going on, liquor and wine are
9 just an increasingly higher percentage of glass
10 that we see in our MRFs, we see in our containers,
11 and you're going to see in compost facilities.

12 You know, it's a cross-strategy that's not
13 addressed here, but that is the contaminant of
14 choice in compost. And we continue, you know, of
15 whatever political reasons exists, we continue not
16 to be able to address it.

17 One last thought is that as far as
18 infrastructure capacity and development, OPR, I
19 think, needs to be engaged around issues like CEQA,
20 local planning obligations, local climate action
21 plans, you know, they should all be addressed.
22 There was work that we did earlier with addressing
23 organics facility siting and under CEQA that you
24 funded, and I think it's time to really get that in
25 there.

1 There are beneficial impacts. CEQA
2 doesn't always have to look at negative impacts.
3 Impacts can be beneficial, and we should be calling
4 out the beneficial impacts of what you're proposing
5 and how that fits, not only the statewide goals,
6 but how it can fit local goals, and let people take
7 credit for siting compost facilities, or take
8 credit for implementing the kinds of collection
9 programs that you're talking about.

10 This whole collection discussion is going
11 to be lengthy, so I'm not going to go any longer
12 with it.

13 MS. MORGAN: John, thank you so much. I'd
14 like to hit on to points, and very important with
15 respect to our collaboration with OPR. The team
16 has just been recently meeting with OPR to work on
17 modifications to the General Plan guidelines, to
18 get some of the great ideas that you've shared with
19 us, and so we really encourage it.

20 I don't know, Hank, I don't know if you
21 want to talk to that, but we're very excited about
22 this, as well as their offer to help us to meet
23 with planners that they are regularly interacting
24 with. And then I'll come back to that.

25 Do you guys have anything?

1 MR. JOHNSON: Well, I wanted -- I did just
2 want to mention, somewhat unrelated to that, but
3 your point about valuing the co-benefits or the
4 benefits, this is a really important one. And you
5 probably know that that's something that CalRecycle
6 has long worked on and has been -- continues to be
7 in conversation with, you know, our various
8 regulatory entities across the state.

9 Because I think that, you know,
10 understanding the value of doing, you know, doing
11 what we're doing here, not just from a methane
12 perspective but from, you know, the water
13 conservation benefits of composting and from, you
14 know, the additional air benefits, I think that all
15 those things are critically important. And we need
16 to be able to find a way to capture them, you know,
17 officially or unofficially.

18 So thanks.

19 MS. MORGAN: Then I did want to hit back,
20 if I didn't make it clear enough, we really, when
21 we talk about the need for potentially phased
22 timing, we really are going to need your input on
23 specific objectives that we could have as a part of
24 this regulatory concept. We really do understand
25 that, you know, one size doesn't fit all with

1 jurisdictions. And there certainly are
2 infrastructure issues and rate structures, et
3 cetera. So as we move forward, you know, your
4 ideas in that regard are going to be really
5 important.

6 MR. LEVENSON: Okay. We had a couple
7 hands over here, and then we'll come back. I've
8 got a couple of emails, too, that I'll get to.

9 Frank and Monica, either order.

10 MR. CAPONI: I'll be quick. Frank Caponi,
11 L.A. County Sanitation Districts

12 I know CalRecycle, as well as CARB,
13 recognize the importance of POTWs in being able to
14 manage organics food waste in the short term,
15 especially as some of these larger infrastructure
16 projects come onboard.

17 You know, it occurs to me, as I'm hearing
18 the conversation here, what is lacking is we're
19 kind of all doing our own thing. I think time
20 would be well spent for CalRecycle to work on
21 collaboration efforts between all the POTWs. I
22 think if you look probably in this room, you
23 probably have most of the capacity in Southern
24 California, yet we're not all talking to each
25 other, and I think there's a lot of value in doing

1 that.

2 You know, the POTW part of it is a
3 regional solution. We're talking a lot of local
4 solutions here, and there needs to be a bridge of
5 that gap between the two to make the POTW solution
6 to be more efficient in going forward.

7 So I would strongly recommend that we find
8 some way to collaborate and pull people together to
9 be able to discuss how to better move forward.
10 You've talked about money. You've talked about
11 some of the challenges. You know, those are very
12 real and things that we continue to need to talk
13 about. Talking among each other, I think is going
14 to be equally important.

15 MR. LEVENSON: Thank you.

16 MS. MORGAN: Frank, thank you for that
17 comment. One thing we have been working very
18 closely with Greg Kester and CASA. And I think
19 you're right about the collaboration and sharing
20 communication. I think one of the things that the
21 association did for us was identify what capacity
22 is available. And we have begun that process of
23 getting that information out to local
24 jurisdictions.

25 So I think if there are other ideas that

1 you have, specifics that we could do even more with
2 respect to that, we want to hear that.

3 Thank you.

4 MS. WHITE: Monica White, Edgar and
5 Associates. I'll try and make this quick. I have
6 a lot of comments.

7 MR. LEVENSON: No, you're good.

8 MS. WHITE: I'm glad, Howard, you
9 mentioned the AB 1826 enforcement letter that had
10 come out. I think that is an important tool. And
11 certainly from our perspective, we're actually
12 getting a lot more people kind of knocking on our
13 doors, saying how are we going to do this, now that
14 they know CalRecycle is very serious about it.

15 I was very encouraged to hear from the
16 City of L.A. And I think it's a concept that
17 really should be understood between a franchise
18 requirement that links to food recovery
19 organizations and not asking a waste hauler to
20 reinvent the wheel, but certainly encouraging that
21 partnership where fees from the franchise
22 collection from commercial agencies can be used to
23 increase infrastructure for the food recovery.

24 In addition, where my mind goes is from
25 your reporting, which we're going to talk about

1 later, collectors and outreach programs together.
2 They can look at a generator-based model where they
3 know how much material is being collected or
4 recovered for edible food. And in addition, you
5 have a note about planning for edible food recovery
6 and capacity. Certainly that seems like a very
7 streamlined way to understand what existing
8 capacity is and where infrastructure funds need to
9 go.

10 In addition, with compost market study, I
11 know this was brought up on Tuesday, I believe
12 CalRecycle has, in the future, a compost market
13 study coming out. And I would encourage that to
14 happen as soon as possible. My counterpart, Evan
15 Edgar [sic], I know has touched on a variety of
16 regulations that is required compost purchasing or
17 mulch purchasing through state agencies.

18 I'm very curious if through an annual
19 reporting mechanism you could ask cities to
20 evaluate their potential compost use and their
21 actual compost use, and maybe from a citywide
22 perspective, I know Kreigh touched on it with
23 Burbank, do we have those metrics available for
24 residences if we want to encourage local use
25 planning? Can we evaluate compost use capacity, in

1 addition to organic processing capacity?

2 And certainly, it sounds like there is
3 another need for another landfill tipping fee bill.

4 Hopefully with this regulation we can encourage
5 that successful passage.

6 MR. BRADY: Yes, ma'am. Thank you. Those
7 are very good comments. And it's certainly
8 something we'll look at, especially related to the
9 compost evaluating and identifying potential
10 capacity, so thank you.

11 MR. LEVENSON: Cara, do you have anything
12 on that or -- okay.

13 I just wanted to mention one thing, I
14 think Monica brought it up. A separate part of SB
15 1383 requires that CalRecycle, in consultation with
16 ARB, prepare a report due in 2020 on progress to
17 date, barriers, a lot of market infrastructure,
18 rate structures, a lot of different things. We are
19 planning to initiate that very soon. We will have
20 scopes of work for some contracts to assist that
21 effort, hopefully on our March agenda. So we'll
22 get in -- it will take a little while to get
23 contracts in place, but we need to have that
24 information way before 2020 for a variety of
25 reasons. So I just want to mention that for those

1 who are interested.

2 MS. MORGAN: Oh, I did have one thing to
3 add.

4 So the things that L.A. City is doing with
5 getting their haulers to support food recovery, we
6 just learned of another example in Orange County.
7 So what we will be doing is getting those examples
8 of franchise agreement language up on the 1826
9 website so we can do more peer matching, because
10 there are some really great things that haulers are
11 doing out there to support food recovery efforts,
12 including funding, as well as educating generators
13 about it, so thank you.

14 MR. LEVENSON: Okay. Let me just take a
15 quick time out to let you know where we are. It's
16 about 20 to 12:00. We can go to -- we'll go to
17 12:00 and then take a lunch break. I've got a
18 couple of emails to read, and I know I've got a
19 couple of hands. So just so you kind of know where
20 we are. I don't want energy to slack. I want you
21 all to amp up over lunch and come back ready to go.

22 So we have one mic over there, and then
23 we'll come back to the middle, and then I'll go
24 emails and then we'll -- I'll come back to you,
25 Kreigh.

1 MR. ZIEGENBEIN: Jeff Ziegenbein,
2 Association of Compost Producers. And we've heard
3 some good comments today about market demand and
4 procurement issues related to organics. And I just
5 want to stress the importance of that. When I was
6 looking at the bullets of priorities I noticed that
7 the marketing and procurement was kind of far down
8 the list. But I think the overall concern about
9 building supply long before building demand is a
10 very big issue. And of the four regions at
11 CalRecycle, the south region is currently doing
12 half the recycling of organics in the state, and
13 that region is largely an over-supply side.

14 And so when we're starting to talk about
15 doubling what we're going to pull out of landfills
16 or tripling that, we absolutely have to make sure
17 that that's a priority. I don't think we're going
18 to see tremendous enthusiasm to expand facilities
19 or build new facilities unless we address that
20 issue. So I just want to make sure that we're
21 mindful.

22 Thank you.

23 MR. LEVENSON: Thanks, Jeff.

24 Let's go -- oh, you have the mic.

25 MR. JOHNSON: Hey, Howard, sorry.

1 MR. LEVENSON: Sorry, Evan.

2 MR. JOHNSON: Can I just say that I think
3 that point is well taken. And with all of these
4 comments, but that in particular, if there are
5 specific places that you think we need support
6 there, you know, specific programs or measures that
7 could be put in place to make that happen, I think
8 that would be very welcome, because you guys are
9 the experts, so appreciate that.

10 MR. LEVENSON: Go ahead.

11 MR. SCHERSON: My name is Yaniv Scherson.
12 I with NRGGO. Just a brief thought, a couple of
13 comments about scale and low-hanging fruit.

14 It seems that it could make a lot of sense
15 for generators that have large volume to benefit
16 from economies of scales, particularly those that
17 start with wet wastestreams to begin with, that
18 that could get a pretty large step forward towards
19 the 50 percent and 75 percent targets honing in on
20 a few large regions.

21 And it kind of begs the question: If a
22 credit system would make sense so that haulers that
23 have large volumes and can get access to large
24 quantities of organic-rich wastestreams could make
25 an investment, say in a MRF, for mixed-waste

1 processing to meet their needs but with just an
2 incremental increase in capital, it could
3 substantially increase the diversion beyond what
4 their requirements are and incentivize that
5 additional investment through a credit, so small
6 jurisdictions that can't justify infrastructure to
7 divert small quantities could simply buy into the
8 credit system and through that incentivize as a new
9 revenue stream regions that it's not that much more
10 expensive?

11 So basically, that would minimize the
12 dollar per ton on diversion. And then that could
13 be layered with, also, a greenhouse gas mitigation,
14 as well. So depending on where those organics go
15 that credit has higher or lower value, so it would
16 help a lot quicker. Just a thought.

17 MR. LEVENSON: Thanks. That's -- some of
18 the concepts that folks are -- ideas that folks are
19 offering like that one, we would have to look to
20 even see if we have any statutory authority to do
21 that, but I appreciate the idea, so we'll look.

22 Let me do a couple of emails, and then we
23 have a microphone back down below to Kreigh, so
24 hang on a sec. I'm not going to read these in
25 their entirety, but I'll paraphrase this.

1 This is from Eric Martig of L.A. Compost.
2 He wants to emphasize the role of small-scale
3 decentralized compost hubs as a means of educating
4 the public about source separation and the benefits
5 and impacts of composting.

6 “In your planning efforts and funding
7 opportunities, please be inclusive of local
8 organizations that focus on education and
9 small-scale composting. They can help grow the
10 recycling culture and fill some important
11 communication needs.”

12 So I appreciate that.

13 And then a longer email and attached
14 letter from Robert Northoff, Director of LAANE, Los
15 Angeles Alliance for a New Economy.

16 “Regulations or efforts around organics
17 collection should require source-separated
18 organics to result in” -- I’m paraphrasing --
19 “and so that things are not contaminated.
20 Source separated collection also supports
21 education efforts to move towards zero waste.
22 And other forms of collection, such as wet-dry
23 or one-bin-for-all collections confuse
24 consumers and obscure how their consumption
25 choices matter regarding waste.”

1 And then the third point in this email is
2 to, "Build into the implementation specifics that
3 incineration not count towards reduction in
4 disposal," and it talks a little more about the
5 hierarchy.

6 So appreciate that from LAANE or LAANE.
7 I'm not sure how you pronounce it with the double
8 A.

9 Did we get the mic to Kreigh? Okay.

10 MR. HAMPEL: Thank you. Kreigh Hampel,
11 Burbank again. I just wanted to add to Monica's
12 comments about evaluating capacity for organics to
13 be absorbed into soils and looking at how much
14 jurisdictions are using compared to what they could
15 be using.

16 And I've been kind of going through this
17 exercise in sort of reversing the question: What
18 if we were distributing material rather than
19 collecting it? And how would that look when we
20 start analyzing the capacity for landscapes to
21 absorb organics. And it changes the entire
22 approach to this.

23 So we have about 60-acre feet of
24 collections in the city every year. That's about
25 20,000 tons. And so if you spread that over 60

1 acres, a foot thick, that's about what you have.
2 We probably have something like 1,200 acres of
3 single-family landscapes. And so when you look at
4 the distribution, it works out to each yard only
5 has about a bedroom size of, what would you say --
6 that's all it would take. In other words, if we
7 were distributing this material from landscapes
8 back to landscapes as a raw material, not composted
9 because you'd lose a lot of the bulk of it, but
10 it's a very small ask.

11 And I think that, you know, what we're
12 missing here today is the landscape industry and
13 how they can play into this. Because I just keep
14 going back to this, we're over-engineering a lot of
15 these system where if you look at a forest floor in
16 biology, these things can really work within
17 neighborhoods. And so I just want to emphasize
18 that again.

19 The other thing that I just want to bring
20 up is kitchens that are generating a lot of food
21 waste also have a lot of heat, and they have a lot
22 of heat wasted through their vents. And if you
23 could use that heat to dry food, there's a lot of
24 ways that, you know, we could reduce the moisture
25 going out in these bins and get dry materials into

1 those collections. Say if you can get it to
2 pasteurize, you've actually got something that can
3 be stable and it doesn't stink.

4 So you know, you really change the
5 equation by looking at how we can hybridize and
6 look at these systems in a little bit different
7 ways, so I just wanted to add those comments.

8 MR. LEVENSON: Okay. Thanks for a
9 different way of thinking, and we'll need to think
10 about that one, too, so appreciate that.

11 Other comments on this? Everybody ready
12 for lunch? I'll just give a minute, just to make
13 sure nobody wants to offer anything else.

14 I think one of the things you've heard all
15 of us say, so one is we appreciate all of the input
16 so far. We're obviously at the very high level,
17 nothing super detailed, and yet we're asking you
18 for, okay, what are some specifics. So as this
19 continues to roll out over the course of this year,
20 we will get more specific. But we certainly want,
21 you know, at any time, you know, your specific
22 ideas on what you think ought to be incorporated.
23 So this is going to be an iterative back and forth
24 process for quite a while. So I appreciate so far
25 what we've heard.

1 Okay, we'll break for lunch. It is --
2 we'll call it 10 to 12:00. Let's get back to 10 to
3 1:00. We'll try and move through the afternoon a
4 little faster -- well, not faster, but see if we
5 can get out a little earlier. And we'll start at
6 10 to 1:00. Thank you.

7 (Luncheon recess taken from 11:49 a.m. to 12:58
8 p.m.)

9 MR. LEVENSON: Good afternoon everyone, 10
10 to 1:00 having come and passed by a few minutes.
11 People are still wandering in, but we're going to
12 go ahead and get started.

13 So for the rest of the afternoon we have
14 four presentations and each one will have a
15 presentation, and then we'll have Q&A. And the
16 first one is going to be edible food recovery
17 issues, second will be reporting concepts, third
18 will be enforcement concepts, and the last will be
19 AB 939.

20 Two things I want to mention. First of
21 all, we really appreciate the comments that have
22 come in. The Sacramento workshop, we had many
23 fewer jurisdiction representatives. So I think
24 we're getting some really important feedback from
25 jurisdiction, as well as operators and others

1 today, that we didn't hear some of those nuances on
2 Tuesday, so this is great.

3 Also, keep your energy level up. My
4 obligation is to make sure that you have an
5 opportunity to speak and that we hear your
6 comments, so we're willing to go until five
7 o'clock. I grew up in the L.A. area. I know what
8 traffic is like. We don't necessarily need to stay
9 that long. But as long as folks want to talk,
10 we're here to listen.

11 So if you do need to go, we understand.
12 If we wrap some of the sessions a little ahead of
13 time, we've got roughly an hour slotted for each
14 one and we don't need that necessarily, but it's
15 available.

16 So with that, I'm going to go ahead and
17 turn it over to Kyle Pogue from CalRecycle, who is
18 going to talk about some of the food recovery
19 concepts. And then we'll get the -- Paul will get
20 that up.

21 MR. POGUE: Good afternoon everybody. Can
22 you hear me? Great. Great. A little more? Okay.
23 I am Kyle Pogue with CalRecycle and I'm here today
24 to talk to you about the edible food portion.
25 Howard said I could take the jacket off and roll

1 the sleeves up. I had the kung pao at lunch.
2 Maybe many of you did, so that got me out of the
3 jacket. I just wanted to give you a little bit
4 before I launch into this.

5 Maybe we can go back, Paul. Can you go
6 back or is it -- oh, that's for me to do. Okay.
7 Oh, no, going the wrong way. Oh, here we go.
8 There we go.

9 MR. LEVENSON: You got it?

10 MR. POGUE: Yeah. Thanks. Just a little
11 context on edible food recovery and what we're
12 talking here. And I heard some discussion. We
13 certainly saw a lot of that on Tuesday and some of
14 that this morning about the need for infrastructure
15 development and whether we're talking composting,
16 anaerobic digestion or other types of organics
17 management, I think the same parallel discussion
18 applies to food recovery.

19 There is -- I will acknowledge that there
20 is an extensive kind of network of food recovery
21 organization programs out there that really dive
22 into communities and provide those needed services.

23 But what I've heard consistently is there's a
24 great need to expand the reach of that
25 infrastructure that props that up if we're going to

1 get at additional recoverable food. So I just
2 wanted to put that out there.

3 At our Tuesday workshop, Dr. Baca came and
4 talked a little bit, the Governor's Office of
5 Planning and Research, kind of opened up and said,
6 you know, there are some really compelling reasons
7 why we need to get at food recovery. And some of
8 the stats she used, I wanted to share those with
9 you, that, you know, one in eight Californians is
10 food insecure. It's a big number. One in four
11 children may go to bed hungry within California.
12 And then more recently I've seen one that one in
13 three college students here in California
14 experiences food insecurity. And you could expand
15 that to all different areas to talk about that, you
16 know, when it comes to the elderly and others. So
17 there are really some compelling reasons why we
18 need to be getting at this recoverable for edible
19 food.

20 I also do want to acknowledge that we're
21 well aware of a lot of the good work going on out
22 there in local jurisdictions and what they're doing
23 and what folks like. And I know we have them in
24 the room here, San Diego Food System Alliance, L.A.
25 Food Policy Council, what Santa Clara has done up

1 there with Food Shift. I want to point out, we're
2 well aware of the ReFED Report, as well as what
3 NRDC has done in that space. So there's a lot of
4 good work that we've already looked at and we're
5 looking at, diving into, we need to further
6 understand, so I wanted to put that out there.

7 And I also wanted to acknowledge there are
8 a lot of donors out there already, a lot of
9 generators that are contributing food, are donating
10 and getting those out into the food recovery
11 network that already exists.

12 Let's see, anything I'm missing there?
13 Okay. Next slide.

14 So a little bit more context about this 20
15 percent statewide goal for 2025. We do know, and I
16 do want to point out, this is food for human
17 consumption. So this is not focused on food waste
18 prevention. It's also not focused on food that you
19 may be able to capture from a field setting that's
20 currently being tilled in. Keep in mind that it's
21 focused on food destined for land filling.

22 So in California, we generate about 5
23 million to 6 million tons of food annual that's
24 disposed, so a large number there. We do recognize
25 that certainly not all 5 million to 6 million tons

1 is recoverable. You know, there's a large fraction
2 of that. I mean, you could start stripping some
3 things out when you talk about shells and peels and
4 things that were never edible to begin with. But
5 then you start looking at post-consumer to some
6 degree, and I know we have to be careful about how
7 we define that, and again, really focusing on
8 trying to determine what the recoverable amount is,
9 and I'll talk a little bit more about that later.

10 Let's see, you know, I really think this,
11 and this kind of goes to my last bullet here, the
12 program development and measurement, you know, we
13 really need to explore what -- you know, how
14 program development and infrastructure tie together
15 and ultimately how we measure the performance of
16 the programs that we put in place.

17 Okay, so just like Evan, I'm going to put
18 this on the record and read this definition in.
19 And I do want to stress, if I haven't done that
20 already in this slide, that this is a draft.

21 "Food intended for human consumption. In order
22 for this edible food to be recovered it must
23 meet applicable public health and food safety
24 standards."

25 So a pretty basic definition, maybe

1 something to build on. I encourage you in this
2 discussion to identify components that may be
3 missing. Is there something we should change?

4 I do want to point out that food safety
5 and health, Health and Safety standards are an
6 important component of this. I think we all
7 recognize that. But does recoverable need to be in
8 this definition? Things like that to consider.

9 And I also will mention that, you know,
10 this may be -- this is one draft definition, but
11 there may the need to ultimately generate some
12 other definitions when it comes to waste
13 characterization and trying to understand and
14 define what we see as that edible portion. So
15 there may be some need to further refine that.

16 Okay, bottom line, I think generators need
17 access to the food recovery network, whatever that
18 network looks like. You know, likewise, you know,
19 these networks need the capacity and ability to
20 handle the inflow of additional edible material or
21 recoverable material. And I think we've heard that
22 from a number of folks.

23 The California Association of Food Banks
24 and their members have said, hey, you know, yeah,
25 we can handle certain things. And they do

1 acknowledge that different parts of the network can
2 handle different types of recoverable materials.
3 But, you know, they all need to be able to
4 actually, you know, collect, transport, distribute,
5 all those things that are needed to get that
6 material out there. So I keep mentioning the word
7 infrastructure to some degree on that.

8 Let's see, bullet number two, you know,
9 these are just a couple of concepts here. When we
10 talk about edible food pick-up services for
11 generators, you know, are generators experiencing,
12 or maybe food recovery organizations, are they
13 experiencing any impediments to being able to pick
14 up that food? I just kind of pose that as a
15 question. Or are there some opportunities to get
16 at some of these other recovery services in terms
17 of farmers markets, venues and events, things like
18 that?

19 So again, you know, generator
20 participation in food recovery is absolutely
21 essential. That's what we need, and there are a
22 lot of generators out there. You know, so for the
23 sake of argument let's just assume that the food
24 recovery network, you know, has the capacity to
25 handle all of this recovered food. You know, what

1 perhaps needs to happen to compel additional
2 generators to donate more food or provide more food
3 to that network?

4 I want to make sure I cover these well
5 enough.

6 Another example would be food donation
7 plans for edible food generators. Do they need to
8 generate plans? Would you have the same thing for
9 public facilities? Do there need to be formal
10 arrangements between those generators and the
11 recovery organizations and things like that? So a
12 few concepts up here, you can react to.

13 And then, like I mentioned at the start,
14 it's always important to be able to measure how
15 we're doing under this program and how do we get at
16 a number? Yeah, we have some -- well, we're pretty
17 good at waste characterization. We know how much
18 food is currently being disposed. But do we know
19 how much food is currently being rescued or
20 recovered?

21 I will note that, you know, Association of
22 Food Banks is pretty good at identifying and
23 quantifying how much food they're distributing.
24 They always have those types of numbers. But when
25 it comes in the context of additional food recovery

1 under 1383, are they capable of doing that? Or is
2 that something that needs to be a little bit more
3 on the generators? We can pose that as a question.

4 And speaking of questions, these are just
5 some general questions that can frame up the
6 discussion a little bit. But I really just want to
7 encourage you guys to share all your ideas and
8 concepts. I do think that when Howard mentions
9 looking at the regulatory construct and how that
10 fits in there, maybe your comments can kind of fit
11 that direction.

12 But that's it for me, and I'm really
13 excited to hear from you guys. And thanks for the
14 opportunity.

15 MR. LEVENSON: Okay. So we'll open it up
16 to comments, questions, input on the issue around
17 edible food recovery pursuant to SB 1383.

18 Anybody have -- okay, Monica.

19 MS. WHITE: Monica White.

20 MR. LEVENSON: Thank you for starting it
21 off.

22 MS. WHITE: Yeah, no worries. Monica
23 White, Edgar and Associates. So first, a question
24 about the 20 percent recovery goal.

25 In my circles there seems to be a little

1 bit of confusion about what that goal is actually
2 trying to achieve. Some people are thinking it's
3 20 percent of the total food disposed. I seem to
4 think it's 20 percent of whatever we consider
5 edible disposed. So I just wanted to understand
6 that in the context, you mentioned, that the Re-Fed
7 Report, it looks to me like Re-Fed is at least
8 targeting at about eight percent of the total food
9 waste disposal category to be recoverable. So is
10 it 8 percent of the total food waste disposed in a
11 landfill, and that SB -- sorry, I'm blanking -- the
12 goal is 20 percent of that 8 percent? Does that
13 make sense?

14 MR. LEVENSON: Yeah. And, Hank, if you
15 can take it?

16 MR. BRADY: Sorry, I don't think we've --
17 we haven't reached that level of specificity just
18 yet. I think one of the points Kyle was totally
19 into is there's kind of a sort of two tracks here.
20 One is we need to define edible food for the
21 purposes of programmatic requirements that could be
22 incorporated into the regulations. But we also
23 need to define edible food in the sense of if we
24 were going to determine a baseline, because the
25 legislation doesn't specifically provide a baseline

1 so that we could measure a 20 percent increase of
2 edible food recovery.

3 We've seen a couple models in other states
4 and counties where they've done -- they've measured
5 edible food that's being disposed, but they
6 measured it as -- I think Kyle mentioned, that it's
7 -- the edible food is your onion. The inedible
8 food is the onion peel. The edible food is the
9 egg. The inedible food is the egg shell. That's a
10 way of measuring it and maybe not the best way, but
11 it's one of the methods that we've seen.

12 We do have, in the budget right now for
13 1383, funding for a waste characterization study.
14 And so we're looking at incorporating that into the
15 next waste characterization study so we could have
16 at least a basis -- some basis of measurement. But
17 we really are looking for folks' feedback on how to
18 determine and how to measure edible food.

19 MS. WHITE: But from what I'm hearing, the
20 intention is certainly to look at say commercial
21 food waste disposal right now, divide it into
22 categories of edible and inedible, and then your 20
23 percent goal is of that subset, which is considered
24 edible?

25 MR. BRADY: I think we're potentially

1 looking at categories as to where we can sort of
2 strategize, whereas the food is -- the most edible
3 food can be targeted in sort of the food
4 distribution chain, but not necessarily saying 20
5 percent of the 8 percent, but we're still
6 developing that.

7 MS. WHITE: Got it. Okay. Because that's
8 something when, you know, we're actively working on
9 CalRecycle Organic Grants, for example, and we're
10 trying to set out own goals around projects and
11 food recovery partnerships, and trying to define
12 those goals with not a lot to go on is definitely a
13 challenge. So I know you guys are working on it.
14 It's great to hear that you're going to do a waste
15 characterization specifically on this issue. But
16 as I said, I'm getting a lot of different ideas of
17 what that goal is, and we certainly need clarity.

18 MR. LEVENSON: At least in my mind, and I
19 think this reiterates what Hank and Kyle were
20 saying, we have to come up with a definition of
21 what's edible food. What out of the food that is
22 going into landfills is edible? So that's kind of
23 our first hurdle. And then we can look at how does
24 the 20 percent recovery of that apply. And I don't
25 know if that's 8 percent or 20 percent or 20 of 20

1 or 20 of 40 or what have you.

2 But what Kyle -- the definition that Kyle
3 put up there, you know, we definitely need feedback
4 on. Is that sufficient? Are there other
5 parameters that need to be included in that
6 definition? It's just a starting point.

7 So just as we had the earlier discussion
8 this morning about what's the scope of organics and
9 do we deal with the highest methane producers first
10 or do we narrow the definition or do we keep it
11 broad, it's sort of the same issue here. We've got
12 to come up with that pretty soon, at least as a
13 work-in-progress definition, so that we can then
14 move on to some of these more detailed
15 implementation issues. So thanks for raising that.

16 MS. FOSTER: So I should go now?

17 MR. LEVENSON: Okay. Great.

18 MS. FOSTER: Colleen Foster, City of
19 Oceanside.

20 First of all, I'd like to start with a
21 huge thank you. Food recovery is one of those
22 issues that you weren't talking about at these
23 workshops two or three years ago. And it's an
24 issue that I think you responded to the industry
25 on, so it's really good to see CalRecycle move on

1 that.

2 I think this issue in particular should
3 have its own workshop. We should be really talking
4 about the definition, et cetera, so I'll try to
5 keep some of my comments to minimal, but I
6 definitely have a lot of ideas on it.

7 One of the big aspects, and I even notice
8 it in your slides here, and in talking about
9 definitions and how you address this issue in your
10 statutory and your FAQs, is we really need to stop
11 referencing it as food donation but food recovery
12 programs.

13 One of the biggest barriers to developing
14 food recovery services and really creating a
15 sustainable and viable service system that's funded
16 is working with feeding agencies that are used to
17 just food donation and being dependent on the
18 business donating it, and then the agency being
19 burdened with no funding sources but trying to find
20 volunteers and networks to capture that material.
21 When you go from 50 donors to 1,000 donors in one
22 community as a result of these laws, you're going
23 to need viable service routes and you're going to
24 need funding behind that. So I think the food
25 donation aspect is one of the biggest barriers.

1 Also, we need improvement in education so
2 they understand this opportunity. You know,
3 recently I had an experience with a very large
4 feeding agency. And their response was, "We don't
5 want to get into the food waste hauling business."

6 And so I think there's a lack of understanding of
7 the potential that we're talking about here.

8 The other aspects of it, I hope when you
9 talk about infrastructure, and I know there are
10 some grants coming up so hopefully we can hear a
11 little bit about that today, when you talk about
12 infrastructure, infrastructure for food recovery
13 needs to be creative. It does not only -- it needs
14 to include the trucks, the staffing to move the
15 material. It needs to include refrigeration
16 capacity, increasing the capacity of these
17 organizations to receive these materials. But it
18 also needs to include processing systems for this
19 food. So what do you do with a semi full of
20 bruised tomatoes? You need a kitchen to turn it
21 into spaghetti sauce. So I think we really need to
22 look at getting creative to the types of processing
23 systems that will need to be developed to enhance
24 food recovery for 20 percent.

25 Thank you.

1 MR. POGUE: Great. Thank you. Thank you
2 for those comments. And we were hearing some
3 similar things at Tuesday's workshop, as well. You
4 opened the door to talk a little bit about the
5 grant program. And Howard mentioned it earlier in
6 the day, we have an upcoming Food Waste Prevention
7 and Rescue Grant Program that will be out in April
8 or May time frame. And in there we have basically
9 \$5 million available for a whole host of eligible
10 applicants, so it's not just necessarily
11 nonprofits. There could be school districts.
12 There could be others that actually participate in
13 this. It could even be for-profits that help
14 facility food recovery to nonprofits for some type
15 of use, too.

16 And so I encourage you -- we've had a
17 couple of workshops on this over the past year, and
18 I think many of you have been engaged in that. I
19 encourage you to look at the criteria when that
20 comes out, ask questions about it, you know, either
21 prior to that or once we release it, kind of in a
22 formal way, so we can let everybody know about it.
23 But this is definitely the first of its kind for
24 this grant program, certainly for California, and I
25 haven't seen it anywhere else. So someone may call

1 me on that, but definitely keep an eye on that.

2 And then also, it came up a little bit
3 earlier. I just wanted to mention, we have a
4 Fiber, Plastic and Glass Grant Program, too. It's
5 kind of off topic of this, but it is going to have
6 a textile reuse component to it. So I encourage
7 you to look at from that perspective.

8 And the release on that, Howard, do you
9 have any --

10 MR. LEVENSON: March, I think.

11 MR. POGUE: March. Yeah. That's soon.
12 So that's for in-state manufacturing of products
13 using those materials, fiber, plastic and glass
14 that result in recycled content products. So also
15 keep an eye on that one.

16 And then currently we have an Organics
17 Grant Program that many of you know is out on the
18 street that also includes the ability partner in
19 food waste prevention or a Rescue Grant Program.

20 And the last real quick thought, I wanted
21 to acknowledge kind of that vernacular on what
22 we're using for recovery, for donation, for rescue.

23 I'm sorry if I still get a little bit loose with
24 those terms. And I think it just illustrates that
25 a need for, you know, solid waste industry, for

1 recovery organizations, for all kinds of different
2 groups to speak the same language. And I think
3 we're working hard to try and do that, and how
4 these can run in parallel and support one another,
5 so --

6 MR. LEVENSON: Kyle, I just want to add,
7 although this is a little still on the side, on the
8 Food Waste Recovery Grant Program, as Kyle
9 mentioned, we did have workshops last year. Last
10 year, one of the last ones I think was in BioCycle
11 where we solicited feedback.

12 Next month, and I don't remember the date,
13 so if I somebody could look it up while I'm
14 blabbing, our monthly meeting, March-something, we
15 will have an item that proposes the exact criteria,
16 eligibility, you know, what costs are okay for that
17 grant program. We hope to get that approved by our
18 director in March. It then has to go over to ARB
19 for some final approvals. And so if all goes well,
20 it will be out on the streets, you know, April or
21 May, as soon as we can get it out, and that's the
22 \$5 million for that. And it does cover, Colleen,
23 many if not all of the things that you talked
24 about, you know, refrigeration, staffing, et
25 cetera, trucks, you know, software, all those kinds

1 of things, so we'll see. We don't know what we're
2 out to get.

3 MR. POGUE: That's March 21st, by the way.

4 MR. LEVENSON: Thank you.

5 So that item, typically we post those
6 things. We do this for all our grant programs. We
7 put out the criteria-eligibility process ahead of
8 time. And it will probably be a week to ten days
9 before the March 21st meeting where that's out for
10 your review.

11

12 MS. SCHILL: Is the monthly meeting
13 webcast?

14 MR. LEVENSON: I'm sorry, we'll get the
15 mic to you. And then John will come to you after.

16 MS. SCHILL: Okay.

17 MR. POGUE: The monthly meetings are
18 webcast.

19 MR. LEVENSON: Oh, yeah. Sorry. Yeah.

20 MS. SCHILL: Hi. My name is Alyson
21 Schill. And I work for Tree People, but I'm here
22 kind of on behalf of the L.A. Food Policy Council,
23 Food Rescue and Recovery Working Group.

24 And I just wanted to say a couple of
25 things along the lines of what Kreigh and what Eric

1 Martig emailed about earlier, really thinking about
2 not only composting, but also food recovery on a
3 micro level, on a community level is really
4 important. Because if you go into a large food
5 bank where a lot of people are shipping large
6 shipments of, you know, macaroni and Chef Boyardee
7 and other types of really nonperishable items, and
8 that's what a lot of people are thinking of in
9 terms of bulk food waste, there are so many
10 churches and after-school programs and like elderly
11 housing and recovering addicts and domestic
12 violence shelters that need smaller quantities of
13 food, but really what they need is healthy food.

14 And that really needs to be brought to the
15 attention of the conversation in the food recovery
16 world, is that we need to not only be concentrating
17 on these corn- and rice-based items, but produce
18 and vegetables, like things that are going to feed
19 people in a -- perishable foods that are going to
20 feed people that need that nutrition, specific with
21 all of the diabetes and obesity and things that are
22 going on right now.

23 So I've been working to identify a list of
24 ways that we can identify the auditing of food
25 waste as it comes to food recovery. And that

1 has -- I've worked with a lot of people to -- it's
2 soup, pastries, bread, deserts, produce, prepared
3 food that needs to be refrigerated, canned and
4 packaged foods, packaged beverages and condiments,
5 and that's kind of the breakdown of different types
6 of agencies and organizations that feed those in
7 need are able to accept or not accept those
8 different types of items. And so you're working
9 with refrigeration and kitchen needs in these
10 different types of smaller agencies.

11 And there might be somebody that's just
12 right down the street that is a kitchen and they
13 have leftover soup every day, but they don't know
14 where to give it to so they're throwing it away.
15 And they could literally just have a car deliver it
16 a block away and feed a whole plethora of hungry
17 families that are living there in some sort of
18 need.

19 So I just wanted to bring that to the
20 conversation.

21 And then, two, we were talking offline,
22 just to get it on the record, too, making sure that
23 the software, that there is an online or a database
24 that people can access, the public can access, not
25 just restaurants and catering companies but that

1 the public can access to know where these shelters
2 are that they can donate their extra food to, as
3 long as it's safe, and what the rules are about
4 that, as well. There needs to be funding for that
5 type of software to develop. And most of the
6 listed apps that are out there right now, the apps
7 and websites are more for just restaurants of just
8 large food producers. And then in some cases, like
9 you've got Ample Harvest which has the backyard
10 food growers, too.

11 But there needs to be kind of an across
12 the board, everybody needs to be able to access a
13 database of who are their food insecurity -- the
14 food recovery agencies that they can access.

15 MR. POGUE: Thank you.

16 MR. LEVENSON: John?

17 MR. DAVIS: Yeah, what she just said is
18 half of what I was going to say. Because if all we
19 do is increase the supply of donuts and cookies
20 that are handed out, that's not, I think, what the
21 intent really should be.

22 But the other part is the generators, who
23 aren't here, and their idea about what is edible,
24 what is recoverable. As you work on your
25 definition I think, you know, the grocers, the

1 people that handle that stuff, there's a big
2 disconnect from their shelf to their backroom to
3 the recipients of the food. And I don't know how
4 you quantify it, I don't know how you define it,
5 but that's -- you know, as you've got to reach your
6 20 percent.

7 It would be nice if it was GHG based
8 rather than tonnage based, because then you'd give
9 priority to produce. And maybe that should be a
10 way to give priority to produce, because that's
11 what the recipients tell me that's what they're
12 looking for. You know, they don't need more
13 cupcakes.

14 MR. POGUE: Thanks, John, for those
15 comments. I do just want to mention that, you
16 know, part and parcel of all the greenhouse gas
17 reduction fund program, our climate change
18 initiative funds that we have out there for these
19 grant programs require a quantification component.
20 How do we quantify what those emission reductions
21 are?

22 And I just want to point out that food
23 waste prevention and recovery has a pretty profound
24 emission reduction factor with it that's basically
25 four to five times greater than that of composting,

1 and we want to see lots of composting. We want to
2 see, you know, lots of digestion.

3 But we also -- if we can get at that 20
4 percent kind of off the top in there, there are
5 some significant emissions reduction factors we can
6 achieve. And then you have the associated benefits
7 of, you know, getting it out of landfill, and also
8 helping the food-insecure people. So thanks.

9 MR. LEVENSON: Other comments?

10 Well, somebody -- okay, we got -- while we
11 get the mic, I do want to note that Tuesday, the
12 issue of the labeling, the date labeling on food
13 came up. And just today I saw on the news, I
14 didn't get a chance to really read it, but there's
15 a national industry, I think it's a voluntary, you
16 know, standards to do used by and best used by and
17 trying to address some of the date issues. So to
18 the extent we can incorporate that kind of issue
19 and address that, that's also another one that
20 we're going to have to think about. Okay. Yeah.

21 And then back to you then.

22 MS. HAMILTON: Barbara Hamilton from the
23 San Diego Food System Alliance. So a couple
24 things.

25 I know that in San Diego County, we have

1 two major food banks. And they provide about 40
2 million meals a year. And they believe that they
3 probably need to provide about 80 million. Perhaps
4 they only capture about 90 percent of the food
5 that's currently donated, and some of the food is
6 donated directly to the pantries. And that's okay
7 because they don't really need all the food to go
8 through the food bank. Sometimes it's better,
9 especially if it's prepared food, if it goes
10 directly to the pantry because it's time sensitive
11 for that. And that's where it gets a little bit
12 trickier on tracking those food donations.

13 So some of that may be falling back to the
14 donor may be a good way to track that. Because in
15 the pantries, one of the things that we found in
16 the pantry surveys in our county is that they
17 actually need also support in business practices.
18 They may not have the same ability to track the
19 stock that they have and just to track their
20 business practices because part of the reason is
21 they're working with a lot of volunteers. Maybe
22 they'll have one staff person who's actually paid
23 and the rest are volunteers who cycle through. So
24 I think there's an opportunity to do business
25 building capacity with the pantries, as well.

1 And then we also have a number of gleaning
2 organizations, and they're not just on-farm. You
3 said that the on-farm doesn't count. But we have
4 gleaning organizations that have identified urban
5 orchards, and they'll glean from that. So I'm
6 curious if that will be covered, because that would
7 end up in the landfill when they clean that out of
8 their yards. And we can easily quantify that.

9 And we're actually even undergoing --
10 starting to undergo a study right now where we're
11 looking at what is the financial value of that, and
12 also what is the nutritional value of that?
13 Because a lot of these food-insecure people can't
14 afford to buy produce. So they're going to use
15 their dollars to buy the most calorie-dense
16 products they can buy, which isn't the produce.
17 And, of course, that's what they need in order to,
18 you know, have a healthier life and to move on.

19 And then the final thing is about
20 education to generators and opportunities for them
21 to really understand that it's okay for them to
22 donate food, but also to make it easy for them to
23 donate food. And looking at really good case
24 studies where, for example, a produce company
25 delivers produce to their restaurants, and then

1 they have a pick-up ability to pick up prepared
2 food and take that back.

3 And we have a pilot project in San Diego
4 County that's working on that right now, but
5 they're doing that just out of their own business
6 sustainability principles. And in order to do that,
7 they have to fund the packaging and make sure that
8 the education goes out to the generators on the
9 food safety issues and make sure that everything's
10 labeled correctly so that they can get it safely
11 transported within a reasonable amount of time, and
12 then used before food safety would be an issue.

13 MR. POGUE: Great. Thank you for those
14 comments. Just a couple of thoughts is you
15 mentioned gleaning, for example and, you know,
16 backyard gleaning and residential gleaning. And I
17 think that can fit snugly in what we're trying to
18 go after, too, because typically you do see that
19 either, you know, hitting a landfill, or perhaps
20 even hitting and organics bin for collection.
21 You're doing co-collection of food and green or
22 food, and that's something that we have considered,
23 even for a grant program, that for our grant
24 program, too, the incremental emission reductions
25 that you can achieve by getting it from green into

1 recovered edible food is something that would help
2 and be accounted for in emission reductions. So we
3 have thought about that, too.

4 Certainly the need, and we heard a lot of
5 that discussed, about the Good Samaritan Act and is
6 there a way to further bolster that somehow? And I
7 know that's a discussion, as well. But certainly
8 the need to uniformly educate those donors out
9 there on what' -- you know, how that fits with
10 health and safety and how that fits, you know, in
11 what they can recover. So it doesn't appear to be
12 uniform.

13 And I think one of the other things is
14 that there's a lot of engagement, I think. You
15 know, Waste Not Orange County is a good example of
16 that. There are other public environmental
17 agencies that really want to get engaged in that.
18 And I think we heard that up in Sacramento, that
19 desire for that group to work directly with us to
20 make sure that that's clarified and how that fits
21 into this regulatory package, so --

22 MR. LEVENSON: Lynn?

23 MS. FRANCE: He took the words out of my
24 mouth. I was going to talk about --

25 MR. LEVENSON: Can you identify yourself

1 first, Lynn?

2 MS. FRANCE: Oh, sorry. Lynn France with
3 the City of Chula Vista.

4 I was going to suggest that people take a
5 look at the WasteNot.org website, because you can
6 actually enter a zip code and it will tell you the
7 pantries close to you that are accepting food. And
8 they actually set up a system with the Yellow Cab
9 Company so that caterers that were doing special
10 events, and at the end of the night they had food
11 left over, could call a cab to come take the food
12 and take it to a 7-Eleven or some sort of
13 convenience store where they would put it in the
14 refrigerator so that the pantry folks could pick it
15 up the next morning, so that way it would be
16 refrigerated. And this was all started by the
17 Public Health Official in Orange County. And it's
18 a pretty interesting an innovating system.

19 And I know we're looking at how we can do
20 something like that in San Diego County. But it
21 seemed to answer a lot of these questions about the
22 Good Samaritan Law and things like that, so it's
23 the model, I think, at this point. And I'm hoping
24 the grant funds will help support that.

25 MR. LEVENSON: Thank you. I'll wait until

1 -- we'll get it over to Monica.

2 Any other folks who haven't spoken on this
3 topic yet at this point? Okay.

4 You have the floor when you get the mic.

5 Can we get a mic over here please?

6 MS. WHITE: Sorry, I'm quite a Chatty
7 Cathy.

8 So I just what to reiterate, and really
9 feeding off a lot of these ideas and opportunities,
10 to me it's very clear that when we look at organic
11 materials in this comprehensive way, we should also
12 have a system that matches. And from my world,
13 franchise agreements are a very clear-cut way to
14 manage organics wastes in all their different
15 shapes and sizes. So whether or not we can
16 leverage a franchise agreement to enhance funding
17 for food recovery infrastructure. So a hauler, a
18 potentially food inspector for a food recovery
19 group, you've actually now given three bites at the
20 outreach apple for each generator and you have a
21 more comprehensive approach for how they're going
22 to manage their materials from their front end to
23 the back end. I think that this mechanism could
24 really help enhance that recovery, the education
25 outreach

1 In addition, we talked about it a little
2 bit earlier when looking at organics infrastructure
3 and trying to engage disadvantaged communities,
4 what an excellent way to bring food recovery
5 organizations and those organic processing
6 facilities into the same discussion where there's
7 job opportunities, there's training, where people
8 may see that composter next door or that processor
9 next door as part of their solution, because
10 they're also helping to recover food through a food
11 recovery agency.

12 MR. POGUE: Thank you. Some really good
13 thoughts there.

14 MR. BRADY: Could I add --

15 MR. POGUE: Yeah, Hank.

16 MR. BRADY: Sorry. I just had a quick
17 question.

18 You mentioned leveraging dollars for food
19 recovery and franchise, and that the hauler -- are
20 you thinking of that as sort of through the
21 regulatory framework, or did you have any concepts
22 on that or just putting an idea out?

23 MS. WHITE: I'm putting an idea out.
24 Because I recognize that CalRecycle doesn't
25 have -- that you can put out concepts as far as

1 franchise agreements go. And what I would think is
2 I believe it would be a very cool concept if a
3 franchise agreement actually had like a food
4 recovery surcharge for a commercial business. So
5 then businesses are not only paying for their
6 organic disposal, but they're already in a sense
7 paying for food recovery. So maybe they would be
8 more engaged that way to take advantage of the
9 program. And that fund could go directly to a food
10 bank or food recovery organization, which are
11 generally, I believe, county organized anyhow.

12 So I don't know the regulatory mechanism
13 to do that. But certainly you guys have the
14 ability to spread the word and spread ideas and
15 concepts. Maybe there a white paper that could be
16 generated about what those fees may need to look
17 at.

18 You know, it was mentioned, partnering
19 for-profit businesses and not-for-profits. And
20 there's a lot of education that can happen on both
21 sides of the fence, reportings, synchronize, I
22 think that's very cool. And I know Waste Not OC,
23 I'm a little familiar with them, has really piloted
24 this and it's very -- a very cool concept.

25 MR. POGUE: Just a couple quick additional

1 thoughts. We did hear from Karen Coca, I think
2 this morning, about Los Angeles and maybe what
3 they're doing on that level and building that in.
4 I think I've heard that Orange County is doing some
5 similar things. So we'd really like to see those
6 types of examples that we could certainly
7 highlight, you know? And anybody else out there
8 has attempted to do that through those agreements,
9 I'm very interested to hear about that.

10 I do mention, you know, Howard asked for a
11 show of hands at the beginning, I don't think we
12 have a lot of generators in this room right now.
13 But we have -- we are in discussions with some.
14 We've reached out to some and we heard from the
15 California League of Food Processors, who attended
16 on Tuesday. We know, you know, Grocers Association
17 and others are essential to this discussion, as
18 well. So that could go to, you know, more of that
19 focused discussion on those folks involved in that
20 process. So I'm going to let you know that we are
21 reaching out to them on that, too.

22 MS. WHITE: I'm sorry, one last point.

23 MR. POGUE: Uh-huh.

24 MS. WHITE: The other thing, as well as,
25 as it's mentioned, making that jump from say like

1 100 participants to 1,000 participants in a
2 community, it's fairly well recognized that at some
3 point the food recovery operation becomes --
4 accepts a lot of solid waste or organics that are
5 meant for disposal. So by wrapping it into a
6 franchise agreement, you're actually helping to
7 protect them from increasing overhead costs that
8 they're taking on, on a volunteer basis, and having
9 to pay now for disposal of organic waste.

10

11 So I think there's some protections there
12 that could be quite neat to for the for-profit and
13 not-for-profit.

14 MR. POGUE: I do you definitely think the
15 California Association of Food Banks would really
16 appreciate that comment that you just made right
17 there. They brought that up on Tuesday, you know,
18 concerns about, okay, they're part of the solution
19 here, but it could result in additional, you know,
20 back-end need to manage this stuff. So if there's
21 additional cost --

22 MS. WHITE: Right.

23 MR. POGUE: -- how do you factor that, as
24 well?

25 MS. WHITE: And as outreach teams are

1 already working together, they can actually call up
2 Hauler A and say, hey, I picked up from X grocery
3 store today. They gave me a lot of contamination.
4 Let's mark them for an outreach component. And
5 then not only are you again getting multiple bites
6 of that outreach apple, but that kind of
7 information could go into noncompliance pickups.
8 If you get rolled into annual reporting where
9 haulers are now having to submit how many
10 commercial companies are part of an organics
11 diversion program, part of a food recovery program,
12 all of that can be tracked together if those
13 partnerships exist.

14 MR. LEVENSON: Great ideas.

15 We've got -- Colleen has got the mic, and
16 then we'll come over here.

17 MS. FOSTER: So I really appreciated her
18 points. And just to dive into that a little bit
19 more, so, you know, my current rate structure, I've
20 got rates for my commercial customers and my
21 residential customers. And maybe that customer
22 thinks it's just for their trash bin or recycling
23 bin. But imbedded within that rate there is funds
24 that cover a household hazardous waste facility or
25 other types of services related to solid waste and

1 recycling. So I think, in essence, you could
2 incorporate a food recovery aspect within the rate
3 system.

4 And so how do you do that and avoid the
5 Prop 218 issues is one of the questions we've been
6 working with our attorneys on, so we can definition
7 use some guidance on that.

8 It also would be great if you could speak
9 a little bit -- I know you guys have updated your
10 update queues to limit the scope of franchise so
11 franchise does not become a barrier towards
12 recovering food. So when you have a hauler
13 building a massive beast for anaerobic digestion
14 and they typically have a franchise over the
15 organics materials, we want to make sure they don't
16 have franchise over recoverable food for people and
17 animals.

18 MR. LEVENSON: We'll just say, duly noted
19 on franchise, the thorny franchise issues. You
20 know, we have a limited ability. I think there's a
21 lot of good ideas that have been put out here that
22 we can consider what can we do and not do. And we
23 have to be careful not to infringe on, you know,
24 the rights of franchise agreements and those, as
25 well. So how do we mix all that? We're going to

1 be talking about it.

2 MR. POGUE: Just real quick. Are you kind
3 of seeing examples? Are there examples of where
4 you've seen that somehow impede food recovery?

5 MS. FOSTER: I'm not really seeing that
6 service examples are in the rate systems. But I've
7 been -- I think part of it is, is bringing your
8 haulers along. If my hauler wants another
9 extension which, of course, they are, they want to
10 be a part of our solution in the next few years,
11 whatever solution we choose for organics
12 processing, we're going to put the burden on them
13 to include opportunities and services for food
14 recovery. So, you know, instilling the zero waste
15 and higher diversion and food recovery, and then
16 we'll sign your contract, so making them a partner.

17 And I think with the feeding agencies, I
18 know a lot of the feeding agencies have been like,
19 well, we don't want a bunch of -- you know, we
20 don't want too much food and it becomes waste, or
21 we're worried about contamination, et cetera. You
22 know, it's kind of like a subcontractor
23 relationship that I've had to educate my feeding
24 agencies on. Look, I've got this hauler. I have a
25 rate structure. I need a feeding organization that

1 knows about donors and knows how to pick up the
2 material and how to package it. And through that
3 system, it's not going to be our hauler moving the
4 material, it's going to be your organization, but I
5 need your cost.

6 So what do you need to, you know, take
7 care of this many type of businesses? And you need
8 to start identifying what you're recovering and
9 what more can you recover if you simply had the
10 infrastructure to do so?

11 MR. SMITHLINE: So not to add anything or
12 conclude anything from some of these comments, but
13 I just want to put out there that to the extent
14 that some of you are working with your own city
15 attorney or county counsel's offices on these
16 issues, they should feel free to contact me.

17 MR. LEVENSON: Okay. And I'll go a step
18 further, maybe at some risk or peril to my -- I
19 think as we go down the next few months talking
20 about these kinds of issues, you know, think about,
21 you know, if we were going to have a concept in the
22 regulations about this idea, why we can't -- is
23 that something that the jurisdictions might want to
24 have as something the jurisdictions, via whatever
25 way, via ordinance, via franchise agreement, via

1 something else, is that -- should that be something
2 that's considered at the jurisdiction level with
3 their responsibility, which can then be passed on
4 in different ways.

5 So think about that, kind of from a
6 regulatory context, how would we approach that?

7 MR. POGUE: I just wanted to add one
8 thing, and this is off of franchise agreements. I
9 just want to mention I have seen some really good
10 partnerships between waste service providers and
11 food recovery organizations, and I think we're
12 seeing that through our first Organics Grant
13 Program. I think we've seen, you know, Colony
14 Energy and the Fresno Food Recovery Network partner
15 on some things and it's still a work in progress.
16 But also, both Burrtec and CR&R committed to doing
17 food recovery efforts in conjunction with
18 organizations like that as they're also building
19 their facilities and recognizing the need for that.
20 So I just want to put that out there.

21 MR. LEVENSON: Okay. I think we were back
22 over here.

23 MR. CHONG: Hi. Suk Chong again. So I
24 wanted to share a couple of efforts that are going
25 on at L.A. County. One is being led by our public

1 health.

2 Bernadet Garcia, has been hired by L.A.
3 County Public Health. And she's working on the
4 endeavor called LACFRI. It's a body where, I think
5 the L.A. Food Policy is involved, I'm involved, the
6 producers are involved, as well as recovery
7 organizations are involved. And we are
8 basically -- so basically strategizing and coming
9 together, looking at various challenges and ways to
10 overcome those challenges.

11 We're working with -- like school
12 districts are involved, and so we're trying to get
13 schools to develop food recovery or donation
14 programs.

15 And then at the county, it's all as a
16 local jurisdiction, we're also, my staff and I,
17 we're developing a food donation or food recovery
18 program. We started out with canvassing over 200-
19 some nonprofits, organizations that recover or
20 receive food. And then, you know, we identified
21 what they do, what capacity they have, what kind of
22 food they would accept, so all kind of different
23 things.

24 And then we also are reaching out to other
25 fellow county departments and see how they could

1 partner and help us, as well as our next step would
2 be to go out to the generators. Because have
3 information on all their -- like, for instance, how
4 much they produce, what kind of business they are
5 and so on. And so at a local level, we're doing
6 that.

7 And I would like to -- you know, like you
8 talked about reaching out at a higher level with
9 like the California Grocers Association, you know,
10 we may be talking to the local, you know,
11 supermarkets and restaurants. It's good that you
12 will be looking at the bigger organizations and
13 reaching out, as well.

14 Basically, I just wanted to share the
15 efforts that are going on. And that we see it as
16 an integral and very important part of diverting
17 the food waste and organics waste, not just, you
18 know, collecting them but also to avoid them
19 becoming a food waste to begin with.

20 MR. POGUE: Just one -- I hope it's okay
21 to ask a follow-up question to something that you
22 mentioned there. You mentioned generators and what
23 they're producing. Is that more on a disposal end
24 of things or does that actually get into
25 quantifying, hey, what's being recovered for some

1 other purpose or --

2 MR. CHONG: Right. So they're being
3 recovered, so they're being recovered, so basically
4 donated for human consumption. And then that is
5 being quantified in terms of how much is being
6 recovered.

7 MR. POGUE: Okay.

8 MR. LEVENSON: Thanks. That's great to
9 hear.

10 I think I'm going to exercise my
11 prerogative as the time czar to move on to the next
12 topic, because I want to make sure we get through
13 reporting and enforcement before folks really start
14 to filter out.

15 If you have other ideas, clearly we're
16 going to have many, many more workshops that will
17 dive into these issues in more and more detail, so
18 there will be more opportunities in the future.

19 I also want to congratulate you on pretty
20 much being energetic and awake. I saw a few yawns,
21 I saw a few stretches. It's okay if you step --
22 get up and stretch.

23 But let me go ahead now and invite --
24 thank you, Kyle, and thanks, everybody, for those
25 comments -- invite Hank back up to talk about some

1 of the concepts that we're thinking of about
2 reporting. And as we've said a number of times,
3 these are going to get refined later on, but
4 they're going to depend in part on those baseline
5 definitions and the programmatic requirements. So
6 we're going to have to -- we have to talk about
7 that at a pretty high level at this point.

8 MR. BRADY: Thanks, Howard. And I just
9 wanted to, yeah, I just wanted to clarify.

10 Howard mentioned earlier, I think that
11 yesterday around 1:30, everyone was kind of yawning
12 off, and that's about the time my presentation
13 started. So I don't know if that's a reflection of
14 Kyle or me, but probably, yeah.

15 So I'm going to talk about different reporting
16 concepts that we're considering seeking feedback on
17 for 1383. You know, really quickly, I'm going to
18 talk about a number of potential concepts that will
19 relate to the different programmatic concepts that
20 were discussed earlier that may involve some level
21 of reporting. So today I'm going to talk about
22 existing systems and databases that CalRecycle
23 currently uses that can be expanded or replicated
24 for the purposes of 1383.

25 I'll talk about some of the potential

1 reporting entities that may be sources of
2 information that is necessary to measure things
3 like how we're doing in the organics disposal
4 reduction goals or the edible food recovery goals.

5 Some of the potential reporting relationships,
6 either between CalRecycle and a direct reporting
7 entity or CalRecycle and jurisdictions go through a
8 number of different reporting items that we've
9 looked at that could be useful sources of
10 information for measuring the effectiveness of the
11 regulations.

12 And kind of before I start on the
13 different items, we're looking at this -- we've
14 kind of looked at this through two rubrics in terms
15 of determining reporting items, and that's items
16 that could contribute to monitoring programmatic
17 effectiveness, so how effective are the programs
18 that are being -- that are potentially implemented
19 through the regulations, and then actually tracking
20 the statewide progress towards the organic waste
21 reduction and the methane reduction mandates, as
22 well as the edible food recovery mandates.

23 So just two slides for a quick overview of
24 some of the existing system that we have at
25 CalRecycle. And many of you are familiar with the

1 electronic annual report that's submitted by
2 jurisdictions on an annual basis as a part of the
3 939 annual review and the formal biannual or
4 quadrennial review process. We're seeing this as
5 potential reporting mechanism for any jurisdiction
6 programs that may be implemented, similar to how
7 1826 and 341 included additional questions to be
8 included for measuring programmatic effectiveness
9 for those programs.

10 We have the Solid Waste Information
11 System, which is more of a database than a
12 reporting system. It contains information on
13 permitted or facilities and operations.

14 CalRecycle currently has reporting for
15 biomass conversion facilities. And this includes
16 reports directly from facilities to CalRecycle on
17 the amount of material that's accepted and rejected
18 by the facility, the name, location and source of
19 materials accepted or rejected by the facility, and
20 the name and location of the final end-user of the
21 byproducts coming out of those facilities, which
22 provides a tremendous amount of data for monitoring
23 that are of our sphere.

24 Moving on to a couple more or a few more
25 reporting system that we have.

1 For waste tires, we have a waste tire
2 hauler manifest program that involves reporting
3 from generators, haulers and the end users. And it
4 specifies the level of threshold for haulers to be
5 reporting. And that's a potential model we're
6 looking at that could be replicated.

7 And then finally, I'll touch on we have a
8 disposal reporting system that's currently being
9 updated. It's, as some of you may know, AB 901 was
10 adopted last year, and that updates the DRS system
11 to include diversion, and so that includes
12 reporting from facilities, disposal facilities,
13 processing facilities, and in some cases haulers or
14 transporters and brokers.

15 And just quickly, this is just a list of
16 some of the potential reporting entities that we've
17 identified that could be sources of information,
18 not necessarily serving in a reporting role, but
19 that is a possibility that we may examine. And I'm
20 not going to read the list, but these are some of
21 the entities we've looked at. And we're certainly
22 looking for other ideas that folks may have.

23 And then before moving on to reporting
24 items that we've looked at, these are just a sample
25 of the different reporting relationships and

1 mechanisms that could potentially be translated
2 from existing systems to 1383. So with biomass
3 reporting and waste tire reporting, that's where
4 CalRecycle has a direct relationship with the
5 reporting entity. The existing DRS system, which
6 is being updated, is actually a system where the
7 facilities report to the county and the counties
8 collect that information and report to CalRecycle.

9 And this last bullet here on local or
10 state licensing, permitting, registering of
11 haulers, a specified threshold, that's a model
12 we've seen very successful in the waste tire
13 program. We've also seen, local jurisdictions in
14 many cases will have their own ordinance or
15 permitting requirements for haulers that include
16 registration, and that can be useful in terms of
17 identifying reporting information that can be
18 collected from the hauler.

19 So as it relates to monitoring
20 programmatic effectiveness, there's a number of
21 items that we've identified. We're certainly
22 looking for more items from you and for feedback on
23 these items.

24 So organic recycling program
25 implementation and edible food recovery

1 programmatic implementation, one of the concepts
2 discussed earlier is having jurisdictions have a
3 program similar to how the jurisdictions have a
4 program for 1826, have a program for organics
5 recycling, a program for edible food recovery, and
6 that could include a reporting element potentially
7 through the electronic annual report.

8 Reporting on compliance and enforcement
9 actions, this is similar existing reporting that's
10 part of 1826 and something we may look at expanding
11 on.

12 And then number of generators served is a
13 potential metric and data point that we could use
14 for evaluating programmatic effectiveness.

15 And then contamination levels and
16 informational efforts to reduce contamination and
17 local rate structures, both of these sort of feed
18 more into measuring potential programmatic
19 implementation, if there's requirements related to
20 reducing contamination levels is a data point that
21 could potentially be useful.

22 And then this final slide is talking about
23 a number of items that could both be useful for
24 monitoring programmatic effectiveness, but also
25 monitoring the state's performance towards meeting

1 and achieving the mandates of 1383.

2 Facility and jurisdiction, organic
3 recovery rates, Howard and Karen mentioned earlier,
4 in terms of looking at organics collection systems,
5 the potential concept of having recovery rates at
6 the facility or jurisdiction level to measure and
7 monitor programmatic effectiveness.

8 Origin and type of organics collected, you
9 know, I think when we were talking about the
10 definition there was a lot of conversation about
11 strategizing and identifying different types of
12 organics and different collection methods for those
13 types of organics, as well as the different
14 processes for processing those organics and how it
15 varies from material to material. So we're seeing
16 this as a potential source that could help inform
17 decisions on that.

18 Collection method used, this could
19 potentially be at the jurisdiction level to see if
20 its, for example, source-separated collections,
21 mixed-waste collection that recycles organics.

22 This is kind of a similar data point
23 already that I mentioned is facility rejection of
24 contaminated organics, trying to get some measure
25 of what quality of material is going to recycling

1 facilities. And also trying to make sure we're
2 looking at creating programs that aren't just
3 dumping tons and tons and tons of material on
4 facilities that don't want to accept it.

5 And then destination and end use of
6 collected or processed organics. As this is a
7 disposal reduction goal, but also a methane
8 emissions reduction goal, the type of end use and
9 process for the organics does matter in terms of
10 how methane is reduced. Food recovery has a
11 different methane reduction potential than compost
12 and aerobic digestion and other processes. So
13 actually seeing how the organics were collected and
14 the end use they went to will help determine
15 whether or not the disposal reduction programs that
16 are implemented as part of this regulatory package
17 are meeting the methane emission reduction goals of
18 the broader Short-Lived Climate Pollutant Plan for
19 the waste sector.

20 And this last slide is just posing a
21 couple questions for stakeholder input and thoughts
22 to consider. And then I guess we'll open it up to
23 questions now.

24 MR. LEVENSON: So just stay up here, my
25 friend.

1 Questions? Comments? Reporting is
2 clearly going to be a very critical component of
3 this whole effort. And you can see Hank outlined
4 many, many different areas where we might want to
5 consider different reports of one kind of another
6 so that we can verify what's going on so we can use
7 it for compliance assistance, as well as
8 enforcement. So these are really critical areas.
9 Obviously the details are going to depend on some
10 of the earlier discussions. But we're interested
11 in your feedback on kind of how far we should go,
12 what other kinds of things ought to be considered,
13 and the like.

14 We have one? Oh, yeah. Go ahead. Sorry.

15 MS. SWIONTEK: Hello. Noreen Swiontek,
16 City of San Juan Capistrano. And this doesn't
17 directly relate to this area, and I have a question
18 in relation to the materials.

19 One of the items had mentioned manure,
20 which we haven't touched on today. And I'm
21 specifically looking at horse stables and how
22 you're categorizing that, and whether it's covered
23 under this?

24 MR. JOHNSON: Sure. This is Evan, hiding
25 behind Tung Le over here.

1 So I think that, you know, in the
2 conversation, it's interesting, in the conversation
3 around this definition originally, it was included
4 but there was a question of, well, there's not a
5 lot of material of that, you know? And our waste
6 characterization study doesn't show a lot of animal
7 manure and horse bedding going to landfills.

8 But in some of the conversations we've had
9 subsequent to that, you know, in certain areas it
10 is a significant portion of what's going into
11 landfill. And so, yeah, I think it would need to
12 be covered as part of the definition that we have.

13 MR. LEVENSON: Yeah, we'll get you the
14 mic. Thank you.

15 MS. SWIONTEK: So with that in mind, I'm
16 having a difficult time. I had a composter who was
17 accepting and has now declined. And so I'm in the
18 position of facilities to take this. So where I
19 did have the diversion, I no longer will. And the
20 rate on the tonnage from a composter which was
21 \$2.00 a ton to a landfill which is probably \$34.00
22 a ton to a digester that's like \$89.00 a ton, I
23 mean, we're putting these people out of business.

24 MR. JOHNSON: Sure. I think if I might
25 just add to that, I think that point is well taken.

1 And then it gets at a couple of different
2 challenges that we're going to face as this evolves
3 in that we need, obviously, additional capacity to
4 take those materials. If there are reasons why
5 it's being rejected, it's good for us to know that
6 and be able to look at that and see if there's
7 anywhere within this process that we can work with
8 that.

9 So you know, I mean, your question is well
10 -- your point is well taken. And I think it gets
11 at a number of challenges we're going to face
12 through this process.

13 MR. BRADY: Could I just ask a
14 clarifying -- this is tons of manure that are being
15 diverted today, but are you saying tomorrow they
16 might be going to a landfill, is that a correct --

17 MS. SWIONTEK: That's correct. I have ten
18 stables, about 20,000 tons annually. And a
19 composter was accepting it and now they're
20 declining it, so it will end up going to the
21 landfill.

22 MS. ROSEN: Thank you. I just wanted to
23 make sure I was understanding that correctly.

24 And to Evan's point, I mean, we're looking
25 at organics that are being disposed. And so we'll

1 have to keep that in mind as we're moving forward.

2 MR. LEVENSON: Monica?

3 Jeff? Thank you.

4 MS. WHITE: So, you know, reporting to me
5 is a major component of this. And we can have all
6 the goals and all the intentions and all the
7 programs, but if we can't prove that a ton really
8 went somewhere, it doesn't mean anything. So thank
9 you guys for spending the time on this.

10 I will reiterate that I do think, from
11 what I've seen in our perspective, the DRS reports
12 at a facility level are very important. And it's
13 nice to see the expansion of that reporting under
14 901. I do think that the ultimate goal should be
15 taking a step back, perhaps at a county level, and
16 looking to see if we can track tons that were
17 collected from cities and where those went. I know
18 from Tuesday, there was some discussion about
19 privacy and things. I think we need to work
20 through a lot of those issues to make sure that we
21 know where the compost is being used, if it's being
22 land applied, if it's being sold as a commodity, if
23 it's ending up as ADC, for example. We need --
24 these are very important factors as we're
25 evaluating the organic picture as a whole.

1 I do see a very important role for the
2 annual reporting from a local jurisdiction level.
3 I talked about it a little bit earlier. And I
4 think putting greater emphasis on the verifiability
5 of those are very important too. So perhaps
6 there's requirements under the type of documents
7 that jurisdictions or disposal facilities,
8 processing facilities are required to maintain,
9 saying that those are enforceable reports, that
10 they must be true and accurate, and then having the
11 option to audit those reports, should that become
12 necessary, I think would be key components.

13 MR. LEVENSON: Thank you.

14 Jeff, we've got John in the back.

15 Thanks for this comments, Monica. I was
16 just jotting down something. Cara had to walk out
17 for a moment, but I'll relay some of that.
18 Because, you know, she oversees all the
19 jurisdiction staff at CalRecycle who work on it
20 here and work with you guys on site visits and
21 stuff like that, formals reviews. So we look at
22 the electronic annual report every year in terms of
23 what we can add to it. So I think that's -- to the
24 extent that we add -- we don't want to create new
25 systems. So to the extent that we use the new DDRS

1 or the EAR (phonetic) to add some of these
2 verifiable pieces of information is going to be
3 really critical.

4 John?

5 MR. DAVIS: Yeah. It just seems like you
6 end up disparate information and you can end up
7 with duplicative information. Your goals are set
8 based on, you know, this really generalized
9 statewide characterization in tonnage numbers. And
10 then you want to get facility- and jurisdiction-
11 specific information while there's activity that
12 takes place outside of facilities and
13 jurisdictions. So you know, you've got apples and
14 oranges and peaches and you want to add them all
15 together and come up with a watermelon. And it
16 probably -- you know, you probably don't get there.

17 But it seems to me that at one level you
18 have to look at where your original data came from.

19 And that's, in some way, that's really the most
20 comparable final measurement. You know, if you
21 start with the waste characterization against tons
22 disposed, then, you know, you've got to keep that -
23 - that's consistent. You start adding all these
24 other -- you know, if you took all the electronic
25 annual reports and added up the tonnage and

1 compared it to what you think is being recycled in
2 California, do you think that's an accurate number?

3 I'm guessing, probably not.

4 So, you know, I'm not sure this is
5 helpful, but I think it's just -- it's real. And,
6 yeah, you can get a lot of data.

7 But we talked about food donations from
8 generators. You know, who's going to track that,
9 and I don't know.

10 MR. BRADY: Yeah. You're hitting on one
11 of the issues that we've been grappling with in
12 terms of identifying an appropriate reporting
13 scheme. Part of it and part of the challenge of
14 talking about reporting today is it's a little bit
15 in the abstract as we're still at the exploratory
16 phase with what the potential programmatic elements
17 of the regulations would be. So designing what a
18 reporting scheme would be when you don't know what
19 you need the reporting on is a little challenging.

20 But also, just for the goals, grappling with this
21 kind of mass balance issue so that you're not
22 double counting.

23 But also, you did mention duplication.
24 And that's something that we -- we want to avoid
25 duplicative efforts at the -- we don't want folks

1 reporting in DRS and then reporting the exact same
2 information through some other new scheme. We want
3 to really expand upon our existing system. It may
4 be that it's reporting through DRS for the purposes
5 of 901, reporting through DRS for the purposes of
6 1383, to make sure it's as simple and
7 understandable for the industry.

8 But, yeah, there are going to be -- we're
9 going to need to continue to grapple with how do we
10 create a system that doesn't get too complicated or
11 leave too many holes.

12 MR. LEVENSON: I'll add onto that, make a
13 facetious comment. I'm not sure about your genetic
14 modification of apples and oranges into watermelon,
15 but I get it.

16 But one of the issues, and I think Scott
17 spoke to this earlier, and we haven't really talked
18 about it very much, you know, the statute does not
19 -- it specifically says we don't have a 75 percent
20 goal per jurisdictions, unlike 939. So we have a
21 statewide goal. We have measurement needs in order
22 to verify or track the progress towards that. Then
23 in lieu of a 75 percent numerical goal at the
24 jurisdiction level, how do we ensure that things
25 are happening? You know, what kinds of programs do

1 we end up including in these regulations, whether
2 it's the jurisdiction, generator or hauler level or
3 whatever? And then how do we track and verify that
4 in a manner that allows us to make consistent and
5 fair enforcement decisions in terms of compliance
6 and enforcement? Which will lead into some of
7 Georgianne's presentation.

8 So that's some of the -- maybe that's some
9 of the apples and oranges. We need information for
10 different purposes in this. So just a general
11 comment there.

12 MR. BRADY: And I --

13 MR. LEVENSON: Oh, go ahead.

14 MR. BRADY: -- sorry. I just wanted to
15 touch back on the one.

16 You mentioned the waste characterization
17 study. That's certainly a data point we're going
18 to be looking at but -- in terms of we have
19 proposed funding in the budget for a waste
20 characterization study. It's not necessarily as
21 reliable that we'll always have future waste
22 characterization studies. We'll certainly endeavor
23 to continue to have that. But it also doesn't
24 identify, other than the waste not going to a
25 landfill, it's not identifying what the end use of

1 that material is, so that creates some
2 complications for actually measuring the methane
3 reductions.

4 MR. LEVENSON: Colleen, you've got the
5 mic.

6 MS. FOSTER: Howard, that was a good
7 point. I'm glad you brought that up, because that
8 was a question I had, the difference. You know, AB
9 939, it's very clear, the 50 percent to
10 jurisdictions. This one is a 50 and 75 percent
11 goal statewide.

12 So what does that mean in regards to that
13 2022 and \$10K a day. What is enough in compliance
14 from a jurisdiction to avoid that type of level of
15 noncompliance? So I if I did a food recovery
16 program, I even set up a compost facility to take
17 care of just green waste and, you know, the fruits
18 and vegetables, but I didn't want to take on all
19 the other difficult organics materials, am I being
20 noncompliant?

21 The second question I have, is it possible
22 to require some type of monitoring that would
23 require the generators to identify what they're
24 doing or not doing? You know, simply from the
25 perspective to take a look at, you know, corporate

1 and social responsibility and businesses that are
2 not participating in donation programs or recovery
3 programs that should be, I think that's important
4 to look at how we can do that and deal with that in
5 regards to privacy issues.

6 The other question that really hasn't been
7 touched upon today is in AB 1826, it seemed very
8 silent about, you know, you need to divert
9 organics. We don't care if you're traveling 300 or
10 500 miles to process that organics. And all of
11 these mandates are based upon greenhouse gas
12 emission reduction goals. So is there any
13 reference to that, to whether cities are going to
14 start sending materials 500 miles away? Do we want
15 to disincentivize that? The funding should
16 incentivize local system versus infrastructure that
17 requires and creates additional greenhouse gas
18 emissions from transportation.

19 MR. LEVENSON: Wow. Let's see. Let me
20 parse that out a little bit.

21 MR. BRADY: Yeah, I think I'm kind of
22 following kind of three questions, one on
23 compliance, one on generator action, and then sort
24 of incorporating distance to facilities in the
25 overall emissions picture.

1 So the question on compliance is a really
2 good one, and that's part of why we're here today
3 in terms of we're going to have to determine what
4 that looks like. It won't necessarily be a, you're
5 at 74 percent and here comes a \$10,000 fine. But
6 we do want to -- you know, and a key part of
7 reporting is how do we identify metrics that are
8 sort of in a black or white category? I mean,
9 there's going to be a lot of qualitative aspects of
10 this, but there needs to be some aspects where you
11 can say this happened or this didn't happen.

12 And it's sometimes as simple as the
13 difference between having an organics collection
14 program where you're just collecting it but maybe
15 half of it's not actually being recycled, or having
16 a true recover program. And that's something that
17 we'll -- I mean, we're very far away from having
18 developed what that actually looks like. But we do
19 want to finish this process as quickly as possible
20 so that we can have everyone, the entire
21 stakeholder community, familiar with what the
22 compliance requirements will be in 2022.

23 On generator monitoring, you know, that's
24 certainly something we're looking at. That might
25 be the most appropriate at the jurisdiction level

1 in terms of CalRecycle may not know how individual
2 generators operate within a jurisdiction better
3 than the actual city council and the city staff.
4 I'm not sure I'm answering your question on that.
5 But if you want to follow up on that, we can.

6 And then in terms of distance, I can say
7 we're definitely thinking about that as we work
8 with the Air Resources Board. We don't want to
9 create solutions that actually create more
10 emissions. And that's -- we do have some data
11 where we're looking at, you know, if you're hauling
12 a ton of compost from here to here versus here to
13 here, what's the overall emissions reduction
14 picture? And Tung can probably speak to that a
15 little bit better than I can.

16 MR. LE: Yeah. So thank you for bringing
17 that point up. It's actually a really good one to
18 make. And the ask in there, as part of the
19 reporting and monitoring about destination and use
20 of material is something the Air Resources Board is
21 actually very interested in collecting. We have
22 goals, like we were talking about this morning,
23 under the scoping plan and the Short-Lived Climate
24 Pollutant strategy to reduce greenhouse gas
25 emissions. We want to be able to measure the

1 efficacy of these programs that we're developing
2 under 1383 and some of the other programs that we
3 were developing over the Short-Lived Climate
4 Pollutant strategy.

5 Some of the concerns that we've heard from
6 disadvantaged communities and the environmental
7 justice community are these transportation
8 emissions. Are we setting up markets in a way
9 where we have massive centralized processing
10 facilities, and so then you transport this material
11 hundreds of miles away, or is it better to somehow
12 set up a market or put in mechanisms that encourage
13 localized collection and composting or collection
14 and processing of this material to avoid these
15 transportation emissions?

16 So it's something that we're aware of. We
17 don't really have a whole lot of good answers yet.

18 But are there mechanisms?

19 So I guess the question, you know, really
20 to all of us globally is, you know, are there
21 mechanisms, are there things that we should be
22 considering to encourage that type of processing
23 over, you know, these large centralized plants that
24 would encourage transportation emissions to be
25 generated and, you know, making sure that we reach

1 our greenhouse gas reduction goals that we've
2 identified in the scoping plan?

3 MR. LEVENSON: And, Tung, can I just maybe
4 ask you, just as a follow-up?

5 And it's my understanding from the various
6 emission reduction factors that we've worked with
7 you guys on over the last couple of years. And
8 general, and I might be wrong on this, in general
9 the GHGs from increased transportation are not a
10 major factor compared to the GHG reductions
11 associated with getting organics out of landfills.

12 Where I've -- my understanding of the
13 transportation issues is it becomes criteria
14 pollutants that are going to lead to ozone, plus
15 the cost, obviously, of transporting longer, just
16 the trucking costs. Is that a correct
17 characterization?

18 MR. LE: Right. That's absolutely right.
19 Thanks for that clarification, Howard.

20 So, you know, we have GHG goals. And
21 Howard is right, some of the data that we have so
22 far shows that the emissions or the GHG savings
23 from diverting this type of material, for instance,
24 far overshadow the amount of vehicle emissions that
25 we might save. But really, because we're talking

1 about transportation along major corridors, we're
2 talking about processing this material near
3 disadvantaged communities, they are localized
4 effects that we're looking at here and we're
5 concerned with. And so we are looking at it from a
6 criteria pollutant aspect and from a health
7 protection aspect, rather than a more global GHG
8 aspect.

9 So those are some of the balances and some
10 of the considerations that we need to take into
11 account when we look at the efficacy of these
12 programs.

13 MR. LEVENSON: Thanks, Tung.

14 I wanted to also piggyback on Hank's
15 response to Colleen. And just, I think Scott
16 mentioned this, this morning, he did on Tuesday,
17 I'm getting things mixed up, in addition to there
18 not being a 75 percent numerical goal for each
19 jurisdiction, 1383 also doesn't provide for the
20 good-faith effort kind of status that we have in AB
21 939.

22 So we're looking at, Hank said, a more
23 easily discerned, you're in compliance or you're
24 not out of compliance. So we want the reporting to
25 be able to support making that determination. How

1 much of that has to be quantitative, how much of it
2 can be qualitative, is something we're going to
3 have to be working on.

4 But we're looking for, and Georgianne will
5 talk about this more in the next section, we're
6 looking at being able to make, I won't say easier,
7 but make determinations about compliance and the
8 about the need for enforcement that don't become
9 protracted and quagmired into gray areas. We want
10 to try and make this as clean as we can on those
11 kinds of reporting and enforcement mechanisms.

12 MR. BRADY: I just wanted to add one point
13 to that, and not to get ahead of George, but it's -
14 - we're kind of taking that approach as we're
15 looking at reporting and enforcement, not because
16 we want to be taking enforcement in 2022, but I
17 think it's in recognition of there's a 2020 goal
18 that's three years away, and our regulatory
19 authority doesn't come online until two years after
20 that, which is three years before the next goal,
21 and it's a lot of material that needs to be moved.

22 So I think we need to be efficient in how we look
23 at compliance and enforcement.

24 MS. WHITE: I just wanted to jump on that
25 transportation aspect. And I was glad for the

1 clarification between what we're looking at,
2 greenhouse gas emissions versus air quality.
3 Because certainly from a greenhouse gas
4 perspective, the transportation emissions really
5 aren't impactful.

6 I wanted to add to the conversation that
7 we can continue to mitigate local air quality
8 pollutants by looking at biogenic fuels or bio CNG
9 or maybe hybridizing fleets would reduce a lot of
10 those transportation emissions.

11 So, Colleen, I know you work for a city.
12 We can really empower the cities, again through the
13 franchise agreements, to support facilities and
14 infrastructure that provide a betterment of the
15 environment through an inclusive process. So maybe
16 there's an AD facility that's producing a fuel or
17 there's another way to provide better fueling
18 infrastructure to offset the costs of the
19 transportation.

20 We do talk about localized compost as if
21 it's a really wonderful thing, and it certainly can
22 be. But when we're dealing with processing
23 commercial food waste, it is a stinky, dirty, nasty
24 process. And we have to take into account
25 communities that are impacted from that and the

1 argument of whether it's better to do it 100 miles
2 away from your city or spread it out locally
3 through the city is a tough discussion.

4 So I wouldn't always looks at
5 transportation as a negative thing. We do have
6 consider all these sides.

7 MR. LEVENSON: Thanks.

8 Barbara? We'll get -- oh, you've got the
9 mic. Okay.

10 MS. HAMILTON: Barbara Hamilton from the
11 San Diego Food System Alliance.

12 So with all the challenges of the
13 reporting that we've already talked about, there's
14 additional challenges then with the reporting for
15 the donation part. Because if we're allowing
16 jurisdictions flexibility to determine how they're
17 going to accomplish those goals, which, of course,
18 we want to do, and if we're going to utilize
19 existing networks, it's going to be an additional
20 challenge in regard to who's hauling, so if it's
21 the haulers that take that on, if a jurisdiction or
22 a countywide area or multiple jurisdictions work
23 together and have a system where the hauler picks
24 it all up, which probably won't be the case because
25 there's existing networks in place.

1 So, I mean, I don't work for the county
2 and I don't want to, you know, give them extra
3 burden. But it seems like if it's using the normal
4 channels for reporting and then it all goes up
5 through at a county level, that there might be more
6 of an opportunity to collaboration. Because food
7 pantries and food recovery distribution networks
8 aren't actually run by the counties. They sprout
9 up all over the place as needs are defined and
10 developed. And the counties actually have to go out
11 and find out who all these food -- what is our food
12 recovery network and how can we support them?

13 So I don't have the answer for that but I
14 think it's going to be a little bit challenging,
15 and it would be good to have flexibility in how
16 that's done, but it seems like working on a large
17 scale, bringing jurisdictions together so that they
18 can share solutions, as far as that food recovery
19 network, might be helpful.

20 MR. BRADY: Thanks. Those are really good
21 points. And we don't have the answer either just
22 yet. And I think to your point, part of the
23 reality, especially the reality on edible food
24 recovery, there probably always going to be an
25 aspect of that that's not measurable. My roommate

1 ate my sandwich the other day, and that would have
2 otherwise gone to the garbage, I don't know that
3 that's ever a detail we'll ever be able to measure.

4 But that's part of why we looked at edible food
5 recovery organizations as a potential source of
6 information.

7 I think it was mentioned earlier,
8 measuring the number of meals served. That might
9 not be the final metric but it could be a factor
10 that's included in determining, did we get to 20
11 percent or do we need more improvement? So there's
12 a broad array of areas where we might need data so
13 that we can measure progress.

14 MR. LEVENSON: Okay. I know we have one
15 more person with the mic.

16 Let me just have a show -- does anybody
17 have additional comments they want to provide on
18 the reporting section? I'm just trying to get a
19 sense of time and whether we should move onto the
20 enforcement section before traffic takes over.

21 Okay.

22 So go ahead.

23 MR. CHONG: Okay. Hi. Suk Chong with
24 L.A. County Public Works. So I hope I could touch
25 upon a number of things that were brought up.

1 Regarding reporting, so with us, as we've
2 reached out to the nonprofits, one of the things
3 that we are going to be and we have -- we are going
4 to require of them is to report, so they will be
5 providing us a report on how much is being
6 recovered. I think that is something that the
7 generators the businesses would want to know,
8 because there is potentially tax benefits to them.

9 But those who then generate outside our program,
10 we wouldn't be able to report that to you. So
11 we're fine with reporting certain things, reporting
12 what we could, but recognizing that there would be
13 limitations with what we are able to report.

14 With regards to generator actions, a
15 couple of things to keep in mind. For us, we're
16 looking at a recognition program as part of that,
17 so recognizing those businesses that are
18 participants in the donation program, whether it be
19 some sort of seal or something that would recognize
20 they are a business that do this.

21 We are also considering some sort of an
22 awards program that goes beyond that.

23 Also, I would believe that as they're
24 donated food that are not being placed in the
25 trash, that would lower the trash bill. I mean, if

1 it became trash it would be separated collected as
2 organics waste. And therefore, you know, organics
3 waste processing being more expensive, their bill
4 could be -- I mean, so there's that element.

5 So it's a matter of developing all aspects
6 of all this and sharing how they could benefit from
7 the costs savings, what they could do in terms of
8 benefitting the community and so on. So that goes
9 to the generators actions.

10 With regards to transportation, our
11 franchise agreement allows already for a provision
12 there where -- for alternative fuel vehicles. They
13 are extensions to the agreement. So we have our
14 haulers that have -- 75 percent of their fleet is
15 alternative fuel. And therefore they earned a
16 three-year extension, and so we're able to do that.

17 And we do -- we inspect those vehicles every year
18 so that we keep them honest.

19 I guess those are it.

20 MR. BRADY: Thank you. That's really good
21 feedback and really good information.

22 And, Howard, I don't know if you had
23 anything to add?

24 MR. LEVENSON: Yeah. Those are great
25 ideas.

1 I think unless somebody's got something,
2 really, that hasn't been kind of touched on, there
3 will be more opportunities on this but I just want
4 to be cognizant of L.A. traffic.

5 I think what we'll do now is have
6 Georgianne Turner come up and talk about
7 enforcement.

8 And, Hank, before we jump into 939, let's
9 give folks an overview of next steps, because folks
10 will be leaving, I'm sure. And then we'll repeat
11 it at the end again. I'd like to do it twice.

12 So after George talks and we have that
13 comment period, we'll give a little overview of
14 what we think roughly next steps are. And there's
15 nothing in concrete at this point.

16 MS. TURNER: There we go. Thank you.
17 Good afternoon. As Howard said, I'm Georgianne
18 Turner. I'm going to go briefly over our
19 enforcement concepts that we have.

20 You know, as you've heard, we're really in
21 conceptual mode, which makes discussing the
22 enforcement specifics very, very difficult. But I
23 think there are a few things that we can start to
24 have the discussion about, and one of those is how
25 we -- different models that we can look at for

1 enforcement, so I think we can begin that
2 conversation, as well as we can look at the
3 different entity relationships and who would be the
4 most appropriate agencies to oversee compliance of
5 different entities if they were to fall into the
6 regs. That's where we'll focus our conversation
7 today.

8 I think, you know, we've heard throughout
9 the day that, you know, we're looking to try and
10 make the requirements a little bit more specific
11 and measurable and make the enforcement a little
12 bit more, shall I say, digital. And so it would be
13 a very different model than what we have in 939
14 where we're applying some criteria for good-faith
15 effort to determine compliance. So that won't be
16 on the books. We'll be looking at something
17 different. That isn't to say that there won't be
18 certain factors that we look at prior to taking
19 penalties. So I want to just throw that out there,
20 that that will be a discussion at some point, what
21 those factors are.

22 I think we pretty much already know this,
23 but I'm just going to make a note, this discussion
24 is really outside any sort of local ordinance you
25 all might have that might be more stringent or be

1 on a different timeline, so that's kind of outside
2 of this discussion, as well, any -- as well as any
3 of the franchise agreements that have more strict
4 requirements. So I think we kind of all know that,
5 but I think it's good to just recognize that.

6 So on some of the different relationships,
7 as I mentioned, you know, our -- the primary
8 relationship that CalRecycle would have with
9 jurisdictions isn't going to change a whole lot.
10 We will still have a role to play as far as
11 enforcement and responsibility to assure that those
12 jurisdictions are complying with whatever the
13 requirements end up being, and have an enforcement
14 mechanism to assure that that happens.

15 So -- but there's also a potential that
16 CalRecycle could also oversee enforcement over
17 other entities, so that's kind of a question out
18 there of how that might look.

19 So some of the questions that have come up
20 in our discussions are, you know, for
21 jurisdictions, is it appropriate for them to have
22 enforcement over haulers and generators? Pros and
23 cons to that.

24 And we've talked about a few facility-
25 based measures which could be -- contamination

1 would be an example, I think, that Cara brought up
2 earlier. Would it be appropriate to have that be
3 measured at the local enforcement agency level?

4 So some questions out there about how that
5 might be most appropriate to play out.

6 So I'm going to talk a little bit about
7 five different models. I'm sure there are other
8 models out there. If you have any ideas, we would
9 love to hear them.

10 I think there's two aspects, as we talk
11 about these models. There's the actual monitoring
12 of compliance. And then there's the actual taking
13 enforcement over an entity who isn't complying with
14 the regs. And although often these are in concert
15 with each other, they don't actually have to be.
16 So I just want to throw that out there, that one
17 entity could monitor compliance and another entity
18 could enforce.

19 So I'm just briefly going to go over these
20 five models. The first model is that
21 state -- the state would have enforcement authority
22 over the jurisdictions, as I mentioned before, that
23 would be a status quo, and, of course, of any other
24 agencies where jurisdictions don't have authority
25 now, which an example of that would be stage

1 agencies. In addition to -- and that would be true
2 for any of these models. That would remain. But
3 in this first model the state would also enforce
4 regulations over other entities, such as haulers,
5 facilities and generators, as an example, if those
6 end up being as part of this regulation package.

7 The second model is delegated enforcement
8 authority. And this is where we would delegate the
9 enforcement authority to the local agencies. And
10 if those local agencies were not fulfilling their
11 responsibilities, then CalRecycle would have an
12 oversight rule and a mechanism to compel the local
13 agencies to do so.

14 The third model is, I'm not sure how
15 viable this is, but it is a model where we would
16 share joint authority.

17 The fourth option would be an optional
18 delegation authority. This is somewhat similar to
19 what we have with local enforcement agencies where
20 the jurisdiction designates a particular agency to
21 do their enforcement for them. And if they choose
22 not to take on those responsibilities, those
23 responsibilities fall to the state.

24 And then lastly, we have a partial
25 delegated authority. And this is similar to our

1 Tire Enforcement Program that we have where we have
2 the local enforcement agencies out in the field
3 doing inspections and compliance work, citing
4 initial violations. And then where violations can
5 be corrected, then those cases are forwarded to the
6 state for enforcement. So that's another model.

7 So like I said, we're in, definitely, a
8 preliminary stage. There's not a lot of detail we
9 can get into until we make some of the -- define
10 some of the parameters that we discussed earlier
11 today. But I think I would love to hear, you know,
12 any ideas that you have on the things that we did
13 throw out there.

14 MR. LEVENSON: Thanks, George. You might
15 as well stay up.

16 So comments, questions, ideas on
17 enforcement? This is clearly going to be a very,
18 very key issue for CalRecycle to discuss over the
19 next months in the rule making. We want to make
20 sure, as George said, that we are able to do this
21 effectively. (Background telephone conversation.)

22 You said digital. Now that's kind of -- but that
23 it not be as protracted and gray as some of the 939
24 determinations are right now.

25 Any of these models strike you as most

1 workable? Any of them -- other ideas that you
2 think you want to keep --

3 UNIDENTIFIED MALE: (Background telephone
4 conversation.) There's a lot of things detailed.

5 MR. LEVENSON: Where did come from? Okay.

6 Who's got their hand up? I see you've got
7 two on the, I'm sorry, what, your left. Okay.

8 John, go ahead, and we'll come down here.

9 MR. DAVIS: He's assuming I have a
10 comment.

11 No, I think it's going to be really
12 important for -- we have some large federal
13 military training facilities. It's going to be
14 really hard for a city to go in and tell the U.S.
15 Marine Corps that they need to comply with the
16 statute. So, you know, I don't think it's
17 universal. But I think the ability to call for
18 help, you know, whether it's a school district or
19 Caltrans or the Marine Corps, I think there are
20 just going to be instances where that's really the
21 appropriate way to handle it, and you're going the
22 have more leverage with them.

23 MR. LEVENSON: Okay.

24 MR. DAVIS: That's it.

25 MR. LEVENSON: Thanks, John. And by the

1 way, you know, this does include schools. We
2 haven't mentioned schools very much, but state
3 agencies, schools, things that are typically
4 outside our jurisdictions ability, the federal.

5 MS. TURNER: Yeah. That will likely stay
6 with us because we -- there's no authority, I don't
7 think, to give that away --

8 MR. LEVENSON: Yeah.

9 MS. TURNER: -- even though it might be a
10 good idea for us, but thank you.

11 MS. WHITE: Hi. Monica White, Edgar and
12 Associates.

13 So I'm not sure if I can subscribe to one
14 over the other. But I will say that, based on some
15 experiences I've seen, especially when it comes to
16 reporting and how an LEA or a county may track how
17 a facility or processor is doing, I do think
18 however the enforcement mechanisms rolls out, there
19 is a certainly a need to ensure that, say at a
20 county level or a state level, all of the reporting
21 and sort of the tracking that we discussed in the
22 previous section certainly be made clear to both
23 entities.

24 So, for example, if an LEA, say is put in
25 charge of enforcing over a compost facility and

1 that compost facility tracking is being sent
2 directly to CalRecycle and they're not seeing both
3 sides, that could present a real issue in having to
4 make sure that the compost facility has done what
5 they've said.

6 So I think something to keep in mind is
7 transparency and collaboration between these
8 different jurisdictions. I do like that a lot of
9 these options have CalRecycle taking a larger role
10 in how we're looking at a facility level. I know
11 Cara earlier mentioned maybe evaluating diversion
12 rates by facilities. I think that's very
13 interesting, especially since, and I know this is
14 was brought up on Tuesday, some facilities do
15 manage materials across county lines and it
16 therefore become difficult in the annual report to
17 sort of track that.

18 So it certainly seems like some kind of
19 combined role, whether you guys are looking at
20 annual report from a jurisdiction to evaluate a
21 certain set of programs. And then in addition,
22 looking at a DRS report from a facility to ensure
23 that they've met their recycling commitment or
24 whatever rate that they subscribe to.

25 MS. TURNER: Thank you. I'm kind of

1 hearing that there's almost a two-prong approach,
2 that it might be, in some case, appropriate to
3 delegate all the authority to a jurisdiction.

4 MS. WHITE: Uh-huh.

5 MS. TURNER: And then on these certain
6 other specific things, maybe there's -- it's at the
7 state.

8 MS. WHITE: Right.

9 MS. TURNER: Yeah.

10 MS. WHITE: And for me, like I come from a
11 greenhouse gas verification background. So through
12 those mechanisms there are certain requirements to
13 keep reporting and source data, is what they call
14 it. So it may not be something that is shared
15 annually with CalRecycle. But certainly you could
16 call upon that information, should you need to do
17 an audit or some kind of verification for the
18 process. And whether that's at a jurisdiction
19 level through an annual report or a facility level
20 with a DRS reporting, I just tagged onto those two,
21 I think that becomes very important for
22 transparency in the system and making sure that we
23 are accounting for as much as possible.

24 Again, the idea that without really good
25 solid reporting, no matter what our goals are, we

1 can't say that we've met them.

2 MR. LEVENSON: Thanks, Monica.

3 We'll get you the mic.

4 Thanks, Jeff.

5 MR. REYNOLDS: Dave Reynolds with the City
6 of Laguna Hills.

7 Wow, this is a lot of information, so --

8 MR. LEVENSON: Yeah.

9 MR. REYNOLDS: I guess I'd be remiss if I
10 didn't say that I favor local control with the
11 management of solid waste and recycling as it
12 relates to organics because of what comments have
13 been made with our franchise agreements and how
14 those can differ between local agencies, just based
15 on circumstances. So status quo, I was unclear
16 what that meant. If it means that we continue
17 forward the way that we're conducting business now,
18 where there's local control of reporting through
19 the county and to the state, that makes sense to
20 me.

21 Then I had a question. I liked good-faith
22 effort. To me it made a lot of sense. And, you
23 know, the genesis of why that went away, I can
24 understand probably, because there needs to be more
25 teeth in foreseeing diversion. But I also look at

1 a good-faith effort being defined as administrative
2 discretion, too, in monitoring the programs.

3 So I just found out today that the goals
4 that we've set for 2020 and 2025 are not set on the
5 jurisdiction, but rather statewide. And the
6 comments have been made, too, that there are rural
7 communities, there are more urban communities,
8 we're all different. So the lack of the good-faith
9 effort, I had a disconnect with when you have to
10 measure our accomplishments. So I guess I just
11 wanted to hear maybe a head nod that you still have
12 administrative discretion.

13 MS. TURNER: Yes. And that will probably
14 -- that's going to play out, you know, with the
15 monitoring of compliance.

16 So just to go back to your question on
17 status quo, what that was referring to is our
18 relationship with entities outside jurisdictions
19 controlled now, like schools and state agencies.
20 So that's the status quo that verbiage was intended
21 for.

22 But, yeah, there's always administrative
23 discretion. I mean, you're never ever going to get
24 away from that in reality. I mean, an inspector
25 goes and takes a look at a site, and they're always

1 making a certain amount of judgment. But, you
2 know, we're going to try to reduce some of the
3 subjectivity to that and make it a little bit more
4 objective.

5 So I'm not really answering your question,
6 probably, but feel free to ask more.

7 I also want to just bring back the note
8 that we -- there will be a full discussion about
9 factors that are considered prior to penalties.
10 And so although that's not good-faith effort the
11 way we've defined it in the statute, there are
12 elements that we always take into consideration
13 prior to assessing penalties. And, you know,
14 although it may not be called good-faith effort, an
15 entities effort in trying to comply is always part
16 of that discussion.

17 So it feels like a very bureaucratic
18 answer, but I don't know if that's helpful or not.

19 MR. REYNOLDS: No, it was. Thank you.

20 MR. LEVENSON: I'll throw out a little
21 hypothetical, if I can think it through.

22 Suppose, and I'm not predetermining
23 anything, but suppose a jurisdiction passes an
24 ordinance or implements some program to meet
25 requirement X, and it has to do with ramping up

1 collection to cover, say all the organics that
2 we've talked about today. And then it turns out
3 that there is not sufficient capacity. Well, maybe
4 they put in a provision to phase in things that
5 rates are going to go up or programs are going to
6 be phased in as capacity builds up. So that to me
7 is a potentially a legitimate way to approach
8 things. I'm not saying that's going to be in the
9 regs or not.

10 Whereas, if you had the same situation and
11 a jurisdiction didn't make any effort to pass
12 ordinances or revise franchise agreements or try to
13 deal with rate structures, well, to me that would
14 be fairly straightforward that that's something
15 that's not in compliance and warrants consideration
16 for enforcement.

17 So I think, how do you factor in the real
18 world and the timing of everything, but we don't
19 have the category of good-faith effort, you know,
20 out of compliance and on a compliance order, in
21 compliance and on a four-year review versus that
22 good-faith middle bucket?

23 MR. BRADY: Howard, if I could just add,
24 as George was saying, there certainly will be
25 factors that are considered. And there's going to

1 be factors outside either the jurisdictions
2 control, outside of a haulers control, outside of a
3 facilities control. Just by the definition of the
4 waste stream, you only have control of what you
5 have possession of at that time.

6 But as it relates to good-faith effort,
7 it's not so much that we won't be considering those
8 factors, but it's that the process that's
9 specifically spelled out in 41825 and 41850 of
10 certain notice -- certain specific noticing
11 periods, that is not what the statute included, but
12 we'll still be considering factors. It's not just
13 all black and white.

14 MS. SCHILL: Hi. Alyson Schill from Tree
15 People.

16 I actually work with schools. And since
17 you mentioned schools, I wanted to bring it up that
18 it is nearly impossible to give like mandated
19 regulations of you have to do this, Mr. School
20 District, especially something like LAUSD which has
21 just hundreds of schools that they can barely
22 control.

23 But I go out to these schools on a daily
24 basis and I'm trying to help them implement, not
25 only like just basic recycling program that goes

1 beyond just the cardboard, which is now the only
2 thing that they're really kind of forced into
3 doing, but bottles and cans that kids can make
4 money off of. Or even now, I'm really seeing a lot
5 of interest in especially food share and food
6 donation programs as it relates to AB 1826, as
7 teachers, especially science teachers, are learning
8 about it.

9 And I just wanted to put it out there that
10 something that I have as an idea that CalRecycle
11 can do to help that system move forward is like,
12 for example, you guys were offering those recycling
13 bins, those black corrugated plastic recycling bins
14 for a long time. I know you're out of those right
15 now and they come and go. But those are a huge
16 help for the teachers that I work with all the
17 time.

18 I don't know if there is any sort of
19 funding that can go into providing resources and
20 monetary funding incentives or contests, or even
21 just recognition labels, something like a green-
22 ribbon school but on a smaller scale, of like a
23 closed-loop food school that does a food share and
24 a food donation program, just for that little
25 plaque of recognition, or have some bragging rights

1 as to their ability to participate in it. Because
2 with schools, like you said, it's hard to say you
3 have to do this. But rewarding them and giving
4 them the resources they need to actually be able to
5 comply with these new laws that are coming down is
6 going to be really monumental for them, so thanks.

7 MS. TURNER: It's almost like the opposite
8 of enforcement; right? Thank you.

9 MR. LEVENSON: Others? Don't give him the
10 mic. Don't give him the mic again.

11 MR. DAVIS: I asked for it.

12 MR. LEVENSON: Go ahead.

13 MR. DAVIS: I may regret this, but, well,
14 the good-faith effort response, Howard, I mean,
15 thinking that, I mean, you may not -- you have the
16 authority to set regulations, pretty broad
17 authority. So maybe you don't call it good-faith
18 effort but it's some other triple subjunctive that
19 you know when you see it.

20 But I'm thinking of AB 1826 which really
21 has a pretty prescribed set of steps. And we've
22 been working since its adoption to carry those
23 forward. And you know, that, I think, you know, I
24 have some comfort that I can defend what we've been
25 doing and show why it's going to be effective, as

1 opposed to something that's really vague and
2 everybody submits a bunch of reports on programs
3 and somebody decides whether that's enough.

4 So, you know, I go back to the AB 1826
5 which really overlays, you know, a big part of what
6 I think you're setting out to do initially. And we
7 all have to meet that test. We have to have a
8 plan, and the plan means we're going to carry
9 things out over time.

10 So I just wanted to toss that out there as
11 maybe a way to not lay another burden on us but let
12 us carry forward what's already there.

13 MR. LEVENSON: Yeah. Well, if anything,
14 John, and George, you might want to speak, anybody
15 can speak, but, you know, I think 1383 takes it
16 further, for sure. It expands potentially,
17 depending on how we define things, the kinds of
18 materials that we're looking at beyond 1826. It
19 gives us the ability to think about how do we make
20 this more enforceable.? You know, it's almost
21 flipped, you know, what are clear lines where if
22 you don't do certain things, it's going to be
23 considered to be out of compliance, and to send a
24 message about that?

25 And then it links it to the ability to

1 have, you know, 1826 and mandatory commercial
2 recycling, basically education and outreach
3 monitoring, reporting and monitoring. You know,
4 this give us the opportunity to think about
5 additional programmatic requirements to make sure
6 things are really happening and moving.

7 So I think it's more, for sure, but it's
8 building on that.

9 MR. DAVIS: Yeah. I think -- but the 1826
10 steps are more than just outreach and -- because,
11 you know, you have to address capacity. You have
12 to have --

13 MR. LEVENSON: You have to report on --

14 MR. DAVIS: -- a plan to roll out
15 collection.

16 MR. LEVENSON: You have to report on those
17 things.

18 MR. DAVIS: And you have to report on
19 those things. So, you know, it's not that far
20 removed from what I think you're heading toward on
21 1383.

22 MR. LEVENSON: Okay. Well, we hear you.

23 But for example, and I can't resist, you
24 know, we have information that's going to be
25 provided under both 876 and 1826 on, you know,

1 barriers and what's under local control, what's not
2 under local control. That's useful information.
3 But, you know, 1826 and mandatory commercial
4 recycling still have a very relatively limited
5 number of things that are required.

6 So the question here is: Are more things
7 required and are more entities, do they need to be
8 involved in that? Because we do want to ultimately
9 send a message that whatever this package ends up
10 looking like, we want it to be clear that, you
11 know, we intend to have it implemented and we
12 intend to take appropriate enforcement action.
13 That's one reason why we want to adopt it early, so
14 that people know, you know, what the rules of the
15 game are going to be.

16 MR. BRADY: Okay. Sure, I'll add on.

17 I think with 1826, expanding upon the
18 existing 939 process, I think sort of what you're
19 hearing us grappling with, particularly with
20 reporting and enforcement, is that 1826 or 939 more
21 broadly had clearly delineated what the -- what
22 equaled compliance and had a clearly delineated
23 enforcement program and statute. And we kind of
24 have the opposite here, so it's not necessarily
25 clearly delineated. What is compliance and where

1 our enforcement authority begins and ends is not as
2 clear.

3 And that's part of where we're looking at
4 the statute, trying to vet different concepts with
5 you about how we could approach that. And that's
6 just going to be part of our process, is
7 determining where that is and what the appropriate
8 metrics are.

9 MR. VALDIVIA: Hello. My name is
10 Ignacio Valdivia. I'm here with CR&R. And I just
11 want to give a viewpoint from my position. I'm
12 kind of -- I'm their Assistant Sustainability
13 Coordinator and I interact with city council and
14 different businesses.

15 And I really think that city enforcement
16 is really important. Once you delegate it to
17 CalRecycle, I feel sometimes a city will pass that
18 on and say, well, you know, it's your
19 responsibility. But really, it should be a city
20 council issue and a city should take -- you know,
21 run with it and try to do the best effort they can.

22 And with that, you know, as you were
23 talking with schools, we have a great plan for
24 bottles and cans, that we give back money to that
25 certain organization that runs the program in the

1 school. So what we try to do is that we try to
2 give as much information.

3 And we really appreciate that, as
4 CalRecycle, one of my partners, when they come and
5 visit us, it doesn't feel like they're telling you,
6 you know, this is what's wrong, but this is more of
7 a guidance, like this is where we can help you out
8 with. It's more of a partnership. So I really
9 appreciate that educational feel that can come from
10 you, the city and other nonprofit organizations and
11 try to -- this is a big topic and I love all the
12 information. So as we try to get the right plan,
13 try to make sure we get a good outline, so as we're
14 sharing with, you know, commercial, you know,
15 business owners, that they can understand, you
16 know, where this is coming from and what's the cost
17 of this.

18 MR. LEVENSON: Yeah. That's a great
19 point, Ignacio. And I will just mention, and Cara
20 may want to say something, that our intention is,
21 once the rulemaking is completed and adopted, or
22 even before that, we'll start, but we will be
23 developing, just as we've done for mandatory
24 commercial recycling, just as we've done for 1826,
25 we will be developing FAQs, guidance documents,

1 collateral material, what are peer matches, things
2 like that. And we'll be posting and getting that
3 information out so that the city or the hauler or
4 whoever is involved can go talk to the generators,
5 can go talk to the grocers. We'll be also coming
6 at via the statewide associations and getting them
7 to disseminate information to their members so
8 they're aware of what the requirements are.

9 So there's a different -- a variety of
10 different ways that we will try to get that
11 information out to build the support for that,
12 whatever ends up in the package. I don't know if
13 that's really addressing your points, but they were
14 -- it seemed like it was worth reiterating or worth
15 pointing out that that's what we've done in the
16 past.

17 Cara, I don't know if you want to add
18 anything to that or that's sufficient, so --

19 MS. WILLIAMS: Angela Williams, City of
20 Inglewood.

21 I kind of disagree with what was just
22 stated in regards to allowing just the city to be
23 the enforcement -- or it should emanate through the
24 city as the enforcement agency. Because, of
25 course, mayors or city councils, they're all

1 temporary, as it were. And so whatever is
2 important to that particular group may not be
3 important to the next sitting representative at
4 that time.

5 So I think that if it comes out from the
6 state as a requirement, then any city council will
7 enforce what the state says is a requirement.
8 That's just my personal opinion.

9 Konya?

10 MS. VIVANTI: I totally echo Angela's
11 statement there. Because city councils don't want
12 to keep doing ordinances to their businesses. And
13 you become business unfriendly, and then people
14 move out or they don't vote for you when it's
15 election time. So it's one thing that CalRecycle
16 mandates a city to pass an ordinance or to make it
17 voluntary. When it's mandatory, then the city will
18 say, well, that's -- CalRecycle made us do it.

19 That's what we do with the stormwater rule
20 now. It's the regional board. It's not that we
21 want to do this, the state is making us do this.

22 And it's easier to sell to our businesses
23 than our residents. But if we have to do it on our
24 own and it's voluntary, it's not very popular. And
25 like Angela says, council comes and go. City staff

1 comes and goes, too. And you would have, you know,
2 possibly it rescinded.

3 So the other thing about penalties, if
4 there are penalties, I would hope that the
5 penalties would go back to a program aspect of it
6 and not to the state coffers.

7 MR. LEVENSON: I see everybody writing
8 that down.

9 MS. VIVANTI: I got you, girl.

10 MR. BRADY: I can just add that we
11 typically are the big, bad state. The only
12 enforcement option that George didn't mention is if
13 we just had CalRecycle cede the authority to ARB,
14 that would be our preference but -- no. No.

15 Your point is well taken. That's
16 certainly something we'll keep in mind.

17 MS. TURNER: Am I off the hot seat?

18 MR. LEVENSON: I don't know. No.

19 MS. TURNER: No.

20 MR. LEVENSON: No. I can't read that.

21 MR. REYNOLDS: Dave Reynolds with the City
22 of Laguna Hills,

23 Just for clarification, when we're talking
24 about enforcement, nothing is going to change.

25 This is a mandate coming down from CalRecycle that

1 local jurisdictions have to implement.

2 MS. TURNER: Yes. There will be specific
3 requirements. And I suppose -- I think that's a
4 little bit of a subtlety because we don't have this
5 very solid at this point. But, you know, I can see
6 a requirement come out that a jurisdiction needs to
7 do something, and it's more subjective. And what
8 I'm hearing from a couple of the people in the
9 audience is that that's more difficult, at least
10 that's how I'm interpreting their comments. That's
11 much more difficult to go sell at the local level.
12 So having more concrete requirements that are
13 directed from the state that the locals have to do,
14 or a generator or a hauler, whatever the entity is,
15 is easier for them. So that's kind of what I'm
16 hearing.

17 But since we do have -- we are in the
18 rulemaking package, you know, we -- those -- it
19 could be drafted in multiple different ways. So I
20 think it's good to have that level of feedback.
21 And I think we're looking at this as though there
22 will be some very clear, specific things that are
23 required of entities out of this, for sure. And
24 then there might be some more subjective things,
25 also, but we're just not quite there yet.

1 MR. LEVENSON: Okay. I'm going to -- it's
2 three o'clock. I don't know if we have any more
3 comments on enforcement. We certainly can go
4 there. I know probably people are going to start
5 to filter out.

6 Alyson, you just flashed a sign to me that
7 said email comments, and so I'm not -- that could
8 mean two things. One is we haven't gotten any
9 email comments. But I think you probably meant,
10 can you send comments in via email or was it the
11 former?

12 MS. SCHILL: (Off mic.) No. I think
13 somebody (indiscernible).

14 MR. LEVENSON: Oh, okay. So maybe this is
15 an opportune time, and before we go into the 939
16 section, for -- because I don't want people to
17 leave without hearing a little bit about next
18 steps.

19 So I think what we'll do is ask Hank to
20 just briefly talk about next steps, comments post
21 today, kind of what we're thinking of. It's not
22 all defined yet. And then we'll come back and talk
23 about 939, for those of you who have the stamina to
24 stay and the time and so on.

25 MR. BRADY: Thanks, Howard.

1 And I just want to reiterate, as I
2 mentioned in the beginning, for throughout 2017
3 we're looking at continuing to have these informal
4 workshops to vet the various concepts. Today was
5 very exploratory and we really appreciated
6 everyone's feedback so far. We're also looking for
7 written comments. And I think we're looking
8 ideally within 30 days. We'll still take comments
9 after 30 days.

10 But I think, as we're trying to move
11 towards our next workshop, if you can try and meet
12 that timeline, and also for anyone listening
13 online. And we're looking to have our next
14 workshop in April. We'll probably, again, do a
15 series of workshops in Northern California and a
16 workshop in Southern California.

17 I think we're still determining what the
18 best subject to cover for that is, but I'm looking
19 to have a little bit more detailed policy to
20 discuss and get more feedback on. Then probably a
21 series of workshops April, May, July, June or July,
22 August, throughout the year, as I think all of the
23 sections we talked about today lend themselves to
24 whole or half-day, hopefully, workshops. And then
25 we will -- we're looking to develop regulatory

1 language and initiate the regulatory process
2 towards the end of the year. So your feedback is
3 critical throughout.

4 And then just to kind of reiterate at a
5 little bit of a higher level, when Evan talked
6 about the potential organics definition and what
7 that means is that's essentially not disposing of
8 any more than 5 million tons of organics by 2025.
9 Accounting for population growth, we're looking at
10 a statewide reduction of 20 million tons no longer
11 going to landfills in 2025. So that's not an
12 effort that can be accomplished without cooperation
13 and collaboration between CalRecycle, the state,
14 local jurisdictions, industry and consumers
15 themselves.

16 So I'm looking forward to continuing to
17 engage in this process with all of you.

18 And is there any details I'm missing?

19 MR. LEVENSON: One little detail. If you
20 do have comments, as Hank said, we'd like to get
21 them in the next -- written comments, we'd like to
22 get them in the next 30 days. We'll take them
23 after that, as well. But the next 30 days, those
24 will be the ones that we're trying to digest and
25 use in terms of the next iteration so that we have

1 some materials for April.

2 We do have a comment form online. If you
3 can use that, it makes it easier for us to kind of
4 parse out the topics and see, you know, where we
5 need to respond. We're not going to be responding
6 to each comment that we get with a letter back to
7 you saying here's what we did. You know, we'll be
8 taking all that information and distilling it.
9 This is informal, so we're taking feedback in a lot
10 of different ways.

11 But that's -- to the extent that you have
12 the time and inclination to write and can use the
13 comment form, that would be great. If you don't
14 use the comment form, we'll still look at it, and
15 it will be ongoing throughout the year.

16 So I think now I'm going to invite Cara
17 up. We're going to jump into our last section, and
18 kind of alluded to it. One of the things that our
19 Director, Scott Smithline, has been talking to
20 various jurisdictions about over the course of the
21 last year or two is as this discussion of SB 1383
22 started to evolve in the legislature and with the
23 scoping plan and the Short-Lived Climate Pollutant
24 Plan, he's also been talking to jurisdictions about
25 our fundamental program under AB 939, which had

1 been modified by 341 and 1826, as to whether there
2 are any opportunities for us to streamline or
3 modify the kind of planning and reporting
4 provisions of AB 939 without diminishing its
5 underlining intent, because that is still there.

6 So we wanted to open up that dialogue
7 today. We may not have any great ideas, but we
8 want to make it clear that we're open to those
9 ideas on how to streamline that process as we move
10 forward on the 1383 rulemaking.

11 So I'll turn it to Cara. We're going to
12 tag team again a little. Maybe I'll do it right
13 this time.

14 MS. MORGAN: You did fine.

15 So we're going to go through this very
16 quickly. But I think, as Howard very well set the
17 stage, what we want to talk about are the key
18 aspects of the current 939 jurisdiction review
19 process, and that includes a variety of things.
20 And I want to start out with the formal review
21 process.

22 And for those of you who are from
23 jurisdictions or work with jurisdictions, you know
24 that a key part of the success of 939 has been this
25 aspect of formally reviewing jurisdictions program

1 implementation and CalRecycle making a
2 determination on is that program implementation
3 adequate.

4 So as we move into developing the 1383
5 concepts, we talked about earlier that we do want
6 to try and deal with overlap duplication. And as
7 we move into 2022, how or what could the 939 review
8 process look like? Should it stay the same? Maybe
9 that's, it should. Maybe there are changes. So
10 we're looking to get your input on that.

11 Some other aspects of it are -- and John
12 Davis mentioned earlier, should it be a bit like it
13 is for MCR, or mandatory commercial organics?
14 Meaning that we could review a jurisdiction any
15 time, and there would be more specificity to what
16 is an acceptable program. So that's one concept.

17 Another thing we'd really like to talk
18 about and get feedback is the annual reporting
19 process. And reporting to CalRecycle is critical
20 for CalRecycle to verify program implementation and
21 for us to know that programs are being implemented.

22 And certainly as we move into SB 1383
23 implementation, you heard earlier that reporting is
24 going to be also very important.

25 So where we can, are there ways that we

1 should streamline or change the current electronic
2 annual reporting process? And so we'd like your
3 input on that.

4 And I turn it to Howard.

5 MR. LEVENSON: Can you click the -- oh,
6 you did.

7 MS. MORGAN: Yeah.

8 MR. LEVENSON: Got it.

9 MS. MORGAN: I did.

10 MR. LEVENSON: And similarly, planning,
11 obviously, is going to be a really important part
12 of 1383. It's an integral part of AB 939 and the
13 mandatory commercial recycling, and AB 1826. But
14 some of the planning provisions in AB 939 have been
15 around since the inception in 1989. You know, some
16 of them may be unnecessary.

17 So we're looking for feedback from you as
18 to whether some of those provisions might be
19 deleted or modified to relieve some of the burden
20 on jurisdictions, again, without diminishing the
21 underlying programmatic requirements, things like
22 the five-year review report or summary plan or
23 other things, or in contrast, do you think there
24 are additional things that ought to be required
25 that are related to that.

1 If you can -- thanks.

2 We also want to know if, as we explore new
3 organics requirements under SB 1383, we're also
4 wondering whether similar specificity might be
5 needed for some of the existing programs under AB
6 939. For example, should a C&D program be required
7 to have education for permit applicants? Should it
8 be required to have an ordinance? In other words,
9 if we kind of -- at the same time we look at
10 streamlining 939, we also are wondering whether
11 more specificity in some of its programmatic
12 elements might be helpful.

13 And I think lastly, you know, we
14 historically have tried to assist and work with
15 jurisdictions to bring them into compliance before
16 we take formal enforcement action. And I think
17 you're all quite familiar with our history on that.

18 When we do determine that a jurisdiction
19 is determined to be out of compliance, the
20 compliance order process is a pretty lengthy one in
21 terms of the conferring period and going back out
22 to independent review of that, and then putting
23 folks on a compliance order with a local
24 implementation plan and so on, so it takes a long
25 time. Maybe that's good. It gives folks a chance

1 to come into compliance. But we're interested in
2 feedback on our there ways -- should be look at
3 streamlining that? Are there ways to do so and
4 expedite that process and make it a little simpler?

5 So those are just some of the things that
6 we have contemplated. We wanted to just provide
7 this opportunity. At the same time that the bulk
8 of today has been about 1383, are there things
9 about 939 planning, reporting, enforcement that
10 could be done a little differently to help
11 complement our moves towards the 1383 process?

12 MS. MORGAN: And changes could happen
13 statutorily, for example, if it's planning
14 requirements that we want to eliminate. But there
15 are a lot of things that we could administratively,
16 for example, streamlining the annual report
17 process. So we want any and all of your ideas.

18 And same thing goes with the comment form.
19 You can also submit your 939 ideas via the comment
20 form. And we will be taking those, kind of looking
21 at them all and seeing what we can change.

22 So is everybody tired or does anybody have
23 comments on this or ideas? Or it's just something
24 to think about in the future. This is definitely
25 going to be open for input for quite a while.

1 We have -- yeah, thanks, Jeff.

2 MR. REYNOLDS: Dave Reynolds, the City of
3 Laguna Hills.

4 I think if it's not broken, don't fix it.

5 And honestly, the process of submitting the annual
6 report and working with Malory has been useful for
7 me to understand what's happening at our local
8 level. And with the passing of AB 1826, which put
9 a measurement on our businesses that are required
10 to recycle, has been beneficial, too, because it
11 creates a communication channel between the state
12 and the local jurisdiction on which businesses that
13 we're addressing.

14 So I'll put it this way, I don't want
15 CalRecycle breathing down my back more than once a
16 year. So having an annual review -- I'm just
17 kidding because, you know, she periodically will
18 check in, which I think is useful.

19 But in my opinion, just based on my
20 experiences in Laguna Hills, the annual report
21 process -- and I have EcoNomics, too, helping with
22 the report, so there's a lot of work that goes
23 behind it. So I can't really speak personally of
24 generating the report because he's doing it for me.

25 I know there's a lot of work that goes behind it

1 but the product is good. Because when my city
2 council is asking about what's happening in the
3 city, I have a great document to share with them
4 that's very specific.

5 And then that is coupled with the site
6 visit, which I think is useful because it gets me
7 out of my office to go see what's happening, as
8 well.

9 So that, I would like to see go forward,
10 and not really any more reporting constraints that
11 are placed upon us.

12 MR. LEVENSON: Well, I think I speak on
13 behalf of --

14 MR. REYNOLDS: I didn't mean it that way,
15 though.

16 MR. LEVENSON: Yeah. Well, we really
17 appreciate getting that feedback. And I think just
18 within the context of the reviews, those 939 review
19 cycles and the annual site visits, it's nice to
20 hear Malory gets some kudos. And I think, you
21 know, that's well deserved, and well deserved
22 across all of Cara's staff.

23 We've worked really hard over the last
24 seven or eight years to build that whole system of
25 relationships with jurisdictions, get a better

1 understanding of what's going on within the
2 jurisdiction, both for our staff, and then to make
3 sure that, you know, the locals have an equal
4 understanding so that when we come to that review
5 period, whether it's 939 or in the future under
6 1383, we have a really high confidence level that
7 we all understand what's going on, if we identify a
8 gap, we really have a good analytical basis for
9 that, there's been a lot of back and forth. So I
10 think it's really been fruitful. And I'm glad --
11 so I'm glad to hear that.

12 At the same time, we just want to open up
13 the discussion that if there is something that can
14 be changed, we're certainly open to consideration.

15 MS. MORGAN: And I do want to reassure
16 you, Dave and others, that we're not intending to
17 make any changes. We just thought it was a great
18 opportunity to have the conversation at the same
19 time we're starting this dialogue on 1383, so --

20 MR. LEVENSON: Colleen?

21 Thanks, Dave.

22 We'll get you a mic. Yeah. Hang on a
23 sec.

24 MS. FOSTER: One of the things that --
25 Colleen Foster, City of Oceanside -- our agency has

1 been challenged with is our agency was very used to
2 the diversion rate, and actually set their zero-
3 waste goals, our city council, receiving -- you
4 know, achieving 75 percent by 2020, et cetera. We
5 went to pounds per person per day. It's been very
6 difficult to convey that to your stakeholders and
7 your policy makers. And it's difficult when cities
8 like to compare themselves against one another, you
9 know, and there disparities in that. You've got
10 wealthier communities that are allowed to produce
11 more waste. And you've got cities that don't
12 understand that aspect.

13 So that's been a challenge with the new
14 system, especially when all of your mandates still
15 talk about 50 percent, 75 percent, et cetera, it's
16 a very difficult thing to deal with at a council or
17 policy level.

18 The other issue, is there ever going to be
19 an opportunity to change, you know, baseline
20 studies and data that is outdated and not helpful
21 with our reporting systems?

22 MR. LEVENSON: I've punted a few times to
23 other people. I'll punt to you.

24 MS. MORGAN: I know I ignored you earlier.
25 You know, I completely understand the diversion

1 rate issue. And, you know, the thing that we've
2 done is set up the calculator tool so that you can
3 calculate a diversion rate. We, certainly with SB
4 1016, purposely moved away from the number being so
5 important. But I still get, in communicating to
6 counsel, it still plays an important role. So it's
7 a challenge. The best we have is the tool that we
8 have so that you can still do that, and I think
9 that was a good compromise.

10 With respect to baselines, you know, I
11 don't -- it certainly would require a statutory
12 change, and that would have to be driven
13 statutorily. I think that the amount of time and
14 resources that went into developing the base years
15 and updating those numbers was a tremendous amount
16 of money and resources. And that is probably a big
17 reason why we've moved away from that. Certainly
18 that per capita rate is an indicator. But I have
19 to be honest, we really are looking at the disposal
20 trend so much more. We feel that that's a harder
21 and truer number, except for jurisdictions,
22 obviously, that have allocation issues. But we
23 think with the implementation of the AB 901
24 regulations and the reporting system that will be
25 put in place and the enforcement behind that, we're

1 going to see improvements there.

2 So I don't think we'll be going back to
3 that. I do think at some point, as we move further
4 and further away from those original base years,
5 they do become less accurate. And so, you know,
6 when you're communicating to elected officials,
7 disposal trends might be a better communication
8 tool, especially as we move into this world of 1383
9 where we are really talking about, you know,
10 reducing the amount of disposal and particular
11 organics.

12 I know I didn't total give you the total
13 answer --

14 MR. LEVENSON: Well --

15 MS. MORGAN: -- you want, but --

16 MR. LEVENSON: -- and I think just -- and
17 I think Colleen knows this. And just for those of
18 you who weren't involved in this historically, the
19 diversion rate calculation was becoming more and
20 more protracted and unreal in terms of what's
21 really generated, all the adjustment factors, it
22 was late. It really wasn't workable. And there
23 was too much focus on that. I mean, I remember
24 arguments at the Board about, oh, this jurisdiction
25 is at 49 percent. Are they out of compliance or

1 not? And the numbers are so -- they're not so
2 precise, to make that determination.

3 So SB 1016 shifted everything to a real
4 measurable quantity disposal. But more important,
5 and Cara said it, the number became an indicator
6 instead of the trigger. And now we really look
7 more at program implementation. And that's really
8 much more important to me in terms of do
9 jurisdictions have the right -- all the programs in
10 place? And that's going to become even more
11 pronounced, I think, as we move into 1383.

12 So that was sort of the evolution and the
13 history. But it doesn't diminish the issue of it
14 was so easy to talk about diversion percentage, and
15 that's a much easier thing to glom onto, but it
16 really wasn't real.

17 MR. REYNOLDS: Could I -- I wanted to just
18 ask a question.

19 MR. LEVENSON: Oh, sorry.

20 MR. BRADY: I didn't understand the point
21 of the wealthier communities getting to dispose
22 more. I hadn't -- could you elaborate on that? I
23 not understanding where that's --

24 MS. FOSTER: Well, a good example in our
25 community, and you guys can explain more why this

1 is the case, so I welcome you to that, but our
2 council -- you know, what we're allowed to dispose
3 of, it's 6.2 pounds per person per day, and we're
4 generally at four pounds per person per day. And
5 then, you know, I have a council member that looks
6 up the City of Del Mar and they've allowed to
7 dispose of 20 pounds per person per day, and that's
8 very difficult to explain.

9 MS. MORGAN: Yeah. And it's not
10 necessarily about wealth. It gets back to that
11 base year and what went into that. And Del Mar
12 just happened to have a lot of horse manure. So
13 it's kind of Livingston and chicken parts. So if
14 anyone knows Livingston, they have always been well
15 above their diversion rate and well below their per
16 capita target.

17 So did that answer your question?

18 MR. CHONG: Thank you. This is Suk Chong
19 with L.A. County Public Works.

20 So this is not a question, necessarily,
21 about AB 939, but it is -- so there was that memo
22 dated January 10th from Mr. Smithline, giving all
23 the jurisdictions, basically, a heads-up that they
24 will be subject to potentially more aggressive
25 visits, if you will.

1 What kind of response have you had or like
2 what assurance can you share with us that this does
3 not necessarily meet -- like there's one area that
4 was a concern to some people, and that is to do
5 with basically anyone (indiscernible) just
6 complaining to CalRecycle that something is
7 happening, and that could lead to, you know, some -
8 -

9 MR. LEVENSON: Yeah. I think we'll both
10 probably respond on that, Suk Chong. Thanks for
11 that comment.

12 I think it was -- well, a couple of things
13 are going on here. One is that under AB 939, we
14 generally, although we have some abilities,
15 otherwise we generally are looking at all the
16 programs together. And it takes failures or
17 inadequacies on a wider range of programs to
18 forward a jurisdiction for a potential compliance
19 order. AB 341 for mandatory commercial recycling,
20 AB 1826 for organics, allowed us to do a review
21 that focuses on either one of those programs. And
22 we didn't have to do it within the context of the
23 two- or four-year cycle. It could be done anytime.

24 So Scott's letter was really -- because
25 organics are so critical to so many different state

1 policy goals, that letter was really intended to
2 emphasize that provision in the statute and to let
3 folks know that we were serious about it, partly
4 because, you know, we were hearing from some people
5 that some haulers or some cities don't think
6 CalRecycle will do anything about that.

7 So I think it was really important to get
8 that message out that we have that ability. We are
9 looking at that. We're looking at mandatory
10 commercial recycling and organics within the
11 context of the four-year review cycle that just
12 ended, as well as this year and next year. If we
13 see failures to implement, we'll be bringing them
14 forward.

15 I don't know if you want to add onto that.

16 MS. MORGAN: Yeah. I think I would just like
17 to assure you that we are not conducting
18 investigations because someone reported on someone
19 else. I know that was a concern with the
20 legislation, that language in there. And, you
21 know, I can assure you, we continue to look at, you
22 know, the jurisdictions implementation, they're
23 actual implementation. It's based upon the
24 conversations that we have with the jurisdiction
25 and the their haulers and the data that they report

1 to us, as well as a site visit verification.

2 So, you know, before we go down the path
3 of referring a jurisdiction for either mandatory
4 commercial recycling or mandatory commercial
5 organics recycling, it's really done with the
6 jurisdiction. So I hope that is assuring to you.

7 I think also the difference, to add onto
8 what Howard said, is that both mandatory commercial
9 recycling and mandatory commercial organics laid
10 out, as John mentioned, very specific things that
11 need to be done. And so when we are looking at
12 referring jurisdictions for noncompliance, it's
13 because those specific things weren't done. And I
14 can tell you that in analyzing the jurisdictions at
15 the end of this four-year review cycle, you know,
16 it is because jurisdictions really didn't fulfill
17 their commitments, whether that was follow-up to
18 those businesses not recycling or doing some of the
19 significant education.

20 But that's not just the only thing that we
21 look at. Then we look at, well, what are they
22 getting in the way of compliance rates? And, you
23 know, compliance is really high. And then there's
24 this lack of implementation over here. That's
25 what's presenting the picture, when we have a

1 noncompliance situation.

2 But even in Scott's letter, what's laid
3 out there is an opportunity then for the
4 jurisdiction to present to us a plan for correcting
5 that deficiency and allowing an opportunity for the
6 jurisdiction to address it. And that then would
7 keep them from being referred to the Compliance
8 Unit, which is under Georgianne's shop.

9 So it's still built to the 939 process,
10 but it happens -- it can happen a little bit
11 faster. And it happens faster because it is such a
12 prescriptive law and it's much more straightforward
13 for us to be able to determine with the
14 jurisdiction whether it's being implemented or not.

15 And I can say the letter has really helped
16 a tremendous amount.

17 MR. LEVENSON: We'll get the mic to you.
18 No, we got it broadcast.

19 Can we have a microphone please?

20 MS. VIVANTI: Thank you. Hi. Konya from
21 City of Lakewood.

22 Thanks for clarifying that. Because when
23 the letter came out, my management said, hmm, is
24 there -- what kind of change? What's happening up
25 at CalRecycle? We seem to be getting a different

1 tone from them, a different change. And then other
2 cities started calling me and saying did you get
3 that letter, you know, it sounds like something's
4 changing up in Sacramento and, you know, what's it
5 all about? So you know, I'm glad you kind of
6 clarified that a little bit more today.

7 MS. MORGAN: Yeah. I think that it was
8 time for us to let jurisdictions know. You know,
9 we've had four year to implement mandatory
10 commercial recycling. We had seen some
11 jurisdictions that may not have been giving it the
12 attention that it needed. So it was time to send a
13 message. And in March, at the march 21st meeting,
14 we will be taking -- hearing about a group of
15 jurisdictions that have been determined not to be
16 in compliance with mandatory commercial recycling.
17 So it will be the first time that we are taking
18 enforcement actions. Those jurisdictions have been
19 notified. And some of those -- and Konya's like,
20 oh, what does it mean, oh. But

21 MS. VIVANTI: (Off mic.) (Indiscernible.)

22 MS. MORGAN: No, you would know by now.
23 But those jurisdictions are being afforded the time
24 to present a corrective action plan to us. They
25 will still be in this public item as to how they're

1 addressing that. And then those that didn't
2 present an adequate plan or chose not to are being
3 referred to George's team for further corrective
4 action.

5 And then going forward, our staff are
6 beginning this year to conduct their annual reviews
7 and looking at 2016 implementation. That's the
8 first year of mandatory commercial organics
9 recycling implementation. So it is entirely
10 possible that we could have what is called the at-
11 any-time review that was laid out in Scott's letter
12 starting to happen this year, should we find
13 jurisdictions not to be making adequate progress in
14 implementing mandatory commercial organics
15 recycling.

16 MR. BRADY: I can just add onto that. I
17 think part of why we want to have the conversation
18 today is, also, we're talking about 1383 regulatory
19 concepts that won't become effective until 2022.
20 And so mandatory -- 1826, the mandatory organics --
21 commercial organics recycling is one of our primary
22 -- one of the primary tools the state has to really
23 push organics recycling until 2022, until and
24 beyond 2022.

25 MS. VIVANTI: (Off mic.) (Indiscernible)

1 --

2 MS. MORGAN: Yeah.

3 MS. VIVANTI: -- (indiscernible).

4 MR. LEVENSON: Repeat the comment here.

5 MS. MORGAN: Yeah. So Konya mentioned, if
6 there are -- if any jurisdictions do end up facing
7 or having to pay penalties, that will go into a
8 particular fund that we typically -- well, we
9 always have used to then benefit the jurisdictions,
10 to help them with program implementation. And it's
11 laid out in statute that way.

12 But I just want to say, not many have had
13 to get to penalties because our compliance process
14 really is effective, and we take pride in that.

15 MR. LEVENSON: What she said.

16 Okay, it's been a long day. It's 3:30.
17 We're happy to stay here and take more comments.
18 We can kind of open up, if people have got things
19 they want to address from earlier in the day that
20 they, you know, didn't say or didn't have a chance
21 to -- they've thought about and want to add onto
22 it. Okay.

23 And then while we're at it, I want to
24 thank our court reporter, I'm sorry, I don't know
25 you're name, but -- and Paul for --

1 COURT REPORTER: Mason.

2 MR. LEVENSON: -- okay, thanks Mason, and
3 Paul, both of you for being here and making this
4 accountable in terms of a transcript, and for all
5 the smooth operations on the mics and the AV and so
6 on.

7 Go ahead.

8 MR. ARONIN: Actually, a process question.
9 I'm wondering if you're able to share the
10 participant list? It seems like there's some
11 collaborative opportunities that could be explored
12 and be helpful for contributions for future
13 workshops, if that's possible.

14 MR. LEVENSON: Yeah. I would think we
15 can, at least to the extent that people did sign
16 in, you know, we can post that at some --
17 relatively quickly.

18 For those who were on the broadcast, it
19 wasn't a go-to, so we don't have a sign-in, you
20 know, ability on that. But, yeah.

21 Chris, did you note that?

22 Maybe we should -- we're going to go to
23 the last slide. There we go. We've got some
24 contact info up here. So our web page is up there.
25 That's kind of where we'll be posting stuff.

1 That's something to look at. I want to flag the
2 listserv that if you go our home page, you can sign
3 up for that or just, you know, type that in so
4 you'll get announcements of whenever the workshops
5 are and be able to track this over the course of
6 time, because there's going to be a lot of
7 activity, as Hank said.

8 Do you want to wrap up?

9 MR. BRADY: Sorry. Kind of quickly gave
10 some closing remarks earlier. I just wanted to
11 reiterate, this is going to be a long process. It
12 requires a lot of engagement between the state and
13 jurisdictions and the haulers and the generators,
14 as well. So we're looking forward to engaging on
15 that throughout that year. I think we're all
16 probably going to get to know each other pretty
17 well. So it will be really critical that we get
18 your feedback. Ultimately, the product that
19 developed will be better with input from everyone
20 that's going to participating, so thank you.

21 MR. LEVENSON: Okay. I think we are done.

22 Thanks a lot for joining us and being here all
23 day. And we will see you in April, somewhere,
24 somehow, via broadcast. We are probably going to
25 do some workshops at other areas in Southern

1 California, as well, just so it's not always here.
2 But we'll see what room availability is and where
3 we can go. I'm sure we'll be back here. Paul
4 would be devastated if we weren't.

5 Thank you. Thanks everybody.

6 (Whereupon, the meeting was adjourned at 3:33 p.m.)

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REPORTER'S CERTIFICATE

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.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this March 6, 2017.



Mason Booker
CER**00866

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I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



March 6, 2017

MARTHA L. NELSON, CERT**367