



April 7, 2015

The Honorable Jacqui Irwin  
California State Assembly  
State Capitol, Room 6011  
Sacramento, CA 95814

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**RE: AB 1045 (Irwin) – Organic Waste: Composting CONCERN**

Dear Assemblymember Irwin,

The California Chapters of the Solid Waste Association of North America (SWANA) represent much of the publicly-owned and -operated solid waste management infrastructure in the state and the local governments responsible for implementing waste diversion and recycling programs. The SWANA Legislative Task Force (LTF) represents the California Chapters on legislative and regulatory issues.

The SWANA LTF writes to respectfully register our **concerns** over your **AB 1045**, which would require the EPA and CalRecycle to “develop and implement policies to aid in diverting 50% of organic waste from landfills by 2020”. The proposal would achieve this goal by promoting the use of agricultural, forestry, and urban organic waste as feedstock for compost, and then promoting the use of that compost throughout the state. AB 1045 would also require CalEPA to convene CalRecycle, the California Air Resources Board, and the California Water Resources Control Board to ensure proper coordination of agency regulations to achieve the goal.

The LTF has concerns about the provisions in the findings in Section 1 and in the operative provisions in Section 2 of the bill relating to the establishment of a goal of diverting 50% of organic waste by 2020, and the promotion of management of organic waste solely using composting. While the LTF supports composting as one method for managing compostable organic waste, not all organic waste is compostable, and the terms “organic waste” and “compostable organic waste” should not be used interchangeably. Some organic waste does not have the right composition of organic matter or is too contaminated to be used for production of compost, and therefore it should not be included in compostable organic waste. Moreover, the LTF recommends that AB 1045 be broadened to specify that a variety of management methods will be necessary, including anaerobic digestion, composting and other techniques, to manage the organic waste that is diverted from landfills. The LTF does not disagree that there are benefits from composting, however it is unlikely that all 15 million tons per year of compostable organic waste can be managed by composting, nor are there likely to ever be markets in California for that much compost.

However, the LTF does see great value in a coordinated effort by CalEPA to ensure that its various departments and boards with jurisdiction over various aspects of composting operations have a combined regulatory paradigm that facilitates greenhouse gas emission reductions through the diversion of compostable organic waste into composting. The unfortunate truth is that the current regulatory structure requires significant expansion of local composting capacity, but there are also public health and safety issues involved that make composting operations hard to site and operate in certain geographical areas of the state.

The Legislature has spoken clearly in establishing a statewide goal for 75% diversion through source reduction, recycling, and composting. Further direction has been given through the establishment of mandatory commercial organics collection and composting. The SWANA LTF supports efforts by the Legislature and regulators to direct Cal-EPA to work with Cal-Recycle, the California Air Resources Board and the State Water Board to harmonize regulations impacting composting operations and facilities in concert with local government representatives and in a manner that protects public health and the environment while assisting local jurisdictions and the solid waste industry in California in achieving those goals.

For the reasons stated above, the SWANA LTF respectfully registers concerns over AB 1045 as it is currently in print, and would be pleased to work with the author to refine the bill to address the above-stated concerns.

Sincerely,

A handwritten signature in black ink that reads "Jason Schmelzer". The signature is written in a cursive, flowing style.

Jason Schmelzer  
SWANA Legislative Advocate