



<http://www.calrecycle.ca.gov/Climate/SLCP/Comments/Form1/default.htm>

Short-Lived Climate Pollutants (SLCP) Rulemaking Concept Comments Form

Submit your comments on the upcoming Short-Lived Climate Pollutants Rulemaking process here. Please refer to the concept document and handouts posted on [SB 1383 Stakeholder Workshop: Sacramento](#) or [SB 1383 Stakeholder Workshop: Diamond Bar](#) when formulating responses.

The information in this form cannot be saved, so consider drafting your comments in another format (i.e., Notepad or Word document) before inputting your comments into the form. This is also a good idea in case your web connection is lost. At the time of submission, a message with these comments is sent to CalRecycle and can be forwarded back upon written request to SLCP.Organics@calrecycle.ca.gov. **Stakeholders may submit multiple comment forms, though we are prioritizing comments received by Friday, March 17, 2017.**

March 17, 2017

Definitions and Baseline

Definitions:

Definitions are easily accessed and read by organics generators, local governments, organics service providers and others with interest or involvement in diverting organics from disposal. The definition of “organics” is especially significant in terms of setting expectations for many stakeholders, but difficult to state in a way that fits organics facilities and markets in all areas of the state. This can lead to confusion by generators, in particular, as to the acceptability of materials that they are presenting to collectors or processors. A generator may have an unrealistic expectation that a particular material type is acceptable to processors throughout the state, when that is not correct.

The definition of “organics” should be written so that it can “flex” to accommodate differences in raw material, technologies, climate, and process methods in different areas of California. It should not set up unrealistic diversion expectations for organics generators and other stakeholders.

As the definition of “edible food” is considered, it should be written to ensure protection for food donors.

50 and 75 Percent Baseline:

Achieving 75 percent diversion of organics by 2025 may be unrealistic given the lack of infrastructure and the financial and policy challenges. The principal focus of ARB, CalRecycle, and stakeholders in the near term should be on FULL implementation of AB 1826 (Chesbro, 2014 – Mandatory Commercial Organics Recycling), AB 341 (Chesbro, 2011 - Mandatory Commercial Recycling), and AB 1594 (Williams, 2014 – Green Materials Used as Alternative Daily Cover at Landfills).

Organic Waste Collection Services

Organic Waste Collection (Ensure Collected Organics Are Recovered):

Many of the concepts identified regarding organic waste collection involve imposing more requirements on local waste services. Localities should not have to bear the full burden and cost of implementing these policies. Without a significant

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increase in stable state funding for these services, the concepts outlined in CalRecycle's Concept Paper are not feasible or realistic.

We also appreciate the inclusion of mixed waste collection among the concepts identified in this section, and support mixed waste processing remaining an option. We have significant concerns about the potential for requiring source-separated organics recycling, as collecting and transferring source-separated waste is inefficient and unnecessarily costly for local waste services in rural areas of the state. We'd also note that requiring bins at all public areas would be premature at this point.

Generator Participation:

Cooperation by generators of organic waste is a key factor in successfully diverting those wastes from disposal. We see levels of generator cooperation that range from cooperative to apathetic, even hostile. We also see generators who enthusiastically support the goal of diverting organics from landfill but who have preconceived ideas on how to do so that don't reflect the realities of collection and processing or related costs.

We ask that CalRecycle's written materials, including regulations and outreach messages, reflect goals and methods that match current, realistic, and available technologies, facilities and markets.

Managing Contamination:

The level of acceptable contamination of organics varies from place to place and from time to time, depending on end user markets, business cycles, geography, climate, and other factors.

Program evaluation criteria should account for statewide variations in contamination acceptability.

Inspection, monitoring, and reporting of contamination by haulers and facilities should not be a hard and fast requirement. In practice, if there is an issue with contamination, solid waste facilities flag the issue and haulers keep an eye out for contamination, because it's in the facility's best interest. As noted previously, organics definitions need to consider what our facilities can process, as food waste paper is a contaminant to many.

Infrastructure Capacity and Planning

Comments:

The mechanics to divert organics from landfills is not the problem; the main challenge is the infrastructure needed to process and manage the organics once diverted. This not only includes raising the capital to build the necessary facilities, but also addressing the regulatory constraints in siting and permitting the facilities, and developing markets for the end products produced.

CalRecycle estimated it will require an additional 100 new or expanded facilities to process the diverted organics from AB 1826 by 2020. Quite frankly, it is unrealistic to believe that this number of facilities can be built within the next three and one-half years given the challenges of the permitting process.

California has added about 13 active anaerobic digestion (AD) facilities and 169 active composting facilities in the past 20 years. Using CalRecycle's estimate for the 50 percent diversion, approximately 165 to 180 new facilities must be financed, sited, permitted, and built in the next eight and one-half years to achieve the 75 percent target by 2025.

We appreciate that the Concept Paper identifies the need for "proper capacity planning" and "market drivers" and look forward to engaging in discussions about how to address capacity issues and spur market development.

The missing piece within this section is the identification of a sustainable funding source. Sufficient infrastructure is not yet available throughout the state, and sustainable funding to build the necessary infrastructure does not yet exist.

We appreciate the Concept Paper's acknowledgement that the Administration will continue to advocate for Greenhouse

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Gas Reduction Fund dollars to help meet these goals; however, while certainly helpful and much appreciated, the GGRF is not a reliable long-term solution. Additionally, we'd note that any potential tip fee or generator charge reform would have to be approved with a 2/3 vote by the Legislature, and we have not seen any signals to indicate the feasibility of passing such a proposal. So, further conversations need to be had about sustainable funding sources to provide certainty and develop the necessary infrastructure to achieve the state's diversion goals.

Edible Food Recovery

Generator Access to Edible Food Recovery Services:

We support food recovery. We'd highlight that we want to ensure that the responsibilities surrounding food recovery are appropriately delegated, and industries are not expected to perform duties beyond the scope of their services.

Generator Participation in Edible Food Recovery Programs:

We'd again note that enforcing and monitoring food recovery programs goes beyond the scope of solid waste facilities' functions.

Tracking and Reporting of Edible Food Recovery:

We'd note that in mixed waste systems, quantifying incoming organics will be nearly impossible. Tracking source-separated food waste will be doable, but not green and wood waste that may come in with other waste.

Reporting

Monitoring Effectiveness of Programs:

As stated in CARB's Proposed SLCP Reduction Strategy, a detailed analysis of the progress towards meeting 2020 and 2025 organics waste reduction goals will be completed by CalRecycle by July 1, 2020, in consultation with ARB. SWANA believes that evaluating progress towards meeting the 2020 and 2025 reduction goals should be an ongoing effort. The solid waste industry is currently working to meet the 2020 goal; however, waiting to begin the evaluation effort until 2020 could miss key opportunities to uncover and find solutions to roadblocks encountered along the way.

Tracking Organic Waste Disposal and Methane Reduction Mandate:

As tracking and reporting aspects of the regulations are developed, we would urge maximum flexibility for local stakeholders to allow the processes that work best in each jurisdiction.

Compliance and Enforcement

Comments:

As the compliance and enforcement regulations are developed, we would urge maximum flexibility for local stakeholders to avoid an ineffective one-size-fits-all approach.

Market Development

Comments:

Energy recovery and other alternative technologies are currently discouraged, both in law and in practice, in California, although conversion of organic waste streams to fuels can produce very low (or negative) carbon fuels. Beneficially using up to 75 percent of the organics in the waste stream may require the use of alternative technologies to process low value, difficult to manage mixed residual solid wastes containing organics to extract energy and/or fuel value.

Miscellaneous and Other Comments

Please provide any additional comments:

The SWANA LTF acknowledges the State's efforts to address climate change through the implementation of the SLCP reduction strategies. We want to collaborate in these efforts but in a manner that is technically and financially feasible, and that recognizes that it will take time to build the necessary organics recycling infrastructure.

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Overall, we'd like to see some consideration of good faith efforts in the regulations. We foresee significant gaps between unreasonable timelines and the current reality we face, so we would urge the inclusion of good faith efforts in compliance standards.

We look forward to continuing to work with CalRecycle and CARB in these efforts.

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