



May 12, 2011

The Honorable Das Williams
California State Assembly
State Capitol, Room 6011
Sacramento, CA 95814

Re: AB 34 (Williams) Solid waste compost facilities: odor – CONCERNS

CALIFORNIA CHAPTERS

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SIERRA

GOLDRUSH

LEGISLATIVE TASK FORCE

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The Solid Waste Association of North America (SWANA), the largest association of solid waste professionals (7,700 members), is committed to advancing the practices of environmentally and economically sound management of municipal solid waste. On behalf of their California Chapters, I am writing to express our concerns with your AB 34, regarding the development of "objective" odor standards at compost facilities.

AB 34 will allow for a compost facility operator to elect to develop a site-specific objective odor standard, in consultation with their Local Enforcement Agency (LEA) and CalRecycle, at that particular compost facility.

First of all we would like to thank you and the sponsors of this legislation for your willingness to listen and work with us to address our concerns with this proposal. We appreciate your attempt to create a system that would provide additional resources for facility operators to address odor issues, however as amended on May 10th, this proposal still contains areas of concern for the members of SWANA. These concerns are as follows:

1. Unintended consequences - While the program laid out in this proposal is currently a volunteer program, we are concerned that the program could become mandatory and set an objective odor standard that cannot be achieved at a statewide level. What is acceptable and doable at one facility may not be achievable at another.
2. Creates requirements on specific land uses and not others – As written this proposal would create an objective odor standard on composting facilities and no other land uses that create similar odors, i.e., waste water treatment plants, dairies, etc. All odor causing land uses should be held to the same requirements.
3. Multiple regulatory agencies for one facility – While this bill attempts to address issues at composting facilities, it does not take into account that many facilities provide multiple uses, including landfills (typically regulated by air districts) that have a composting facility on the premises. This causes ambiguity for both the facilities and agencies.
4. Limitations of technology – As written, each performance threshold will be measured with a field olfactometer or similar device. These instruments cannot identify the source of the odor. They only provide a numerical value, additional tests or methods are necessary to determine the actual source of the odor, if determined to exceed the performance standard.

Again, we thank you for the opportunity to comment on this proposal and look forward to working with you to create a proposal that will assist local governments and their residents. Thank you.

Sincerely,

Trossa Wallace
Legislative Advocate