



2024 OFFICERS

Chair	Chris Hanson, <i>Placer County</i>
Vice Chair	Curtis Larkin, <i>County of Fresno</i>
Treasurer	Frank Caponi
Secretary	Sharon Green, <i>L.A. Sanitation District</i>

SWANA Legislative Task Force Meeting Minutes

January 25, 2024

10 am - 12 pm

<https://us06web.zoom.us/j/82463404543?pwd=MkdtTysyNzJmbUIQM3NqWEV5R2ROUT09>

1. Administrative Items (10:00 – 10:30 a.m.)

- 1) Roll Call, Introductions
 - i. Meeting called to order at 10:08 a.m. A quorum was present.
- 2) Approval of Annual Meeting Minutes
 - i. Motioned, seconded, approved.
- 3) Approval / Appointments of Board Positions
 - i. Curtis Larkin was nominated to the Vice Chairman position.
 1. Motioned, seconded, approved.
 - ii. Chris Hanson appointed Frank Caponi as Treasurer and Sharon Green as Secretary.

2. Guest Presentation (10:30 a.m.- 11:00 a.m.)

- 1) Possible legislation: California's Statewide Commission on Recycling Markets and Curbside Recycling's *Policy #21-27: Recovering Resources from Mixed C&D Debris (Attached)*
 - i. Stephen Bantillo, Executive Director of the [Recycling Certification Institute](#); Richard Ludt, Director of Environmental Affairs for Interior Removal Specialist, Inc. and Chair of the Legislative Committee for the [Construction and Demolition Recycling Association](#).
 - ii. Attachment: CalRecycle's Commission on Recycling Markets and Curbside Recycling Policy 21-27 - *Recovering Resources from Mixed C&D Debris*

3. Administrative Items (cont'd after presentation ~ 11:08 a.m.)

- 1) Approval of December Treasurer's Report
 - i. Mr. Caponi reviewed the LTF's beginning balance, revenues, expenses, and ending cash balance for December 2023. The following financial data was summarized:
December 2023
 1. Beginning Balance: \$100,484.74
 2. Revenues: \$3,130.79
 3. Expenses: \$15,237.08
 4. Ending Cash Balance: \$88,378.45
 - ii. Motioned, seconded, approved (with typo corrected and clarifications to footnotes).

4. 501 c4 Update

- 1) Doug Kobold provided an update, Alder & Colvin is developing the formation documents. Lacey Keys is willing to give a presentation on lobbying versus non-lobbying expenses.

5. HHW/Waste Subcommittee Update

- 1) Lynnda Martin shared that the questionnaire has been developed and contacts are being formed.

6. PFAS Update (Sharon)

- 1) Sharon Green stated that SB 903 has PFAS related language in it. DTSC will be the lead agency from the regulatory side. The language has not been finalized; should see more detail in early February.

7. Legislative Review (~11:30 a.m.)

LEGISLATIVE ADVOCATE

Priscilla Quiroz

Shaw Yoder Antwhi Schmelzer & Lange, Inc. • 1415 L Street, Suite 1000, Sacramento, CA 95814 • (916) 446-4656 • Fax (916) 446-4318

- 1) [AB 2 \(Ward\) Recycling: solar photovoltaic modules.](#)
 - i. Support in Concept
 - ii. 2-year bill
 - iii. Doug provided a short update, noting that it will be a hybrid approach with customer owned panels in the E-Waste program and the rest under an EPR program.
- 2) [AB 347 \(Ting\) Household product safety: toxic substances: testing and enforcement.](#)
 - i. Support if Amended- if new products
 - ii. 2-year bill
 - iii. There was no discussion of this Bill
- 3) [AB 660 \(Irwin\) Food labeling: quality dates, safety dates, and sell by dates.](#)
 - i. Watch
 - ii. 2-year bill
 - iii. There was no discussion of this Bill
- 4) [AB 863 \(Aguiar- Curry\) Carpet recycling: carpet stewardship organizations: fines: succession: procedure.](#)
 - i. Support in Concept
 - ii. 2-year bill
 - iii. There was no discussion of this Bill
- 5) [AB 895 \(Chen\) Solid waste: management.](#)
 - i. Sponsored Bill
 - ii. 2-year bill
 - iii. There was no discussion of this Bill
- 6) [AB 1238 \(Ward\) Hazardous waste: solar panels.](#)
 - i. Support in concept
 - ii. 2-year bill
 - iii. There was no discussion of this Bill
- 7) [AB 1290 \(L. Rivas\) Product safety: plastic packaging: substances](#)
 - i. Support
 - ii. 2-year bill
 - iii. There was no discussion of this Bill
- 8) [AB 1550 \(Bennett\) Renewable hydrogen](#)
 - i. 2-year bill
 - ii. Analysis [here](#).
 - iii. Sharon stated this bill is still in the first house, meaning it will have to pass this month to stay active.
- 9) [AB 1567 \(E. Garcia\) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2024.](#)
 - i. 2-year bill
 - ii. There was no discussion of this Bill
- 10) [AB 1705 \(McKinnor\) Solid waste facilities: health protection zones.](#)
 - i. Oppose
 - ii. 2-Year Bill
 - iii. There was no discussion of this Bill
- 11) [SB 414 \(Allen\) Climate change: applications using hydrogen: assessment.](#)
 - i. Watch
 - ii. 2-year bill
 - iii. There was no discussion of this Bill
- 12) [SB 560 \(Laird\) Solid waste: extended producer responsibility.](#)
 - i. Support in Concept
 - ii. Dead

- 13) [SB 615 \(Allen\) Vehicle traction batteries.](#)
 - i. Support in Concept
 - ii. 2-year bill
 - iii. There was no discussion of this Bill
- 14) [SB 707 \(Newman\) Responsible Textile Recovery Act of 2023.](#)
 - i. Watch
 - ii. Two-year bill
 - iii. There was no discussion of this Bill

8. Regulatory Update (11:15 a.m. – noon)

1) SB 54

- i. [Upcoming Questions & Answers Session](#)- Feb 1.
- ii. Advisory Council update – Doug Kobold - The Council was given a 10-day notice by CalRecycle to schedule its first meeting. They will be meeting February 2nd.
- iii. LTF Subcommittee to be formed to review the regulation and develop questions for the CalRecycle Q&A Session; interested Members to notify Priscilla.
- iv. The LTF discussed the regulation, noting there were many areas that were unclear, including regarding enforcement.

2) Little Hoover Commission Collaboration

- i. Next steps
- ii. Engaging other advocacy groups
- iii. No discussion on this item

3) SB 343

- i. [Preliminary Findings Public Workshop](#)- Feb. 13
- ii. No discussion on this item

4) AB 2440/SB 1215

- i. By June 30, 2023, producers were required to provide a list of covered batteries and brands to CalRecycle pursuant to PRC section 43421(a). CalRecycle compiled the lists into a [Consolidated Report](#)
- ii. No discussion on this item.

5) Advanced Clean Fleet

- i. [Implementation Group Outreach Meeting- Jan. 28](#)
- ii. No discussion on this item

6) [CARB Zero Emission Forklift](#)

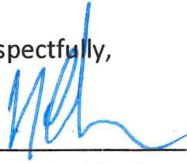
- i. No discussion on this item

7) DTSC Hazardous Waste Management Plan

- i. [November 2023 Report](#)
- ii. No discussion on this item

Meeting adjourned at 12:02 p.m.

Respectfully,



Curtis Larkin, Secretary

Enclosures:

Meeting Minutes

Agenda

Treasurer's Report

Roster

CalRecycle's Commission on Recycling Markets and Curbside Recycling Policy 21-27 - *Recovering Resources from Mixed C&D Debris*

Legislative Task Force
CALIFORNIA CHAPTERS

SWANA Legislative Task Force Meeting Agenda

January 25, 2024

10 am - 12 pm

<https://us06web.zoom.us/j/84818056364?pwd=L0kbVi9nafsPFJkSqboalkdT8hIvOX.1&from=addon>

1. Administrative Items (10:00 – 10:30 a.m.)

- 1) Roll Call, Introductions
- 2) Approval of Annual Meeting Minutes
- 3) Approval of December Treasurer's Report
- 4) LTF Appointments / changes
- 5) Officer status
- 6) Revised meeting schedule
- 7) Tax Status update
- 8) Battery Subcommittee update

2. Guest Presentation (10:30 a.m.- 11:00 a.m.)

- 1) Possible legislation: California's Statewide Commission on Recycling Markets and Curbside Recycling's *Policy #21-27: Recovering Resources from Mixed C&D Debris (Attached)*
 - i. Stephen Bantillo, Executive Director of the [Recycling Certification Institute](#); Richard Ludt, Director of Environmental Affairs for Interior Removal Specialist, Inc. and Chair of the Legislative Committee for the [Construction and Demolition Recycling Association](#).

3. Policy Issue Updates (11:00 a.m.- 11:20 a.m.)

- 1) **PFAS (Sharon)**

4. Legislative Review (11:20 a.m. – 11:30 a.m.)

- 1) [AB 2 \(Ward\) Recycling: solar photovoltaic modules.](#)
 - i. Support in Concept
 - ii. 2-year bill
- 2) [AB 347 \(Ting\) Household product safety: toxic substances: testing and enforcement.](#)
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 - i. Watch
 - ii. Two-year bill

5. Regulatory Update (11:30 a.m. – noon)

- 1) **SB 54**
 - i. CalRecycle [released](#) draft regulations, covered materials category list, report to legislature.
 - ii. [Upcoming Questions & Answers Session](#)- Feb 1.
 - iii. Advisory Council update? – Doug
- 2) Little Hoover Commission Collaboration
 - i. Next steps
 - ii. Engaging other advocacy groups
- 3) SB 343
 - i. [Preliminary Findings Public Workshop](#)- Feb. 13
 - ii. [SB 343 Preliminary Findings Report](#)
- 4) AB 1201
 - i. [Public Notice: AB 1201 Bifurcated Collection Determination](#)
- 5) AB 2440/SB 1215
 - i. By June 30, 2023, producers were required to provide a list of covered batteries and brands to CalRecycle pursuant to PRC section 43421(a). CalRecycle compiled the lists into a [Consolidated Report](#).
- 6) Advanced Clean Fleet
 - i. [Implementation Group Outreach Meeting- Jan. 29](#)
- 7) [CARB Zero Emission Forklift](#)
- 8) DTSC Hazardous Waste Management Plan
 - i. [November 2023 Report](#)

**SWANA LEGISLATIVE TASK FORCE
December 2023 Treasurer's Report
SUMMARY**

MONTHLY SUMMARY												
	JAN 2023	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
BEGINNING BALANCE ¹	\$58,672.28	\$54,941.65	\$57,570.23	\$50,269.08	\$48,924.80	\$52,199.31	\$78,463.92	\$98,180.94	\$92,288.85	\$113,839.00	\$107,474.14	\$100,484.74
REVENUES³	\$960.51	\$2,940.42	\$1,950.42	\$3,338.61	\$8,403.70	\$30,947.50	\$24,399.91	\$840.80	\$21,550.15	\$3,000.92	\$5,490.84	\$3,130.79
(from Revenues sheet, Line 7)												
EXPENSES ²	\$4,691.14	\$311.84	\$9,251.57	\$4,682.89	\$5,129.19	\$4,682.89	\$4,682.89	\$6,732.89	\$0.00	\$9,365.78	\$12,480.24	\$15,237.08
(from Expenses sheet, Line 16)												
ENDING BALANCE	\$54,941.65	\$57,570.23	\$50,269.08	\$48,924.80	\$52,199.31	\$78,463.92	\$98,180.94	\$92,288.85	\$113,839.00	\$107,474.14	\$100,484.74	\$88,378.45
MATCHES BANK STATEMENT?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

YTD	BUDGETED	% BUDGET
\$106,955	\$73,506	146%

(Line 7)

\$77,248	\$74,705	103%
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(Line 6)

NOTES:

- 1- Bank balance of each listed month. Balance for January reflective of Statement balance on January 1, 2023.
- 2- Expenses reflect checks and debits posted by bank in month shown.
- 3- Revenue in June includes repayment of WASTECON seed money (\$15K) and revenue share (\$13,666.88)

**SWANA LEGISLATIVE TASK FORCE
December 2023 Treasurer's Report
EXPENSES**

Line No.		Incurred												YTD	BUDGET
		JAN 2023	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC		
1	SYASL REGULATORY REVIEW	\$1,103.15	\$1,076.25	\$1,103.15	\$1,103.15	\$1,103.15	\$1,103.15	\$1,103.15	\$1,103.15	\$1,103.15	\$1,103.15	\$1,103.15	\$1,103.15	\$13,211	\$13,248
2	SYASL CONTRACT	\$3,579.74	\$3,492.43	\$3,579.74	\$3,579.74	\$3,579.74	\$3,579.74	\$3,579.74	\$3,579.74	\$3,579.74	\$3,579.74	\$3,579.74	\$3,579.74	\$42,870	\$42,957
3	NON-SYASL EXPENSES ^{1,4,5,6,8}	\$8.25	\$311.84			\$446.30			\$1,000.00			\$5,797.35	\$5,554.19	\$13,118	\$9,000
4	NETTOP PUBLISHING (WEBSITE)								\$1,050.00					\$1,050	\$1,500
5	LEGAL COUNSEL ⁹									\$2,000.00			\$5,000.00	\$7,000	\$8,000
6	TOTALS	\$4,691	\$4,881	\$4,683	\$4,683	\$5,129	\$4,683	\$4,683	\$6,733	\$6,683	\$4,683	\$10,480	\$10,237	\$72,248	\$74,705
7														% INCURRED	97%

Line No.		Posted to Account												YTD	
		JAN 2023	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC		
11	SYASL EXPENSES ²	\$4,682.89		\$9,251.57	\$4,682.89	\$4,682.89	\$4,682.89	\$4,682.89	\$4,682.89		\$9,365.78	\$4,682.89	\$4,682.89	\$56,080	
12	OTHER EXPENSES ^{1,4,5,6,8}	\$8.25	\$311.84			\$446.30			\$2,050.00			\$5,797.35	\$5,554.19	\$14,168	
13	NETTOP PUBLISHING (WEBSITE)													\$0	
14	LEGAL COUNSEL ⁹											\$2,000.00	\$5,000.00	\$7,000	
15	TOTALS	\$4,691	\$312	\$9,252	\$4,683	\$5,129	\$4,683	\$4,683	\$6,733	\$0	\$9,366	\$12,480	\$15,237	\$77,248	

Line No.	MONTH SERVICES RENDERED	SYASL Payment Data													
		JAN 2023	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC		
20	SYASL INVOICE NO.	20809		19920/20981	21079	21179	21304	21396	21481		21586 & 21642	21797	21888		
21	Web Draft No.	8042		8043/8044	8045	8046	8047	8048	8049		5001 & 5002	5004	5005		
22	AMOUNT ³	\$4,682.89		\$9,251.57	\$4,682.89	\$4,682.89	\$4,682.89	\$4,682.89	\$4,682.89		\$9,365.78	\$4,682.89	\$4,682.89		
23	DATE CHECK POSTED	1/25/23		3/1 & 3/16/23	4/14/23	5/11/23	6/21/23	7/19/23	8/11/23		10/12/23	11/15/23	12/15/23		

QUARTERLY LOBBYING PAYMENTS			
1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER
\$13,934.46	\$14,048.67	\$14,048.67	\$14,048.67

Notes:

- 1 Inadvertent parking charge (Jan) & Outgoing Chair Plaque (Feb)
- 2 February and March SYASL services (March)
- 3 Amount posted in Jan for Dec service charged at 2023 rate, corrected with Jan invoice, paid in March
- 4 Lunch LTF meeting/Lobby Day Sacramento (May)
- 5 Deposit for November Annual Meeting (Aug)
- 6 Charthouse (\$1750) & Monterey Tides (\$4047.35) deposits (Nov) - Total = \$5,797.35
- 7 Keys Law incurred in Aug 2022, paid Nov
- 8 Monterey Tides reimbursement - Caponi (\$448.24);Charthouse (\$2712.56) & Monterey Tides (\$2104.99) final payments;Service Award - Kernkamp (\$288.40) (Dec) - Total = \$5,554.19
- 9 Keys Law Corp. (\$2k) and Deposit to Adler & Colvin (\$5k)

SWANA LEGISLATIVE TASK FORCE
December 2023 Treasurer's Report
REVENUE

Line No.		REVENUES												YTD	BUDGET
		JAN 2023	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC		
1	DUES SURCHARGE ^{1,3}	\$960	\$2,940	\$1,950	\$1,830	\$930	\$2,280	\$0	\$840	\$1,050		\$2,490	\$630	\$15,900	\$18,000
2	WESTERN REGIONAL SYMPOSIUM	\$0						\$24,399.14						\$24,399	\$12,000
3	MOLO COURSE REVENUES	\$0				\$7,473								\$7,473	\$3,500
4	INTEREST	\$0.51	\$0.42	\$0.42	\$0.36	\$0.45	\$0.62	\$0.77	\$0.80	\$0.15	\$0.92	\$0.84	\$0.79	\$7.05	\$6
5	AGENCY CONTRIBUTIONS													\$29,750	\$25,000
6	WASTECON						\$28,666.88							\$28,666.88	\$15,000
a	Butte County														
b	City of Berkeley										\$750				
c	City of Clovis								\$750						
d	City of Colfax								\$750						
e	City of Fresno														
f	City of Los Angeles														
g	City of Manteca								\$750						
h	City of Roseville									\$500					
i	City of San Diego												\$2,500		
j	City of Santa Maria								\$2,000						
k	City of Stockton														
l	City of Sunnyvale								\$750						
m	City of Tulare								\$750						
n	City of Visalia														
o	City of Watsonville								\$750						
p	Fresno County									\$2,500					
q	Humboldt WMA														
r	Imperial County														
s	Kern County											\$1,500			
t	Kings County/KWRA								\$500						
u	LA County Sanitation Districts								\$2,500						
v	Merced County RWMA								\$1,500						
w	Monterey RWMD														
x	Orange County								\$2,500						
y	Placer County														
z	Riverside County								\$2,500						
aa	Sacramento County				\$1,500										
bb	Salinas Valley SWA														
cc	San Joaquin County								\$1,500						
dd	San Mateo County								\$2,500						
ee	South Bayside WMA								\$2,500						
ff	Ventura County														
gg	Yolo County														
hh	City of Santa Monica														
ii	Napa County								\$500						
jj	City of San Bernardino										\$750				
6	OTHER ²				\$8									\$8	
7	TOTALS	\$961	\$2,940	\$1,950	\$3,339	\$8,404	\$30,948	\$24,400	\$841	\$21,550	\$3,001	\$5,491	\$3,131	\$106,955	\$73,506
														% OF BUDGETED	146%

FOOTNOTES:
1 - \$30/member
2 - Reimbursement for inadvertent parking charge (April)
3 - Includes Oct & Nov SWANA dues (Nov)

SWANA CALIFORNIA CHAPTERS LEGISLATIVE TASK FORCE MEMBERS
Conference Call Meeting January 25, 2024

<u>VOTING MEMBER/ CHAPTER</u>	<u>NAME</u>	<u>Present</u>	<u>ORGANIZATION</u>	<u>PHONE</u>	<u>EMAIL</u>
VM/Gold Rush	Doug Kobold	X	California Product Stewardship Council	916-706-3420	Doug@calpsc.org
VM/Gold Rush	Chris Hanson (C)	X	Placer County/Western Placer WMA	530-886-4965	CHanson@placer.ca.gov
VM/Gold Rush	Larry Sweetser	X	Sweetser and Associates/ESJPA	510-703-0898	sweetser@hazman.us
VM/Gold Rush	Charles White	X	Manatt, Phelps, & Phillips, LLC	916-552-2365	cawhite@manatt.com
VM/Gold Rush	Joe La Mariana	X	South Bay Waste Management Authority	650-802-3505	jlamariana@rethinkwaste.org
ALT/Gold Rush	Guy Petraborg	X	Monterey Regional Waste Management District	510-453-5081	gpetraborg@mrwmd.org
ALT/Gold Rush	Deepti Jain	A	City of Sunnyvale	408-730-7791	djain@sunnyvale.ca.gov
VM/Founding	Frank Caponi (T)	X	Retired Solid Waste Professional	562-699-7411	fcaponi5@gmail.com
VM/Founding	Jim Marchese	A	LA Sanitation and Environment	213-847-5174	jim.marchese@lacity.org
VM/Founding	Mike Mohajer	X*	Southern California Waste Mgmt. Forum	909-592-1147	mikemohajer@yahoo.com
VM/Founding	Sharon Green	X	LA County Sanitation Districts	562-699-7411	sgreen@lacsdc.org
VM/Founding	Jane Fajardo	X	City of San Diego	858-997-3300	jfajardo@sandiego.gov
ALT/Founding	Constance Hornig	X*	Law Offices	323-934-4601	hornig@mswesq.com
ALT Founding	Vacant				
VM/Sierra	Monique Gama	X	City of Merced	209-385-8897	gamam@cityofmerced.org
VM/Sierra	Curtis Larkin (VC)	X	Fresno County	559-600-4306	clarkin@fresnocountyca.gov
VM/Sierra	Lynnda Martin	X	American Refuse	661-758-5316	lynnda@americanrefuse.co
VM/Sierra	Dawyne Balch	X	City of Clovis	559-696-8248	Dawyneb@cityofclovis.com
VM/Sierra	Parveen Sandhu	X	Kings Waste & Recycling Authority	559-410-1117	psandhu@kwrarecycles.net
ALT/Sierra	Keith Hester	A	Caglia Environmental	559-417-8307	khester@cagliarecycling.com
ALT/Sierra	Vacant				
<i>Lobbyist</i>	<i>Priscilla Quiroz</i>		<i>Shaw Yoder Antwih Schmelzer & Lange.</i>	<i>916-446-4656</i>	<i>Priscilla@SYASLpartners.com</i>

*Joined or left call while meeting was in process.

Chapter Presidents:

Gold Rush – Derek Crutchfield – derek.crutchfield@cityofvallejo.net

Founding – Khalil Gharios, Khalil.gharios@lacity.org

Sierra Chapter – Dan Amann – damann@fresnocountyca.gov

Quorum: Eight or more voting members, including at least one member from each chapter, must be present to constitute a quorum.

VM= Voting Member

Ch = Chair

VC = Vice Chair

T = Treasurer

S = Secretary

Policy 21-27: Recovering Resources from Mixed C&D Debris

Adopted: June 2, 2021

Authors: Heidi Sanborn and Sara Toyoda

Background:

CalGreen requires most locally permitted construction projects to divert 65 percent of non-hazardous construction and demolition (C&D) debris generated from the project (CalGreen 4.408, 5.408, 301.1.1.1 and 301.3). Common C&D materials include lumber, drywall, metals, masonry (brick, concrete, etc.), carpet, plastic, pipe, rocks, dirt, paper, cardboard, or green waste related to land development. Many of these materials can be reused or recycled.

Some materials such as Carpet, Wood, Aggregate, Paint, Shingles, Wallboard are generally unique to the C&D waste stream and when commingled or mixed with other materials, significantly hinders the ability to recover these resources unless they are processed by a Construction Demolition and Inert Debris (CDI) facility. CDI facilities process/sort commingled C&D waste to extract reusable or recyclable material before the load is sent to a landfill.

No two CDI facilities perform equally when it comes to recovering, and diverting, the constituent materials that comprise the mixed/commingled loads of C&D debris that arrive at their gate. The diversity in facility performance is necessary to serve the needs of a variety of building activities, including full structural demolitions and new commercial and residential construction (single family and mixed-use), which are attempting to adhere to minimum diversion requirements set by CalGreen, and a plethora of commercial and residential alterations.

For C&D project owners & representatives, general contractors, and members of the public trying to adhere with minimum 65 percent diversion requirements set by the State (CalGreen), local jurisdictions, and/or LEED, they must be able to rely upon timely and accurate reporting of facility recovery rates so they may choose the best facility for their project material to be separated. However, **if the project owner, contractor, or manager is to trust a CDI facility's self-reported recovery rates, then it must be verified by the local jurisdiction.** Most local jurisdictions lack the staff and expertise to facilitate a proper verification of recovery rates.

Without proper oversight, regulations create an unlevel playing field, in which CDI operators investing in the mission of resource recovery, are left competing against operators who only promote artificially inflated diversion results, while operating as a transfer station with little intent to sort, process, and recover the material that enters their gate. The situation is one that ultimately rewards CDI facilities that artificially inflate their recovery rates, while punishing operations who may be exceeding the arbitrary 65% benchmark of success.

It also creates an unrealistic baseline that 65 percent of C&D materials are currently diverted and sets up expectations that in order to increase C&D material diversion, CalGreen need only increase the diversion percentage. The reality is that without 3rd party verified diversion rates, the actual baseline for currently diverted C&D material is unknown. It is critical to have accurate and transparent reporting of the current standard for measuring the efficacy of material recovery efforts, and the only way this is achieved is with a thorough evaluation of the facility's recovery rate conducted by a qualified third-party.

If facility recovery rates are certified by 3rd party verifiers, an actual baseline for C&D waste diverted can be established and CalRecycle can make informed decisions about the recoverable material in residual output from facilities that goes to disposal. To facilitate this, CDI facilities should not be penalized for diversion rates below 65 percent if the rate is certified by a state approved 3rd party verifier. The authors recognize that the current practice of imposing a minimum recovery rate of 65% at the CDI facility still has a place in the process because it is politically and programmatically symbolic, and everybody knows where the bar is set. However, implementing 3rd party verification removes the incentives to cheat, and promotes compliance with this proposal if facilities are not afraid to certify at 30% for example.

Once CDI facilities in all impacted counties are third-party verified, (Calgreen or CalRecycle) can reassess whether the recovery rate is the optimal metric of success or if we should consider applying another lens such as whether the landfill residual pile has less than X% recoverable material (placeholder threshold). Diversion objectives can turn toward recoverable material in residual output of facilities, or additional diversion mandates. We cannot do this without knowing where the actual state baseline is.

In 2018, San Francisco amended the regulations for implementing its 12-year-old C&D Debris Recovery Ordinance to require 3rd-party verified material recovery rates from CDI facilities that were processing mixed C&D debris originating in San Francisco. The verified rates from the 12 facilities in San Francisco's (S.F) authorized network ranged from 50% to 80% when qualifying Alternative Daily Cover (ADC) as diversion, and 15% to 66% when ADC is disqualified, as is mandated by projects certifying under LEED

requirements. [See the Related Issues section for more concerns related to qualifying ADC as diversion. Prior to implementing its requirement for 3rd-party verification S.F. was compelled to honor a 65% recovery rate at all the CDI Facilities in its authorized network due to limited staffing and expertise. Once the material was 3rd party verified, the City could evaluate facilities that had recovery rates lower than 65 percent. The City worked to address the material that was being disposed of through conversations about facility processes or markets or both.

Purpose(s):

Remove incentives that encourage inaccurate reporting by CDI facilities by requiring and enforcing 3rd party verification. By requiring all CDI facilities to have their performance outcomes (i.e., material recovery rates) certified by a State-qualified third-party verifier, the field of play is leveled, allowing for project managers to direct materials to the facility that will best aid the project in fulfilling its own minimum recovery rate (often mandated by CalGreen and/or LEED).

Establish an actual statewide baseline of C&D diversion through 3rd party certification and allow future diversion efforts to be more educated and effective. The baseline is necessary to understand materials that need further processing infrastructure or market development to increase diversion rates. This policy is meant to drive the diversion of one hundred percent (100%) of the metals, asphalt, concrete, gypsum, and similar material, and at least sixty-five percent (65% or the minimum recycling rate required by CALGreen) of the total of all other C&D Debris generated by the Covered Project.

Would this policy proposal require legislation, or interaction with an agency other than CalRecycle?

Yes. This proposal would require interaction between CalRecycle and CalGreen because the 65 percent diversion rate is under CalGreen authority. In addition, legislation would be necessary to require the 3rd party verification and ensure its enforcement.

Possible 2021 Legislative Priority?

Yes. Globally, construction is one of the largest sectors of today's economy, representing about 13% of GDP. Additionally, the built environment uses almost half of the world's extracted materials annually, and the rate of building is only increasing with the industry projected to construct the equivalent of an entire New York City every month for the next 40 years. That is about 230 billion square meters of new construction by 2060 (Ellen MacArthur Foundation).

In the U.S. alone, it is estimated that construction and demolition (C&D) generated about 600 million tons of debris in 2018 (US EPA). As the rate of building continues to increase, business as usual in the construction sector will result in further material extraction and waste generation, overall increasing greenhouse gas (GHG) emissions. This is a particularly pressing concern for California as all its most populous counties experienced positive growth rates from 2010 to 2021 ([World Population Review](#)).

Without aggressive action to ensure material recovery from C&D debris is prioritized, the State will be challenged to meet both its zero waste and climate action objectives, and will remain complicit in the creation of an unlevel field of competition.

Does this proposal require additional funding or changes to resource allocation?
(No or Yes with explanation)

The cost to have a CDI facility's recovery rate verified should be incurred by the facility operator, who will pass it through to all its customers as part of their tipping fees. The cost to oversee the program by the state should be minimal.

This implementation measure ensures fairness and equity in the way in which CDI operators absorb the new cost. Larger facilities with more sophisticated recovery lines and higher daily throughput levels will ultimately incur a higher cost to verify than a smaller operation. Both operators will absorb the cost and pass it on to their clientele, of which the larger operator has several magnitudes more than the smaller outfit.

Proposal(s):

California Secretary for Environmental Protection Jared Blumenfeld challenged members of this Statewide Commission with the following call to action, "As the fifth largest economy in the world, we not only have a responsibility to be an environmental leader, but we also have an opportunity to change the national and global agenda when it comes to managing materials and resources."

To achieve this ambition, noble, and just vision, the author(s) propose immediate adoption of the following policy framework:

1. Prohibit direct haul to disposal or incineration of any commingled/mixed loads of C&D debris.
2. Mandate 3rd-party verification of all mixed debris processing facilities; verification methodology should adhere to certification standards recognized by the organizations like the U.S. Green Building Council, and San Francisco's Department of the Environment (e.g., [Recycling Certification Institute's CORR Protocol](#)).
 - Give 1 year to register and start self-reporting to the State recognized qualified third-party verifier.

- Give 5 years to get the whole state certified.
 - Certification order is based on a first-come, first-served basis.
 - Possible additional language on RCI website to denote what type of line it is. Example: Mixed, Demo, Construction, Tenant Improvement, Shingles. Not all lines are equal.
 - Permitted CDI Facilities on or at a landfill should not be excluded; they should be held to the same standards - the goal is not to put anyone out of business, but to level the field.
3. Establish and enforce minimum diversion/recovery requirements through CalGreen, with requirements being enforced at the point of debris generation (i.e., the construction or demolition activity/project). CalRecycle should not enforce minimum diversion rate requirements at CDI facilities. CalRecycle should issue CDI facility permits and monitor compliance with permit requirements.
 4. Allow for 3rd-party verified recovery rates to be certified below 65%, so long as the rate has been verified (with and without ADC as diversion) by a state-qualified third-party verifier.
 5. Mandate and incentivize training for contractors who self-haul on C&D requirements and best practices.

Low Population Waivers and Exemptions to C&D requirements

SB 1383 allows counties and cities with low-population areas to apply for one of three types of waivers/exemptions. CalRecycle has included these waivers/exemptions recognizing the unusually high cost of providing organics recovery programs to residents and businesses in rural or remote areas. C&D processors have similar limitations on the volume of feed stocks and the inherent expenses of C&D processing. Each low-population exemption and waiver is described below.

Census Tract Waivers - Counties can apply for low-population waivers for census tracts in unincorporated portions of the county area. Qualifying census tracts must have a population density of less than 75 people per square mile. Census tract waivers are valid for up to five years, at which point a county can reapply for another waiver if the population densities still meet the mandatory threshold.

Rural County Exemptions - Counties that qualify as a rural county may apply for an exemption. This type of exemption is common in California solid waste regulations due to the unusually high cost of providing service to generators in these areas. For a county to be considered a rural jurisdiction, it must have a population of less than

70,000 people. Cities located in rural counties are also covered under the rural exemption if their population is below 7,500. Rural exemptions should be valid for five years before at which point a County must reapply for another waiver. It will be approved only if the population thresholds are met.

City Waivers - 1) they must be located over 30 miles away from the nearest permitted and operational C&D facility; or, 2) they must have had a population of less than 7,500 people (based on U.S. Census data). Waivers issued to cities are valid for up to five years at which point a city must reapply for another waiver. It will be approved only if disposal, lack of appropriate facility and population thresholds are met.

Related Issues:

QUALIFYING THIRD-PARTY VERIFIERS

Qualified Third-Party Organizations that verify Facility-Average Diversion Rates shall adhere to the following protocol:

1. The certification organization follows guidelines for environmental claims and third-party oversight, including ISO/IEC Guide 65 or ISO 17065 and relevant portions of the ISO 14000 family of standards.
2. The certification organization continuously monitors verified facilities to ensure that the facilities are operating legally and meeting the minimum program requirements for facility certification and recycling rates.
3. Data submitted by the facilities to the certification organization in support of the recycling rate is audited. The audit includes, at a minimum: the evaluation of recyclables sales records, verification of facility sales into commodity markets, monitoring off-site movement of materials, and a review of the facilities' customers weight tags information.
4. Facilities submit data to the certification organization that supports the recycling rate, such as a mass balance recycling rate (tons in/tons out) for a twelve-month period, or if not possible, quarterly (or a frequency approved by the Compliance Officer) sorts completed and verified by an independent third party entity.
5. Breakdown of materials (by type and by weight), including analysis of supporting data relating to amounts (in tons) and types of materials received and processed at the facility.
6. At a minimum, the third-party certifying organization conducts an on-site visit of the facility for the first year certification, with subsequent site visits occurring at least once every two (2) years, unless additional visits are deemed necessary by the certification organization. The site visit will include:
 1. Examination of how materials enter, are measured, deposited, processed/sorted and exit facility,
 2. Interviews with key personnel,
 3. Confirmation of equipment types and capacity,
 4. Observation and verification of load/materials sorting and accuracy,

5. Verification of the use and accuracy of scales including calibration frequency.
7. Recycling rates shall adhere to these requirements:
 1. Measurements must be based on weight (not volume), using scales.
 2. Recycling rates must be available on a website and viewable by the general public.
8. Facility recycling data submitted to certification program will be analyzed for recycling rates using a mass balance formula or if not possible, quarterly (or a frequency approved by the Compliance Officer) sorts completed and verified by an in-dependent third party entity.
9. Recycling rates shall be provided for the overall facility with and without ADC/Beneficial Reuse, and will include separate recycling rates by material type as well as combined average including wood derived fuel/bio-fuel separate from other waste to energy or incineration end-markets.

REQUIRE CERTIFIED SCALES AND INTEGRATED SOFTWARE

Require California certified scales and scale software on all Medium Volume CPI Processing Operations permits. 25 to 175 TPD, Inert (Type A) Debris Recycling Centers, Large Volume CFDI Operation, Inert Processing Operation (Type A) and Inert Processing Facility (Types A&B)

- In order for recovery rates to be verified a records audit is conducted; certified scales and integrated software minimize record keeping errors and restrict opportunities to falsify documents that will be audited by verifiers to certify completeness and accuracy of facility records.

POLICY CONSIDERATIONS FOR CALGREEN

- Consider applying different minimum diversion/recovery requirements based upon the type of building activity (e.g., structural demolition -vs- tenant improvement), including a requirement for generation reduction (i.e., waste prevention). This creates an incentive for the CDI facilities to improve material recovery outcomes based on their customer demand.

ISSUES WITH QUALIFYING ADC AS DIVERSION

Qualifying Alternative Daily Cover (ADC) as diversion has helped displace the practice of using virgin soil to cover landfills, and instead utilize the post-processed screen fines from CDI facilities (an often-unavoidable output to mixed debris processing that has no end market).

An unintended consequence of this qualification is that CDI facility operators are incentivized to generate ADC with intentional grinding and crushing to satisfy the misapplied arbitrary requirement to recover 65% of materials comprising the mixed debris stream.

The best way to course-correct for this unintended outcome is to ensure CDI facilities have two recovery rates third-party verified – one that qualifies ADC as diversion, and the other that disqualifies it as is required by LEED. See [San Francisco's list of Registered Facilities](#) (each with two 3rd-party verified rates) as an example.

REDUCING PERMITTED THROUGHPUT VIOLATIONS AT CDI FACILITIES

Restrict future Small Volume CDI facilities (i.e., Notification Tier) to only permitting the processing material they generate. No outside materials delivered by the public allowed as this often results in violations of the allowed throughput level of 24.99 tons/day.