

**RIVERSIDE COUNTY
SOLID WASTE MANAGEMENT ADVISORY COUNCIL
(COUNTYWIDE LOCAL TASK FORCE)**

AGENDA

**Thursday
April 10, 2008
1:00 p.m.**

**Riverside County
Waste Management Department
14310 Frederick Street
Moreno Valley, CA 92553**

12:30 pm - Lunch Served to Members

<u>ITEM</u>	<u>PAGE</u>
1. CALL TO ORDER AND INTRODUCTIONS	
2. COMMENTS FROM LTF MEMBERS	
3. APPROVAL OF NOVEMBER 29, 2007 ADVISORY COUNCIL MINUTES.....	1 - 9
4. DISCUSSION ITEMS	
A. Greenwaste Issues	
1. CIWMB's Strategic Initiatives Regarding Greenwaste	
2. AB 2640 – Compostable Organics Management.....	10 - 16
3. Letter to CIWMB on Organics Issues.....	17 - 18
4. Proposed Greenwaste ADC Surcharge	
5. ORAL REPORTS	
A. Ordinance No. 779.9 Relating to County Solid Waste Facilities and Establishing Fees	
B. Agua Mansa HHW Facility.....	19
6. STAFF UPDATES	
A. California Biomass	
B. Rios Recycling	
7. PUBLIC COMMENTS	
8. ANNOUNCEMENTS	
9. ADJOURNMENT	

NOTE: The Advisory Council may take action on any of the published agenda items.

Non-exempt materials related to an item on this agenda submitted to the Solid Waste Management Advisory Council (Countywide Local Task Force) after distribution of the agenda packet are available for public inspection at the Waste Management Department during normal business hours. Such documents are also available on the Waste Management Department's website at www.rivcownm.org subject to staff's ability to post the documents before the meeting.

MINUTES
(Pages 1 – 9)

Intentionally Left Out
Not Yet Approved

ASSEMBLY BILL

No. 2640

Introduced by Assembly Member Huffman

February 22, 2008

An act to amend Sections 41781.3 and 48000 of, to add Section 41781.5 to, and to add Article 3 (commencing with Section 48030) to Chapter 2 of Part 7 of Division 30 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2640, as introduced, Huffman. Solid waste: compostable organics management.

(1) The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board. The act requires a city, county, city and county, or regional agency to develop a source reduction and recycling element of an integrated waste management plan containing specified components.

The act requires the source reduction and recycling element to divert 50% of all solid waste subject to the element from disposal through source reduction, recycling, and composting activities, with specified exceptions. Under the act, the use of solid waste for beneficial reuse in the construction and operation of a solid waste landfill, including the use of alternative daily cover, constitutes diversion through recycling and is not considered disposal for purposes of the act. The act requires the board, prior to December 31, 1997, to adopt rules and regulations establishing conditions for the use of alternative daily cover that are consistent with the act and requires, until the board adopts those

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ITEM 4.A.2

regulations, that the use of alternative daily cover be governed by specified existing regulations.

This bill would require the board to adopt policies and to develop and implement programs, to ensure that on and after January 1, 2020, the amount of compostable organics subject to landfill disposal or otherwise deposited in landfills is reduced as specified.

This bill would provide that, on and after January 1, 2015, the use of green material, as defined, for beneficial reuse in the construction and operation of a solid waste landfill, including the use of green material as alternative daily cover, would not constitute diversion and would require that green material be considered disposal for purposes of the act. The bill would require the board to notify operators of disposal facilities of this provision on or before July 1, 2009.

This bill would require the board, on or before July 1, 2010, to adopt or revise regulations that establish conditions for the use of alternative daily cover that are consistent with the act. The bill also would delete an obsolete reference to the board's existing regulations.

This bill would impose a state-mandated local program by imposing new duties upon local agencies related to implementing those provisions.

(2) The act requires an operator of a solid waste disposal facility to pay a quarterly fee of up to \$1.40 per ton based on the amount of all solid waste disposed of at each disposal site and requires the State Board of Equalization to collect the fees and deposit the fees in the Integrated Waste Management Account in the Integrated Waste Management Fund (fund) in the State Treasury. The act requires the Integrated Waste Management Board to use the moneys in the account, upon appropriation by the Legislature, for specified purposes.

This bill, with regard to green material used for beneficial reuse, including use as alternative daily cover, at a disposal site, would instead require an operator of a solid waste disposal facility to pay a quarterly fee of \$1.40 per ton, would establish the Organics Management Account in the fund, and would require the State Board of Equalization to collect and deposit the fees imposed on that green material in the account. The bill would require the California Integrated Waste Management Board to expend the moneys in the account, upon appropriation by the Legislature, for competitive grants and loans for compostable organics management projects and commencing on July 1, 2010, for a program adopted by the board for compostable organics management.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) With the enactment of the California Integrated Waste
4 Management Act of 1989 (the act), the Legislature declared that
5 the California Integrated Waste Management Board and local
6 agencies shall promote recycling and composting over land disposal
7 and transformation.

8 (b) Since the enactment of the act, local governments and private
9 industries have worked jointly to create an extensive material
10 collection infrastructure and have implemented effective programs
11 to achieve a statewide diversion rate greater than 50 percent.

12 (c) Although California now leads the nation in waste reduction
13 and recycling, the state continues to dispose of more than 10
14 million tons of compostable organics each year in solid waste
15 landfills.

16 (d) The landfilling of compostable organics, including organic
17 materials used as landfill cover, squanders dwindling disposal
18 capacity, adds to landfill volatility, and results in the emission of
19 greenhouse gases, volatile organic compounds, and ammonia.

20 (e) Composting organic materials results in substantial
21 environmental and agricultural benefits, including the reduction
22 of methane gas and naturally occurring volatile organic compounds
23 and ammonia.

24 (f) The Economic and Technology Advancement Advisory
25 Committee, formed pursuant to the California Global Warming
26 Solutions Act of 2006 (A.B. 32, 2005–06 Reg. Sess.), has identified
27 composting as a cost-effective technology for reducing greenhouse
28 gas emissions and has recommended providing financial incentives
29 to assist compost operators to offset the cost of complying with
30 new and existing environmental regulations.

1 (g) The application of compost in agriculture and landscaping
2 has been shown to offer significant water quality benefits, provide
3 erosion control, reduce the need for synthetic fertilizers and
4 pesticides, and conserve water and irrigation-associated energy.

5 (h) The use of compostable organics as alternative daily cover
6 in the construction and operation of solid waste landfills deprives
7 California agriculture and the environment of compostable organic
8 material for compost and other higher and better uses.

9 (i) The California Integrated Waste Management Board has
10 adopted a Strategic Directive to reduce the amount of organics in
11 the waste stream by 50 percent by the year 2020 and has identified
12 the need for as many as 100 additional facilities in the state to
13 process compostable organics.

14 (j) In order to reduce the landfilling of organics, increase
15 composting, and meet the organics disposal reduction target
16 adopted by the California Integrated Waste Management Board,
17 the state should reduce barriers to, and provide incentives for,
18 increasing processing capacity and end-use markets for
19 compostable organics.

20 SEC. 2. Section 41781.3 of the Public Resources Code is
21 amended to read:

22 41781.3. (a) (1) The use of solid waste for beneficial reuse
23 in the construction and operation of a solid waste landfill, including
24 *the use of alternative daily cover, which reduces or eliminates the*
25 *amount of solid waste being disposed pursuant to Section 40124,*
26 *shall constitute diversion through recycling and shall not be*
27 *considered disposal for the purposes of this division.*

28 (2) *On and after January 1, 2015, the use of green material, as*
29 *defined in regulations adopted by the board pursuant to Section*
30 *40502, for beneficial reuse in the construction and operation of a*
31 *solid waste landfill, including the use of green material as*
32 *alternative daily cover, shall not constitute diversion through*
33 *recycling and shall be considered disposal for purposes of this*
34 *division.*

35 (3) *On January 1, 2009, the board shall provide notice to all*
36 *operators of disposal facilities of the requirements of paragraph*
37 *(2).*

38 (b) ~~Prior to December 31, 1997~~ *On or before July 1, 2010,*
39 *pursuant to the board's authority to adopt rules and regulations*
40 *pursuant to Section 40502, the board shall, ~~by regulation,~~ adopt*

1 *or revise regulations that* establish conditions for the use of
2 alternative daily cover that are consistent with this division. In
3 adopting the regulations, the board shall consider, but is not limited
4 to, all of the following criteria:

5 (1) Those conditions established in past policies adopted by the
6 board affecting the use of alternative daily cover.

7 (2) Those conditions necessary to provide for the continued
8 economic development, economic viability, and employment
9 opportunities provided by the composting industry in the state.

10 (3) Those performance standards and limitations on maximum
11 functional thickness necessary to ensure protection of public health
12 and safety consistent with state minimum standards.

13 (c) Until the adoption of additional regulations, the use of
14 alternative daily cover shall be governed by the conditions
15 established by the board in its existing regulations ~~set forth in~~
16 ~~paragraph (3) of subdivision (b) of, and paragraph (3) of~~
17 ~~subdivision (e) of, Section 18813 of Title 14 of the California Code~~
18 ~~of Regulations, as those sections regulations read on the effective~~
19 ~~date of the amendments to this section, and by the conditions~~
20 ~~established in the board's policy adopted on January 25, 1995 as~~
21 ~~enacted by the Statutes of 2008.~~

22 (d) In adopting rules and regulations pursuant to this section,
23 Section 40124, and this division, including, but not limited to, Part
24 2 (commencing with Section 40900), the board shall provide
25 guidance to local enforcement agencies on any conditions and
26 restrictions on the utilization of alternative daily cover so as to
27 ensure proper enforcement of those rules and regulations.

28 SEC. 3. Section 41781.5 is added to the Public Resources Code,
29 to read:

30 41781.5. The board shall adopt policies and develop and
31 implement programs to ensure that, on and after January 1, 2020,
32 the amount of compostable organics subject to landfill disposal or
33 otherwise deposited in landfills in the state annually is 50 percent
34 or less of the amount of compostable organics disposed or
35 otherwise deposited in landfills during the 2008 calendar year.

36 SEC. 4. Section 48000 of the Public Resources Code is
37 amended to read:

38 48000. (a) ~~Each~~ *An* operator of a disposal facility shall pay a
39 fee quarterly to the State Board of Equalization ~~which that~~ is based
40 on the amount, by weight or volumetric equivalent, as determined

1 by the board, of all solid waste disposed of at each disposal site,
2 *except solid waste for which the payment of a fee is required*
3 *pursuant to Section 48030.*

4 (b) The fee for solid waste disposed of shall be one dollar and
5 thirty-four cents (\$1.34) per ton. Commencing with the 1995–96
6 fiscal year, the amount of the fee shall be established by the board
7 at an amount that is sufficient to generate revenues equivalent to
8 the approved budget for that fiscal year, including a prudent
9 reserve, but shall not exceed one dollar and forty cents (\$1.40) per
10 ton.

11 (c) The board shall notify the State Board of Equalization on
12 the first day of the period in which the rate shall take effect of any
13 rate change adopted pursuant to this section.

14 (d) The board and the State Board of Equalization shall ensure
15 that all the fees for solid waste imposed pursuant to this section
16 that are collected at a transfer station are paid to the State Board
17 of Equalization in accordance with this article.

18 SEC. 5. Article 3 (commencing with Section 48030) is added
19 to Chapter 2 of Part 7 of Division 30 of the Public Resources Code,
20 to read:

21
22 Article 3. Organics Management Account

23
24 48030. (a) On and after January 1, 2009, an operator of a
25 disposal facility shall pay a fee quarterly to the State Board of
26 Equalization that is based on the amount, by weight or volumetric
27 equivalent, as determined by the board, of all green material, as
28 defined in regulations adopted by the California Integrated Waste
29 Management Board pursuant to Section 40502, that is used for
30 beneficial reuse, including use as alternative daily cover, at each
31 disposal site.

32 (b) The fee imposed pursuant to this section shall be one dollar
33 and forty cents (\$1.40) per ton.

34 (c) The board and the State Board of Equalization shall ensure
35 that all fees for green material imposed pursuant to this section
36 that are collected at a transfer station are paid to the State Board
37 of Equalization in accordance with this article.

38 48031. (a) The revenue from the fees paid pursuant to Section
39 48030 shall, after payment of refunds and administrative costs of

1 collection, be deposited in the Organics Management Account,
2 which is hereby created in the Integrated Waste Management Fund.

3 (b) For purposes of this article, “account” means the Organics
4 Management Account, created pursuant to subdivision (a).

5 48032. The state board shall adopt rules and regulations to
6 carry out Section 48030, including, but not limited to, provisions
7 governing collections, reporting, refunds, and appeals.

8 48033. The state board shall not spend more than one-half of
9 1 percent of the total revenues deposited, or anticipated to be
10 deposited, in the account during a fiscal year for the administration
11 of this article during that fiscal year.

12 48034. (a) The board shall expend the moneys in the account,
13 upon appropriation by the Legislature, for the administration and
14 implementation of this article.

15 (b) The board shall adopt rules and regulations governing the
16 expenditure of the moneys in the account, in accordance with the
17 purposes set forth in this article.

18 48035. (a) (1) The board shall develop a program of grants
19 and loans for compostable organics management projects.

20 (2) In expending the moneys in the account pursuant to
21 paragraph (1), the board shall support only projects that meet or
22 exceed new or existing state environmental standards.

23 (b) The board shall adopt a program, to commence on July 1,
24 2010, for compostable organics management. The program shall
25 be administered by the board pursuant to regulations adopted by
26 the board.

27 SEC. 6. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 a local agency or school district has the authority to levy service
30 charges, fees, or assessments sufficient to pay for the program or
31 level of service mandated by this act, within the meaning of Section
32 17556 of the Government Code.

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Riverside County
Waste Management Department

Hans W. Kernkamp, General Manager-Chief Engineer

December 7, 2007

Margo Reid Brown, Chair
California Integrated Waste Management Board
1001 I Street
P. O. Box 4025
Sacramento, CA 95812-4025

RE: Comments on Organics Issues from Riverside County Solid Waste Management Advisory Council (Countywide Local Task Force) Meeting on November 29, 2007

Dear Ms. Brown:

At the regularly scheduled meeting of the Riverside County Solid Waste Management Advisory Council (Countywide Local Task Force), or LTF, on November 29, 2007, it was opportune for the LTF to discuss both an update to the LTF's 2005 Green and Woody Waste Status Report and the California Integrated Waste Management Board (CIWMB) Organics Summit White Paper from the CIWMB workshop held on October 10, 2007. It was very much appreciated that both Fernando Berton and Barbara Van Gee of CIWMB staff could attend this meeting to provide an overview of the strategy approaches that may be taken by CIWMB and its Strategic Policy Development Committee to address organics issues. By action of the LTF, this letter is being written to the CIWMB members to share the following comments, recommendations, and issues of concern that were raised by the LTF for your consideration prior to the scheduled December 11, 2007 Board meeting in Sacramento:

1. A LTF member and an interested party from the public, who had both attended the Organics Summit workshop in Sacramento on October 10, 2007, expressed that there was little or no representation of stakeholders from Southern California. It was recommended that workshops of statewide importance should be offered in multiple locations both in Northern California and Southern California to ensure the greatest opportunity for participation by all stakeholders. Riverside County would be happy to host such a workshop in the near future.
2. E-mail notification of the Organics Summit workshop was received by staff with the Riverside County Waste Management Department (RCWMD) on the day prior to the workshop and conflicted with the 22nd Annual NAHMMA Conference on Hazardous and Small Business Waste. It is recommended that the CIWMB give consideration to the fact that AB 939 diversion addresses the gamut of waste streams. Consequently, important workshops/venues should be scheduled accordingly to allow for local attendance. In addition, more comprehensive notification by CIWMB should be made to insure all stakeholders have an opportunity to participate in these discussions. An electronic

Comments on Organics Issues from Riverside County Solid Waste Management Advisory Council (Countywide Local Task Force) Meeting on November 29, 2007

December 7, 2007

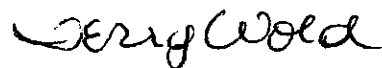
Page 2 of 2

“organics list-serve” could be formed by CIWMB to notify stakeholders of important news or information and events regarding the management of organic materials.

3. It is recommended that the CIWMB recognize the different needs and challenges of Southern California versus Northern California, in terms of growth, transportation, and in siting organics processing facilities. Strategies and approaches that may work in Northern California may not work in Riverside County, which has a unique mix of agricultural, urban, and rural land uses, or in the eight other counties that comprise Southern California. These nine Southern California counties contain approximately 61% of the State’s population and have geographically larger areas than their northern counterparts. In Southern California, land development competes with agriculture. While it is recognized that additional organics processing facilities need to be sited to maintain adequate infrastructure to process compost finished product, it is difficult to site these facilities; they need to be larger and fewer than in Northern California, and they need to be located away from urbanized areas in order to avoid land-use conflicts.
4. There is a need for more time to analyze the problems and successes of organics management and to formulate thoughtful comment and stakeholder input to the State. Consideration should be given by the CIWMB to extend timelines for public comment.
5. The State should continue to promote and build viable markets and consider allowing the markets they have worked so hard to establish (i.e., CalTrans) to have a chance to begin to pull material in that direction *before* resorting to policy or legislative attempts to control the flow of green and woody materials for Alternative Daily Cover (ADC) away from landfills.

Thank you in advance for your consideration of these comments.

Sincerely,



Terry Wold
First Vice-Chair,
Riverside County Local Task Force

HWK:LBL:DC/lbl:dc

cc: Fernando Berton, CIWMB Branch Manager

PD 60345

