



## APPEARANCES

### Speakers

Dr. Elizabeth Baca, Senior Health Advisor, Governor's  
Office of Planning and Research  
Elliot Block, Chief Legal Counsel  
Hank Brady, SB 1383 Implementation Manager  
Chris Bria, Senior Environmental Scientist, Materials  
Management and Local Assistance Division  
Edie Chang, Deputy Executive Officer, California Air  
Resources Board  
Evan Johnson, Policy Development and Analysis Office  
Tung Le, Manager, CalEPA  
Howard Levenson, Deputy Director, Materials Management  
And Local Assistance Division  
Jenny Lester Moffitt, Deputy Secretary, California  
Department of Food and Agriculture  
Cara Morgan, Branch Chief, Local Assistance and Market  
Development Branch  
Kyle Pogue, Manager, Materials Management Section  
Scott Smithline, Director, CalRecycle  
Georgianne Turner, Branch Chief, Waste Evaluation and  
Enforcement Branch

### Public Comment

Arvind Akela, Silicon Valley Clean Water  
Kelly Astor, California Refuse Recycling Council  
Dave Briggs, Napa County Department of Public Works  
Kendra Bruno, City of Napa  
Andrew Cheyne, California Association of Food Banks  
Matthew Cotton, Integrated Waste Management Consulting  
Sarah Deslauriers, California Association of Sanitation  
Agencies  
Will Dickinson, Golder Associates  
Evan Edgar, Edgar & Associates  
Neil Edgar, Edgar & Associates  
Hilary Gans, South Bayside Waste Management Authority  
Tim Goncharoff, Santa Cruz County  
Chuck Helget, Republic Services  
Rob Hilton, HF&H Consultants  
Trudi Hughes, California League of Food Processors  
Debra Kaufman, StopWaste

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Public Comment (cont'd)

Greg Kester, California Association of Sanitation  
Agencies  
Nick Lapis, Californians Against Waste  
Daniel C. Lopez, Black & Veatch  
Richard Ludt, IRS Demolition  
Jack Macy, San Francisco Environment, City and County  
Of San Francisco  
Justin Malan, Ecoconsult  
Kevin Messner, Association of Home Appliance Manufacturers  
Dan Noble, Association of Compost Producers  
Veronica Pardo, California Refuse Recycling Council  
Christy Pestoni Abreu, Upper Valley Disposal Recycling  
Mary Pitto, Rural County Representatives of California  
Kelly Schoonmaker, StopWaste  
Steve Sherman, East Bay Municipal Utilities District  
Laura Vernon, Conservation Corps North Bay  
David Whittington, City of Roseville  
Rob Williams, University of California at Davis

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1 P R O C E E D I N G S

2 9:08 A.M.

3 SACRAMENTO, CALIFORNIA, TUESDAY, FEBRUARY 14, 2017

4 (The meeting convened at 9:08 a.m.)

5 MR. BRADY: Good morning. Is this on? Good  
6 morning. My name's Hank Brady. I'm the Implementation  
7 Manager for CalRecycle for SB 1383. I want to thank  
8 everyone for coming today.

9 I'm going to give - start with a brief overview of  
10 our agenda this morning and then hand this off to Scott  
11 Smithline, our Director, for some opening remarks. So  
12 starting the day, we're going to have some opening remarks  
13 from our Director; from Dr. Elizabeth Baca, with the  
14 Governor's Office of Planning and Research; Jenny Lester  
15 Moffitt, with the California Department of Food and Ag; and  
16 Edie Chang, with the California Air Resources Board.

17 Following that, I will give a brief overview on  
18 process and some housekeeping items for our process going  
19 forward through 2017. And then Elliot Block, our Legal  
20 Counsel, will speak a little bit to the legal overview of  
21 1383, and that will go into our first presentation on Key  
22 Definitions and a Baseline with Evan Johnson. Following his  
23 presentation, we'll open up to Q and A, should take us to  
24 about 10:30.

25 Following that, Howard Levenson and Cara Morgan

1 will be presenting on Organics Recycling Programmatic  
2 Requirements and Concepts. And that will take us to,  
3 following those presentations and about an hour of Q and A,  
4 that will take us to noon.

5 Following a one-hour lunch break, Kyle Pogue will  
6 be presenting on Edible Food Recovery Programs and Concepts.

7 And then I will be presenting briefly on Recycling  
8 Reporting Concepts for 1383. And then I will go into an  
9 Enforcement discussion with Georgianne Turner to discuss  
10 different Enforcement models and concepts that we've looked  
11 at for 1383.

12 Following that, we'll start with a discussion -  
13 we'll finish with a discussion on AB 939. As we're moving  
14 forward with 1383, we want to take a look at some of our  
15 existing programs and get stakeholder feedback on that.

16 So with that, if we could have Scott come up and  
17 give some opening remarks.

18 Thank you.

19 MR. SMITHLINE: Good morning, everybody.

20 (Responses of "Good morning" and laughter)

21 MR. SMITHLINE: Why is everyone laughing? I  
22 haven't even said anything, yet it's like. So thank you for  
23 coming. I hate this room. This is really awkward. Sorry  
24 about this. We didn't want to be up there because it felt  
25 even more awkward, so we're all like crammed in here, so

1 bear with us.

2           So 1383, I just have a few points I want to make  
3 this morning before we start off, which is probably going to  
4 be a long and, I think, very productive day, sharing notes  
5 and talking to each other about how we're going to implement  
6 1383. Obviously from our perspective, and I think this is  
7 probably a shared perspective, the Organics Diversion  
8 Targets in 1383 are as significant an effort that we've ever  
9 attempted in California with respect to solid waste. I  
10 think it mirrors the scope of AB 939 in a lot of ways. So  
11 we're obviously taking it very seriously. This is  
12 compounded by the fact that the timelines associated with  
13 achieving these targets are pretty compact, and so we are  
14 starting early with respect to how much time it takes to get  
15 it done but with respect to the timeline that's in the  
16 legislation with respect to when our regulations become  
17 effective.

18           So if you are wondering why the bill just passed  
19 and we are already having workshops it's because we  
20 recognize the lift that's associated with this and we want  
21 to make sure everyone has time, we have time to figure how  
22 to do it, and we all have time to get it done together.

23           We recognize that this is going to be a  
24 coordinated effort between the State, local governments,  
25 industry, and the rest of the stakeholders. We're all going

1 to have to work together. It's not the first time we've had  
2 to come together to work things out and we're going to have  
3 to do that again.

4 Bear with me here for one sec. here. I've  
5 completely gone off order because I forgot to look at my  
6 notes.

7 I think it's also really important, and I want to  
8 make sure to stress now and throughout the day probably,  
9 that we are talking about a pretty significant  
10 infrastructure development here, and in doing so we've  
11 learned a lot over the last several years about how our  
12 infrastructure can impact disadvantaged communities. And so  
13 it's really important to us moving forward that as we  
14 develop and expand and potentially double the scale of our  
15 infrastructure that we're doing it in a way that's  
16 supportive of communities, all communities, but in  
17 particular we have a sensitivity to disadvantaged  
18 communities and how we are designing an infrastructure  
19 that's minimizing the impact on those communities, so that's  
20 going to be something of particular interest to us as we  
21 move forward.

22 With respect to this workshop and expectations, I  
23 want to just kind of characterize what you've already  
24 received and what we'll be presenting. These are concepts  
25 that we're discussing today. We don't have a regulatory

1 outline. I mean we're calling this an informal regulatory  
2 workshop, right, but we don't have a regulatory outline to  
3 present to you. What we've done is spent a lot of time  
4 thinking about what does the statute require. It's pretty  
5 direct. It requires us to develop regs to divert a certain  
6 amount of organics from landfills: 50 percent by 2020, 75  
7 percent by 2025. It doesn't give us a lot of detail. So  
8 what we've done is come up with a lot of ideas in terms of  
9 what we think would need to be done. That includes  
10 basically targets that are, you know, effective, measurable,  
11 enforceable. But how we do that, who has exactly what role  
12 in doing that, we're still very open to trying to figure  
13 out.

14           So today what we will hope to achieve is present  
15 some ideas and then start to engage with all of you on how  
16 we can achieve that and what the most efficient and  
17 effective way to do that is. So, again, we'll be asking for  
18 feedback on what we have. And then of course all the ideas  
19 that we don't have, everything we've missed, additional  
20 ideas that we need to be considering.

21           Our goals moving forward. There are a few  
22 specific goals I want to mention. One is obviously we want  
23 to maintain a transparent process and work together with  
24 everybody to move forward. I've already mentioned that we  
25 are obliged to come up with a regulatory program that is

1 effective, measurable, and enforceable. So that's as a  
2 baseline something we're going to have to achieve as we move  
3 forward.

4           Again, moving forward as a particular goal, I want  
5 to make sure that we're doing this in a way that minimizes  
6 impact in all communities but particular disadvantaged  
7 communities that are already bearing a disproportionate  
8 burden.

9           In addition, we also want to look outside of what  
10 might be our very narrow focus of just sort of command and  
11 control but look at how we can pull the material through the  
12 market so we're very focused on making sure that there is  
13 market demand for the organic material that we know needs to  
14 be processed. And, again, 1383 also has a very specific  
15 component that calls on us to address food insecurity, so  
16 that's something that you will see a new and renewed focus  
17 on within the Department, something that we haven't focused  
18 on much at all in the past until just very recently.

19           I want to just highlight that the legislative  
20 intent of 1383 is very specific about whether or not we  
21 should basically just say every local government has a 75-  
22 percent organic diversion mandate, it says don't do that.  
23 So our approach won't be one of just laying a 75-percent  
24 mandate on all local governments. Instead we will have to  
25 develop an effective set of programs that will be

1 implemented at the local level but that achieve 75 percent  
2 by 2025, the organic diversion target.

3 I think Hank already mentioned in moving forward  
4 not only because of just the sheer scale of the effort but  
5 the fact of having to create so many new mechanisms to  
6 interact with local governments as we move forward. It  
7 calls into question whether we should take a moment to  
8 review the existing relationship we have, particularly with  
9 AB 939, look where we see overlap and see if there are  
10 opportunities to streamline our AB 939 process or to improve  
11 it as we move forward, because there are going to be a lot  
12 of new mechanisms that need to be developed under 1383. So  
13 that's something we will be looking to do.

14 It's important to recognize, and I think that the  
15 presentations will illustrate this, that this is not a  
16 CalRecycle effort, this is an Administration effort. So you  
17 will be hearing from a number of other folk in the  
18 Administration today. They're represented here. Today  
19 we're also working very closely with them on a sometimes  
20 daily basis. So we have the benefit of a strong team as we  
21 move forward here, which is really fantastic from our  
22 perspective because those resources will come to bear to  
23 ensure that we have a robust and effective program.

24 And, in closing, I think this is maybe one of the  
25 hardest points that we're going to have to discuss today, is

1 the recognition that the development of this infrastructure  
2 really necessitates a significant investment. We - the  
3 Administration recognized the importance of making a public  
4 investment into this - at the State level and into this  
5 infrastructure.

6           And I mentioned briefly our recognition that we  
7 understand we'll need to have market mechanisms to pull  
8 materials thru, etc. It's all sort of part of how do we  
9 make this economical and how do we get this done. Right now  
10 our efforts are focused on cap-and-trade funding. It's  
11 something that we know how to do. It's something that we've  
12 been doing successfully and we'll continue to focus on that,  
13 but we also recognize that there are other efforts or ideas  
14 that have been or may be proposed, and so we'll certainly be  
15 responding to those at that time.

16           So I've probably forgotten some stuff, but I want  
17 to get off here because there are a lot of other people who  
18 have stuff to say, so thank you very much for coming.

19           Do you want me to take questions right now?

20           MR. BRADY: Yeah, after the break will be  
21 sufficient.

22           MR. SMITHLINE: Okay. So I'm going to stick  
23 around for a few minutes. We're going to have another  
24 presentation and then I'll - if you have any questions about  
25 anything I said, I'll be happy to come back up here, so

1 thanks a lot.

2 DR. BACA: Hi, everybody. Good morning. So I am  
3 thrilled to be here today, and thanks to CalRecycle for  
4 having me. My name is Dr. Elizabeth Baca and I work as the  
5 Senior Health Advisor in the Governor's Office of Planning  
6 and Research.

7 For those of you who aren't familiar with the  
8 short, it's OPR, because it's a lot to say. We were  
9 established in 1970 to serve the Governor and his Cabinet  
10 for long-range planning issues. So we work on a lot of  
11 issues around climate change, obviously health issues -  
12 since I work on health issues, environmental justice issues,  
13 long-range planning. We work a lot with local governments  
14 and across State agencies, so I think it's a really  
15 fantastic place to address some of these types of cross-  
16 sectoral issues.

17 Before coming to OPR, I actually spent a number of  
18 years teaching pediatrics and as a practicing physician.  
19 And so the reason I transitioned was the power that policy  
20 can have on these types of issues. But even though we  
21 produce about 50 percent of the fruits and vegetables in  
22 California, we know that about 30 to 40 percent of food ends  
23 up going to disposal - falling out of the food-supply chain  
24 and at the same time we have a number of families, it's  
25 about one in eight that struggle with food insecurity here

1 in California. Not only in adults but also in pediatrics.  
2 And so people would be really shocked when I would talk  
3 about some of the food insecurity projects I was working on  
4 with the local food bank and with the Summer Food Program,  
5 but there is a tremendous opportunity to better use our  
6 resources. It's something that we had already been looking  
7 at within OPR, and then when this legislation came through,  
8 it was a really fantastic opportunity to think about how we  
9 can maximize some of this work.

10 I think to Scott's point it is really important  
11 because this does take so many different types of partners  
12 coming together. One example of that is we had been hosting  
13 this cross-sector collaboration conversation from OPR, but  
14 actually with venture capital and with sustainability  
15 officers and with foundations and planners to have some of  
16 these conversations about how some of this work is  
17 implementable. And really exciting is that from that  
18 launched a Food-System Accelerator and essentially we just  
19 had - their cohort just finished. There were nine for-  
20 profit and nonprofit entities who ran through the  
21 Accelerator Program, obviously addressing a range of things  
22 within the food system. But I think one that was a really  
23 striking example was Jonathan Foley is now - he used to be  
24 in the Food System space, he's now running the California  
25 Academy of Sciences, and the event was hosted at the

1 California Academy of Sciences.

2           And what was really interesting was it just  
3 happened here serendipitously that they have a lot of food  
4 for people there and they have a lot of food for animals.  
5 And the food for - one of the pallets got delivered to the  
6 wrong place. And I realized when they went to go recover  
7 the pallet that, oh, we're ordering from the same food  
8 place. So it led them to a series of conversations, but  
9 what was really fascinating is that the food was going to  
10 people and the apples were bruised, or whatever. And what  
11 they said was, "Hey, you know, the animals don't care, so we  
12 can move that food." I think they have actually done this,  
13 they've started working with other, you know, museums and  
14 things that are doing some more work, but able to divert  
15 that food. And I think that those kinds of things are  
16 great, but there are more systemic things that we can start  
17 to put in place. And I think this is really some  
18 legislation that allows for us to be innovative and to think  
19 across all of these different sectors.

20           So, again, I'm just really thrilled to have the  
21 opportunity to be working so closely with CalRecycle on  
22 this, not only in OPR. I think the other thing Scott  
23 mentioned is the environmental justice. We work through  
24 OPR. We've been doing a lot of work around environmental  
25 justice. We work with a lot of our local planning partners

1 on siting decisions, providing guidance, as well as on the  
2 food insecurity and food systems piece, so very much look  
3 forward to the conversation today and the ongoing  
4 conversations to be able to make this new legislation  
5 successful. So thank you.

6 MS. MOFFITT: Good morning. My name is Jenny  
7 Lester Moffitt and I am with the California Department of  
8 Food and Agriculture and I am excited to be here today.  
9 Thank you to the staff for including us.

10 The California Department of Food and Agriculture  
11 has been working in the waste and food insecurity realm for  
12 quite some time through our Office of Farm to Fork.  
13 According to ReFED, 63 million tons of food is wasted in the  
14 United States, 43 percent of that is at the consumer and  
15 home level, 40 percent is at the retail level, 2 percent is  
16 at the manufacturing level, and 16 percent is on the farm.  
17 So that poses a lot of opportunity for us as we look at  
18 addressing food waste here in the state.

19 American families throw out approximately 25  
20 percent, 25 - one in four - percent in their refrigerator  
21 they throw out every year. That's not only a lot of waste  
22 but it's also a lot of cost. It costs an average family of  
23 four anywhere from 1300 to \$2200 a year. So there is a lot  
24 of opportunity.

25 I think Dr. Baca said it well, on the farm level

1 we're often using food waste, food scraps, sort-outs, culls,  
2 offgrade product for both animal feed and soil amendment on  
3 the farm. And we have the same opportunity to address that  
4 off farm as well.

5 Food waste and food diversion do go to things like  
6 biogas and compost, has an immense opportunity, one that  
7 we're already taking advantage of and one that we should  
8 certainly accelerate even further.

9 In 2015 Governor Brown launched the Healthy Soils  
10 Initiative. This initiative is just as this is not a  
11 CalRecycle initiative, it's an Administrative initiative,  
12 the Healthy Soils initiative is also an administrative  
13 initiative that is just simply spearheaded by the California  
14 Department of Food and Agriculture.

15 I see a lot of familiar faces in the room, so I'm  
16 not going to talk with you about what Healthy Soils is and  
17 why Healthy Soils are important except to say that Healthy  
18 Soils has the ability to store 2.6 gigatons of carbon,  
19 according to the United States, 2.6 gigatons of carbon in  
20 healthy soils. That's a lot of carbon sequestration and a  
21 lot of carbon-holding potential. And things, as we look at  
22 organic waste diversion, organic waste diversion as it moves  
23 us to compost and other organic streams has a huge potential  
24 to be applied on to soils and managed in a way for soils to  
25 sequester carbon but also to hold water, to increase the

1 microbiomes that are in the soil, all those things that we  
2 care so much about on our farm and in farms throughout the  
3 state.

4           So, as Scott mentioned, we need as we look at  
5 waste diversion we also need to look at market demand.  
6 Healthy Soils, farmers and ranchers, as they apply compost  
7 and other waste diversion, whether it's other biomass  
8 sources, other waste sources onto their farms that are not  
9 only compost in a way that can not only help increase plant  
10 yields but also help sequester carbon and address many of  
11 the challenges that we are facing in the state are related  
12 to carbon.

13           So thank you. I am glad to be here. And, again,  
14 thank you to the staff. And we are really glad to be part  
15 of this process, not only through the Healthy Soils  
16 Initiative but also through our work on Farm to Fork and  
17 Waste Diversion. Thank you.

18           MS. CHANG: Good morning. My name is Edie Chang.  
19 I'm with the California Air Resources Board. And you may  
20 have heard of the California Air Resources Board. We have  
21 responsibility under AB 32 to develop the State's Scoping  
22 Plan. And the Scoping Plan is basically California's plan  
23 for how we're going to meet our greenhouse gas targets. So  
24 our first Scoping Plan focused on 2020. We are currently  
25 working on a scoping plan that describes how we're going to

1 hit the new 2030 target that the Legislature approved in the  
2 last session.

3 Now even though ARB has responsibility in the  
4 legislation to develop the Scoping Plan, this is not  
5 something that we do in isolation. We don't go off in a  
6 room by ourselves. This is something that we really do on  
7 behalf of the Administration.

8 And I think that one of the themes that you're  
9 hearing today from all of us is how closely we as agencies  
10 are all working together on this. I think that's really  
11 important. The problems that we are facing and that we are  
12 trying tackle provide opportunities across the whole  
13 Administration. They cross sectors. And we're working hard  
14 to make sure that as agencies we're all working together.  
15 It's not perfect all of the time. Sometimes we don't all  
16 agree on things, but we recognize that if we're going to  
17 have successful solutions, we need to look at those  
18 holistically.

19 One of the other things that we have in the ARB's  
20 portfolio is the development of a short-lived climate  
21 pollutant plan. So short-lived climate pollutants,  
22 sometimes people like to call them super pollutants, are  
23 pollutants that don't last as long in the atmosphere but  
24 they're very, very powerful and they're much more powerful  
25 in the atmosphere than CO<sub>2</sub> is. Methane is one of the most

1 important short-lived climate pollutants and that's one of  
2 the reasons of course that we are very, very interested in  
3 the process that's going on here.

4           The Legislature recognized the importance of  
5 short-lived climate pollutants when they adopted 605 and  
6 1383, which is one of the reasons we're all here today. We  
7 have been working on a short-lived climate pollutant plan  
8 for several years, at least a couple years now. We were  
9 almost all the way through, 1383 was passed, we have made  
10 some modifications, and our Board is going to be considering  
11 final approval of that plan at the March Board meeting.

12           Short-lived climate pollutants are a really  
13 critical part of our plan to meet that 2030 target. If you  
14 look at the proposed scoping plan that's on the street right  
15 now, you will see that reductions from short-lived climate  
16 pollutants are responsible for about a third of the emission  
17 reduction that we need to hit the 2030 target. So these are  
18 really significant programs that are important to us.

19           Now of course 1383 sets specific targets for  
20 organics diversion and it gave CalRecycle the responsibility  
21 to implement those. So part of the reason that we're here  
22 today is the legislation mentions us, but I think even more  
23 importantly, even if the legislation didn't mention us, of  
24 course we'd be here. We've talked a lot about how we're all  
25 working together on this. You know the Air Resources Board

1 cares about the greenhouse gas reductions, we care about the  
2 potential for diverting - the potential for creating low-  
3 carbon transportation fuel or other fuels as we divert  
4 organic waste. And we care about the potential benefits and  
5 impacts on disadvantaged communities that these kinds of  
6 programs are going to have.

7           So as you know we are embarking on this process,  
8 there are a lot of issues to work out. I'm really happy to  
9 see so many folks here. We have a really good team drawn  
10 from many, many agencies that are working together. And I  
11 think with a group of interested, invested, and involved  
12 folks like all of you, I'm confident that we're going to  
13 come up with innovative solutions that are going to help  
14 meet all of our objectives as we go forward, so thank you  
15 very much.

16           MR. BRADY: Thanks, Edie. And thank you to our  
17 speakers for being here.

18           And I'm just going to walk through a little bit on  
19 process both today and throughout the year, and then hand it  
20 off to Elliot. For our process for 1383 we're looking to do  
21 informal workshops throughout 2017. This is really our  
22 first workshop to initiate a high-level conversation about  
23 the different types of concepts that can be put forward to  
24 help tackle the mandates that need to be achieved.

25           Moving forward, we're looking to do a second

1 series of workshops likely in April that will be a little  
2 bit more focused potentially on specific policies. I think  
3 every section that's presented today certainly lends itself  
4 to its own more focused and detailed workshop.

5           And then in terms of comments and questions that  
6 we'll receive, we will have an online comment form that's  
7 going to be posted today, do our best to answer questions  
8 after each presentation depending on the volume of questions  
9 we're getting, but also as questions are coming in online  
10 and then further analyzing sort of the best way to address  
11 those, either through future workshops or individual  
12 meetings with stakeholders. So we'll be in touch as we get  
13 your comments moving forward.

14           And with that, I'm going to have Elliot start our  
15 presentations off.

16           MR. BLOCK: Good morning. So I am just going to,  
17 with a clicker, I am going to just briefly run through the  
18 statute that sets the stage and the framework for the  
19 regulations that we're going to be talking about today. And  
20 then obviously we're going to go into much more detail as we  
21 go forward. Here we go.

22           So obviously up on the board are the goals. Scott  
23 has mentioned these. Very ambitious goals in terms of time  
24 and amounts. The one thing I want to highlight about this,  
25 and it's going to be talked about initially in the next

1 section by Evan, is that the goal is measured in the 2014  
2 level. And, as you can see, those of you that are familiar  
3 with AB 939, this statute doesn't reference adjustments or  
4 the like. It's specifically talking about 2014. So Evan's  
5 going to talk a little bit more about that, but that's the  
6 basis for some of that conversation a little later. There  
7 we go.

8 This is just our general authority in the statute  
9 to adopt regulations in consultations with the Air Resources  
10 Board to achieve those goals. It's pretty specific, but  
11 then the statute goes on a little further and it does a  
12 couple of different things. It mentions a couple of things  
13 that may be included in the regulations, and these are all  
14 things we'll be talking about later today. A couple of  
15 things that shall be included in the regulations and a  
16 couple of things that shall not be included in the  
17 regulations, so I'm just going to run through those quickly.

18 There we go. There's probably a joke in here  
19 about how many lawyers it takes to run the machine, but...

20 All right. Edible food, the statute does  
21 specifically say that the regulation shall include  
22 requirements regarding edible food. And I'm not going to  
23 read this out loud, you can see them, but again this is  
24 going to be one of the topics we're talking about later. So  
25 we do not have any choice not to include those in the

1 regulation.

2           Then there are a number of things that area  
3 mentioned as *may's* within the - are permissive within the  
4 regulatory authority. These first two talk about  
5 jurisdictions and, as you can see, may require local - our  
6 regulations may impose some requirements on local  
7 jurisdictions. And there is also a provision about allowing  
8 for differential phased timelines. This is the awkward  
9 part--looking back and forth here.

10           The statute also includes language about the  
11 regulations may include penalties. For those of you who are  
12 not familiar, it references Section 41850 is the AB 939  
13 provision. It references the limit, the amount of what  
14 those penalties can be. It doesn't actually talk about any  
15 of the process. So one of the things you're going to hear  
16 about later today is discussion about how we are going to  
17 incorporate some process for this if we include enforcement  
18 in these regulations.

19           And then - went too far - and then there are a  
20 couple of things that specifically are not allowed to be in  
21 the regulations. And, again, without just reading these,  
22 but no specific limit for landfills in terms of organic  
23 disposal limits and some limits on the regulations and when  
24 they will come into effect. So the regulations, even though  
25 we are starting very early, and that was talked about

1 before, the actual effective date of these regulations, even  
2 if we finish this process, and we hope to finish this  
3 process two to three years before these dates, they actually  
4 won't be effective until January 1<sup>st</sup>, 2022. The goal of  
5 putting these on paper and adopting them early is so that  
6 everybody knows what the rules of the game will be when they  
7 actually become effective. And then again there is a  
8 specific provision about some penalties in there.

9           And then finally there is a specific provision to  
10 the extent that the regulations require local jurisdictions  
11 to do additional things to allow jurisdictions to charge  
12 fees to cover the costs of those.

13           Very quick, and I will turn it over to - and so,  
14 anyway, each of the things, the reason we wanted to do this  
15 first is each of these items are going to get talked about  
16 throughout the course of the day, so we wanted to start with  
17 just what the statutory language was. There we go.

18           MR. BRADY: And so before we move into the next  
19 section we wanted to open up for Q and A for some of our  
20 presenters and then as well as the panelists up here. So  
21 Marshalle has a mic that she will be roaming with. If you  
22 just raise your hand.

23           MR. HELGET: I'm Chuck Helget, representing  
24 Republic Services.

25           One, compliments to staff for putting this concept

1 together, the concept papers together. In reading through  
2 that, about the fifth time it struck me really how  
3 complicated and complex this process is going to be.

4           And, with that being said, I'm very glad to see  
5 representation from a variety of agencies here, because it's  
6 really going to take everybody thinking this through and  
7 putting something together to make it work. And I think  
8 I've said this probably 300 times since we started this 1383  
9 process a year ago, this is going to be a huge heavy lift.

10           When you think about the implications from an  
11 infrastructure perspective, what we're doing here is  
12 billions of dollars of investment between now and 2020 -  
13 well, 2022 I think is the way the regs read. That's  
14 something like a transportation budget. That's a lot of  
15 money and that's a lot of construction and a lot of  
16 activity.

17           And so getting to my main point is I was very  
18 pleased to see Scott talk or make a comment at least about  
19 the need for funding. And I am a bit more skeptical about  
20 the prospects of cap-and-trade dollars of ever making it  
21 into the system in a significant manner. I mean we're  
22 really talking about needing a hundred plus million dollars  
23 a year to make this work. And I don't think many people in  
24 this room are optimistically thinking that that's going to  
25 happen. We may get 20,-, we may get 30,-. So we're going

1 to have to look at other avenues for funding and that points  
2 the finger at rates and local government and the industry's  
3 relationships and getting rates changed, or we've got to do  
4 something about tip fee reform. And I just think that  
5 probably is the biggest white elephant in the room, is how  
6 we're going to fund this stuff.

7 MR. AKELA: Oh, okay. Thanks. Thank you. My  
8 name is Arvind Akela. I'm from Silicon Valley Clean Water  
9 Wastewater Treatment Plant.

10 One of the main reasons I'm here is because even  
11 though this bill is going to be effective 2022, we are one  
12 of the early adopters of this approach by introducing  
13 organics into our waste water process and using digesters,  
14 anaerobic digesters to convert that into digester gas or  
15 biogas.

16 So we actually in 2014 partnered with a local  
17 solid waste agency, started working with them to get this  
18 process going, so in two, three years we'll be ready to  
19 start our organic acceptance, basically diverted from  
20 landfill, in our wastewater treatment plant. And because we  
21 had a lot of capacity in our digesters, well, we were going  
22 with 65 miles an hour, within the limit, and working with  
23 all the agencies. And I'm really amazed to see how at the  
24 State level, the Air Resources Board, CalRecycle, CEC, the  
25 Governor's Office, they're all working together. This is

1 really commendable. So I really appreciate that.

2 Well, on our end, when we're approaching really  
3 fast, we have struck a hurdle. That is the reason I'm here.

4 And we're still working. But with all the regulations and  
5 requirements and bills, it all works great until we hit the  
6 local requirements from the Air Districts. And we are still  
7 working with them, but the approach that CalRecycle or SB  
8 1383 is taking slightly conflicts with what the approach  
9 that the local Air District has and primarily because they  
10 are citing one of the old rules. And I'm hoping that some  
11 of you may be aware of this, as we sent the letter to the  
12 local Air District, and we copied the CEC, ARB, the  
13 Governor's Office.

14 So my question is we can do all we want at the  
15 state level, but when we hit the road at the ground level  
16 where we are going to implement this program to achieve this  
17 goal, that is the biggest hurdle that we are seeing, being  
18 the first and early adopter of this approach, how the State  
19 agencies, including all ARB, CalRecycle, CEC, and the  
20 Governor's Office, is working with the local Air Districts  
21 to remove those hurdles so it becomes easy for us and  
22 convenient for us to implement this?

23 MR. LEVENSON: Hi. I'm Howard Levenson, Deputy  
24 Director of CalRecycle. And, among other things today, I'm  
25 going to be your MC, so I might as well take over now.

1 I'll give you a few guidelines on when we get to  
2 other discussion points in the agenda, but in respect to the  
3 comment you have made, we are very much aware of the various  
4 cross-regulatory issues that confront site facility  
5 development. I think we have been working with all the  
6 agencies involved and I want to particularly point to ARB.

7 Tung Le, who is up at the front here, is heading  
8 the Interagency Working Group that is dealing with the Air  
9 Districts, ARB, CalRecycle, CDFA, and others.

10 And, I don't know, Tung, if you want to say  
11 anything, but I would say that we would be happy to have a  
12 sidebar about that conversation because it's absolutely part  
13 of the big picture that we need to deal with in terms of  
14 achieving these goals and developing infrastructure, but  
15 it's not something that we can specifically do within our  
16 regulatory framework for 1383, so just to keep that in mind.

17 There are a lot of things that are outside the regulatory  
18 context here.

19 Tung, do you want to...

20 MR. LE: Yeah. So just to, you know, kind of  
21 build on some of the things that Howard has said, I mean one  
22 of the things that we've heard this morning from many of the  
23 state leaders is, you know, we're very aware of the  
24 infrastructure benefits and also those impacts that come  
25 along with building an infrastructure. Environmental

1 justice is something that's very primary in our minds, and  
2 so we are working very closely and we plan to continue to  
3 work very closely with local agencies, like the Air  
4 Districts, to ensure that public health protections are  
5 still in place but that our goals are also still met at the  
6 same time. So thank you very much for your comments on  
7 that. And it is something that we're quite aware of and  
8 we're continuing to work in that direction.

9 MS. CHANG: So I would just really also quickly  
10 say, you know, this is part of the reason that we're here  
11 today on behalf of the Air Resources Board. Obviously we  
12 have relationships with the local Air Districts. They are  
13 independent authorities, but we do have relationships. And  
14 I think it's important for us to understand the issues.

15 I think Howard's right, specifics - this is  
16 probably not the right place for specifics. But I would  
17 also say that I think that one of the areas that I think is  
18 going to be the most challenging as we look at the  
19 infrastructure that needs to be put out there is how you  
20 actually get this infrastructure on the ground. And I've  
21 said this in many audiences that, you know, we can mandate  
22 things at the State level, but if folks can't build them, if  
23 locals can't permit them, if you can't get air permits, then  
24 it doesn't really matter. And so, you know, we are looking  
25 at ways to be - trying to figure out how we can address

1 those obstacles.

2 I think this is a really challenging area and it  
3 is an area - you know, I sort of tried to challenge  
4 everybody in my remarks and say we need all of your help to  
5 understand how we're going to get through some of these  
6 things. We need innovative thinking on some of these areas,  
7 so we're looking forward to the conversation.

8 MR. LAPIS: Hi. Good morning. Nick Lapis with  
9 Californians Against Waste.

10 I'm sure we're going to be commenting on every  
11 part of this proposal and we'll be submitting a lot of  
12 comments and you will hear from us a lot, but I want to take  
13 advantage of the opening session while we have the folks  
14 from the other agencies, to really thank Dr. Baca and Edie  
15 and Jenny for making this an interagency effort. I mean we  
16 know that if this were CalRecycle doing this alone, we would  
17 be in serious trouble. And so...

18 (Laughter)

19 MR. LAPIS: Sorry, Scott.

20 And it is the issue that was just raised, it's  
21 permitting, it's the healthy soil, the market for the  
22 compost, etc. So thank you for your participation and, I'm  
23 sure, your behind-the-scenes participation, which was far  
24 greater. Thank you.

25 MR. LEVENSON: I see two more hands. I think

1 we'll take a couple more hands, three more hands - two in  
2 the back and Evan - and then we're going to move on to the  
3 next session. There will be a lot of opportunities to  
4 provide general comments and specific comments.

5 Kelly, please identify yourself.

6 MR. ASTOR: Hi. Thank you. Kelly Astor with the  
7 California Refuse Recycling Council.

8 I want to add my name to the chorus of people who  
9 are really pleased to see the other agencies here, Edie  
10 Chang, among others. Because, as Mr. Helget indicated  
11 earlier, I see tremendous challenges on the siting piece,  
12 both from a public - I think public funding is going to be  
13 very necessary at some level to support the private sector.

14 With or without that assistance, however, you do have the  
15 cross-agency - we have a variety of objectives that are  
16 being served simultaneously and some of them in conflict.

17 I'll give you an example of one of the things  
18 that's a little troubling at this stage to the facility  
19 operators within CRRC. Those that have kind of answered the  
20 call early are now siting compost facilities are finding  
21 that in certain cases they have to buy offsets. Now think  
22 about that for a minute.

23 There is a profit motive for them doing this, to  
24 begin with, but they're in large measure responding the  
25 requests of the State and the locals to site facilities, to

1 expand the network to deal with organics. And the reward  
2 for that, and these are typically substantially privately  
3 funded with some assistance from CalRecycle, the reward of  
4 that is, because there is still an emissions component,  
5 albeit a very small one, they've got to buy offsets to  
6 operate the very facility which exists for the purpose of  
7 bringing us farther toward the State's GHG emissions  
8 reduction goal.

9           So I'm delighted to hear you're all together on  
10 this. I'd like to see that continue and I know everybody  
11 here is well intentioned. But it's sending a mixed message  
12 to facility developers when they have to go out and buy  
13 offsets to deliver the kind of capacity that the  
14 implementation of this law so dearly needs. Thank you.

15           MR. KESTER: Hello. Greg Kester, California  
16 Association of Sanitation Agencies. I would like to thank  
17 you as well for the opening comments and the holistic  
18 approach of the multiagency group before us.

19           I would just point out that the wastewater sector,  
20 we think, plays a significant role in achieving the goals of  
21 1383 both through codigestion of diverted organic waste away  
22 from landfills, then also through the management of  
23 biosolids which result from that digestion through building  
24 healthy soils and land application and other management  
25 options. And to that end I would just hope that though

1 they're not here, I hope that they are part of this team as  
2 the State Water Boards. They are our main agency that  
3 regulates us, who deal with, that understand the benefits of  
4 biosolids. And so I hope that that discussion is included  
5 as well. And thank you.

6 MR. LEVENSON: Thanks, Greg, and I can assure you  
7 that it is, almost on a daily basis with the Water Board,  
8 but appreciate that.

9 Evan. And then we'll move on to the next section,  
10 just to keep the day rolling.

11 MR. EVAN EDGAR: Evan Edgar, Edgar & Associates.  
12 Yeah, great being here. And a great turnout, too. We need  
13 this. This would be a huge lift. And the interagency part  
14 is so important.

15 I have filed comments on behalf of the Compost  
16 Coalition for AB 1045. I believe that process will be a  
17 great process to talk about interagency agreements and  
18 permit streamlining, compost use, and assessing progress.

19 There was a great workshop back in December, and  
20 we still haven't got the PowerPoints posted up on the  
21 CalRecycle homepage yet - or CalEPA homepage - and we'd like  
22 to be invited to the next quarterly meeting. So once a  
23 quarter CDFA, the Air Boards, CalRecycle are supposed to sit  
24 down and talk about the implementation of 1045. And it  
25 hasn't been that much of a robust process yet. We are not

1 seeing anything posted on CalEPA. We have not seen what  
2 needs to be delivered. And that is a forum, 1045 is a forum  
3 to talk about air permits.

4           And what this gentleman said about work in the Bay  
5 Area can be stifling. We are actually being shut down at  
6 many compost facilities to expand. We are just spending  
7 hours and hours and years and a lot of time and money and  
8 getting nowhere in the Bay Area. So we would support a more  
9 robust 1045 comment process. I have a letter filed from  
10 last word, haven't heard a word. So please invite us to the  
11 next quarterly meeting so we can present our case and talk  
12 about this more in depth. Thank you.

13           MR. LEVENSON: Thanks, Evan. I will just quickly  
14 respond, and then we're going to move on to the next  
15 section. We all recognize the importance of 1045. I think  
16 in a sense what we're talking about here today is a subset  
17 of 1045 as well.

18           I do want to emphasize that regardless of the  
19 public face of 1045, there is a lot going on between the  
20 agencies. As Tung mentioned, there is the Interagency  
21 Working Group. There will be some public meetings to  
22 discuss these very kinds of issues so there will be an  
23 opportunity for input. And to me that's a 1045 activity, so  
24 keep the pressure on, but we are working on that.

25           So we're going to move on. There's going to be

1 plenty of opportunity. I really appreciate everybody  
2 keeping their comments pretty focused. That's going to  
3 help.

4 I've got to do a couple of housekeeping things.  
5 One, I am obligated to tell you that if there is a fire  
6 drill, follow us out the door, down the stairs, and across  
7 the street, and we'll get you to safety.

8 The other thing is that we do have this being  
9 broadcast. And so for those of you who are listening in,  
10 hopefully you have the email address. If you want to  
11 provide comments some time during the day, we'll get them to  
12 me and I will read them out, at least try to summarize them  
13 so we can get those out in public. It's  
14 SLCP.orgamics@CalRecycle.ca.gov. And we also have a court  
15 reporter, so this is all being transcribed so that we can  
16 actually make sure we heard exactly what you said, rather  
17 than relying on our notes.

18 And, lastly, before we jump in, since we're not up  
19 at the imperial dais back there, we are awkwardly placed  
20 here, as Scott said, on purpose to be a little closure to  
21 you. But I still have the timekeeper scepter and crown, so  
22 I am going to be the one who is trying to keep us on  
23 schedule so we get through all these presentations. So I  
24 appreciate that the comments have been focused. I'll try to  
25 - if you're starting to run on too long or start repeating

1 things, I'll probably be a little bit of a jerk and say  
2 something and have us move on to the next person. So I  
3 appreciate your bearing with me on that.

4 So with that I'm going to introduce Evan to talk  
5 about some of the Key Definitions and Baseline. We'll have  
6 some time for discussion again after Evan's presentation,  
7 before moving into the next section. And I am sure you will  
8 bring up these general comments again and again, that the  
9 funding issues, the offset air quality issues, the role of  
10 wastewater treatment plants, and many, many other things.

11 And we're primarily here to listen today. We'll  
12 respond some times, but we're mostly here to listen for your  
13 reactions, perceptions, and other ideas so that we can get  
14 to that next round in April with some more cogent ideas.

15 Evan, you want to...

16 MR. JOHNSON: This is awkward to walk by all you  
17 guys.

18 So thank you, guys, all. I know it's been said a  
19 number of times, but thank you all for coming. It's great  
20 to have such a robust participation here. And thanks to our  
21 partners, other agencies. I do think this is going to be a  
22 heavy lift and we're going to need all the friends we can  
23 get to get it done. I'm excited to get into the meat of  
24 this, actually.

25 SB 1383 didn't provide for definitions for a

1 number of key terms. So through the regulatory process  
2 we're going to work with ARB to define some of those terms  
3 and specifically define them as they relate to the methane  
4 goals that are outlined in the Short-Lived Climate Pollutant  
5 Plan.

6 But the definition of organic waste is an  
7 important one because defining it is critical to achieving  
8 the methane reductions anticipated. And there are a number  
9 of existing definitions that we have already that we use  
10 through the other regulatory processes at 1826, AB 901 more  
11 recently, but each of them serves a specific purpose. And  
12 the definition that we use for 1383 will serve the purpose  
13 of achieving methane reduction. So I want to be sure that  
14 we get this right. And we thought it was critical to work  
15 with ARB early on on this, and I want to thank Tung and  
16 everybody else at ARB for doing so, for drafting a  
17 definition that would both meet the reductions outlined in  
18 the Short-Lived Climate Pollutant Plan but also meet the  
19 reductions that are then referenced in 1383 and that  
20 prompted this entire effort. And we wanted to make sure we  
21 provided that early in the process here. Oh, there you go.

22 So what you see in front of you is just a straw  
23 definition. It's a first pass. But the key is that it does  
24 achieve the methane reductions that we're anticipating. I'm  
25 just going to read this out loud, I guess for the record

1 maybe. "Solid waste, organic waste is solid waste  
2 containing materials originated from living organisms and  
3 their metabolic waste products including but not limited to  
4 food, green waste, landscape and printing waste, applicable  
5 textiles and carpets, wood, lumber, fiber, biosolids,  
6 digestate, and sludges."

7           Now in one of the handouts that we have provided  
8 in the back there, we have included a table that outlines  
9 the amount of material we're talking about for each of these  
10 categories as broken down by the 2014 Waste Characterization  
11 Study, so it outlines sort of in greater detail than in this  
12 definition some of the materials that it talked about here  
13 and how much tonnage we have associated with that. And that  
14 data on the table I think is for everybody's - for anybody  
15 that's looking at it, it's from the 2014 Waste  
16 Characterization Study. Using that straw definition, we've  
17 run some numbers that give us a sense of what the baseline  
18 would be for tonnage that's allowed to be disposed in both  
19 2020 and 2025.

20           But just a little bit of detail on the baseline  
21 first. As mentioned before, 1383 sets a waste-reduction  
22 mandate to achieve 50 - oh, sorry - it essentially sets a  
23 hard cap on how much can be thrown - how much organic waste  
24 can we throw away in landfills. So the way that you look at  
25 it is you take the 2014 Baseline that's set in 1383, or the

1 2014 reference point that's set in 1383. You take how much  
2 organic waste was thrown away that year, then you multiply  
3 it by .5, and that's how much you're allowed to throw away  
4 in statewide and landfills in 2020.

5           And then you take that number, the 2014 organic  
6 tonnage, and you multiply it by .25, and that's how much  
7 you're allowed to dispose in landfills in 2025. And that  
8 doesn't adjust for population or the growth in waste  
9 generation, which makes this a pretty hard target to  
10 achieve. But it does get to the methane reductions that are  
11 anticipated under 1383.

12           By our calculations, based on the 2014 Waste  
13 Characterization Study and using the definitions above, they  
14 sort of indicate that we have 20 million tons - well,  
15 looking back in 2014, we had 20 million tons of organic  
16 waste going into landfills.

17           And that means that in 2020 statewide, less than -  
18 or about roughly ten million tons of materials should be  
19 going into landfills. And then 2025, five million tons of  
20 organic materials should be going to landfills. So that's  
21 20 million tons going in 2014, 10 million tons going in  
22 2020, and five million going in 2025. And I think that sort  
23 of covers the data of it.

24           ARB, did you guys, Tung, did you want to have  
25 anything to say about that or...

1 MR. LE: Yeah, just a comment on it. It's just  
2 that, you know, we really feel that the Baseline and  
3 Definitions part of this process is very important because  
4 it frames the rest of the discussion for today and it really  
5 frames the rest of the work that CalRecycle is undertaking  
6 in this process but also that it aligns very well with the  
7 work that ARB is doing in the Short-Lived Climate Pollutant  
8 Strategy.

9 As Edie expounded on this morning, methane  
10 reductions are going to be very important for us to get in  
11 order for us to meet the goals in the SLCP and in our  
12 scoping plan. And so being as inclusive as we can about the  
13 methane reductions that we're going to get, it was very  
14 helpful to work those goals. So thank you. Thank you,  
15 Evan, for presenting that.

16 MR. JOHNSON: Sure. And I think with that I can  
17 hand it off for questions. Is that - no, okay.

18 MR. LEVENSON: Okay. So we'll - how many people  
19 would like to - we have about 25 minutes for this section,  
20 if we need it - how many people would like to make some  
21 comments relative to Definitions, Baseline, other kinds of  
22 things?

23 Not too many, okay. All right, I think I can kind  
24 of keep track of the queue.

25 Dan.

1           Again, please identify yourself and your  
2 affiliation for the recorder and for the broadcast audience.

3           MR. NOBLE: Thank you. Dan Noble, Executive  
4 Director of the Association of Compost Producers.

5           Yeah, my question about the Definitions is that  
6 this is definitely metropolitan centric or is it landfill  
7 centric? Meaning that organic waste notably does not  
8 include manures or ag. waste. And in many counties that are  
9 more rural, you're dealing with those as feedstocks and  
10 maybe not as organic waste. But there is some confusion  
11 there in my mind based on this definition, so could you  
12 address that?

13           MR. JOHNSON: Sure, Dan, and that's a good  
14 question. And I think to split those things, you talk about  
15 manure waste - or manure waste and ag. waste. I think this  
16 does include manures that are going to landfill, so it's  
17 landfill centric, to answer your question. That does  
18 include material that - any material that will be going to  
19 landfills.

20           I know I was just down in San Diego and was  
21 hearing that a lot of horse manure ends up in landfills  
22 there as well as animal bedding, and so that would include  
23 that, but it doesn't include ag. waste. And that's specific  
24 because CalRecycle's authority is restricted there and so we  
25 are focused on material that would be going to landfills,

1 would otherwise be going to landfills.

2 MR. EVAN EDGAR: Evan Edgar, Edgar Associates.

3 It's methane centric because it's a short-lived  
4 climate pollutant. One thing that's missing is green waste  
5 can be turned into cover. It goes in a landfill and it  
6 makes methane, and it was left out. The base year for 2014  
7 was 1.3 million tons of green waste ADC, so I think that  
8 needs to be included in the Baseline, plus all the other  
9 types of green waste: AIC, that goes into the footprint of  
10 the landfill; biosolids as ADCs. There are a whole slew of  
11 organics ADC that may count as recycling for the time  
12 period, but it is disposal and making methane in the  
13 landfill. So I highly recommend that those tons be - any  
14 ADC organics should be brought into the Baseline and be part  
15 of this program because it makes methane.

16 MR. WILLIAMS: Hi. I'm Rob Williams from U.C.  
17 Davis.

18 So regarding Definitions, and because this is a  
19 methane-centric regulation or short-lived climate pollutant,  
20 I would recommend prioritizing feedstocks or landfill  
21 material that has - based on their biomethane potential, so  
22 focus on the materials that have the most potential to  
23 produce methane in a landfill like food waste, grass,  
24 leaves, small diameter twigs; and de-emphasize materials  
25 that don't produce much methane like clean C&D lumber,

1 probably biosolids, certain papers. That would reduce the  
2 amount of material that you have to actually divert but you  
3 probably could still achieve the methane-reduction goals.

4 MR. LEVENSON: Let me just ask you, Rob, we also  
5 have the 50- and 75-percent diversion goals, so we have to  
6 meet either by volume or - well, it's by ton right now, so  
7 we still have to meet those goals. How would you prioritize  
8 the definition from that perspective?

9 MR. WILLIAMS: If those are goals and not  
10 regulation, then you can kind of skirt that a little bit. I  
11 guess if this is going to be partly funded by cap-and-trade  
12 funds, then you probably - you know, other agencies and  
13 other commenters might recommend and I recommend trying to  
14 get the best bang for your buck on these cap-and-trade  
15 funds, or whatever they're currently called. So I don't  
16 know how to resolve the other 75-percent disposal goals, but  
17 for SLCP I would recommend targeting - or prioritizing by  
18 the biomethane potential.

19 MR. JOHNSON: Hi, Rob, I just wanted to add to  
20 that I think that's a good point, and Evan sort of started  
21 with that as well, that this is a methane-reduction effort  
22 and so it's important to keep that in mind as we go through,  
23 and I appreciate your drawing focus to that.

24 MR. LEVENSON: Nick and then Chuck.

25 MR. LAPIS: Nick Lapis again with Californians

1 Against Waste.

2 I would actually disagree with that. The  
3 legislation said you're supposed to adopt regulations to  
4 reduce the disposal of organic waste by 50 percent and 75  
5 percent, which is in a separate section from the methane  
6 goals. And you're implementing those regulations and to  
7 ignore material that would be a major portion of that  
8 tonnage would make it impossible for you to achieve those  
9 goals.

10 MR. HELGET: Chuck Helget with Republic Services.

11 Just I think a quick comment. What I'm sort of  
12 taking from this, from Evan's comments and from Nick's, is  
13 that they're really kind of - we're talking right now, at  
14 least in my understanding, about how we count methane  
15 reduction and what goes into that calculation, what's our  
16 baseline. And I think - I'm not sure - but I think it  
17 probably better to count as much as possible, to determine  
18 from a programmatic perspective than what we're going to do,  
19 but I also agree with the gentleman from U.C. Davis, that  
20 from a program perspective what you do in your regulations  
21 to eliminate disposal of certain organics should focus on  
22 the high-priority methane producers and it should focus on  
23 the stuff that we don't do a very good job of collecting  
24 right now.

25 I think arguably we do a pretty darn good job with

1 cardboard and things like that, but we really haven't done a  
2 very good job with the redirecting of food waste and some of  
3 these other items. So I think I kind of hear a mixture of  
4 apples and oranges here.

5           If we're talking about what's our baseline and how  
6 we're going to calculate methane reduction, that's sort of  
7 one thing of what goes into the mix, but when you ultimately  
8 start developing regulations and the focus of your  
9 collection programs and those types of things, you ought to  
10 do what I think the U.C. Davis gentleman suggested and also  
11 what I'm suggesting, is to look at and emphasize the types  
12 of organic waste where you can get the biggest bang for the  
13 buck.

14           MR. SHERMAN: Steve Sherman, the East Bay  
15 Municipal Utility District.

16           A few different comments, some diving down. The  
17 word "fiber," it would be helpful to have that described a  
18 little bit further. Are you're talking about paper  
19 products, if you're talking about a broader segment of  
20 materials than that, that will be helpful to understand.

21           The word "applicable" in front of "textiles and  
22 carpets," that also is a modifier that needs a bit more work  
23 there to understand what's excluded or included in that.

24           I was curious about where "compostable plastics,"  
25 - oh, God, I said it - where that fits or doesn't fit.

1           And then I echo the comments expressed earlier  
2 about organics ADC.

3           And then as a personal comment, not on behalf of  
4 the agency, I also support looking at prioritization based  
5 on the methane potential.

6           MR. JOHNSON: Sure. So to your first two  
7 questions, "fiber" in this case is meant to represent paper,  
8 cardboard, and those sorts of materials. It's, you know,  
9 just using terminology that was used in other places, but  
10 that's what it's intended to represent.

11           "Applicable textiles and carpets" is a bit of - as  
12 you point out - a squirrely one. The intent there was to  
13 say that we're talking about materials that include - you  
14 know, "applicable" meaning that it has biogenic material in  
15 it. So if you have something that's entirely nonbiogenic,  
16 that wouldn't be applicable. But if it has biogenic  
17 material in it, it would be applicable. So that's the sort  
18 of in and out on that.

19           And the "compostable plastics," well, you know we  
20 haven't discussed it yet. So I think that's - do you have a  
21 specific recommendation on it?

22           Anyone else want to tackle it?

23           (Laughter)

24           MR. LEVENSON: Well, that issue will come up in  
25 the next session too when we talk about the concept of what

1 should or shouldn't be put in blue bins, green bins, things  
2 like that. So we're open to hearing that throughout the  
3 day.

4 So are there other questions about Definition and  
5 Baseline? This is a big issue. As Tung said, it is really  
6 critical that we nail this, not today, but that we get a lot  
7 of input so we can consider exactly how to define this  
8 properly, how to mesh our methane goals with our waste-  
9 diversion goals, make sure we're achieving both, frankly.

10 Do we have any authority questions, anything like  
11 that? Because we've got time. I'm happy to move on. We  
12 can end the day early.

13 How about Dan, Tim, and Christy.

14 MR. NOBLE: Dan Noble, Association of Compost  
15 Producers.

16 Yeah, the authority question has to do with  
17 methane reductions in ag. as opposed to or versus or  
18 including or collaborating with or integrated with the  
19 municipal system. I've lived in different counties around  
20 the state which have a different ratio of urban to ag.  
21 environments. And in those that have a mixture of the two,  
22 those two feedstocks, I guess you could say, are highly  
23 interrelated as well as the markets are highly interrelated  
24 on the back end. So I'm wondering how you're going to share  
25 that with the ag. communities, whether it's CDFA or Water

1 Board issues relative to some of these materials, and so  
2 forth.

3 MR. GONCHAROFF: Tim Goncharoff, County of Santa  
4 Cruz. Am I on?

5 MR. LEVENSON: Hang on a sec, Tim.

6 Tim, I'm not really sure - or, Dan, sorry, on your  
7 question. Can you kind of walk through your issue a little  
8 bit more?

9 MR. NOBLE: We really have three organics-waste-  
10 generating communities in any given county. We have the  
11 municipal system, which I think is what this definition is  
12 applying to. You have the wastewater system, although this  
13 now applies to it by the inclusion of biosolids, digestates,  
14 and sludges. But you also have the ag. operations and  
15 whether they're growers, concentrated animal feedlots, or  
16 food-processing facilities, some of those kind of stray into  
17 the industrial-waste realm, I'm just wondering if this  
18 definition is going to be meant to apply to all organic-  
19 generating facilities, whether it's a farm, whether it's an  
20 industry, whether it's a restaurant, you know, whatever.

21 MR. LEVENSON: Yeah, I think, Dan, it's really  
22 important to look 1383 and the language that's in the  
23 statute. That really speaks to what's going - diversion  
24 from landfills, as we've said. So this is going to be  
25 applying to those materials that go into - that have been

1 going into landfills that fall within the jurisdiction of  
2 CalRecycle. It's not going to be a definition that applies  
3 to the CDFA or Water Board purview over wastewater or over  
4 ag. lands, or anything like that, or tree mortality, or  
5 anything like that.

6 That doesn't mean that we're not working on those  
7 issues in conjunction with the stuff that we're doing here,  
8 but this is a very focused definition within the statutory  
9 construct.

10 MR. NOBLE: (Not at the microphone.) Can we come  
11 back and define them based on this schedule?

12 MR. LEVENSON: Well, we have the same issues right  
13 now with the cap-and-trade dollars. We don't finance the  
14 portions of activities that are handling materials that  
15 aren't going into landfills. Other folks do. And we make  
16 those connections. So I think this is pretty consistent  
17 with how the statute's constructed and how the funds that  
18 are available to us need to be allocated.

19 MR. NOBLE: (Short comment outside of the range of  
20 the microphone.)

21 MR. LEVENSON: Got Tim and then Debra.

22 MR. GONCHAROFF: Tim Goncharoff, Santa Cruz  
23 County.

24 Just to comment on how the Baseline may play out  
25 differently in different jurisdictions. Of course across

1 the state we have some jurisdictions that have been much  
2 more aggressive about waste diversion than others. In Santa  
3 Cruz County, for example, we haven't landfilled yard waste  
4 or wood waste for a very long time. We've been collecting  
5 and composting food waste for over ten years.

6 So working from a 2014 Baseline to achieve the  
7 goals is going to be more challenging for us in some ways  
8 because the low-hanging fruit, so to speak, has long since  
9 been plucked. So I think we just need to go forward with  
10 some awareness that the challenges will vary significantly  
11 from place to place.

12 MR. LEVENSON: Hank's going to respond, and then  
13 Christy and then Debra and then Justin.

14 MR. BRADY: Thanks. Thanks, Tim.

15 And as Elliot had kind of mentioned at the  
16 beginning, it's a statewide mandate, and so jurisdictions  
17 that have been early adopters will not be penalized for  
18 taking action early. And it's really what we'll be looking  
19 at is implementation of programs to increase recycling. But  
20 to the extent that jurisdictions are already recycling,  
21 that's certainly not going to be - it's not every single  
22 jurisdiction having its own 2014 Baseline. It's a statewide  
23 2014 Baseline.

24 MS. ABREU: I just wanted to comment also about  
25 the -

1 MR. LEVENSON: Christy, can you identify yourself?

2 MS. ABREU: Christy Abreu, Upper Valley Disposal  
3 Recycling. We also have a landfill in Napa County. And I'm  
4 also a member of the California Refuse Recycling Council and  
5 the Compost Coalition of California.

6 So, anyway, back to the definition. We had spent  
7 a couple years through the different agencies on this  
8 definition and it seems to me the local Air District is more  
9 specific and they carve out these items, so you can't just  
10 go get a blanket permit for organic waste. If you're a  
11 composter, they identify the different feedstocks. And so  
12 if you say organic waste now, they specifically want to know  
13 what is in that organic waste. So the wood waste is  
14 separated, the green waste is separated on your permit, the  
15 sludge is separated on your permit. We take grape pumice in  
16 our operation, and so that's separated.

17 And so I'm wondering how we can we work with the  
18 Bay Area Air Board to get a more blanket definition so  
19 that when we're going to upgrade our permits that we can use  
20 this definition.

21 And also if we decide to compost at our landfill,  
22 rather than putting this stuff in the hole we're now taking  
23 it out, this definition would also work for us to compost  
24 right there on the top of it.

25 MR. LE: This is Tung Le again.

1           You know, you bring up a very good point and I  
2 think that's why, you know, I'd like to sort of kind of  
3 emphasize a little bit more how important this part of the  
4 work is.

5           There are 35 Air Districts in California, the Bay  
6 Area being one of them. And so the work that we do here to  
7 define organics is really, like I said, going to set the  
8 stage for the rest of the work that we do.

9           The Air Districts do like to have and they need to  
10 have the types of organics going to these types of  
11 operations identified on the permit. And that way they  
12 ensure that the materials being processed, you know, go  
13 ahead and comply with their local, State, and federal  
14 regulations that they have to oversee. So that being said,  
15 you know the framing that we do here will help also define  
16 that process down the line.

17           The infrastructure development that needs to be  
18 done will rely upon some of these higher-level discussions,  
19 but also there is this bottoms-up approach that we're going  
20 to be working with the Air Districts on to help, you know,  
21 better define what the organic material is being processed  
22 and what types of benefits and impacts those might have at  
23 the local level.

24           MR. LEVENSON: We had Debra and then Justin.

25           Go ahead, Debra.

1 MS. KAUFMAN: Okay. Just Debra Kaufman, Alameda  
2 County Waste Management Authority, StopWaste.

3 I also think this issue of Baseline is really  
4 important, you know, coming after 20 years of struggling  
5 with AB 939 Baseline issues and having Baseline be too high;  
6 and us all thinking we're at 75-percent recycling and  
7 diversion, and maybe it's really 50 percent or 60 percent.  
8 I know CalRecycle staff has struggled with this issue as  
9 well, so it's really important to kind of think through this  
10 and kind of get it as right as possible so that the Baseline  
11 isn't so high that we're not ending up diluting the end  
12 goal.

13 And, with that said, I guess I'm sort of a little  
14 surprised, but maybe it makes sense to see some of these,  
15 you know, paper items that I really think are those  
16 recyclable and are collected, as recyclables within this  
17 organic goal, and thinking through the fact that some of  
18 these items have a 90-percent diversion rate currently, like  
19 paper bags and some other paper materials and that may  
20 dilute the overall goal for food waste. You know food waste  
21 is only 5 million out of the 20 million, and we really want  
22 to be focused on that, then that's 25 percent of this goal,  
23 you could actually achieve the goal without diverting a lot  
24 of food waste. So I just think kind of, you know, -- and  
25 the point has been raised about the focus on methane-rich,

1 methane-strong products here. So I wonder if there is not  
2 maybe a way to separate out some of these recyclables with  
3 high diversion rates, like paper and newspaper and  
4 cardboard, from the more - you know, the products that we're  
5 really trying to achieve this 50- and 75-percent goal, and  
6 not dilute with these other materials that have very high  
7 current recycling rates.

8 Thank you.

9 MR. JOHNSON: Thanks, and I can take a quick  
10 response to that. You know I think your point is really  
11 well taken. There is still a ton of paper going into  
12 landfills. And certain types of papers are very high in  
13 methane-producing capacity as they breakdown in landfills,  
14 higher actually than most other materials that are on the  
15 list here, and so they're still of concern.

16 That being said, I understand there are exiting  
17 pathways for managing that, and so I want to stress that  
18 this list here that we've got up - had up - is not as  
19 'Here's material that's supposed to go to composting,' it's  
20 'Here's material that we don't want to go to landfills.'  
21 And if it goes through existing paper-recycling channels,  
22 great. And hopefully the idea is that since those channels  
23 exist, it would be easier to get that little - you know,  
24 that remaining percentage that's going into landfills, the  
25 remaining tonnage out through those existing channels.

1           And I do also want to point out that the Baseline  
2 is set such that it takes 25 percent of what's getting  
3 thrown away can remain in landfills. But you know with a  
4 definition this broad, it means that certain materials that  
5 are harder to get out will probably stay in the landfills,  
6 but the stuff that we know we can get out, food, etc., you  
7 know pushes that out more aggressively, so.

8           MR. LEVENSON: I will just tag onto what Evan has  
9 said and flag you to the next section when we talk about  
10 that because we did recognize that issue. No matter how we  
11 define this, what goes in a green bin, organics bin, what  
12 would be collected in blue bins, we want to differentiate  
13 between those to try to address that.

14           And I do want to also emphasize what Evan said,  
15 that actually paper has a much higher GHG-emission factor  
16 than does organics, so it makes it difficult to figure out  
17 prioritization, you know, times tonnage, GHGs times tons,  
18 and what's the biggest priority, and do we do it all, do we  
19 do select parts. So those are great comments to that  
20 effect.

21           Justin.

22           MR. MALAN: Justin Malan for Ecoconsult.

23           I'm just wondering if folks have given any  
24 consideration to degradable substitution. Your metric is  
25 keeping it out of a landfill. What if it's diverted to some

1 activity that's actually producing more GHG than the  
2 landfill may? I'm not talking about any particular  
3 scenario, but is it just that simple metric and not a net  
4 reduction in GHG emission? I'm thinking of certain green  
5 waste land application could actually be as bad as putting  
6 it in the landfill. I don't want to step on any toes now,  
7 but I'm just wondering if it's just a simple metric that  
8 you're looking at, not an ultimate GHG reduction.

9 MR. JOHNSON: It's complicated, yeah.

10 MR. LEVENSON: Yours. Mine.

11 MR. JOHNSON: Yeah, yeah.

12 MR. LEVENSON: It's a good question, Justin. Now  
13 you know that we've talked about land application a lot and  
14 we're certainly trying to clamp down on illegal land  
15 application through working with the LEAs, through our  
16 regulations, through other venues.

17 I think you have to distinguish between land  
18 application of unprocessed green waste versus land  
19 application of properly-managed composted materials. And in  
20 that case the GHG factors are different, so it's something  
21 we need to take into consideration for sure.

22 Other comments? We're doing fine on time.

23 Clearly a lot for us to consider and think about  
24 in terms of this Key Definition and then kind of how we move  
25 forward on that. You're going to start seeing some of our

1 thoughts on that in the next section, so I'll just give you  
2 one more chance for questions.

3 Oh, yeah, we have - sorry - two in writing.

4 MR. JOHNSON: Howard keeps trying to neglect the  
5 email questions. I'm defending you out there, email land.

6 So the first question is from Eric Keller-Heckman,  
7 from Humboldt Waste Management Authority, and it says: The  
8 base year mentioned in 1383 is 2014. Does this reference  
9 the 2014 end-of-year reporting or does it mean during the  
10 2014 calendar year? Either way, why was this chosen as the  
11 Baseline year?

12 I don't have a great answer to this question  
13 simply because the statute is written as it's written. It  
14 doesn't say whether we're talking about end of year or  
15 calendar year, so it's not specific on that front. But it  
16 does specifically say 2014. I can say that - and so that's  
17 why we're using it as our Baseline because it's delineated  
18 in the statute. I can say that it's fairly convenient for  
19 us because we have a Waste Characterization Study that was  
20 executed in 2014, so we have clear data on how much material  
21 was thrown out by material type in that year and that will  
22 be very helpful as move ahead in calculating achievement  
23 towards this goal and we look ahead towards further waste  
24 characterization studies, so it does actually work out for  
25 our accounting.

1           And then the second question was Chuck White from  
2 Charles A. White, LLC. And he said: Only living material,  
3 derived - or only living material, derived organics appear  
4 to be covered. What about petroleum-based organic wastes  
5 that are also disposed of in landfills that may decompose to  
6 produce methane?

7           And I think the Definition here that we've created  
8 is specific to recently-living organic material, so it would  
9 exclude the materials that he's talking about in this.  
10 Certainly it's open for comment, the Definition is open for  
11 conversation, so we can take that comment into account and  
12 look at the methane production of those types of materials  
13 as they break down in the landfill. So thank you.

14           MR. LEVENSON: We have a third.

15           MR. JOHNSON: Yeah, sure, give me a second here to  
16 - I'll just read the whole thing off: I think staff has the  
17 Definition backwards. It says a 50-percent reduction in the  
18 level of statewide disposal of organic waste from the 2014 -  
19 and that's the quote. Thus if 20 million was disposed in  
20 2014, then 50-percent reduction going into the landfill  
21 would be 10 million tons of organics diverted by 2020.  
22 Staff said that only 10 million could be disposed in 2020.  
23 To clarify, in 2020 if organics are 25 million tons, then 10  
24 million tons diverted and 15 million tons landfilled, this  
25 is a 50-percent reduction in the 2014 tonnage. By staff's

1 Definition only 10 million tons can be landfilled and 15  
2 million tons would be diverted.

3 I'm not entirely sure about that interpretation,  
4 but I do want to clarify. You know we have agreement,  
5 certainly, interagency here at CalRecycle and ARB that the  
6 interpretation, so a clear interpretation of the statute is  
7 you're talking about a 50-percent - 50 percent below the  
8 2014 Baseline, so as we presented it in that slide above -  
9 I'll back up to it in case - there you go. That you take -  
10 that, you know, the simple methodology here or method here  
11 is you take what was thrown away, what we know was thrown  
12 away in landfills in 2014, multiply it by .5, and that's how  
13 much you're allowed to throw away in 2020. The same process  
14 for 2025, but you multiply it by .25 percent - or - yeah,  
15 .25. so that's, I think, for us it's the clear  
16 interpretation of the statute.

17 MR. LEVENSON: Okay, we're going to move onto the  
18 next section. This is going to be a tag-team. How about we  
19 move this over here. So this is going to be a tag-team  
20 between myself Howard Levenson and Cara Morgan, who is our  
21 Chief in charge of all Local Assistance activities at  
22 CalRecycle.

23 And in this section of the workshop we have  
24 slotted roughly in our heads about an hour and a half, so  
25 we'll see how much time we need, we're going to speak in the

1 first part of the - in this section we're going to be  
2 looking for feedback on a variety of concepts that start to  
3 delve more into the programmatic aspects of these future  
4 regulations.

5           We're going to be looking for feedback on: how do  
6 we provide organics recycling services to every generator of  
7 organics in the state; how do we keep organic materials  
8 clean and recoverable; how do we foster sufficient capacity  
9 planning; and how do we strengthen organics recycling  
10 markets.

11           I want to repeat something that I think both Scott  
12 and Hank said earlier, that as we move forward on this  
13 rulemaking - we're in an informal rulemaking now for  
14 probably most of this calendar year. We'll have lots of  
15 workshops, lots of back-and-forth with stakeholders. In  
16 2018 our intent is to start a formal rulemaking process that  
17 has to go for about a year or up to a year. So we're hoping  
18 to adopt these regulations by the end of 2018 or early 2019  
19 so that local jurisdictions, haulers, generators, facility  
20 operators, and so on know what the lay of the land is going  
21 to be and can start making programmatic and budgetary  
22 decision way in advance of that 2022 compliance date.

23           So the concepts that we have here are going to be  
24 really key as we flesh those out over the course of this  
25 year and move into the rulemaking process as to what's going

1 to be required, what we're going to expect of different  
2 entities.

3           So first Cara and I are going to address organics-  
4 collection concepts. And we're really seeking your input on  
5 we can assure that all generators have access to organics  
6 recycling and how this could be addressed in the  
7 regulations.

8           And the next three slides have nine concepts that  
9 are related to collection services and ensuring that  
10 organics are collected. Maybe there are other ideas. Maybe  
11 some of these ideas are not ones that you think are good,  
12 but we want to put these ideas out for discussion and then  
13 see what your perspective is.

14           MS. MORGAN: Thank you.

15           So how do we get these organics out of the waste  
16 stream and collected? One concept to consider is having  
17 jurisdictions require their haulers to provide mandatory  
18 service for generators, meaning automatically providing  
19 those services to generators. Later we're going to talk  
20 about generator obligations to partake in those services.  
21 So that's one concept.

22           Another concept is ensuring that organics are  
23 collected at public areas. For example, having refuse  
24 containers associated with organics-recycling containers.  
25 Say at a park, a farmers' market for example, or a large

1 venue or event.

2 Another concept is to support CalGreen standards.

3 And that could be requiring jurisdiction to implement the  
4 CalGreen Building Code, which would have things like  
5 ensuring adequate space for organics-recycling containers.

6 Regardless of the type of program that's  
7 implemented, education and outreach would be absolutely  
8 critical. We need to educate generators not only on  
9 recycling options but also on waste-prevention activities as  
10 well as how they can participate in food-recovery efforts,  
11 which we'll talk a lot more about later.

12 How education and outreach could be done. That  
13 could be done through the jurisdiction, and jurisdictions  
14 might also have their haulers doing some of that education  
15 and outreach.

16 Collection services might consist of both single-  
17 stream source-separated organics recycling as well as a  
18 mixed-waste collection. Let's talk about single stream  
19 first. Jurisdictions might be required when they have  
20 single-stream programs to ensure source-separated organics  
21 collection; but, as we talked about earlier, it also would  
22 include in the single-stream recycling, that blue bin,  
23 ensuring that those nonputrescible types of recyclables are  
24 also collected. That's our paper, cardboard, aseptic  
25 cartons for example.

1 In the mixed-waste program we would want to ensure  
2 that all of the organics are separated from that mixed-waste  
3 stream, so that would be making sure that the organics like  
4 yard waste, food waste, paper are separated in a mixed-waste  
5 system.

6 Another concept that could be considered is  
7 placing a recovery-rate requirement on material recovered  
8 through facilities. For example, maybe a 50-percent  
9 requirement of all the organics that go through a facility,  
10 maybe a 75-percent requirement in 2025. So those are  
11 concepts that we could consider.

12 With organics collection a key issue is not  
13 letting it sit for too long. So one concept to consider is  
14 allowing jurisdictions to provide source-separated  
15 collection of organics on a weekly basis and providing  
16 jurisdictions the authority to collect trash as well as  
17 recycling on an every-other-week basis.

18 And then how do we ensure that organics don't go  
19 to disposal facilities and instead make their way to  
20 recycling facilities. So a couple of options to consider  
21 might be requiring haulers and processing facilities to send  
22 source-separated organics to recycling facilities. What if  
23 organics end up heading towards the landfill? Another  
24 option might be to require landfills to have some sort of  
25 preprocessing, so that material ends up going back to a

1 recycling facility. Different concepts to consider.

2           Now let's talk about generator participation and  
3 what could be required of generators. As we mentioned  
4 earlier, jurisdictions might be required to provide  
5 mandatory service, meaning automatically provide service,  
6 like you do with trash services, to every generator of  
7 organics material. The generators, in turn, might be  
8 required to participate in those services. Instead of the  
9 hauler trying to sell the service to the customer, get the  
10 service - the generator to subscribe to the service, that  
11 generator would automatically be provided the service and  
12 then would have to opt out in order to not partake of that  
13 service, meaning they would have to demonstrate that they're  
14 already recycling or diverting their materials in another  
15 way.

16           This concept could be helpful because it would  
17 require less monitoring. The monitoring efforts would  
18 really just focus on those generators that are opting out of  
19 the service to make sure that they truly are recycling.

20           And I am going to turn it to Howard.

21           MR. LEVENSON: Okay, now we're going to talk about  
22 contamination a little bit. I think we all recognize that  
23 organic feedstocks need to be clean if we're going to have  
24 good products and good markets, and be able to process them  
25 well. Now CalRecycle has already taken some efforts to

1 address this through our composting-facility regulations  
2 where we have new physical contaminant standards in compost  
3 products. But we're seeking input on what else and what  
4 more can we do in this regulatory effort to try to address  
5 that issue of contamination, particularly at the generator  
6 collection interface.

7           So this slide shows a number of concepts to manage  
8 contamination, such as education and outreach. Compliance  
9 monitoring of generators by jurisdictions and haulers would  
10 be one thing we could consider in these regulations. We  
11 also could look at inspection and monitoring at facilities,  
12 whether that's by haulers or operators or LEAs. Really,  
13 just what can be done to enhance the identification of  
14 contamination and efforts to really reduce the levels of  
15 contamination in bins and then in the ensuing collection and  
16 processing.

17           Another concept, the last bullet on this slide is  
18 to look at: Should we specify materials that should or  
19 should not be placed in various bins, whether it's a green  
20 bin or a blue bin, or what-have-you. These could be  
21 materials that are challenging to compost or digest, or that  
22 cause problems later on in products and in end-use  
23 applications. Things like what do we do about aseptic  
24 cartons. We have the issue of compostable plastics that  
25 Steve raised. We have polyethylene-coated paper. Those

1 kinds of materials. How do we deal with those within this  
2 construct.

3 We do know that some jurisdictions have ordinances  
4 dealing with some of these kinds of materials, so is that a  
5 mechanism that we should be exploring in these regulations,  
6 or what else can we do to address contamination.

7 Okay. Infrastructure, capacity, and market  
8 development. Easily done, we're finished.

9 (Laughter)

10 MR. LEVENSON: I think we all know that, as many  
11 have said, from the funding side to the siting side, this is  
12 really a huge, huge lift. And much of what we have to do  
13 about this is going to be outside this strict regulatory  
14 package. But clearly this is an opportunity for us to hear  
15 from you is what else can we do within these regulations to  
16 foster better planning, easier siting, and still address  
17 community concerns about air and water quality impacts,  
18 impacts on disadvantaged communities, and the like.

19 So I do want to emphasize that there are lots of  
20 ongoing activities that you've heard a few about today.  
21 Some are under the umbrella of 1045, some are independent.  
22 There are many, many things going on, as you know. But  
23 within the context of these regulations, how can we ensure  
24 that recycling operations and markets are available,  
25 facilities and markets are available for all of these

1 recovered organics?

2           So this slide has just some ideas. I think we're  
3 really open to what other ideas do you have that might  
4 foster moving forward on this. One area is looking at  
5 planning. We already have AB 876 from a couple years ago  
6 that requires counties to provide information on capacity  
7 and potential areas that are needed for new facilities. One  
8 concept is to expand this and require more specificity and  
9 require plans from those jurisdictions that don't have  
10 adequate capacity, whether that's county level or county and  
11 city, or how we would look at that. You know that's open to  
12 discussion.

13           Another concept now that we have the new goals  
14 relative to food recovery is to require - or expand 876 and  
15 require within these regs that there be planning for local  
16 food, edible food recovery, capacity, and programs. And  
17 we're going to talk a lot more about that in the afternoon  
18 in terms of food-recovery programs, but just at least in the  
19 planning side of things should we be looking at that.

20           Separately we could look at solid-waste facility  
21 planning and permitting. Should new or expanded solid-waste  
22 facilities have to demonstrate that they have consulted in  
23 some meaningful manner when they're going to be located in  
24 or near a disadvantaged community and how do we require that  
25 and how do we assess that and make sure that that's

1 happening.

2 Another concept that may seem a little arcane to  
3 some of you but that could have significant impacts is since  
4 SB 1383 will - we're going to be successful - result in a  
5 lot less organics going into landfills, that's going to  
6 change the financial obligations of landfill operators for  
7 maintenance and post-closure clean-up. So should we be  
8 requiring landfills to adjust their financial-assurance  
9 planning to address these kinds of reductions? Obviously  
10 that's wide open for many, many ideas.

11 Also wide open for many ideas is our next subject  
12 which is market development.

13 Evan, pop up.

14 And while Evan's coming up, again there are many,  
15 many different fronts for market development. So we're  
16 looking, again, for input both on what should we be doing  
17 broadly but, more specifically within this regulatory  
18 effort, what can we do to foster more markets and more  
19 procurement.

20 MR. JOHNSON: Sure. Thanks, and I will keep it  
21 quick. You know Howard said it right, we need robust  
22 markets for all this material that is going to be, dare I  
23 say, a flood of material coming out between now and 2025  
24 that we need a safe home for, to make sure that it's used in  
25 a way that's beneficial so this effort isn't empty, right.

1 We need to be making better use of these materials, and  
2 that's the whole point here. So to that end I think we  
3 really need to focus on strengthening markets. Part of that  
4 is already being undertaken. I think Howard mentioned it  
5 already, but we have paper, we have state procurement of  
6 recycled paper and other recycled-content goods. On compost  
7 we have the Healthy Soils Initiative that Jenny mentioned.  
8 We have research associated with the benefits of compost and  
9 how to identify and quantify the benefits of using compost,  
10 and efforts to require the purchase of mulch in various  
11 places.

12           So there already are a number of processes  
13 underway to try and increase the markets for this at least  
14 from State efforts. But CalRecycle recognizes that the  
15 markets are critical both to the economics of recycling and  
16 to make sure that these end up in a safe place. And we have  
17 worked and we will continue to work with ARB on identifying  
18 those markets.

19           I think thrown up here are just some general  
20 concepts or just a general scoping of the kind of things  
21 we're talking about: Compost and mulch; biogas; cardboard,  
22 paper, and building materials; and the idea of either having  
23 incentives and subsidies like we talked about before or  
24 potentially procurement mandates, could we have requiring.  
25 You know one concept would be to have jurisdictions required

1 to use compost on public facilities. And of course we would  
2 think about whether the State can increase its own  
3 procurement requirements to support its efforts.

4 So I think I will just leave it there and say that  
5 we're looking for robust ideas to strengthen these markets  
6 in ways that the State and both through these regulations  
7 and elsewhere can play a role in strengthening them.

8 MR. LEVENSON: Thanks, Evan.

9 So we're going to open up. We've had some ideas  
10 put forth on collection, on different kinds of programs, on  
11 generator obligations, procurement, capacity, planning, and  
12 so on, contamination. These are all just concepts. We're  
13 just putting ideas out to see, you know, what you think  
14 about them, if there are things that we should explore  
15 further or there are other ideas that you think are more  
16 appropriate that needed to be included in the mix.

17 So I've got Chuck and a couple folks right here.  
18 We'll go there. Chuck - oh, Veronica, we'll get you first,  
19 and then Chuck, and then come probably down the middle.

20 MS. PARDO: Hi. Veronica, California Refuse  
21 Recycling Council.

22 You just went over quite a bit, but one thought I  
23 had was in the educating generators - excuse me - piece,  
24 what latitude do you have in identifying opportunities that  
25 the school programs, districts, community colleges,

1 colleges, universities in that kind of learned behavior  
2 issues, especially around contamination and, you know,  
3 including these kind of efforts at that level?

4 MR. LEVENSON: Hank is going to take the first  
5 crack at that.

6 MR. BRADY: Thanks, Jennifer.

7 You know we're still looking at sort of what the  
8 best rules will be for different stakeholders to play.  
9 Traditionally thru 939 as it relates to waste-hauling  
10 requirements, that's been outside the scope of  
11 jurisdictions. But moving forward, we want to explore more  
12 with our stakeholders in terms of what can be done at the  
13 local level for specific generators, so still conceptual but  
14 kind of moving forward. We want to look at that a little  
15 bit more.

16 MR. HELGET: Chuck Helget, Republic Services.

17 There's so much here in this section that I'm just  
18 going to hit one point, but I'll probably be coming back at  
19 you.

20 Cara, when you were talking I kind of heard two  
21 different things. One was requiring generators to contract  
22 for services and the other was requiring us and local  
23 jurisdictions to offer services, and those are two very  
24 different things.

25 My understanding of 426525(a)(1) is that you can

1 impose a requirement on generators. That's what the  
2 regulations discuss. So I'm wondering, your concept, I'm  
3 not downplaying it, but I'm wondering if it's a little bit  
4 outside of the statutory structure of 1383.

5 And I can see Elliot scrunching his face over  
6 there.

7 MR. BLOCK: Basically all of these options are on  
8 the table. The subsection you cited to is a *may*, so it's  
9 one of the things that we can do, but there is a very  
10 general grant of authority in these regulations. It all  
11 ties back to what we ultimately can show as necessary to  
12 meet the 50- and the 75-percent requirements. So there is a  
13 number of different ways, as Hank had mentioned, this can be  
14 done. And the purpose of this workshop and the ones that  
15 are to come are actually to explore what actually makes the  
16 most sense. So at the moment we're not necessarily ruling  
17 anything out, but obviously there is a lot of work to be  
18 done.

19 MR. HELGET: And I think that's going to be kind  
20 of one of our points, our rub points is what's specifically  
21 identified in that statute and what you think is needed in  
22 that statute. And we'll probably disagree on that a little  
23 bit. But, again, I think that one of the points here is  
24 that while that is a *may* in the statute, there is - 1826  
25 very clearly is imposed on the generator. So if - and this

1 kind of begs a larger question: Are we building on 1826,  
2 are we building on 341, are we building on the bottle bill,  
3 or are we creating a new system here. And I think I'd  
4 rather do the former rather than the latter.

5 MR. BLOCK: so a couple of comments to make,  
6 though, and I'll start with your last point first which is  
7 we're obviously going to want to build on, leverage,  
8 whatever words you want to use , things that are already in  
9 place as much as possible. Having said that, 1383 is very  
10 specific to organic waste. 341 is always - this came up  
11 earlier. There are various combinations, which leads me  
12 back to the first point you made which is, and I've had this  
13 conversation in regulatory workshops on many occasions,  
14 there are two different issues when we talk about legal  
15 authority, and this is important for some of the discussion  
16 and as we move forward.

17 There is the general authority that an agency is  
18 granted to do what is necessary to implement whatever  
19 requirements are in a statute. We actually have separate  
20 from 1383 a very general grant of authority to adopt  
21 regulations that are necessary to implement the division.

22 When you then step into do regulations there is a  
23 requirement that the regulation, any particular specific  
24 regulations, are necessary to implement that. So there is a  
25 second level which is not really a legal authority analysis,

1 although it's a legal framework, it's a: Can you justify  
2 that you need x, y, and z to meet goal A, goal B.

3           So I'm not disagreeing with you that there is  
4 going to be a lot of discussion as to what is or isn't  
5 necessary. It's not really a legal authority question per  
6 se as much as a getting down into the details kind of a  
7 conversation. And we're not going to get to that level of  
8 detail today. Those are going to be when we do the  
9 workshops, when we get into the specifics. But we clearly  
10 recognize there is a lot of detail and there is a lot of  
11 complexity. What we're trying to do at this point is not  
12 make a call the requirements are on X stakeholder or the  
13 requirements are on Y stakeholder. We're throwing all of  
14 those out there for discussion, comment, and then to try to  
15 figure out what's the most effective. And a lot of those  
16 things work together, requirements on generators or  
17 requirements on jurisdictions or requirements on haulers.  
18 There is an interplay amongst all those factors, so that's  
19 the kind of conversation we're looking to have.

20           So in a sense I'm actually agreeing with you that  
21 this is going to be a big issue as we move forward, but I  
22 wanted to clarify that because I think we can oftentimes,  
23 because I get in the middle of those conversations, get  
24 bogged down with the authority question which really more  
25 often than not is the details, what actually do you need to

1 do to make it work.

2 MR. SMITHLINE: Thanks, Chuck, for your question,  
3 and Elliot for the dialogue. It's an important dialogue.

4 But I want to reiterate what Elliot just said  
5 which is what really we're hoping to do with these very  
6 early stages is get an understanding of what are all the  
7 pieces that we need to be successful. We will have to go  
8 through very specific processes later about who is obligated  
9 to do what under these regulatory process, but everything  
10 that you see up here is not an assertion that even each  
11 component is necessary, let alone who is going to be manning  
12 the responsibility for ensuring it. We're really hoping  
13 right now to enlist a dialogue on what are the necessary  
14 pieces to get this done. But it's not to say we won't be  
15 engaging in that conversation, Chuck, as we move forward,  
16 we'll have to.

17 MR. LEVENSON: Okay, we've got three questions  
18 down the front and then we'll come over here and back over  
19 there.

20 MR. KESTER: Greg Kester, again with the  
21 California Association of Sanitation Agencies.

22 Two key areas I guess I'd like comment on. One is  
23 on infrastructure needs. And at wastewater plants there is  
24 a need for ancillary infrastructure in order to effectively  
25 codigest organics converted from landfills, - these are

1 generally pretty cost-effective, but they are a need - which  
2 includes the use of biogas which is produced, as well as the  
3 specifications for the cleanliness of organic waste so it  
4 would be received. So those are sort of multifaceted.

5           The other is on biosolids management. If  
6 biosolids are to be included in an organics-diversion  
7 requirement, we have to have other alternatives, the most  
8 likely of which is land application under regulations  
9 already adopted by the Water Boards. But we have a lot of  
10 barriers at county borders right now through ordinances.  
11 That's a reality that we have to deal with and especially in  
12 Southern California and the Central Valley.

13           MR. LEVENSON: Thanks, Greg.

14           Tim. Let's come down the row and we've got a  
15 bunch over here.

16           MR. GONCHAROFF: Tim Goncharoff, Santa Cruz  
17 County.

18           In Santa Cruz County we're already doing many of  
19 the things that Cara suggested. And I just want to very  
20 quickly share some lessons learned and some ongoing  
21 challenges.

22           For example, we have found that it's very  
23 important to do constant training and retraining of staff in  
24 places like grocery stores and restaurants to make sure they  
25 understand the distinction between organics and other kinds

1 of waste and recyclables. Turnover is rapid in those kinds  
2 of businesses, so you have to go back again and again.

3 We have been offering food-waste collection at  
4 special events for a long time and we have found that unless  
5 you staff the waste stations you get so much cross  
6 contamination that you end up taking everything to the  
7 landfill, which is tragic. So staffing and excellent  
8 signage is really important.

9 We have been collecting from not just restaurants  
10 but grocery stores and in response to 1826 we're ramping  
11 that up. And there are a lot of challenging products.  
12 Imagine a grocery store manager trying to figure out what to  
13 do, for example, with an expired carton of milk or a carton  
14 of yogurt or a damaged can of soup. Or Howard earlier  
15 mentioned aseptic packaging. What about and aseptic  
16 container that's full of soy milk. What the heck are they  
17 supposed to do with that?

18 Now there are approaches. There are machines on  
19 the market that can separate these things out. Their  
20 effectiveness is uncertain and they're expensive, and that  
21 approach is really challenging for a small jurisdiction.

22 So I wanted to suggest that there is really a  
23 place in the system to broaden our definition of generators  
24 to include distributors, packagers, and manufacturers of  
25 some of these products because that may be the only place

1 where those materials can be properly sorted.

2           And a last comment about market development. The  
3 largest user of composted mulch in California is CalTrans.  
4 And naturally they prefer large producers that can guarantee  
5 a steady flow of product, but that makes it tough for the  
6 smaller producers. So if we were able to encourage them to  
7 source locally for local products. So, for example, if they  
8 were doing a highway project in Yuba County, why not look in  
9 Yuba County for compost and mulch rather than importing it  
10 from San Diego, or somewhere. So.

11           MR. LEVENSON: Thanks for those ideas, Tim. And  
12 we've got people recording and we've got the court recorder,  
13 so those and other ideas are what we'll be talking about.

14           Let's see. We have one more down here and we'll  
15 go over here and then back over there.

16           MR. MESSNER: Thanks. This is Kevin Messner with  
17 the Association of Home Appliance Manufacturers.

18           I wanted to reiterate that we have - appliances  
19 can be a solution to this. Food is 70 to 90 percent water  
20 and garbage disposals, or there are appliance composting  
21 capabilities, will divert the food away from landfills and  
22 through the waste water stream.

23           So this is not something that is theoretical.  
24 Philadelphia did a pilot program. There are other cities  
25 that have done pilot programs. Philadelphia found that 30,

1 35 percent of their garbage was reduced by putting garbage  
2 disposals in, and it reduced the odor and the rodents as  
3 well and made cleaner streets in the city. They then  
4 proceeded and the mayor then put it through the building  
5 codes and mandated in new residential buildings that garbage  
6 disposals be used and used more frequently. And it's really  
7 helped the situation, it's diverted the organics  
8 tremendously. So it is a real solution. There are other  
9 cities that are out there. I would encourage CalRecycle to  
10 keep an open mind on that as being a solution that people  
11 are using, and it has a significant impact.

12 Thank you.

13 MR. LEVENSON: Thanks, Kevin. And I appreciate  
14 that you reached out to us a couple of weeks ago, or  
15 whenever, and came in and talked about that.

16 Over here, yeah.

17 MS. DESLAURIERS: Sarah Deslauriers, also with the  
18 California Association of Sanitation Agencies, and I'll  
19 partially be reiterating Greg Kester's comments but building  
20 on them as well.

21 Getting back to how can the State ensure that  
22 recycling options are available, definitely having that end-  
23 use available and most immediate end use is what Greg  
24 mentioned for land application of biosolids across the  
25 state. And what I didn't see was on your market development

1 slide, 22, biosolids wasn't listed as one of the recycled  
2 organic products, so that would be something to include  
3 there. Since it is an immediate option, there are other  
4 uses for the biosolids. And you can compost that, so it can  
5 be a compost, or mix it with other compost and materials.  
6 But also financially there is some need for incentives, as  
7 Greg had mentioned, for the preprocessing or for the  
8 processing of the biogas that's generated, there are  
9 multiple products there. So, yeah, those are some comments.

10 MR. LEVENSON: Thank you.

11 Okay, we had a few folks over here, so let me get  
12 this side of the room, people who haven't spoken yet. We'll  
13 go to Matt in the back. Come back this way and then we'll  
14 come back over here. Trying to keep sort of a queue. It's  
15 hard.

16 MR. COTTON: Thanks for looking way in the back of  
17 the room, Howard. Matt Cotton, IWMC.

18 I wanted to say a couple of things. I think all  
19 those are worthwhile concepts. They're all concepts we talk  
20 about in a class I teach for SWANA, which I happen to be  
21 teaching in Reno March 28<sup>th</sup> and 29<sup>th</sup>, so come on down.

22 (Laughter)

23 MR. COTTON: Because this is a little shameless.

24 MR. LEVENSON: Shameless.

25 MR. COTTON: It's about solutions today, it's not

1 about partying like it's like 1989, Chuck Helget. We all  
2 complain that we don't have the money. This sounds like '89  
3 in some ways, 'Oh, we don't have the money. It's a big  
4 lift. We don't know where we're going.'

5           We know where we're going. We know how to do  
6 this. We've been - some cities, some folks in the room have  
7 been doing it for over a decade. So what I feel like I want  
8 to say, and I hope this doesn't sound as arrogant as my  
9 comments often sound, we've got to do a better job of  
10 talking about the why. You know why are we doing this.  
11 This is not - I've been teaching the Organics Collection  
12 Class for five years now. It is not helping us defeat ISIS.  
13 I've checked. But it's important, right? There's a reason  
14 we're doing this. We've got to do a better job explaining  
15 that.

16           Back in 1989 we were all about the garbage barge  
17 and landfill capacities, the so-called landfill crisis had,  
18 and that was a really good story to tell, because folks in  
19 this room have to go to the city council and have to go to  
20 the board of supervisors and talk about the story and say  
21 why are we doing this. It's not because there is an  
22 alphabet soup of laws telling us to do it; although that's  
23 important and, you know, kudos to all the folks that have  
24 put those in place, including 1826. I can't say 1826 enough  
25 because that's really important. That is part of the sea

1 change we're going through in getting us to plan this  
2 infrastructure and site these facilities, all of which is  
3 not easy but it is also totally doable if we want to do it.

4 So why are we doing it? I think CalRecycle needs to do a  
5 better job telling that story - and tell the stories.

6 There are great stories around this great state of  
7 folks separating food for human consumption, for getting it  
8 to folks who need food. There are great stories about  
9 taking the food which can't be eaten by people and getting  
10 it to animal feed, getting it to composting sites, getting  
11 it to ADC sites. We don't do as good a job as we used to do  
12 telling those stories, sharing those stories.

13 There are a lot of businesses that work all over  
14 the state and if they can do it in San Francisco there is no  
15 reason they can't do it in Modoc or Manteca or - give me  
16 another "M" city - Modesto or even in Orange County or San  
17 Diego, really. I mean these are big - at this point the  
18 bigger franchise restaurants want to know where the bin is.  
19 They don't need to know - they don't need to take my class.  
20 They want to know where the bin is. They know - when they  
21 site a new Olive Garden, they've got electricity, they've  
22 got water, here's the garbage, here's the green bin. It's  
23 just another utility.

24 This is a - I don't want to minimize what a big  
25 shift this is going to be, but we do know how to do it, we

1 can do it. People do want to do it. and I'm really glad -  
2 I feel really fortunate to be in this workshop with all  
3 these great people and all the great State agency  
4 coordination that it will take, but, let's remember, we know  
5 how to do this and people want to do it, so thank you.

6 MR. LEVENSON: Paulina and Bonnie, you guys get to  
7 pick in this group. I can't keep track of who raised their  
8 hand first.

9 MR. ASTOR: Kelly Astor, with a lot of waste-  
10 hauler groups, but I'm going to speak from my personal pain  
11 at this point because some of this hasn't been digested  
12 fully by my clients yet.

13 I do a lot of work, as many of you know, locally  
14 with franchise haulers and crafting those relationships with  
15 cities and counties. And I think this is very helpful, the  
16 approach you're taking here to outline concepts rather than  
17 having preliminarily decided on a particular pathway. I  
18 appreciate that to no end. I came here looking for more  
19 detail, but at the same time I like the fact that we're kind  
20 of broadening a discussion now because my thought - and I've  
21 got a three-page letter coming on each one of your boxes,  
22 okay. So, putting that aside, just a couple things -

23 MR. LEVENSON: Comments -

24 MR. ASTOR: - you might not hear from other  
25 people. I would just be weary of the unintended

1 consequences of what you propose to do here. These  
2 relationships have been forged locally. And these local  
3 partnerships between the private sector clients that I have  
4 and the local governments they serve, I have for a long time  
5 had had a concern that some of that's going away as the  
6 State's influence seeps more and more deeply into those  
7 local arrangements. I understand that may be something we  
8 cannot avoid. But as you look at that, and you're talking  
9 about it in one of your boxes, my favorite issue, which is  
10 "Consider establishing recovery rates for organics  
11 processing of recycling facilities," each time that comes up  
12 I'm going to squawk and talk about the fact that we have a  
13 lot of facilities out there that were conceived and only  
14 partially financed to this point based on a set of  
15 circumstances. If you're going to change those  
16 circumstances, that's fine, but do so in a way that doesn't  
17 unnecessarily expose the borrower to the loss of - to  
18 stranding the investment, the loss of - I mean there are  
19 huge implications to what you're talking about here.

20           If you begin to set recovery rates for specific  
21 facilities, who's going to enforce that? Now we've got MRF  
22 Police coming in, and it just changes the whole dynamic.  
23 Much of the success that got us to this point, and it may  
24 not be all that relevant in going forward, but we got here  
25 based on the State deciding outcomes and the waste-hauling

1 community deciding the means. And they haven't just talked  
2 about it. It's not just a conversation point for them.  
3 There are real people investing real dollars, often  
4 personally guaranteed, to get us to this point. And I just  
5 don't want to see us lose any of that focus as we talk about  
6 all these grand ideas that will take us forward. We're not  
7 against that.

8           The industry I represent has been at the  
9 forefront, but they are committed in a way that others  
10 aren't. Everybody's got an opinion. They have put real  
11 money, really dollars on the line. So please consider  
12 impacts on existing facilities and let's not take steps that  
13 are unnecessary that may lead to their premature  
14 mothballing. They can all contribute and I'd like to see us  
15 supplement what is out there rather than rendering some of  
16 these processes or facilities archaic and unuseful at this  
17 point.

18           Last comment. We evolved to the point that we are  
19 based on the need to preserve public health. Now the focus  
20 to this point and in so many discussions I hear any more is  
21 about reducing our climate - I mean our GHG emissions  
22 reductions and carbon footprint, and that's all wonderful.  
23 But there is even a perhaps more profound public health  
24 impact. The material you're talking about is the nastiest  
25 stuff my guys collect, guys and gals. The reason why we

1 limit competition, for example, and have evolved into a  
2 franchise system of collection had to do with taking too  
3 many heavy vehicles off the street to reduce air emissions.  
4 These are dangerous vehicles. To reduce traffic impacts.  
5 That whole system of collection merits some defense. I hope  
6 that we're not so embracing this next phase that we lose  
7 sight of the foundation that got you here and the public  
8 health that might arise if a bunch of unlicensed people are  
9 running around because they have a love for awful or  
10 garbage, or suddenly want to get into that business without  
11 the training, the expertise; and there are even contract  
12 implications to what you're doing if cities are made or  
13 counties are incorrectly made to believe that this new law  
14 renders their existing contractual relationships antiquated  
15 or moot.

16           So those are selfish concerns of the waste  
17 industry but legitimate ones nonetheless. Thank you.

18           MR. LEVENSON: Thanks, Kelly. And I think it's -  
19 we've got a few more over in here and then we'll come back  
20 over here. But I think it's - one, your points are well  
21 taken and appreciated. I think it's safe to say that we're  
22 all very cognizant of the issues around franchise agreements  
23 and existing, you know, arrangements; also about the issue  
24 of stranded assets. And if we go down that path, I think  
25 we're looking to a dialogue of what's achievable, what's

1 reasonable, how can we do this. So those are - I'm sure we  
2 will have detailed, at least subworkshops or, you know,  
3 sessions on those kinds of issues, so I appreciate that.

4 Got a couple more over here? Yeah, go ahead.

5 MS. SCHOONMAKER: Is this on? Yeah, okay. Hi.  
6 Kelly Schoonmaker, Alameda County Waste Management  
7 Authority, StopWaste.

8 I have a couple comments on market. My first  
9 comment is to encourage you to explicitly address the  
10 landscape market for compost, mulch, and cardboard,  
11 actually.

12 MR. LEVENSON: I'm sorry, landscape?

13 MS. SCHOONMAKER: The landscape market, the  
14 ornamental landscape market, not the agricultural landscape  
15 market, yeah. And build on the work that has already been  
16 done by the Department of Water Resources with the Water  
17 Efficient Landscape Ordinance which, I'm sure most of you  
18 know, requires four cubic yards, 2,000 square feet of  
19 compost, and three inches of mulch - as well as their work  
20 in rebates for lawn conversion, which is - you know, so  
21 sheet mulching is a very good path for that, which also uses  
22 cardboard, compost, and mulch. And then the stormwater  
23 requirements in the Municipal Regional Stormwater Permit.  
24 All of those are existing markets for compost and to  
25 continue to support those would be great. And I think it

1 would help to explicitly mention them.

2           And all those - and the landscape market has the  
3 added benefit of reaching the generators directly, so the  
4 users equal the generators, which gets to my second comment  
5 which is about if you provide a quality compost you have  
6 more markets than when you provide a contaminated, immature  
7 compost. So the more work we can do on that in reducing  
8 contamination, but also in allowing composting facilities to  
9 have the space that they can be marketing a mature compost  
10 would be great.

11           MR. LEVENSON: You raised a lot of good points. I  
12 want to speak to just one or two. DWR's model landscaping,  
13 water-efficient landscaping ordinance, a perfect example.  
14 We have worked with them in developing that and we do hold  
15 workshops with them. What more can we do to promote that,  
16 what more can be done on that front within this regulatory  
17 package, those are specifics that we'd be looking at, and  
18 the same thing for some of the other ideas that you put  
19 forth, so thanks.

20           Okay, I think - who's got the mic now? All right,  
21 we'll go to Nick and Dan and down here and Hilary, and then  
22 I've got some emails.

23           MR. NOBLE: Thank you. Dan Noble, Association of  
24 Compost Producers. Loving all the comments.

25           This whole section to me does speak to essentially

1 a market issue of balancing supply and demand. If we are  
2 going to - the diversion word is a word that kind of sends  
3 shudders through my spine relative to diverting but where is  
4 that material going. And the material is going to go  
5 somewhere else on private property, so that's about a  
6 developing market for acceptable use of that material. So  
7 balancing supply and demand, it seems to me, should be part  
8 of an action plan. And of course that has to occur at the  
9 local level, not the state level.

10           Speaking to Matt's point about a good story to  
11 tell or a vision, I happened to be with some of you last  
12 Friday at the Transformative Climate Communities Summit,  
13 which was here. And their goals for their programs, which  
14 are actually using about \$140 million of greenhouse-gas-  
15 reduction funds, 70,- of which is going to the City of L.A.,  
16 35,- is going to the City of Fresno, and the remaining 35,-  
17 is up for another city for competitive.. Their goals are  
18 clearly stated as reducing GHGs to 1990 levels, continuing  
19 to reduce all pollution sources to within sustainable  
20 limits. You know, reducing pollution while you're reducing  
21 GHGs, but also expanding economic opportunity and shared  
22 prosperity, which speaks to the environmental justice issue.

23           So I think rather than just saying our goal here  
24 is to comply with SB 1383, for the local community it should  
25 be something that's more inspiring, maybe, a little bit like

1 that. So I applaud the idea of having that.

2           So then the next question becomes methods. You  
3 know our industry members who are already invested heavily  
4 into compost facilities and who are going to be building  
5 more, I think we could use a method we have or a process,  
6 maybe not unlike the Environmental Justice Advisory  
7 Committee, maybe we have a market development advisory group  
8 that could work with the local level and maybe pursue three  
9 initiatives that we just came up with, you know, ahead of  
10 this workshop, is, first of all, promoting by recycled of  
11 all State agencies, including CalTrans of course, but also  
12 parks and rec, as well as local jurisdictions; maybe using  
13 the organics management infrastructure planning process to  
14 support the development of balancing supply and demand at  
15 the local level. Not just the building of more  
16 infrastructure but also the balancing of local markets,  
17 which is why I bring up ag., because ag. in some  
18 jurisdictions is the major market, but including certainly  
19 landscape and stormwater control. But then also possibly  
20 forming centers of excellence, which I know many of our  
21 composters would be happy to do to have this dialogue at the  
22 local level.

23           So those are just some suggestions that we would  
24 like to put on the table and move forward with.

25           MR. LEVENSON: Thanks, Dan.

1           Nick, and then I - then you, and then I've got  
2 emails. Oh, yeah, and Hilary.

3           MR. LAPIS: Nick Lapis from Californians Against  
4 Waste.

5           I have a few specific comments. First of all,  
6 going back to the generator requirement slide, you mention  
7 on that slide mandatory service, you don't mention mandatory  
8 separation, and I think that's a very important component.  
9 You do mention in your concept paper sort of, but at the  
10 very least that needs to be discussed. And I think the  
11 programs that have rolled out successfully have  
12 significantly increased their tonnage collected when they  
13 actually mandated that generators not just get the bin but  
14 actually put their banana peel in the green bin, not the  
15 black bin.

16           I do think Matt brings up a very important point  
17 about talking about the why. We didn't build a recycling  
18 movement in California and in the country by giving people  
19 blue bins. We built a recycling movement by talking about  
20 the need to reduce the impacts of extracting resources,  
21 about the value of conservation, etc.

22           I'm a little concerned that we're sort of jumping  
23 the gun on the organics, as much as I'm pushing that, by  
24 just giving people giving a green bin. I think we need to  
25 put in more effort into connecting that to the soils that

1 grow our food, into the climate benefits, etc.

2           And, finally, a point that I've been harping on  
3 for, I feel like, two years now is we have really, really  
4 successful examples around the state of local programs that  
5 have rolled out great organics-diversion programs. And I  
6 think we have to learn from them, not just copy their  
7 regulations but look at the other things they have done. So  
8 I know that they have - collectively the Bay Area  
9 jurisdictions have spent millions of dollars on advertising  
10 agencies, on focus groups, on polling. They have refined  
11 their signage over the years. There is no reason for every  
12 jurisdiction to relearn those lessons and spend their own  
13 money when we've already learned that, you know, if you - to  
14 Jack's point, wherever he is, every time Jack Macy gives  
15 this presentation, you find out that getting the words off  
16 of the organic sign and just having the images work the  
17 best. And there are a million examples like that.

18           You know to Kelly's point, StopWaste's sheet-  
19 mulching program was a market-development program that they  
20 developed, but they didn't develop it one the first try, and  
21 I think other people can learn from that. Similarly,  
22 outreach to schools, I think what Veronica was saying  
23 earlier is not so much schools are the generator but schools  
24 as an education opportunity, with the gardens, with  
25 cafeteria waste streams, etc.

1 I have another list of questions. I'll probably  
2 stop there. Thank you.

3 MR. SMITHLINE: Thanks for your comments, Nick.  
4 Excuse me. Nick, Matt, help me understand how - I hear your  
5 message, that the why is important. And so, you know,  
6 usually when I'm talking why it's because I'm trying to get  
7 someone to change what they're doing, make a decision,  
8 right. So how do we integrate this importance of why into  
9 this regulatory process, is what I'm trying to get out of  
10 you guys. So what I'm hearing is we need to be talking more  
11 about is it the benefits of compost use and application or  
12 it's the benefits of saving the planet and methane  
13 reduction? Like how do we integrate that into this  
14 regulatory process?

15 MR. LAPIS: Yeah, I think there are a lot of  
16 different parts to that. And I think if you look at some of  
17 the local programs, they have done that in a variety of ways  
18 by partnering with schools, for example, on composting at  
19 schools to teach kids the value of taking this waste  
20 material and making it into an amendment for the garden.  
21 Look at local projects like in the Food Recovery Realm, L.A.  
22 Kitchen, you know, D.C. Kitchen. They tell an inspiring  
23 story that really sort of gets people excited, that we sort  
24 of haven't been telling, or even some of the community  
25 compost groups.

1           If you look at the work of, you know, folks like  
2 L.A. Compost and Michael Martinez's efforts, it's not that  
3 he's diverting huge tons of material, it's that he draws a  
4 connection between the organic waste you generate and the  
5 food you grow.

6           MR. SMITHLINE: Okay, so those are good examples  
7 of projects that people are doing. Are you suggesting that  
8 we require those types of projects, that local governments  
9 do those type of projects? What is the regulatory process  
10 by which we achieve inclusion of the why?

11          MR. LAPIS: Maybe on the requirements, but I think  
12 you could use your environmental education curriculum; you  
13 could use some of your advertising assets; some of the work  
14 you did around the Bottle Bill Program, I mean we used to  
15 have statewide ads from the Bottle Bill Program explaining  
16 the benefits.

17          MR. SMITHLINE: Okay, so -

18          MR. LAPIS: That's right, you don't have the money  
19 for that.

20          MR. SMITHLINE: Well, I mean maybe we do, maybe we  
21 don't, but I guess those are sort of actions you think that  
22 should be taken at the state level. So you're talking about  
23 state-level participation right here?

24          MR. LAPIS: Yes.

25          MR. SMITHLINE: Okay.

1 MR. LEVENSON: Okay, hold on just a sec. just to  
2 allow more dialogue on that, since - because we've got Matt  
3 and Justin, and then we'll come back over here.

4 MR. COTTON: thanks, Howard. Thanks, Scott. I  
5 guess -

6 MR. LEVENSON: I'll circle around.

7 MR. COTTON: - I wasn't thinking specifically  
8 about what the State could do, although I think there is a  
9 lot of room, Scott, to tell that story better by attending  
10 conferences, doing everything you're doing but doing more of  
11 it and doing a better job of it, and showing up at industry  
12 conferences that we don't typically see CalRecycle at,  
13 telling a story, sharing experiences, letting people know  
14 why it's important.

15 On the front end, from the greenhouse-gas  
16 standpoint, the resource-management standpoint, my God, the  
17 water savings, which is not part of this at all, but you  
18 could make a credible argument that we should be banning  
19 organics from landfills in California just for the water  
20 saving, the waterholding capacity increase we'd get by using  
21 compost and other organic products. So those stories aren't  
22 out there enough. We need to make better metrics.

23 A few of us got a chance last week to see an  
24 advanced copy of something called "The Compost Story" that's  
25 coming out that does a really good job in short millennial

1 bursts with celebrities telling you why this is important on  
2 both the front end and the back end, but the back-end story  
3 is really important.

4           And I know Jenny Lester Moffitt was here earlier  
5 and she's doing a great job and she will continue to do a  
6 great job doing that story, but why are we doing this. Why  
7 is it important? Why are we going to go through this extra  
8 hassle of getting that extra bin, training the staff,  
9 retraining the staff, paying Kelly's folks a lot more money  
10 to do all this stuff, they have to have a why. And it's got  
11 to be a powerful why. And it's not just some vague change-  
12 of-the-climate thing. It's got to be more specific and more  
13 - a better, longer story.

14           So I - I'd love - I'm sure Nick and I would love  
15 to tag-team on a letter to give you a lot of examples of  
16 what the State could do to expand their efforts to tell the  
17 why. Thanks.

18           MR. LEVENSON: Yes, you raised your hand. Okay.

19           MR. MALAN: Justin here. I think that you already  
20 hit on those points, but you made a great start. You had  
21 Elizabeth Baca here from OPR talking about food insecurity.  
22 There is a connection. And there is a very, very clear  
23 connection between water, between food, between this waste.  
24 And just keep on doing it. keep on pumping that - you know  
25 one of our clients is CalCAN and they have really done an

1 outstanding job in explaining why climate and ag. go  
2 together. And co-benefits, even if the reduction in GHG in  
3 and of itself isn't phenomenal, it's got all the co-benefits  
4 of the water saving, of the healthy soils, making the soils  
5 porous again, the retention of the water, the healthier  
6 biomass in the soils. All those co-benefits are really  
7 worth it.

8           So even if, you know, Trump persuades us not to  
9 talk about climate change anymore, there are a hell of a lot  
10 of the co-benefits that the sustainable practices have for  
11 the whole society, so I think we're on the right message.  
12 Just keep on integrating and get that synergy going.

13           MR. LEVENSON: Thanks, Justin.

14           Go over here, and then Chuck.

15           MR. AKELA: This is Arvind Akela from Silicon  
16 Valley Clean Water.

17           My comment, I have a comment about how instead of  
18 why, and this touches on the fourth bullet on the slide.  
19 There has been a lot of talk on the other aspects like  
20 landfill and composting, but very little talk on the  
21 wastewater facilities that offer tremendous opportunities to  
22 implement as a low-hanging fruit and low-cost infrastructure  
23 for the organic-diversion program. So I just wanted to  
24 comment that let's get this - keep it on the table and not  
25 forget that there is a tremendous opportunity and

1 infrastructure already available. Most of the treatment  
2 plants have additional capacity available in their anaerobic  
3 digesters. And I believe that there is a list somewhere  
4 that exists for California that provides how much capacity  
5 we have available that offers the organic-diversion program.

6 So I just wanted to make a comment, that let's keep that  
7 alive. Thank you.

8 MR. LEVENSON: Thank you. And we have been - hold  
9 on a second, Paulina - we have been working with CASA on  
10 that. CASA has provided that information. It's actually -  
11 excuse me - gone to ARB for use in some of the plans and  
12 reports that are going on there, so I think we're definitely  
13 trying to work in terms of what's available. There are  
14 costs to using that. There's cost to using other available  
15 capacity. So all those things have to be taken into  
16 consideration, so your point's well taken.

17 See, I think I promised Hilary. He's had his hand  
18 up. I'm going to go to Chuck. Come back over here. And  
19 I've got a couple. Jack. And then I've got some emails.

20 I'm not ignoring you. Did you raise your hand?  
21 Okay.

22 MR. GANS: Thank you. And I'm glad to follow up  
23 on Arvind's comment. So Hilary, with SBWMA. We're a solid-  
24 waste agency that actually is working with Silicon Valley  
25 Clean Water, the agency that's Arvind's from. Our goal is

1 to get organics out of landfill. We want to comply, we want  
2 to build infrastructure to do that.

3 We are a little concerned about the ability to  
4 compost all this organic material in the existing  
5 infrastructure and build additional composting capacity to  
6 handle the additional food waste. As Arvind mentioned,  
7 there is an existing infrastructure. It is a wastewater  
8 treatment system. It is publicly owned, it is highly  
9 developed, it is very sophisticated. I would encourage  
10 everybody to look at that as an option.

11 I guess sort of a fundamental question. We talked  
12 about food waste being 80 percent water. It's probably  
13 more. I'm not convinced that this is a solid waste. In  
14 most cases food waste is a liquid waste. And if you pulp  
15 it, it flows. You could put it in a pipe. Now we've got an  
16 infrastructure that's designed to handle greenhouse gas  
17 emissions, to treat the material, process it for pollution.

18 And I think it's a wonderful opportunity.

19 I also wanted to ask you, Howard, on your comment  
20 that CalRecycle could adjust post-closure financial  
21 assurances with the reduction in organics going to  
22 landfills. So why would landfills be able to reduce their  
23 post-closure financial obligations? If you could answer  
24 that.

25 MR. LEVENSON: I didn't say reduce, I just said

1 look at, examine in light of the reductions.

2 Mark, I don't know if you want to speak any more  
3 to that? Okay. Does that answer your question?

4 MR. GANS: I heard reduce. You didn't say reduce,  
5 but that's I guess the implication. But if you want to  
6 increase them, that's great too.

7 MR. LEVENSON: Examine them, see what's required  
8 in light of that. That's -

9 MR. GANS: Okay. I'm just concerned about it.

10 MR. LEVENSON: Okay, I've got Chuck and then we'll  
11 go to Jack.

12 MR. HELGET: Chuck Helget, Republic Services. A  
13 couple of quick things. I think we tend to walk through  
14 this process that we're really talking about the 2025 goal  
15 here and not the 2020 goal. The regulations aren't going to  
16 take effect until 2022. That being said, and if Scott  
17 disagrees with this at times, but the fact that the regs  
18 aren't taking effect until 2022 gives you a huge advantage  
19 in terms of public education. You've got a lot of time to  
20 develop a program.

21 And so a lot of the stuff that Nick and Matt were  
22 talking about, this feel good, let's make people feel good  
23 about composting and all that, you've got some time to work  
24 on that, but one thing I would suggest from what I'm hearing  
25 in this room is that what works in San Francisco doesn't

1 work in Orange County. They're completely different levels  
2 of organics recycling today and you're going to have to use  
3 different messages.

4           So if you're going out and doing this campaign, I  
5 suggest a regional approach in how you talk to people. You  
6 know, if you're putting the composting program together and  
7 the feedstock, the sources, commercial, and EJ community,  
8 you've got a whole bunch of different kinds of messages that  
9 you can use to get those - get everybody, all those  
10 communities engaged more actively in the process. So what  
11 you do makes it easier at some point in time for us to sell  
12 these services, if that's what you're talking about.

13           The other issue is that I've heard wastewater  
14 treatment brought up a couple of times. And I think if you  
15 look at the 2020 goals, 1826, AB 341, I mean that will be  
16 our tools to get to the 50-percent reduction. There are  
17 really going to be two tools that we can use - two outlets,  
18 two processes to handle this material to market. That's  
19 going to be composting expansion and wastewater treatment  
20 excess capacity.

21           Now post 2022 may be a whole different deal, but I  
22 think that's going to dictate where we're at in 2020 when we  
23 do the analysis that 1383 also requires you to do, which is  
24 to look at the market, see if things have happened, if  
25 things have changed. And I don't think - you shouldn't lose

1 sight in your regulations that there are requirements in the  
2 statute that say you've got to sit down and take a good,  
3 hard look at where we're at in 2020, not just to say we  
4 didn't get there and to bring a bigger hammer to the table,  
5 but also to figure out ways to make sure that we're  
6 incentivizing using the carrot as opposed to the stick in  
7 trying to get local jurisdictions, haulers, and generators  
8 on the same page to get to the 75, because that's going to  
9 be the real difficult lift.

10 MR. LEVENSON: Thanks, Chuck. I want to - I can't  
11 resist on a couple things, so bear with me. One is I do  
12 want to say we're working with ARB on the 2020 analysis  
13 right now in terms of what information we need to get, what  
14 stakeholders need to be involved, and so on and so forth.  
15 So there will be - that's not on as fast a track as this,  
16 but we are working on that already. And there will be some  
17 public information about that and opportunities for input.

18 On the issue of promotion and education, I just -  
19 I think Scott tried to distinguish between what can we  
20 require or at least conceptualize within this regulatory  
21 package, which I think we want input on, and what can we as  
22 a department do more of on outreach in general. And I think  
23 in terms of campaigns, you'd be surprised. We have  
24 collateral material from StopWaste, from Jack at San  
25 Francisco. It's on our website. Our staff take it out to

1 jurisdictions. We speak at conferences. Should we do more  
2 of that? We need to get that input, how to do more of that,  
3 how to do it better.

4           If we're doing different kinds of campaigns, they  
5 are either going to be social media or people to people  
6 because we don't have millions of dollars for public  
7 outreach campaigns, so how do we do that, function better.  
8 So we're - maybe we need to have a side or a separate  
9 discussion on, sort of, education outreach that's not part  
10 of the regulatory package, and we'd be happy to, you know,  
11 consider that. So I just want to put that out on the table.  
12 Okay.

13           MR. BRADY: I just wanted to add on that, is that  
14 I think as we look at 1383, really kind of the takeaway from  
15 some of those comments is it is broader than just the  
16 regulatory process. The regulatory process is one of many  
17 tools that will be necessary to get to the 2025 mandate.  
18 But we really recognize that there is other cross-media  
19 regulatory issues. We talked about Air Districts a little  
20 bit before and some of the work the Air Board is doing with  
21 the Interagency Waste Working Group. There has been talks  
22 about incentives. There's been talks as well on education.  
23 So we're certainly aware that there is more than just the  
24 regulatory process to get there.

25           MR. LEVENSON: Okay, Jack and then Evan, and then

1 I'm going to do emails, and then we'll start again.

2 MR. MACY: All right. Well, thank you, Howard.  
3 Jack Macy, City and County of San Francisco. I'd like to  
4 thank you for a lot of really good concepts that I agree  
5 with.

6 And just to emphasize, you know, I think it's good  
7 to prioritize maximum recovery, but also looking about  
8 keeping it as clean as possible. Minimizing contamination,  
9 that's going to help through the processing and being able  
10 to market this. And so in that line it's really important  
11 to echo what Nick said earlier, that there needs to be a  
12 real emphasis and mandate on source separation. And that's  
13 been of course the core of what we've done starting 20 years  
14 ago. And we started in the commercial and we went  
15 wholesale, retail, food service, then into nonfood  
16 establishments, office buildings, and so forth. And on the  
17 residential side, we went single family, multi family. And  
18 there are a lot of different challenges to different  
19 sectors.

20 And so, you know, being able to mandate it, which  
21 we did but not until 2009, so we did a lot on education and,  
22 especially in the commercial sector, financial incentives  
23 and having financial incentives. So this is something that  
24 may be could be added about working with jurisdictions,  
25 finding ways through contracts and so forth to be able to

1 create that financial incentive. Because if there is not,  
2 if it's just sort of an additional add-on price, it's going  
3 to be hard to get good participation and hard to have enough  
4 enforcement to overcome that.

5           So in our mandatory - after we had been doing it  
6 for a long time, it was very effective and doubled our  
7 diversion over the next few years. And there is a lot of  
8 talk about outreach and education. I certainly agree with  
9 that. That is absolutely key. And I think the degree of  
10 success in different programs is often based on that, and a  
11 lot of onsite work in terms of the commercial sector. And  
12 then just hitting on different themes.

13           And I think, you know, there's a lot of great  
14 benefits to composting. It's not just about getting it out  
15 of the landfill. It's producing a valuable product to feed  
16 our soil, for healthy food that will feed us. And I think  
17 ultimately that's going to help with participation,  
18 everybody doing it. We're trying to create a cultural  
19 change, the norm of this is the right thing, this is the  
20 cool thing. This is not hard, it can be done. And once  
21 people start doing it, they realize that it's not that hard.  
22 It will just keep building momentum.

23           So, again, prioritizing source separation,  
24 certainly over mixed-waste processing. Ultimately, though,  
25 there is a role for that, and we're working on that as well

1 because we're not getting all the organics source separated.  
2 But I think if you allow mixed-waste processing, it should  
3 be on top of, say, a mandatory source separation.

4           And allowing back haul makes sense. There can be  
5 challenges with that. Some of the supermarkets you know are  
6 doing that, but they shrink-wrap everything, so you have a  
7 lot of film plastic coming into the compost facilities. But  
8 they have to be able to handle that. I do think there are  
9 efficiencies on that score.

10           And I like your idea of allowing biweekly trash  
11 collection. And that's been a key ingredient in different  
12 parts of the world for really successful programs where you  
13 offer weekly if not more often - for food compostables,  
14 organic selection, and then less than weekly trash, and  
15 that's a way to encourage people to do it. recyclables,  
16 maybe, maybe not. I think, you know, that probably needs to  
17 be weekly because there's a lot of material there.

18           And I guess I just would end by saying, you know,  
19 I just want to acknowledge what I see and my biggest concern  
20 and the biggest challenge is the cost of all of this,  
21 particularly at the facility end is going up, being driven  
22 by the increasing regulations of recent years. And I don't  
23 see adequate funding mechanisms out there. Cap and trade,  
24 we've had to fight tooth and nail to get a small fraction of  
25 what's necessary.

1 I really like the idea of increasing, you know,  
2 the disposal fee, and I know there's efforts on that. And  
3 that will help sort of both discourage it. Because what  
4 we're finding effective in San Francisco is threatening and  
5 then ultimately, if necessary, charging people extra for  
6 having organics in their trash. So that's just another way  
7 of, you know, adding it onto the disposal.

8 So, anyway, I'll leave it there, and thank you for  
9 all your work on this.

10 MR. LEVENSON: Thanks, Jack. Those are great  
11 points. I will just note we now have waste industry and  
12 local jurisdiction both talking about the issue of tip fee  
13 reform, so that's good.

14 (Laughter)

15 MR. LEVENSON: Okay, one more and then I go to  
16 emails and we'll open back up. Evan.

17 MR. EVAN EDGAR: Evan Edgar, Edgar Associates. I  
18 agree with Chuck Helget about the 2025 goal, SB 1383. But  
19 because the regulations won't take effect till 2022 and  
20 enforcement won't happen until 2024, so a lot of what we're  
21 talking about today is either this emission is outside 1383.  
22 We can't let 1383 drive the process on market development  
23 and a lot of these issues we've just been talking about.

24 What does drive the issue on 2020 goals is 1826  
25 and 341. What was really important that happened the

1 beginning of the year when Scott Smithline put your letter  
2 out to all the elected officials and recyclers, that we're  
3 going to start enforcing AB 341, and that's on fiber. And  
4 that's the highest greenhouse gas out there on a pertinent  
5 basis. And 1826, we have that now. So the mission today is  
6 what we need to do and focus on enforcement of 1826 to 341  
7 to get to the 2020 goals.

8           But of course the market development, that is  
9 ongoing and has been going on for 20 years. We ought to  
10 pass a law, but we've already done that. There are so many  
11 laws on the books about market development for CalTrans,  
12 compost use, general services. That's been on the books for  
13 20 years. We tried to get them to the table as part of the  
14 1045 process, was about compost use to get more State  
15 agencies involved.

16           What we do need to have happen under 1045 is a  
17 fourth assessment of compost use. The last time there was a  
18 compost assessment was in 2008. If you were to baseline  
19 compost use, there's about a million acres in agriculture,  
20 use about seven million tons. That's an estimate. But  
21 agriculture is a great carbon sink for the Healthy Soils  
22 Initiative. We need to double down on that and have  
23 agriculture step up and double down, have another seven  
24 million tons of compost to agriculture. So it'd be great if  
25 you guys do the fourth compost use assessment study. It

1 hasn't been done for ten years.

2           On the side of market development, you guys forgot  
3 about wood. That's a big deal up there on market  
4 development. Right now we're in a woodageddon with regards  
5 to trying to move wood chips. The fourth sector is crowding  
6 this out with regards to the existing capacity. So I would  
7 add wood to bioenergy as part of that market development.  
8 The last time the bioenergy plan was happening was in 2012.  
9 I think the next one is 2017. So let's talk about wood  
10 chips to bioenergy as another important market-development  
11 tool.

12           MR. LEVENSON: Thanks, Evan. Just a couple of  
13 responses. One is that response with respect to biomass and  
14 tree mortality, and so on. Evan is on the task force.  
15 There is a lot of stuff going on. Trying to address that  
16 issue. I know there hasn't been enough yet, but there still  
17 are - we all recognize that.

18           In terms of the compost market assessment, stay  
19 tuned for - I hope it will be our March monthly meeting.  
20 One of the things that we are going to be doing in terms of  
21 the 2020 analysis that's required under 1383 is hopefully do  
22 another study on compost infrastructure and additional  
23 information that is needed to support that analysis. So  
24 we're hoping that at least the scope of work will be on the  
25 March agenda for Scott's approval. It might slip a month,

1 but that's what we're shooting for.

2           In terms of enforcement on 1826 and 341, 1826,  
3 this is - well, 2016 was the first year. We're still  
4 getting information. The 341 has been in the play for a  
5 number of years. So also on the March agenda we will have  
6 an item that is talking about enforcement on MCR programs.  
7 And I won't say more than that, but please stay tuned for  
8 that.

9           Let's see, okay, I said I was going to go to  
10 emails. Let me do that. And then we've got about 20  
11 minutes left before we want to take a lunch break. Probably  
12 everybody can use a stretch. It's warm in here.

13           So this is a long one from Toni Stein. I'm not  
14 going to read the whole thing, but it has to do with  
15 persistent organic pollutants and toxics, facilities, of  
16 processing organics that end up in food, and occupational  
17 workers, and the need to implement emergency regulations.  
18 So we're going to have to look at that and discuss that  
19 offline and see what's involved in that. But I just wanted  
20 to flag that we got that comment. It's not something we're  
21 prepared to answer or respond to today.

22           Another one from Terry Brennan, CalRecycle, about  
23 the need to - how difficult it is to remove materials from  
24 established collection programs, talking about polyethylene-  
25 coated papers and how it fragments in the composting

1 process, and whether we're considering a ban on this  
2 material. And that's the concept of what should go in or  
3 not go into different bins, is I think something that we're  
4 open to input on from - obviously from Terry and others as  
5 well in terms of whether we need to move forward on  
6 something like that as these workshops go forward.

7 Did you want to say something on enforcement?

8 MR. BRADY: just on the coated paper. I mean it  
9 does kind of speak to the larger issue of contamination.  
10 And as we move forward, we'll want to explore that  
11 conceptually.

12 MR. LEVENSON: Okay, let's have - how many people  
13 want to comment? I know comments keep coming up, so let me  
14 just get - let's get the new folks. I'm sorry, I don't  
15 remember your name.

16 MS. VERNON: I'm Laura.

17 MR. LEVENSON: Laura. Rob. And then we'll come  
18 back over here.

19 MS. VERNON: Hi. I'm Laura Vernon.

20 MR. LEVENSON: I mean right behind her when...

21 MS. VERNON: Okay. I'm with Conservation Corps  
22 North Bay, and I have a comment about enforcement. I'm not  
23 sure what the impact would have for AB 2176, which is about  
24 events, composting and recycling, and it's supposed to be  
25 mandatory that large events are supposed to do significant

1 waste diversion.

2           The Corps across the state do event recycling and  
3 composting and waste-minimization activities. And I haven't  
4 talked to an event sponsor that knows anything about this  
5 bill. So I would just include some - trying to get some  
6 information out there and including enforcement of 2176 in  
7 your list of enforcement.

8           I also work with the healthcare sector, trying to  
9 implement 1826 across a bunch of hospitals in California.  
10 And, you know, they're question was: Well, are they really  
11 going to enforce that. So just enforcement, I think, is a  
12 really helpful stick-carrot.

13           And then the only other comment I wanted to make  
14 about all the co-benefits of this, because the list is  
15 really long, the theme of food insecurity, it seems like  
16 it's like a moral and ethical issue that I think we need to  
17 tap into people's human - the human condition of part of  
18 this problem. Throwing out 25 percent of the waste in your  
19 household is really kind of a morally and ethically  
20 questionable activity that doesn't really indicate  
21 somebody's wealth or success, but really should be  
22 questioned in some way. Like we need to tap into the hearts  
23 - you know, the hearts and minds of our communities because  
24 I think people need to - it's not just about methane and  
25 whatnot. This is kind of a crazy issue. We need to engage

1 people in it, the hearts and minds.

2 MR. LEVENSON: Thank you very much. And I will  
3 flag and you may be aware we have a new food waste recovery  
4 program, grant program. It's going to be out on the streets  
5 April-ish. So hopefully that's going to start to address  
6 that very issue. It's a really critical social issue as  
7 well as it's obviously got many, many other aspects.

8 Cara, do you want to - can you say anything about  
9 2176, or not?

10 MS. MORGAN: Well, I'm glad that you brought it  
11 up. And I think we need to look at, there were some sunset  
12 provisions of 2176, but kind of changed things a little bit  
13 for us. But it doesn't mean - we certainly can include it  
14 with the regulatory concepts we're looking at, as well as I  
15 will commit to us looking at to see with the existing law if  
16 we can do anything. But it would also be a great discussion  
17 later on when we talk about AB 939 concepts and what we need  
18 to do there as well. And that probably is another place to  
19 have that.

20 MR. LEVENSON: Rob, before you speak I just want  
21 to remind everybody we will have a session mid-afternoon on  
22 enforcement. So I think the point that you made, people  
23 have wondered about 1826 and 341, we will start to answer  
24 that next month. People will start to see what we're  
25 thinking of with 341. But those laws do not provide a lot

1 of specificity. It's a lot harder to take enforcement  
2 actions. We are going to want to talk this afternoon about  
3 if there is enforcement within 1383, what might that look  
4 like and how can we make that more straightforward and less  
5 time-consuming too.

6 Rob.

7 MR. HILTON: Thank you. Rob Hilton, HF&H  
8 Consultants.

9 I want to start by agreeing with Kelly Astor,  
10 which I do more in this room than I do in other places. I  
11 think we really need to be thoughtful about preserving the  
12 integrity of the franchise systems and being sensitive to  
13 the franchise systems. They're important assets on both  
14 sides of the deal. I think you're starting this process as  
15 you have so early, is out of respect partly for those  
16 franchises so that people kind of know what targets they're  
17 hitting as they're thinking about negotiations and they've  
18 got plenty of time if contracts aren't going to expire  
19 before these regulations hit, to be thinking through those  
20 negotiations and knowing where the targets are. So thank  
21 you all for that.

22 I hope that as you move forward into solutions,  
23 particularly around these collection programs, that you're  
24 thoughtful that there isn't a one-size-fits-all. The San  
25 Francisco approach, the StopWaste approach, the City of San

1 Diego approach work for those communities. They may not  
2 work as well in Arvin and Lamont or, you know, Gridley. So  
3 I hope that as you do this you're thoughtful not just about  
4 the questions you have here but about how these questions  
5 play out in different environments and what that means.  
6 Obviously folks that are sending material to wastewater  
7 digesters have very different specs for their collection  
8 program than folks that are sending to compost. There are  
9 different tolerances for things. So those are really  
10 important, and hopefully you'll continue as you have in 939  
11 saying, 'Local agencies, you've got flexibility to work  
12 these things out.'

13 I was confused by something on your slides. You  
14 were talking about single stream for organics, and I hope  
15 that's not a direction that we're starting to think down  
16 because I think single stream for organics is a scary  
17 thought. If you were talking about single stream or  
18 existing bottle and can and paper recycling programs being  
19 good for recovering some of those materials in the paper  
20 category, great. But organics collection, some communities  
21 are looking at mixed food and green. Others have real  
22 market problems with including food into the green material.

23 And so as you think about strengthening markets for those  
24 organic products in some areas, like the Salinas Valley,  
25 that's not going to play well. In other areas it may. So,

1 again, not having a one-size-fits-all is important.

2           You know as I look at your questions up here, it  
3 seems like they're flipped the wrong direction. As we think  
4 about building programs, we start with the markets. We  
5 think about the financing plan and the infrastructure, work  
6 thru contamination issues, and then work on scaling the  
7 programs up to size. And as you heard Jack Macy talking  
8 about San Francisco's experience, they didn't start by  
9 rolling the green bin out to everybody and say, you know,  
10 'Here, good luck using this.' They worked through things in  
11 sort of a methodical approach and matured their programs.  
12 Hopefully the timeline we have on this allows for some  
13 maturation, but in their case it was over ten years. In  
14 Alameda County's case it's been over ten years. In Santa  
15 Cruz's case it's been over ten years. And the systems  
16 aren't fully penetrated and they're not fully clean. So  
17 those are issues we've got to be somewhat sensitive to.

18           I was surprised at the suggestion of public space  
19 organics recycling. That would be a great goal to achieve  
20 at some point, but I think it should probably be down on the  
21 list in terms of priority. Just bang-for-your-buck issues  
22 there.

23           I support the relook at landfill financial  
24 assurances not just for this reason but for many reasons,  
25 but certainly the change in the organic content there is

1 going to have some impacts and those ought to be thought  
2 through. And I'll put in a plug for tip fee reform. I have  
3 a little bit of a different view than Jack does on it, but I  
4 think it's something that you need to be looking at.

5           The reality of this is we will not make this lift  
6 off of some money that's going to fall out of the sky from  
7 cap-and-trade funds or other things. The ongoing operation  
8 of these facilities, the ongoing financing of these systems  
9 is going to come from ratepayers. It's the reality. And so  
10 we can keep fantasizing about the money that's going to fall  
11 out of the sky or we can start getting to work on the  
12 ratepayer-financing systems to get the infrastructure built.

13           MR. LEVENSON: Thanks, Rob.

14           Do we have some hands over here? Steve. Raise  
15 your hand, Steve.

16           Okay. And just - we've got about five or ten  
17 minutes, then we're going to take a lunch break. I think  
18 everybody can use a stretch and lunch break, right? Seeing  
19 some nods.

20           MR. SHERMAN: Steve Sherman, East Bay Municipal  
21 Utility District. So three comments.

22           The first one. It's really hard to separate all  
23 the really great ideas that you've got going on, so I'm not  
24 going to do that now, but just to compliment you on the  
25 directions, the multiple directions that you're heading in,

1 all in the right direction ultimately.

2           Secondly, it would be really helpful for an agency  
3 like EBMUD, which is outstanding at handling liquid sources  
4 of food scraps, to be able to have access to slurried food  
5 that currently is under an exclusive municipal franchise if  
6 it's in solid form. And that food, whether solid or liquid,  
7 sometimes it's a gray area, in my understanding, of whether  
8 - say a supermarket has a very clean source of food scraps  
9 and they're in an exclusive-franchise situation, so that  
10 exclusive franchisee picks it up in a bin, okay. Fine.  
11 Inefficient source of collection, possibility of rats,  
12 rodents, leaks. They have to collect very frequently. High  
13 expense. A single collector.

14           If they were to slurry that material, put it in a  
15 tank, they might have less than weekly collection. They  
16 might be able to get out of that franchised fee, that very  
17 high collection fee that they're paying if that material  
18 were not considered a solid waste anymore.

19           So I always use the example of ice cream. Ice  
20 cream melts. You know, what is that? What about the  
21 tomatoes. If the tomatoes are slurried, who has access to  
22 that? So we're able to be the lowest-cost service provider  
23 when that material is slurried and comes to us. We can't  
24 get access to it - I've tried. So having food that is  
25 slurried, that's clean, source separated out, - I'm just

1 talking about a commercial generator - defined as something  
2 other than a solid waste would be particularly beneficial  
3 for us, so that we can process that material. Right now  
4 we're dependent on that solid-waste hauler to deliver it to  
5 us, which they're not necessarily doing.

6           And then my last comment as - this one's as a  
7 board member of the Northern California Recycling  
8 Association, on the subject of mixed waste versus source  
9 separation, I also support a requirement for mandatory  
10 source separation, not just mandatory source-separation  
11 service. And in addition to that, having seen mandatory  
12 programs or just programs that are set up for source  
13 separation set up essentially not to succeed very well, that  
14 I understand that there is a lot of debate about whether  
15 mixed waste and source separation are compatible or  
16 contradictory, I would suggest the path of sequencing, which  
17 is that in addition to mandatory source separation of  
18 organics, that there would be a minimum percent of organics  
19 diverted through source separation as a basis, along with  
20 the mandatory source separation prior to going down the path  
21 of mixed-waste processing.

22           MR. LEVENSON: Thanks, Steve.

23           Kelly, do you want to say anything on...

24           (Brief comments outside the range of the microphone)

25           MR. LEVENSON: Yeah. No, you go ahead.

1 MR. BLOCK: All right. Just for your first point,  
2 we are very aware of the complexity, the interaction of what  
3 we're looking at doing here over the next few years in  
4 franchise agreements. And of course franchise agreements  
5 and what they say and what they cover, vary from  
6 jurisdiction to jurisdiction. So it's one of the things in  
7 the mix of what we're doing. We obviously have to be very  
8 careful of how that plays out. It's not a simple 'These  
9 regulations will somehow undo a lot of those issues,' but  
10 we're aware of it. We're trying to make what we're doing  
11 work within the system but also be conscious of not - as  
12 some other people have commented here - not creating a  
13 problem by how we move forward, so -

14 MR. SHERMAN: If I may, --

15 MR. BLOCK: - we're aware of it, but we're not  
16 going to be in a situation where we're suddenly going to  
17 change the franchise system through these regulations -

18 MR. SHERMAN: If I may just add onto that one, a  
19 finer point is it's not so much about changing the  
20 franchising system, it's about changing a definition that in  
21 those franchises that there is talking about solid waste,  
22 that if something is no longer a solid waste, it's not  
23 changing the contract itself.

24 MR. BLOCK: I understand what you're saying.  
25 Every one of those contracts and how they define solid waste

1 and how they define what's covered is different. So it's  
2 not as simple as us defining something as liquid waste. So  
3 it's one of the things we'll look at. It clearly has  
4 implications for how things move. And, as somebody had said  
5 earlier today about material moving across county lines and  
6 all those sort of things, these are things we know we need  
7 to address one way or the other, but it's going to take some  
8 work to do that the right way.

9 MR. LEVENSON: Okay, we're going to take two more  
10 and then we're going to wrap for lunch. I do want to say -  
11 well, I'll wait to say till we get - we've got the gentleman  
12 over here and then Chuck. And then we're going to go for  
13 lunch.

14 MR. DICKINSON: Hello. Will Dickinson with the  
15 Golder Associates. This whole question about mixed-waste  
16 processing versus source-separation, I agree with what Rob  
17 Hilton said, that your organization's been very good in the  
18 past about allowing flexibility, understanding the  
19 differences across the state of California are tremendous.

20 So rather than setting up source separation as a  
21 priority, maybe we should be looking at making sure that any  
22 program that's proposed meets the goals that you set out.  
23 And as long as they meet those goals for that community,  
24 they should be judged independently rather than setting up  
25 some type of programmatic priority. Thank you.

1 MR. LEVENSON: And I think we understand, I think  
2 that speaks to what either Hank or Scott said early, that  
3 the statute does not allow us to put a 75-percent rate on  
4 each individual jurisdiction. So we can't do generator  
5 studies, have a baseline for each jurisdiction, and then  
6 measure process. So we have to look at other ways to ensure  
7 that they are achieving these goals of collecting and  
8 separating and getting good organics into the collection and  
9 in marketplaces. That's why you're seeing a lot of these  
10 ideas here. And right now they're just ideas, is what's the  
11 programmatic structure in lieu of a specific jurisdiction  
12 number. That would be a whole different ballgame. So I  
13 just wanted folks to understand that.

14 Also we want to make sure that whatever we end up  
15 including in the regulations in two years, we want that to  
16 be clear, we want it to provide flexibility, but also be  
17 enforceable. And so you'll hear, you know, some concepts  
18 relative to that later this afternoon. Because we don't  
19 want to be in these gray areas where it's difficult to  
20 figure out and verify what's going on. So that's another  
21 kind of related issue.

22 I will give Chuck the last comment before lunch.

23 MR. HELGET: Last but not least and quick. Just a  
24 couple of very quick things. Chuck Helget with Republic  
25 Services.

1 I want to support what Elliot said about franchise  
2 agreements. I mean there are as many franchise agreements  
3 as there are local jurisdictions with franchise agreements.

4 None of them are the same. But they have, in fact, been  
5 the basis upon which we've gotten to where we've gotten in  
6 terms of at least diversion in the state. And they need to  
7 be the building block for wherever we go on 1383.

8 Source separation is another issue which I guess  
9 the best response to that is as long as we've got money we  
10 can do anything, but the problem with source separation is  
11 that it does cost. And if we're separating out organics in  
12 a very specific way or certain pieces of organics, it's  
13 going to cost additional money and it goes back to the point  
14 I raised earlier about how are we going to pay for this.

15 But it does lead to another thought and that is  
16 this whole contamination issue. The way it's addressed in  
17 here, it seems to be contamination coming out of the MRFs,  
18 but we've got another issue. If we're going to rely on  
19 wastewater treatment as one of our - and for composting too  
20 - contamination of feedstock, how will we get feedstock  
21 cleaned up to the point which again costs money, now how do  
22 we get it cleaned up to the point that the wastewater  
23 treatment facilities can actually take it. and it does  
24 change the cost structure of what we're doing. If we can  
25 just source separate it and it's cleaner there or we can

1 process it at some point and get it cleaned.

2           The final point then is if we're going to be  
3 looking in the short term for wastewater treatment  
4 facilities and maybe some AD going forward, particularly  
5 after 2020, the pipeline-access issue has got to be one that  
6 needs to be highlighted in here too. I mean from an  
7 infrastructure perspective, it raises a whole new specter of  
8 what we have to do at these facilities to create the  
9 infrastructure, to get it into the pipeline. But at the end  
10 of the day if we don't create a market for biogas thru  
11 pipeline access, we're going to go nowhere.

12           MR. LEVENSON: We concur.

13           (Laughter)

14           MR. LEVENSON: Been trying to work on that for a  
15 long time, so let's keep working on it.

16           We have one logistics announcement - Marshalle -  
17 and then we're going to break for lunch.

18           MS. GRAHAM: Hello. So most of you signed in.  
19 And if you didn't get one of these in the lobby, when you  
20 come back from lunch you'll need to go into the visitor's  
21 center. And she - the gal in there has the sign-in sheet,  
22 so she'll be able to give you one of these. But when you  
23 come in, if you don't have one of these, they're not going  
24 to let you just walk back up here. and I'll stay down there  
25 to help facilitate anything.

1 MR. LEVENSON: Okay, we're going to reconvene at  
2 one o'clock sharp whether you're here or not and go for it.

3 (Luncheon recess taken from 12:00 to 1:03 p.m.)

4 MR. LEVENSON: Good afternoon, everybody. Thank  
5 you for being back pretty much on time. I believe we're  
6 live. If you can't hear us on the broadcast, email us. I  
7 don't know how you'd know to do that, but hopefully the  
8 broadcast is on. In fact, if it is - well, we'll just  
9 assume it's on.

10 Okay, we're going to get started with the rest of  
11 the day. We are going to go pretty much - we can take a  
12 break if time permits, but really we're planning to go  
13 straight through till five o'clock if we need to. We have  
14 four sections of presentations and concepts to present to  
15 you and get some initial feedback. And those are on:  
16 Edible Food Recovery, on Reporting, on Enforcement, and then  
17 on kind of AB 939 streamlining. So I want to thank you for  
18 your patience and all the comments that we got this morning.  
19 There were a lot of really good comments where we might need  
20 to focus and things that we need to think about both within  
21 the regulations and as complimentary efforts for us to  
22 consider, so I appreciate all that. And I'm speaking on  
23 behalf of the entire team which, by the way, is led by Hand  
24 Brady, to my right. For those of you who are out there  
25 should familiarize yourself with Hank's face. He's done an

1 awful lot to coordinate this and work with the agencies and  
2 with the Governor's Office on this entire package. So I  
3 just want to give my thanks to Hank for that.

4 So, with that, we're going to go ahead and start.

5 Kyle Pogue is going to come up and give you a presentation  
6 on Edible Food Recovery Concepts. We have about - we have  
7 four sections. As I said, we have roughly an hour devoted  
8 to each one. We'll see how we're doing.

9 MR. POGUE: Good afternoon, everybody. Can you  
10 hear me? Okay. I am Kyle Pogue with Statewide Technical  
11 and Analytical Resources Branch here, and we focus on  
12 organics and also look at things like food waste prevention  
13 and recovery. So I'm here to talk to you today about Edible  
14 Food Recovery Concepts under 1383.

15 And I thought it would be worthwhile to give you a  
16 little context to that, perhaps. And I did find it  
17 interesting in the morning session how that discussion of  
18 infrastructure development was front and center, the idea  
19 that there is an existing organics infrastructure out there  
20 to handle a lot of these organics but there is certainly a  
21 need to increase that infrastructure in order to get at that  
22 at material. And I think the same thing, and I think it's  
23 really parallel in between that and the opportunities to get  
24 at additional food recovery.

25 And I do also want to mention that, again, we're

1 here to listen and learn from you guys. There's a lot of  
2 experience out here in the crowd on food recovery  
3 specifically. And I did also want to mention that, you  
4 know, we're well aware of the large body of research that's  
5 happened in the food recovery space. And there are some  
6 really fantastic things. I think Dr. Baca mentioned some of  
7 those things in terms of the ReFED Report, which you're  
8 probably all well aware of. I did want to mention that NRDC  
9 has done a couple of great papers on food recovery as well.  
10 We recognize what San Diego is doing with their Food System  
11 Alliance work down there and also what Santa Clara is doing  
12 on Food Shift and, not to mention, StopWaste and San  
13 Francisco, what they've historically done. So there's a lot  
14 out there, and we recognize that.

15           And then I also wanted to point out that, you  
16 know, there are a lot of great donors out there already,  
17 folks that are generators that are contributing to food  
18 recovery currently. And that happens fairly consistently  
19 throughout the state, but there may be a lot of opportunity  
20 to increase that.

21           And then I also just wanted to mention a few  
22 things about kind of that need in California. And Dr. Baca  
23 mentioned, you know, basically that one in eight  
24 Californians experiences some form of food insecurity. I  
25 also found it, you know, compelling that basically one in

1 four children may go to bed hungry every night. And then I  
2 recently heard one about college students, that one in three  
3 college student's experiences food insecurity as well. So  
4 that's just a few stats to kind of illustrate the need to  
5 get at additional recoverable food.

6 Okay. So, again, to touch back on the definition  
7 that Elliot talked about, that 20 percent - that under 1383  
8 it mentions 20 percent as a statewide goal to get at edible  
9 food for human consumption. So it's really focused on human  
10 consumption.

11 And in California you're all aware that there is a  
12 large amount of food waste, let's say five to six million  
13 tons, roughly, about 18 percent of the waste stream. And  
14 that we recognize that not all six million tons of that  
15 material is recoverable. It's some other fraction of that  
16 which collectively we need to wrestle with to some degree.  
17 Kind of split that in half, you take the residential half of  
18 it, the nonresidential half of it. What are your  
19 opportunities in residential? Maybe there are more  
20 opportunities in nonresidential. I kind of pose that  
21 question for you. And where in that, you know, food stream  
22 are there opportunities to get at recoverable food?

23 And, again, 1383 is focused on food destined for  
24 landfills, so I want to emphasize that.

25 And when I get down to the last bullet, program

1 development and measurement, you know, I think that this  
2 dialogue and this discussion is a great way to explore what  
3 infrastructure needs are out there for recovering this food  
4 and perhaps how can we get at that. And then, ultimately,  
5 how do we measure what we're doing?

6           So did I say draft? I'm saying it here. This is  
7 a draft. So I'll read this to you as well. "Food intended  
8 for human consumption. In order for this edible food to be  
9 recovered, it must meet applicable public health and food  
10 safety standards." So a very basic definition focused on,  
11 you know, food safety as part of that. Consider this a work  
12 in progress, and you guys can help with that work, to  
13 further define what that means. You know, what's missing in  
14 this definition, what needs to be there. You know, does  
15 there need to be some recognition of recoverable in this  
16 definition?

17           Okay. Then here are a few ideas. You know,  
18 generators need to be part of this solution or hopefully can  
19 be part of the solution to getting at recoverable food.  
20 They need access to the food-recovery networks that are out  
21 there. What are the best opportunities to be able to get at  
22 that food? Where do they exist again in that food system?

23           And, likewise, do the food-recovery organizations  
24 have capacity to handle the additional food that they're  
25 capturing?

1           You know, in terms of bullet number 2, "Edible  
2 food pick-up services for generators," is anybody out there  
3 experiencing challenges with this? Are there things that  
4 need to be considered to be able to get at that edible food?  
5 I'd love to hear what your thoughts are on that.

6           And, you know, also we heard a little about venues  
7 and events earlier. Is there an angle there to get at this  
8 type of food that's generated there?

9           Okay. Then we get into, you know, generator  
10 participation and food recovery. And these are just, you  
11 know, a few ideas that we're throwing out there. You know,  
12 are there - are these ultimately solutions that can help  
13 drive food recovery? Let's just for a second assume that  
14 there is - you know, there is the adequate food-recovery  
15 organization capacity. Can you actually collect it,  
16 transport it, store it? That's all part of the discussion,  
17 but ultimately how could you compel additional donations in  
18 capturing this food. And here I'm just laying out a couple  
19 - we're laying out a couple of scenarios. You know, that's  
20 something for public facilities. Maybe that's a little  
21 easier to get at, I don't know.

22           Do there need to be formal arrangements in place  
23 with food generators and food-recovery organizations, and  
24 how does that currently work out there? Is that a  
25 possibility? So just putting a few of those out there for

1 your consideration.

2           And then we ultimately recognize that we have to  
3 be able to track and measure how are we getting at the 20  
4 percent. I mentioned at the beginning let's don't lose  
5 track that the goal is to capture 20 percent of that edible  
6 food, so it doesn't mean you're necessarily getting a 100  
7 percent of it, but could that help facilitate additional  
8 capture of food above and beyond 20 percent.

9           Let's see. And then again how do we get  
10 generators to participate in this system? I think I've got  
11 most of those, let's see.

12           Okay, moving onto our next one. And then here  
13 just queuing up a couple of general questions for you on  
14 each on of those sections. We'll also put out there a  
15 couple of questions at the end. Local education and  
16 outreach efforts. Excuse me. I'm missing my spot. You  
17 know, what are the opportunities to capture additional  
18 recoverable food? Where and how? And what would help your  
19 organization to recover more edible food? So I really would  
20 like to hear from generators on that, what type of  
21 opportunities they see. So there you have it.

22           MR. LEVENSON: Okay, we're going to open it up for  
23 another up to 45 minutes on Food Recovery. I want to say  
24 that we've had a lot of discussions with different food-  
25 recovery organizations, both individual and associations,

1 also jurisdictions. So, as Kyle said, we're aware of a lot  
2 of what's going on. But what we're trying to do is figure  
3 out, you know, what more can we do within this regulatory  
4 package to foster food recovery from generators, get it  
5 properly collected and handled, and get that 20 percent.

6 Justin.

7 MR. MALAN: Justin Malan here with Ecoconsult. We  
8 work closely with the local environmental health directors.  
9 And we did a survey about a year or so ago and we noticed  
10 that the regulators, the local public health regulators do  
11 food inspections were perceived as one of the obstacles.

12 So we have a grant with the Endowment and Public  
13 Health Institute, and we just want to be a resource to you  
14 because what we are trying to do is to stimulate donations  
15 from all sorts of retail outlets and address three issues.  
16 One is the liability. They fear the liability even though  
17 they have a Good Samaritan provision. They're concerned  
18 about being out of compliance with the Health Offices and  
19 the Environmental Health Offices. So we are developing some  
20 best-management practices. And I do say we have this  
21 project started. Elizabeth Baca has also worked with us on  
22 this. And we'd like to be a resource with you and dovetail  
23 and see how we can help you on that.

24 MR. POGUE: Thank you.

25 MS. SCHOONMAKER: Kelly Schoonmaker, StopWaste. I

1 have a couple points about the food waste prevention and  
2 recovery. The first one is the focus on food going to  
3 landfills, edible food going to landfills, and would just  
4 like to encourage you to not totally rule out food going to  
5 composting or AD or other methods that are considered  
6 traditional forms of diversion.

7           And the reason is - well, it reduces the overall  
8 waste stream and it alleviates some of the burden on the  
9 existing facilities. And also for communities like ours in  
10 Alameda County, you know we all have organics collection and  
11 we still don't have 100 percent participation, so this can  
12 be a real key step for us, to be able to access some of the  
13 grant money, for example, to work in Alameda County and do  
14 some really innovative things. But jurisdictions that are  
15 maybe starting from scratch in implementing organics  
16 programs don't have the time to do, so it would let those  
17 jurisdictions like Santa Cruz, San Francisco, Alameda County  
18 kind of pilot some things.

19           And the other thing, - let's see, what was my  
20 other one? Oh, in the tracking and measuring, I think the  
21 thing about food recovery what's valuable about it is the  
22 way for people to realize how much food they're actually  
23 wasting. And so if the tracking includes some follow-up so  
24 that ultimately rescue and recovery isn't the final  
25 solution, it's sort of a step toward ultimately reducing the

1 amount of wasted food overall, so that tracking would ask  
2 why is it wasted, what kind is being wasted and how much.  
3 So those are two suggestions that we have.

4 MR. BRADY: Thanks for your comments. Those are  
5 points very well taken. I just wanted to address the first  
6 point in terms of composting not being in competition with  
7 food recovery. I think there is, certainly based on the  
8 definition of organics that we're looking at, plenty of  
9 material to go around, but certain - also that we're  
10 sensitive to that in moving forward in designing what  
11 potential regulations would look like to make sure that  
12 they're not in conflict. Those two goals are both goals of  
13 the legislation, and we don't want them to be in conflict.  
14 So we want to continue to get feedback from associations  
15 like yours or StopWaste and see how we can make sure that we  
16 accomplish that.

17 MR. POGUE: And good comments. The only thing I  
18 think I would add to that is that - and in the earlier  
19 presentation on 1383, we did mention source reduction as  
20 well, so we're also looking at food waste prevention as a  
21 portion of 1383 as well. This particular portion is focused  
22 on edible food for food recovery. So, yeah, interested in  
23 how organizations currently measure that and what options  
24 are out there to do it. But I do agree that it's nice to  
25 have a metric to say, hey, you know, this is what you're

1 doing when you're recovering that food.

2 MR. LAPIS: Nick Lapis with Californians Against  
3 Waste. A few sort of scattered comments.

4 I appreciate the slide that has the generator  
5 participation in food recovery. I think that's probably the  
6 most important of these slides. I think you can be or you  
7 should be a little more aggressive in terms of going beyond  
8 planning and actually mandating some of the things that have  
9 been mandated in France and other places, but all of these  
10 are definitely essential parts of the solution.

11 As for the definition, and I don't have a great  
12 definition for you at all, but the problem with your  
13 definition is that you're defining recoverable food, not  
14 edible food by putting in that it's food that meets health  
15 and safety standards. So all of that is recoverable.  
16 There's plenty of edible food that, you know, has been, for  
17 example, not under whatever – Justin can help me out with  
18 this – but under whatever health and safety requirements a  
19 restaurant might have for stuff that they can donate, but  
20 it's still perfectly edible food that needs to be recovered,  
21 and so that last part of the definition is going to be  
22 tricky.

23 And then something that I was talking to Andrew  
24 about, about right before he walked in, you sort of have an  
25 interesting situation with the food recovery organizations

1 and with the food banks in that they're probably the one  
2 generator of food waste – this is going back to the earlier  
3 conversation – who you want to increase how much they  
4 generate, because if they are generating more food waste  
5 that means they're touching more of it and hopefully able to  
6 recover a greater portion of it. And so you're go to have  
7 to balance that, the requirements of this morning with what  
8 we're talking about here.

9 MR. LEVENSON: Nick, keep the mic. I was just –  
10 well, one comment and one question. Just along with the  
11 definition, which we recognize we need a lot of work, so  
12 having this input is really helpful, I also just want to  
13 point out – I think Evan might have spoken to this or – but  
14 regardless – we don't have a baseline for what that 20  
15 percent recovery is going to represent, so that's another  
16 issue we have to grapple with. I just want to put that out  
17 there.

18 I was wondering if there are any specifics when  
19 you mentioned what's going on in France and some of the  
20 ideas there that might be incorporated into this. Are there  
21 specifics that you think might be best for our  
22 consideration?

23 MR. LAPIS: Yeah, I don't think a large –

24 MR. LEVENSON: Maybe you can get back to us on  
25 that.

1 MR. LAPIS: - a large food generator like a  
2 grocery store or like a restaurant should not be allowed to  
3 throw away edible food. And they should not be allowed to  
4 make it inedible so that they can throw it away.

5 Actually I forgot to make a point, and I still  
6 have the mic.

7 (Laughter)

8 MR. LAPIS: I think you guys probably know this,  
9 but you're sort of talking to the wrong audience. These are  
10 solid-waste stakeholders who showed up at a CalRecycle  
11 workshop and, with a couple exceptions, you guys are really  
12 going to have this conversation with the restaurants and the  
13 grocers and the food processors, etc.

14 MR. POGUE: Thank you. I appreciate that comment.

15 We are definitely reaching out to those  
16 organizations and the California League of Food Processors,  
17 you know, grocers associations, groups like that. And then  
18 also we've reached out quite a bit over time on food restore  
19 organizations too and, you know, Andrew with the Food Bank  
20 and a lot of people, but there's definitely need to have the  
21 additional discussions with them.

22 MR. LEVENSON: And that may come - we've got Rob -  
23 but that may come as we regroup after these set of workshops  
24 this week and kind of decide the next round of workshops or  
25 topics. You know it may be that we have a more focused

1 workshop on food recovery and really make sure that we get a  
2 lot of different players involved in that deep discussion  
3 there, so we'll have to think about how to do that and  
4 accomplish that.

5 So we had Rob and then I saw Justin.

6 MR. HILTON: My question was about the baseline.

7 R. LEVENSON: Rob, please -

8 MR. HILTON: Rob Hilton, HF&H. My question was  
9 about the baseline issue because my understanding of your  
10 characterization study is that it doesn't identify edible  
11 food. I wish it would, that would be great. So I'm sort of  
12 curious what your preliminary thoughts are on how you'll  
13 approach that.

14 And then the second is on your question about  
15 measurement and the good news is most of the Food Banks that  
16 we've been working with to try and set these programs up do  
17 measurement. Those organizations are very proud of how much  
18 food they move around, so they can talk to you a lot about  
19 number of meals, number of pounds, whether it's the actual  
20 distributors of the food, or the gleaners or the collectors,  
21 or whatever, they're all very sort of proud of that, so you  
22 can get a lot of that data from them, I would hope.

23 MR. BRADY: Thanks, Rob. With the baseline,  
24 that's definitely something we're grappling with. There are  
25 - we're looking for information about how others measure.

1 One of the examples we've seen is some waste  
2 characterization studies will look at edible portions of  
3 food and inedible portions of food, so the edible portion  
4 being the main part of the carrot, the inedible being kind  
5 of the remainder of that. That's a method. It's certainly  
6 not perfect. I think we're going to want to look at that as  
7 we do the next waste characterization study as a way of  
8 getting some metric, but we certainly don't think that it's  
9 - it's not the only metric. It's not as simple as the onion  
10 peel versus the onion.

11 MR. CHEYNE: Andrew, from the California  
12 Association of Food Banks. So I appreciate the comments.  
13 I'll respond to that and one other one.

14 So in terms - of course we're all very proud, Food  
15 Banks are very good at talking about how many meals we put  
16 out, but one thing that we are really watching now,  
17 especially with the 1826 rules already in place and moving,  
18 is our own throughput, our own, you know, green waste, as  
19 Nick was kind of alluding to as well. So I just would want  
20 consideration, right, for nonprofits, low, you know, income  
21 organizations who are already grappling with some of those  
22 costs, because I think that - you know we're excited with  
23 the potential, but just we have to figure this out together,  
24 right, like if we're going to start to do like a 20-percent  
25 bump. If we take different - or, you know, adapt our own

1 organizations, there is at least the potential for a lower  
2 yield, like a lower amount of food that we can actually get  
3 and then distribute to people through our systems. You know  
4 we may have greater losses is another way of putting it.  
5 And we're not especially great at measuring that other than  
6 I think all the Food Banks know what their compost bill is,  
7 so just put that out there.

8           And then I've said this the CalRecycle folks, I  
9 guess everyone else in this room knows, as we're sort of  
10 looking at the slide, and I appreciate Nick pointing to  
11 this, you know when we're talking about – like let's just  
12 look at the third one, right, the arrangements between  
13 edible-food generators and food-recovery organizations, I  
14 want everyone to be on the same page about what a Food Bank  
15 looks like and what a Local Pantry looks like. The basics  
16 are that a Food Bank is going to want to work with – and  
17 we're not talking about farms mostly, but we work very  
18 closely with farmers, with packing houses, with processors,  
19 the ports, grocers, right, these large-scale organizations  
20 because Food Banks are generally county wide themselves,  
21 very high-volume, logistical operations.

22           And then if we're talking about perishable,  
23 already-produced foods that might be from – even a large  
24 institution like a university or a large catering facility,  
25 a convention center, that's actually not going to go to a

1 Food Bank, that's going to go to a direct-service  
2 organization like a soup kitchen or something. So those  
3 arrangements themselves would look very different and we  
4 need to account for that. So I appreciate you guys have  
5 already heard me on a lot of that, so.

6           And then on the Definition I just want to say that  
7 I see Nick's point, but I know we were in favor of some of  
8 this language around there being some kind of recognition.  
9 And, again, Kyle, we had some - I had some clarifying  
10 question to you about would the Definition be used just for  
11 the Baseline or would it also be used down the line, because  
12 if it is used down the line, you know we want there to be  
13 some way in which there is consideration for organizations  
14 to have their own rules and standards, because, you know, a  
15 lot of our Food Banks, for example, already have nutrition  
16 policies in effect and I'm sure other organizations would  
17 have different ways of looking at the types of food that  
18 they accept and don't already, so. And I can provide  
19 examples for those as those become useful, but that would be  
20 in the weeds, I think, compared to what you're trying to do  
21 right now.

22           MR. POGUE: Thank you for that, Andrew. I  
23 appreciate any language you can provide and do recognize  
24 there may be a need to further define edible food and what  
25 that means from a waste-characterization perspective.

1           You know, what actually – how do you break that  
2 out and actually get out there and measure it in the field  
3 through those types of studies that our experts on waste  
4 characterization do. This is a little bit more kind of  
5 framing up: Okay, way is the scope, I think, of the food  
6 that's out there and how can we get at it, so.

7           MR. LEVENSON: Wait, do you have a mic, Justin?  
8 Because we're broadcasting. Thank you.

9           MS. BRUNO: I just wanted to add an additional,  
10 stakeholders are the universities. I mean I'm –

11           MR. LEVENSON: Can you identify yourself, please?

12           MS. BRUNO: Yeah. I'm sorry. I'm Kendra from the  
13 City of Napa. But I recently joined the City of Napa,  
14 coming from higher education. And there is a lot of work  
15 being done from universities or at universities across the  
16 U.S., especially here in California, for food recovery, a  
17 lot of food-recovery networks working with food service  
18 providers, like Bon Appetit, Aramark, etc., on how to  
19 recover food and the different aspects; and creating  
20 nonprofit organizations within the university or on the  
21 outskirts of the university that is able to transport  
22 materials, the food and produce from local grocers, from the  
23 university itself to a dining hall. Like St. Mary's Dining  
24 Hall in Stockton is one obvious example for me, coming from  
25 there, so just an additional stakeholders.

1 MR. LEVENSON: Thank you.

2 MR. MALAN: Justin Malan here again with  
3 Ecoconsult. Just to follow up on that, you folks shouldn't  
4 really try to reinvent the wheel. There is a huge amount of  
5 work that is being done, has been done. And ReFED and  
6 groups like that have put a lot of this out in writing, so  
7 they've got strategies that we can probably piggyback on and  
8 we don't really need to reinvent that wheel.

9 But to the point on your Definition, either you  
10 work with our group and with the Department of Public Health  
11 because one of the issues here is the current statutory  
12 definition of reserving food and that's been a real  
13 challenge at the retail food level. Because once you've  
14 served it you can't reserve it to the public for human  
15 consumption. And I think there is an element, maybe that's  
16 worth another five or ten percent of the waste if we can  
17 fine tune that, so we'd like to work with you on that  
18 Definition of "reserving" because that may help you make the  
19 distinction between whether it's edible or recoverable,  
20 because there is a statutory prohibition in reserving some  
21 foods.

22 MR. LEVENSON: And, Justin, is that being worked  
23 on under the auspices of the activity you described earlier  
24 or...

25 MR. MALAN: Indirectly. It will - it has come up

1 as an obstacle, as a potential obstacle, and we will try and  
2 address that through collaboration with the Public Health  
3 agencies and we may need to make a change to the statute.

4 MR. LEVENSON: And there.

5 MR. GONCHAROFF: Tim Goncharoff, Santa Cruz  
6 County. As somebody mentioned, we have food rescued for the  
7 recovery organizations working in many of our communities.  
8 We certainly do in Santa Cruz County. I just looked it up  
9 and last year they recovered and distributed more than 12  
10 million pounds of food.

11 In many ways those systems work like our  
12 traditional food-distribution system. They go to farms,  
13 they go to processors, they go to distributors, retailers.  
14 What's different is they have no revenue stream. They are  
15 largely reliant on grants and donations. Most of their  
16 workers are volunteers. So they're always hampered by lack  
17 of infrastructure.

18 So to get down to the details of what would enable  
19 these organizations to be more successful, it's things like  
20 more vehicles, more refrigeration. So if we're able to help  
21 with things like that, I think that we can build on the  
22 success that's already out there.

23 MR. LEVENSON: Thanks.

24 Tim, and I'll just use that as a plug for our Food  
25 Waste - excuse me - Grant Program. We have \$5 million this

1 year and that will be out on the streets in about six to  
2 eight weeks. So designed for exactly that kind of effort.

3 Other comments on edible-food recovery? This is  
4 going to be a tough one because we, you know, don't have –  
5 unlike the 50- and 75-percent goals which tie back to the  
6 2014 Waste Characterization Baseline, we don't have a  
7 baseline, we don't have a great definition at this point.  
8 We need to be able to track this. And we want to do things  
9 in this effort that are going to enhance what's going on,  
10 the kinds of things folks have talked about, and not, you  
11 know, impede them in any way. So we are going to need a lot  
12 of input from folks over time. Anything now is great. You  
13 know we'll go into more detail as we move on in these  
14 workshops. But this is a really key effort for obviously  
15 many reasons, the social impacts of food insecurity, GHGs,  
16 things like that. So there are a lot of benefits from this.

17 Jack.

18 MR. MACY: Yeah. Jack Macy, City and County of  
19 San Francisco. So I'm thinking, you know, we've been going  
20 after food donations and focusing on kind of wholesale,  
21 which was the easiest for us and the highest portion of  
22 inedible or edible food that wasn't being sold; then retail;  
23 then food service; and it gets harder as you go down. And  
24 it related the definition, there's really – it's quick  
25 different when you're going after wholesale produce versus

1 retail versus food service. And then you can go back and  
2 you've got food up the supply chain, you've got food  
3 processing and growers. And the quantities of food, edible  
4 food being discarded could even be higher up that food  
5 chain. So are you looking as a definition, are you making  
6 any distinction between capturing it at the grower,  
7 capturing it at food processors, capturing it wholesale,  
8 retail, food service?

9 MR. POGUE: I don't think at this point we're  
10 drawing a distinction on where you capture that. I think  
11 still the factor that we need to keep in mind is: Is this  
12 material destined for landfill. So I think what we've heard  
13 from some groups is that oftentimes, you know, field produce  
14 is left unharvested, right. It's tilled under, it's not  
15 harvested for a number of reasons, economics probably being  
16 front and center. That's not necessarily something we can  
17 go after here. I think there are a lot of opportunities to  
18 do that. I think CDFA helps facilitate some of that too.  
19 But, yeah, maybe there are some packing house opportunities.  
20 Maybe there are some kind of upstream options or  
21 opportunities to get at larger amounts of food, so I'm  
22 really interested to learn that and what those are.

23 MR. MACY: Yeah, I think so -

24 MR. POGUE: So we're drawing a distinction on  
25 where.

1 MR. MACY: Yeah, a good point about a lot of the  
2 food being left in the field.

3 So you get – programmatically you've just got  
4 different options. And the Food Bank networks, you know,  
5 they're good at – they're getting some of the food  
6 processing and they're good at wholesale, less good at  
7 retail, and really not capturing at all the food service.  
8 And then the food service gets into the distinction of plate  
9 – you know, having been served. It seems like you just  
10 carve that out because that just raises a lot of issues.  
11 There's certainly plenty to go on up upstream. Yeah,  
12 thanks.

13 MR. JOHNSON: Kyle, sorry, can I just add to that?  
14 Just that – you know that as Kyle and Howard pointed out,  
15 the legislation makes this distinction of what – you know,  
16 this is some of what's headed to landfill. But CDFA is  
17 obviously doing a ton of good work on upstream of processors  
18 to the ag. world. And we have – as Jenny mentioned earlier,  
19 they're doing that good work. And we're – you know, the  
20 waste world doesn't make that distinction of what goes to  
21 landfill versus what stays on the ag. field, and so I think  
22 it's important that we have to make that distinction. But  
23 we're going to cooperate closely with CDFA. And I think the  
24 stakeholders shouldn't make that distinction, and think a  
25 little bit holistically about what approaches they can take

1 that might not make that distinction, right. You know how  
2 can we integrate the stuff that might go to a landfill, that  
3 might not, stuff that might not be going to a landfill.  
4 It's really a matter of our accounting that makes that  
5 distinction.

6 MR. LEVENSON: Other inputs on edible-food  
7 recovery? Yes, sir. It's after lunch, we're recovering.

8 MR. LOPEZ: I'm still digesting.

9 MR. LEVENSON: Get the juices rolling, get the  
10 digestate going. Never mind.

11 MR. LOPEZ: We are all still digesting, yeah. My  
12 name is Daniel Lopez. I'm with Black & Veatch.

13 I'm not sure where my comment would exactly fit,  
14 probably in the grocery department or food-producer  
15 department, but to what extent does labeling of food play a  
16 role in this debate? Because I think that's on the consumer  
17 side probably a bit of confusion a this food labeling really  
18 means. I suppose one definition is best buy, so the best  
19 quality is at that given date, but it doesn't mean after  
20 that date the food cannot be eaten anymore. So I'm not sure  
21 how this comment would fit overall in your policymaking, but  
22 I think food labeling is, probably from the consumer side,  
23 quite confusing.

24 MR. LEVENSON: A great point. I think, you know,  
25 that's a very broad issue and I think Elizabeth could speak

1 to that, some of the things that are going on nationally.  
2 We've been plugged into those discussions. Clearly that has  
3 to be dealt with. I'm not sure we can do it within this  
4 regulatory package other than track what's going on, but  
5 it's a big issue.

6 Elizabeth, do you want to add anything?

7 Kyle, do you want to add anything?

8 MR. POGUE: I would just, while you're handing  
9 that to Justin, I will add, you know, I've seen a number of  
10 Food Banks and others put out guidance on – and Orange  
11 County and San Diego have really done a good job on this –  
12 of putting out guidance on what types of foods they would  
13 accept and how that fits in with some date label. So do  
14 acknowledge date labeling is a confusing one to folks, and  
15 maybe there is a solution to that, but in the interim of  
16 some type of grander solution to it, maybe getting that  
17 guidance out there and promoting what is actually  
18 acceptable. A little bit more would be helpful.

19 MR. MALAN: Well, Nick and CAW carried a bill on  
20 this very issue, among others, and it's a really thorny  
21 issue because to date in one state where everything is at a  
22 global market, it's very difficult to start with.

23 And the other thing is there are so many different  
24 categories, so I don't know if Nick wants to talk about it,  
25 but from a local public health perspective, there are very

1 few categories of food that we have a mandate to ensure  
2 aren't sold over an expiration date.

3 MR. LAPIS: It's baby food, right?

4 MR. MALAN: Baby food is pretty much it. So there  
5 is not an obligation to ensure that the sell-by dates aren't  
6 exceeded. This was really to a large extent an industry  
7 standard and a freshness standard as opposed to a food-  
8 safety standard. So we would from a public health  
9 perspective, as long as that food-safety provision can still  
10 be made, I think the struggle is going to be with the  
11 industry, not so much the public health regulators.

12 MS. HUGHES: This is Trudi Hughes with the  
13 California League of Food Processors, and thank you for  
14 bringing that up. This is an issue, date labeling, we've  
15 been working with the Californians Against Waste and the  
16 Legislature on this issue. And I can tell you that there is  
17 a federal effort underway to create some federal conformity  
18 amongst larger food processors; manufacturers; and the  
19 retailers, grocers and whatnot, to come up with some  
20 standards for industry. But I agree that having a single  
21 California-only date labeling just doesn't work.

22 And just know that our folks do shelf-life studies  
23 and that these best-by dates are really, especially on  
24 canned foods, are really about quality, they're not about  
25 food safety. And so to the extent that there can be some

1 sort of national education effort surrounding that is  
2 actually part of the effort on the federal level, so. But,  
3 again, I don't think that we can get at it at the heart of  
4 it here in California. It's too burdensome for  
5 manufacturers to have too many different standards across  
6 the states.

7 MR. LAPIS: Trudi - sorry. Nick Lapis,  
8 Californians Against Waste - Trudi touched on what I was  
9 going to say. I'm not sure if I'm allowed to say this, but  
10 the - whatever -

11 (Laughter)

12 MR. LAPIS: - the industry, the grocery  
13 manufacturers and the broad industry group that I represent,  
14 the vast majority of grocery manufacturers is releasing  
15 later this week a standardized date-labeling proposal. It's  
16 been voluntary across their industry, but basically  
17 codifying that - not codifying - but having the standard be  
18 best before for freshness and use by for safety, and then  
19 suggesting that manufacturers don't label their products  
20 with a sell-by date at all, which is pretty much what we  
21 recommend in legislation last year. I think that should be  
22 out some time this week.

23 That does still leave area for consumer education,  
24 is one of the problems before is that there was no  
25 terminology that was consistent, so it was really hard to

1 educate. But now that there will be consistent terminology,  
2 there could be a role for education to tell people that they  
3 don't have to throw stuff out on the best-before date,  
4 because that will actually have a meaning now.

5 And then also if you did want to go the regulatory  
6 route, there are the companies that are not part of the  
7 trade organization.

8 MR. LEVENSON: We're eager for specific  
9 suggestions on all of those, working with various folks who  
10 have offered today and then specific suggestions in terms of  
11 what we can pull into these informal concepts for the  
12 rulemaking.

13 I'm just stalling here to see if anybody else  
14 wants to make a comment. There we go.

15 MR. LOPEZ: Yeah, one more comment. I'm not sure  
16 again where, it probably fits on the grocery store side. I  
17 used to live in Canada for several years and especially in  
18 the Toronto area. And most of the grocery stores had  
19 actually a shelf for produce that was - we called it  
20 cosmetically challenged, that didn't look pretty anymore but  
21 was still very edible. And, honestly, I went mostly - my  
22 first target was to go to this place because it was really  
23 highly discounted but it was perfectly edible food. So -  
24 and, honestly, I'm missing this year, I haven't seen grocery  
25 stores that put their produce still on the shelf. And still

1 it's a revenue stream for them, right, instead of a  
2 liability as a waste. So I think working with the grocery  
3 stores would probably be a good avenue on that item.

4 MR. POGUE: Thank you. And I've definitely seen  
5 some efforts that have started, maybe stopped, maybe they'll  
6 expand in the future with grocery stores here in California  
7 that have pursued that, you know, kind of an ugly fruit  
8 angle. And I think an economic portion of it is essential  
9 to that. And, yeah, I think it's a good idea.

10 MR. LEVENSON: Okay, I have a couple of email  
11 comments, so let me - I'm not going to read them verbatim,  
12 but try to go through those. The first is from Danielle  
13 Lee, U.C. Ag. and Natural Resources, in the Office of the  
14 President at U.C. A couple of points that she's making.  
15 One, she agrees on comments regarding what's going on at  
16 universities, with U.C. campuses; suggest that we update the  
17 resources on the CalRecycle website with some of the updates  
18 that they've done. She agrees on the comments about not  
19 reinventing the wheel and that ReFED has a great economics  
20 benefits calculator. And then in terms of a Baseline, U.C.  
21 Davis, U.C. Berkeley has a model on how to establish a  
22 baseline, waste characterization studies for institutional  
23 food providers, and that she provides some links for that.  
24 So we'll definitely look at that as a possibility for how we  
25 tackle this. Thanks, Danielle.

1           And then from Cassie Bartholomew at StopWaste.  
2 You guys are all over the place. She's got a couple of good  
3 comments. One is that tracking and reporting for food  
4 recovery and reuse should include a feedback loop back to  
5 the generators to promote prevention of surplus edible food.  
6 Kind of not just tracking pounds or numbers of meals but  
7 also what are the reasons why the surplus food was  
8 generated, and so can they take steps back. And of course  
9 Lean Path does some of that. And those are some of the  
10 modeling efforts to take care of that.

11           And then the second point, - maybe this is  
12 directed at you, Justin, I don't know - the California  
13 retail food code can be over and misinterpreted by local  
14 environmental health departments, making it difficult to  
15 increase the recovery of edible food, especially with  
16 prepared food. We need more engagement mandates with local  
17 health departments. And I think you'd certainly agree with  
18 that. Health inspectors can be vital partners. So - just  
19 down in Orange County. So kind of corroborating what you  
20 were saying, so that's great. Those are great comments.

21           Veronica.

22           MS. PARDO: Hi. Veronica, CRRC.

23           This is more of a personal question just  
24 clarifying. I believe that the grant program, there are  
25 some stipulations on nonprofits not being able to resell the

1 food to make some sort of like revenue. So, for example,  
2 low income, you know, selling back food maybe for low-income  
3 customers. I'm just curious, in your perspective here if  
4 you were to be getting food donations and then making food  
5 and selling it for low-income customers, is there any  
6 stipulation here around that piece?

7 MR. POGUE: Well, I think you're referring to the  
8 Food Waste Prevention Rescue Grant Program coming out in the  
9 next six to eight weeks or so. In there in the draft the  
10 criteria that we put together, we did specify that food  
11 would need to go to nonprofits. So if you have a for-profit  
12 company able to, you know, capture more edible food, that it  
13 needs to be ultimately donated under that grant program.

14 MS. PARDO: But if a nonprofit were having like a  
15 food kitchen where they were doing some food production with  
16 donated food types and maybe getting a small revenue stream  
17 from that, is that prohibited?

18 MR. POGUE. No. I don't see that and the plans  
19 that bring, I don't - yeah.

20 MR. LEVENSON: Why don't we do a follow-up on that  
21 one, Veronica. Just - and for those of you who are  
22 interested in that program, on the - I believe it will be  
23 the March meeting. What we have to do is for our grant  
24 programs is get an approval for how criteria regarding  
25 eligibility, how things are going to be scores, so and so

1 forth, that's a public document that our Director makes the  
2 decision on. That's slated for the March, whatever the  
3 March meeting is, after which we get ARB approval for all of  
4 that and then we can issue the notice. So there will be a  
5 draft document posted. We can work with you before then to  
6 check that question and see if there is something we need to  
7 do.

8           Okay. All right, we will keep the doors open on  
9 comments on food, on comments on everything, but we'll take  
10 advantage and keep moving forward. And I believe next we're  
11 going to move onto Reporting.

12           So, Rob, when you were talking, I think I was  
13 going to mention, you had mentioned reporting, and I was  
14 going to stay tuned for the next section because we want to  
15 talk about all different kinds of ideas related to reporting  
16 by different kinds of entities and what might we want to  
17 include, what's really going to work for various reasons.  
18 So I'm going to introduce Hank again who is going to talk  
19 about Reporting.

20           MR. BRADY: Thanks, Howard.

21           And I'm not entirely sure how I drew the straw for  
22 the Reporting presentation. It's probably one of the more  
23 mundane parts of what we're talking about today, but it is  
24 important as we look at the concepts moving forward.

25           So, really quickly, as we're looking, you know we

1 talked about many potential concepts earlier, both those  
2 that relate to organics collection and recycling and edible-  
3 food recovery. For this initial discussion, what we've  
4 sought to identify are reporting items and methods that  
5 could be used to capture information that's related to 1383.  
6 And so initially in terms of the rubric reviews to look at  
7 this is reporting items that would contribute to potentially  
8 monitoring the effectiveness of any programs or concepts  
9 that are moving forward and reporting items that would  
10 additionally either and/or assist in tracking the waste-  
11 disposal reduction and the methane-reduction mandates.

12           So to start, it's good to get a little bit of  
13 background on some of the existing reporting databases and  
14 systems that CalRecycle has. And these are some of the  
15 processes that we've looked at that could either potentially  
16 be replicated or, in some cases, the reporting mechanism  
17 itself could potentially be expanded upon.

18           So the Electronic Annual Report, commonly known as  
19 the EAR, this has been used for jurisdictions to report  
20 annually on their program implementation for 939. Some of  
21 the models we've seen in the past with 341 and 1826 and 876  
22 are all various forms of legislation that have added on to  
23 the EAR in terms of items that are reported on. So we're  
24 seeing that as a potential mechanism that additional  
25 programs that are potentially implemented at the

1 jurisdiction level could be reported on an annual basis or  
2 potentially more frequently, if necessary, for 1383.

3           Solid-waste information systems. This is a  
4 CalRecycle database of solid-waste facilities, operations,  
5 and disposal sites. That's maintained by the Department.

6           And an additional one is the Biomass Conversion  
7 Facility Reporting. This is codified in a Lara bill, SB  
8 498. And this was beginning in 2016. Different facilities  
9 are required to report on information annually to CalRecycle  
10 regarding their operations. And that includes information  
11 on the amount of material that's accepted and rejected by  
12 the facility, the name, location and source of materials  
13 accepted or rejected by the facility, and the name and  
14 location of the final end-user of byproducts.

15           (Conferring re the slides)

16           MR. BRADY: And just a couple other systems and  
17 databases that we've looked at and would like stakeholders  
18 feedback on in terms of how they could be applied for 1383.

19           So the Waste Tire Manifest involves reporting from  
20 generators, haulers, and end-users. And this is to track  
21 waste tires in California. The Disposal Reporting System,  
22 as has existed for several years, has been a system where  
23 facilities report directly to counties and counties sort of  
24 collate that information and report to CalRecycle.

25           Following AB 901, that is being expanded upon to the

1 Diversion and Disposal Reporting System. That is  
2 continuing, that's pending regulations right now, and that's  
3 another process that I know many folks in this room are  
4 familiar with, but potentially expanding different reporting  
5 entities and roles in the type of information that might be  
6 reported on.

7           And so for 1383, this is at the high level of the  
8 concepts that have been outlined so far, could be  
9 implemented and/or reported on in a variety of different  
10 ways. The entities that are listed up here may not be a  
11 complete list, but as a starting point these are the types  
12 of entities that could potentially serve in some indirect or  
13 direct reporting role, reporting on different activities and  
14 helping measure state progress towards the – both to measure  
15 program effectiveness and measure state progress towards the  
16 75-percent disposal reduction goal and to ensure that that  
17 goal is helping achieve the methane-emission reductions.

18           And then as it relates to some of the reporting  
19 systems we talked about a moment ago, there's different  
20 potential reporting relationships that could be had. So we  
21 gave the example of biomass reporting. That's an example  
22 where a facility operating or an entity reports directly to  
23 CalRecycle. There is the DRS system as it was originally  
24 created, is where a facility reports to a county. The  
25 county then collects and reports that information to

1 CalRecycle. And that is being updated as we speak with the  
2 DDRS system to be direct reports to CalRecycle, but those  
3 are two models.

4           And then the other concept to kind of outline is  
5 local or state licensing, permitting, or registering of  
6 haulers of a specified threshold. So this is - there's kind  
7 of the state example where this is done with waste tire  
8 haulers that is a potential model that could be looked at  
9 depending on the different reporting items that are  
10 necessary for 1383. And then also at the local level we've  
11 seen in our research for 1383, looked at a variety of local  
12 ordinances or programs that have certain - that have  
13 requirements for registering or permitting of haulers, just  
14 to use that as a data point.

15           And so kind of getting back to what I was speaking  
16 to originally, one of the items we're really looking at is  
17 monitoring program effectiveness. So some of the items here  
18 could be reported again by various or multiple entities and  
19 some specifically lend themselves to different entities,  
20 such as jurisdiction. So a potential reporting item is  
21 Organics Recycling Program implementation. What we're  
22 talking about here is similar to requirements that were  
23 added for AB 1826. To the extent that moving forward in  
24 1383 concepts might develop where jurisdictions are  
25 implementing new programs. This is something that could be

1 done where qualitative and quantitative information could be  
2 submitted by jurisdictions potentially through the EAR or a  
3 new reporting system. And I think Howard and Cara sort of  
4 referenced the potential looking at planning, planning  
5 requirements that may be done. And the same could be said  
6 for the Edible Food Recovery Program implementation to the  
7 extent that jurisdictions may have a role in that but also  
8 edible-food recovery organizations may be able to report on  
9 some of that information as well.

10           George will talk about different compliance and  
11 enforcement models that we looked at. But one potential  
12 data point is if there is a local compliance or enforcement  
13 entity having reporting on the different actions that are  
14 taken at the local level, both to measure – as a potential  
15 measure of program effectiveness and where there may be a  
16 need to tweak or alter the regulations moving forward.

17           And these last couple items in terms of numbers of  
18 generated served, contamination levels and efforts to reduce  
19 contamination, and local rate structures, that's are all  
20 potential items that can help measure program effectiveness.

21           The number of generators served certainly serves a lot of  
22 potential – is a potential data point that could help  
23 CalRecycle determine where additional programs might be  
24 helpful; and then just looking at how local implementation  
25 is going as it relates to contamination, efforts to reduce

1 contamination; and then local rate structures as well.

2           So the items on this slide additionally could help  
3 measure or monitor program effectiveness but also could  
4 serve as indicators of progress toward the state mandates.  
5 I think it's critical to determine the amount of organic  
6 waste that's recycling, the amount that's disposed, and the  
7 methane-reduction implications based on the various end-uses  
8 that may be utilized. So that was mentioned earlier in  
9 terms of recovery rates. I think this is something that  
10 could be at the jurisdiction or facility level potentially  
11 and be indicative of collective performance for the State  
12 but also at a more focused local level as well. And then  
13 additionally – and it may also be indicative of additional  
14 efforts that may be needed based on program performance.

15           So for origin and type of collected organics, you  
16 know earlier when we talked about the definition Evan spoke  
17 about the variety of types of material, so this is the type  
18 of information that could be used to strategize how to  
19 address specific materials that are struggling as we look  
20 towards accomplishing the 1383 mandates. It will be  
21 important to get a sense of which materials are moving more  
22 successfully to the recycling stream.

23           And then point of origin. That's to note – you  
24 know it could be reported in a variety of ways.

25           And then ultimately the 1383 mandate is a little

1 bit more complicated than 939, which was to reduce disposal  
2 by 50 percent. This is reducing a specific material type to  
3 75 percent by 2025, so trying to look at how we can best  
4 quantify whether or not we may successfully achieve those  
5 goals.

6           And so these last three items in terms of  
7 collection method; facility reduction of contaminated  
8 organics; and then destination and the end use of collected  
9 or processed organics are both indicators of program  
10 performance, but one of the things we've talked about as it  
11 relates to destination and end use of collected or processed  
12 organics is that different end uses have different methane  
13 reduction implications. Food waste – food recovery, for  
14 example, has a different methane-reduction number than  
15 compost or anaerobic digestion, so trying to look at that as  
16 a potential way to quantify whether or not the waste sector  
17 is successful in helping achieve the SLCP goals.

18           And I don't know if you have anything to add to  
19 that, Tung.

20           MR. LE: No. So, you know, Hank is right on. In  
21 addition to the 40-percent methane reduction identified in  
22 1383, ARB, sort of the climate-pollutant strategy also  
23 identifies significant methane reductions as well. And so,  
24 you know like Hank was saying, these are some of the metrics  
25 that we're thinking about to help us quantify our progress

1 towards meeting those goals.

2 MR. BRADY: Here are a couple of the items we're  
3 looking for stakeholders input on. Again these are high-  
4 level concepts that we've looked at as potential reporting  
5 items, not specifying what the mechanism is or who the  
6 reporting entity is. But certainly if there are other items  
7 that would be useful to have – that you think we should  
8 consider as potential reporting items, items that we  
9 shouldn't consider, and where the most efficient means of  
10 getting that information is, you want to...

11 MR. LEVENSON: Don't go away. Okay, so we'll open  
12 way, way ahead of time. We have plenty of time to talk  
13 about this reporting. Hank's laid out a number of different  
14 concepts. We've got Evan with his hand up. We're going to  
15 need to have a lot of information reported to us so we can  
16 measure the effectiveness of this statewide as well as  
17 what's going on at the various levels and entities that are  
18 engaged in this. So we're very interested in kind of what's  
19 going to be most effective, what do we need in order to  
20 monitor effectiveness, and so on.

21 Evan.

22 MR. EVAN EDGAR: Thank you. Evan Edgar, Edgar  
23 Associates.

24 1383 has permits on jurisdiction, so there is a  
25 shared responsibility which is back in the harkened days of

1 AB 939 with a shared responsibility. The reporting system  
2 that you had so far on mandatory collection has been under  
3 the Electronic Annual Reporting for both AB 341, which has  
4 been in place since 2012, and now AB 1826. I've had  
5 comments on the enforcement of both and the reporting of AB  
6 1826 and 341 as part of the Annual Report, and that's a good  
7 place to put it.

8           With regards to 341, fiber has been mandated for  
9 collection since 2012. And there should be some information  
10 there about collecting fiber, and that's a good place to  
11 maybe get information on fiber collection on mandatory  
12 commercial recycling since fiber has the highest greenhouse  
13 gas potential, has a lot of tons. Hopefully we keep on  
14 moving fast on mandatory commercial recycling. The last  
15 four years we were actually adding a million more to the  
16 landfill, over the last four years, than a million less to  
17 the export market. So there is a huge opportunity to  
18 continue AB 341 but with now its shared responsibility.  
19 It's not just on the generator anymore.

20           The same could be said with AB 1826. Now that  
21 we're entering the collection of organics, this tool is  
22 already in place. When you guys had your workshop on that a  
23 year ago, I mentioned the need. When you fill out those  
24 Electric Annual Reporting, you have to put down real numbers  
25 on that. One of the guidance documents that CalRecycle has

1 is that it allows you to put zero in the boxes. And that's  
2 been a lot of misinformation. I think that if you are going  
3 to use the Electronic Annual Reporting Tool, you need to  
4 have real tons inside of there, not the default to zero.  
5 There have been many case studies where people filed these  
6 reports and they don't - maybe they don't have the  
7 information, maybe didn't try to get the information, so  
8 when they actually report to the state, they put down zero  
9 and nobody really cares, there's been no enforcement of AB  
10 341 for the last four years. So I was glad when Scott  
11 Smithline put out the letter this year. Ever since that  
12 letter was issued to every elected official and recycling  
13 coordinator in the state of California there has been some  
14 movement that CalRecycle can do enforcement at any time,  
15 they don't have to wait for the biennial review as part of  
16 the Annual Reporting mechanism.

17 So my comment here would be if you guys are using  
18 Electronic Annual Reporting for 1383, please make it default  
19 to real tons and don't allow local jurisdictions to put down  
20 zero because they may not have that information.

21 MR. LEVENSON: Thanks, Evan.

22 Cara, I don't know if you want to say anything,  
23 but I think obviously the devil will be in the details in  
24 terms of, you know, what if anything is required for  
25 reporting and where it goes, so that's the kind of input

1 we're going to be looking for as we develop this.

2           Okay, other comments? I know it's an hour past  
3 lunch. I've seen a lot of yawns. If you need to do a  
4 stretch, you need to go get coffee, go ahead outside if you  
5 need to. We won't take it personally. We've still got a  
6 couple sections to go through.

7           MR. LOPEZ: I have a question.

8           MR. LEVENSON: Yeah.

9           MR. LOPEZ: Daniel Lopez with Black & Veatch. I'm  
10 trying to envision how – I mean on the AB 939, you could do  
11 this by measuring the tonnage going to the landfill, but  
12 given the organics-diversion mandate or target, would you  
13 envision doing on an individual waste shed or waste-disposal  
14 facility a waste characterization? I mean obviously the  
15 jurisdiction will have some responsibility in reporting, or  
16 would you do like sample waste characterization, or what?  
17 How would you actually identify how much was diverted, i.e.,  
18 ends up in the landfill?

19           MR. BRADY: Yeah. So that's part of what we're  
20 trying to grapple with now. I think, you know, the  
21 Statewide Waste Characterization Study provides a good  
22 baseline model for determining what was disposed in 2014.

23           In terms of waste characterization studies at  
24 individual landfills, I suppose that would be an approach.  
25 I don't know that that's something we've really considered.

1 I'm not sure how that would be done outside of on a  
2 frequent annual basis, and that might be - isn't the most  
3 effective way, but that's certainly something we can look  
4 at.

5 You know 901 is looking a lot of different  
6 potential reporting entities. That could sort of identify a  
7 little bit more in terms of where material is originating  
8 and so you can kind of sort of back out into that number a  
9 little bit more, if that helps.

10 MR. LEVENSON: Go ahead, Rob.

11 And then we'll get Chuck.

12 MR. HILTON: Rob Hilton, HF&H. I think part of  
13 the challenge with this reporting discussion right here is  
14 the reporting that you will need and the reporting that you  
15 could get, who really depend on the enforcement system, and  
16 the collection program definitions and all of that. So, you  
17 know, my gut reaction is that the Electronic Annual Report  
18 is the easy thing to piggyback off on and on the basis of  
19 understanding that you will probably put this on the  
20 generators or the jurisdictions in some way, that makes some  
21 sense. But I would caution that, you know, as try to and  
22 get into the understanding of the methane emissions from  
23 this you really need to get like a statewide mass balance  
24 and flow through from the point of collection to the  
25 preprocessing to the final disposition of the material if

1 you're really going to understand all of the elements of the  
2 methane-emissions chain there. And that's going to be  
3 awfully tough to do and it's pretty inconsistent with your  
4 last question, which is what's the most efficient reporting  
5 method. If you're going to count the carbon it's not going  
6 to be efficient, it's going to be quite detailed, I suspect.

7 And so, you know, this needs to be well aligned with the  
8 other two.

9           The other thing from the local jurisdiction  
10 perspective, and I'm dealing with this on a number of  
11 contracts right now trying to implement 1826 requirements,  
12 there is a lot of hauling across jurisdictional boundaries  
13 that goes on and that is wonderful because it brings  
14 economies of scale and efficiencies to the ratepayers. But  
15 often when those things happen the jurisdiction is  
16 accountable for the tons but isn't allowed to see across the  
17 fence to what the hauler's doing in the next jurisdiction  
18 over. And we've had a couple of situations where we've done  
19 audits and found that haulers were selling the same ton to  
20 several agencies and playing the shell game. So whether the  
21 State gets access to look across the fence or the local  
22 jurisdictions do, I think that's an important issue to  
23 consider in this if these penalties ultimately get passed  
24 down to the jurisdictions.

25           So those are some preliminary comments, and I'm

1 sure I'll have a lot more once we get a better definition of  
2 the enforcement program.

3 MR. LEVENSON: And I think, Rob, you've nailed a  
4 lot of the complexity of this. We have certain pieces of  
5 information that we're already getting through the  
6 Electronic Annual Report. We can always add more to that.  
7 We have certain pieces of information that we will be  
8 getting from the new Electronic DRS. That's got its own  
9 limits because of statutory considerations. You know we  
10 don't -- we talked earlier about not having a 75-percent  
11 mandate on each jurisdiction. You know if we went down -- if  
12 we were even allowed to go down that path, that would mean  
13 waste-characterization studies and tracking at each  
14 jurisdiction level. If you do it at the landfill, you don't  
15 know where things are allocated, necessarily. So we're  
16 probably going to have to have a combination of things of  
17 reporting of different entities to different levels in order  
18 to be able to track enough to know maybe we won't get the  
19 full mass balance but at least to know that we're getting  
20 those tons recovered and moved into the marketplace. That's  
21 going to be a really difficult one.

22 Chuck.

23 MR. HELGET: Chuck Helget, Republic Services.

24 MR. LEVENSON: Wait, Chuck.

25 MR. BRADY: I just wanted to add on that is that

1 it's probably not one reporting mechanism fits all of the  
2 solutions for this. Part of what we're grappling with is  
3 we're conceptually talking about different programmatic  
4 elements that could be implemented and it's a little bit  
5 hard to develop what a reporting structure might look like  
6 in the abstract, but we did want to give you folks enough to  
7 sort of digest and react to. But you know the EAR will very  
8 likely play a role, but there could be other reporting  
9 mechanism as well.

10                 Sorry, Chuck.

11                 MR. HELGET: Chuck Helget, Republic Services. A  
12 couple quick statements and then a couple of actual  
13 questions instead of statements.

14                 I think, first of all, I agree with Rob. I mean  
15 the complexity of this is going to be incredible. So a  
16 couple guiding principles. One, trade secrets protection of  
17 customer lists are going to be important, and this is the  
18 fight we've had on 901 and I think one we'll surely have  
19 here. And then second is to the extent that you can these  
20 regs should be folded into the AB 901 reporting process. I  
21 mean if we're looking for the most efficient reporting  
22 method, then that begs efficiency instead of creating an  
23 entirely new system that could easily conflict with all of  
24 our other reporting obligations.

25                 And I know the balance that we're trying to strike

1 here is to be able to report as much as we can so that we  
2 can show evidence to CARB that we're actually achieving the  
3 greenhouse-gas-reduction goals, but at the same time again  
4 it has to be something that's a reasonable process that  
5 captures waste at a reasonable level.

6           And now the questions. I'm still not sure I  
7 understand exactly what you mean when you say on SB 1383  
8 potential reporting-relationship mechanisms: Local state  
9 licensing, permitting, registering of haulers or specified  
10 thresholds. How is that intended to help in reporting, I  
11 guess is my question. The other is - I'll throw all three  
12 of these questions out - on the next slide you talk about  
13 contamination levels and efforts to reduce contamination.  
14 What are we talking about here? You know, a million dollar  
15 contribution and a piece of equipment or, you know, what  
16 does that mean? And then local rate structures. I'm again  
17 at a loss to try to figure out how that fits into this. Not  
18 that it doesn't, I'm just - I don't understand how it does.

19           MR. BRADY: I'll tackle the first one. In terms  
20 of registration/permitting or licensing, we've seen with the  
21 waste tire management system, that registration at a state  
22 level has been an effective to gather reporting there.  
23 We're not necessarily proposing that for 1383, just  
24 outlining that that is a reporting model that's exists, that  
25 could potentially be looked at for this. At the local level

1 there are a variety of jurisdictions that have haulers to a  
2 certain threshold register and that may be how they get  
3 information reported to them to ensure that information's  
4 reported. And that kind of speaks to both either having a  
5 statewide system as a potential approach. There's good  
6 reasons to do that, there's bad reasons to do that, or  
7 having reporting at a local level where haulers or any  
8 entities that may have a role are potentially reporting to  
9 jurisdictions and then jurisdictions could potentially be  
10 reporting through the Electronic Annual Report, as some of  
11 the information they report right now.

12 I want to get – your second question, do you mind  
13 repeating that? Sorry.

14 (Comments outside the range of the microphone)

15 MR. BRADY: Yes. So there is a variety of ways to  
16 try and get at contamination. I think when we're looking at  
17 potential methods of collection, there could be potential  
18 reporting either at the hauler level identifying what bins  
19 are contaminated, just I think for collecting bins that are  
20 contaminated. That's a potential data source that we could  
21 look at, and indicating if there were any actions or efforts  
22 taken at that. But, similarly, a potential method would be  
23 if that's at the facility level, if there is a reporting on  
24 – material we have coming from this area is very  
25 contaminated. So that's a potential metric that could be

1 used that we've contemplated but not necessarily pushing  
2 that at the time. I just want to outline that as a  
3 potential method, but efforts were not necessarily as  
4 specific investments in certain materials that could be –  
5 and then to the local rate structure, I might, Cara, if I  
6 could punt towards your expertise on that?

7 MS. MORGAN: I think we were just putting out  
8 there the concept of the rate structure. Obviously it's a  
9 part of the programmatic implementation, so it could be a  
10 piece of data in help us in determining, you know, kind of  
11 how a jurisdiction's program is working. So just another  
12 piece of data that we might collect.

13 MR. LEVENSON: Yeah. I think both Hank and all of  
14 your points, Chuck, and Hank and Cara's responses.

15 You know what we're trying – I think what we're  
16 going to need to do is have enough specificity so that we  
17 can actually, whatever the requirements are, whether it's a  
18 specific program or a piece of information, that it gives us  
19 something to assess whether the jurisdiction or the  
20 regulated entities are doing what they're supposed to be  
21 doing, whatever that ends up being. Right now we have less  
22 specific data, that we get a lot of general, qualitative  
23 information. So to the extent that we can get more  
24 quantitative information, let's say on rate structures, you  
25 know, where we knew that there are additional costs that

1 it's going to take to accomplish what's being contemplated  
2 here, is the local jurisdiction developing rate structures  
3 or working with the hauler to get rate structures in place  
4 that are adequate for what's needed. So it's a way to  
5 assess are they really implementing the program, as opposed  
6 to trying to dictate specific rates, or anything like that.

7 Hilary.

8 MR. GANS: Hi. Hilary Gans, SPWMA.

9 Related to the second bullet point, "Are there  
10 other data items that could assist in quantifying methane  
11 emissions from the waste sector," maybe it's a question, a  
12 resource question. I'm not familiar with a good benchmark  
13 for methane emissions from different waste-treatment  
14 methodologies from the waste sector. It appears that we're  
15 comparing everything to the status quo, which is  
16 landfilling. I have yet to see good reporting on methane  
17 emissions from landfills, from different type of different  
18 landfills with different types of methane capture. And  
19 we're using tonnage as sort of a proxy for methane  
20 mitigation, but the goal was to reduce methane. So it would  
21 be to have good methane-emissions data so we know what we're  
22 comparing to. So if you've got resources on methane from  
23 landfills, I think that should be a good benchmark for us to  
24 measure all of our activities by.

25 MR. LEVENSON: Howard can't rest. I will say

1 there is a lot of information, not necessarily as fine tuned  
2 as that, Hilary, but in a lot of the ARB documents and the  
3 Scoping Plan, in the Short-Lived Climate Pollution Plan, and  
4 particularly in the Emission Reduction Factors where we  
5 have, for example, for different kinds of compost, anaerobic  
6 digestion, you know, an analysis of the emission-reduction  
7 factors, by going down those pathways, compared to the  
8 landfills. Now landfills very - we've been working with ARB  
9 and others for years trying to get better quantification of  
10 landfill fugitive emissions and other things at landfills,  
11 so that's still ongoing as well.

12 MR. SMITHLINE: Yeah, so just to add to that a  
13 little bit. I mean it is - I mean you're right in that a  
14 lot of this is data driven, it is a data question. In the  
15 Short-Lived Climate Pollutant Strategy we have identified  
16 continuing to understand landfill emissions better. And, as  
17 Howard mentioned, it is something that ARB and CalRecycle  
18 are working together to better understand. We're continuing  
19 to fine tune that data.

20 MR. LEVENSON: I have an email and then we'll go  
21 over there. From Eric Keller-Heckman at Humboldt Waste  
22 Management Authority: Has there been any thought to rolling  
23 the reporting requirements for 1383 into the upcoming AB 901  
24 reporting, instead of creating another set of reports.

25 MR. BRADY: And this is also too I think partially to

1 Chuck's point earlier. I think there's a couple things to  
2 consider, is that one is that 1383, the regulations can't  
3 take effect until 2022. So 901, that process has already  
4 begun. We're certainly consulting with the staff that's  
5 working on the AB 901 reporting requirements. But at a  
6 larger level I think what that's getting at is not creating  
7 a 901 reporting system and then creating a 1383 reporting  
8 system where folks are reporting the same information here,  
9 the same information here plus a little bit more  
10 information. I think to the maximum extent feasible, we're  
11 going to want to look at building off of existing reporting  
12 systems and databases to limit duplication. That's part of  
13 sort of outlining some of the systems that we already have  
14 in place. That may be a 901 reporting requirement to use  
15 this system and a 1383 requirement to use the same system as  
16 opposed to creating a new system. But we're certainly  
17 sensitive to that and not wanting to create too much  
18 duplication.

19 MS. SCHOONMAKER: Kelly Schoonmaker, StopWaste.

20 This comment kind of gets back to a conversation  
21 this morning we had about letting people know about the why  
22 and the outreach and the ed. and then, well, how do you put  
23 in a regulatory context. So it's sort of a question do any  
24 of the existing reporting mechanism that you have already  
25 incorporate reporting on outreach and education by a

1 jurisdiction or hauler? And, if so, that's great. But if  
2 not, maybe that's a way to kind of fold the outreach and  
3 education in, and also build a library for other  
4 jurisdictions. You know if they were to upload some of  
5 their materials, then maybe there to be sort of a clearing  
6 house to CalRecycle, or something like that.

7 MR. LEVENSON: Debra.

8 MS. KAUFMAN: Debra Kaufman, StopWaste also.

9 A couple of things on the issue of reporting. I  
10 think it's really important that local governments have  
11 access, full access to information so that we can be full  
12 partners in improving programs. I just want to be sure some  
13 of the information that comes through 901 counties and  
14 cities don't have full access to, so it's important that if  
15 we're quantifying or if haulers or facilities are  
16 quantifying information on how well programs are doing, that  
17 local governments get that information back so that they  
18 can, in turn, to try to improve their programs.

19 And I would encourage that you look deeper than  
20 just number of generators served, because having a container  
21 certainly doesn't equal necessarily good participation. And  
22 I think that looking at tons collected is a relevant metric.

23 It's not the only metric. It's just one. It doesn't  
24 capture waste prevention. But it does give you a sense of  
25 how well your organics-collection program is doing in

1 looking at the changes from year over year and reporting  
2 those back, you know, in a coherent, consistent, collated  
3 way back to counties and jurisdictions, and statewide would  
4 be helpful.

5           And then I want to go back to the earlier  
6 conversation because I didn't get to get my comment in this  
7 morning, and that is around, you know, what kind of systems  
8 are we talking about in terms of getting to the place, the  
9 goal, this methane-reduction goal. And it's great to see so  
10 many agencies working together. And I think that's because  
11 we've been moving toward this more holistic approach of we  
12 have to get organics out of landfill to reduce methane but  
13 we also need to use compost for all the many benefits that  
14 have been outlined today. And I won't, you know, outline  
15 them again that are relevant to carbon sequestration and  
16 ag., and etc. And in bringing those two things together, I  
17 think it's really important that we end up prioritizing  
18 quality compost and source separation is really the only way  
19 to get quality compost and then post source separation if  
20 there needs to be some mixed waste processing, okay. But I  
21 really think that it is important to prioritize source  
22 separation. We talked about giving flexibility, but if we  
23 want quality compost we really need, you know, to focus on  
24 some source separation efforts.

25           Thank you.

1           MR. BRADY: Thank you. Just to touch on one issue  
2 that you have raised, and it's been part of the 901  
3 conversation as it relates to confidentiality of  
4 information. You know there is a lot of protections that  
5 will need to be in place for certain information. We  
6 haven't really – this is still at the conceptual level and  
7 not diving into the type of information that's being – that  
8 will be needed or that might be reported by different  
9 entities, but certainly sensitive to the desire of local  
10 jurisdictions to have information so they can best improve  
11 their programs but also sensitive to concerns of the  
12 industry to ensure that information that's trade secret  
13 remains trade secret. And that's been both in 901 as the  
14 legislation was moving through but also through the  
15 regulatory process, so very aware of that and that's going  
16 to be a conversation we need to have as we move forward.

17           MR. LEVENSON: Okay. Now we've got a whole bunch  
18 of hands. Finally, yeah. We've got one over there and then  
19 we'll circle back and then around to –

20           MR. LUDT: Richard Ludt, IRS Demolition. Good  
21 afternoon.

22           I'm coming into this, you know, from the C&D side  
23 and I was just wondering when it came to the reporting. I  
24 know that we just passed some new CalGreen stuff that's  
25 requiring third-party verification if you want to do the

1 upper tiers on the C&D diversion. Is there any talk about  
2 doing third-party verification of diversion rates for any of  
3 these facilities?

4 MR. BRADY: That's not a concept that I think  
5 we've discussed at this point, but certainly keep that in  
6 mind.

7 MR. LEVENSON: Yeah, Nick. I saw Dan. I'm not  
8 sure if there is somebody else back there - oh, yeah, behind  
9 - I can't see.

10 MR. LAPIS: I wasn't going to comment, but since  
11 Hank mentioned the trade secret stuff and 901, you know  
12 there is a fine line there. I want to make sure that we  
13 protect trade secrets but don't use that as an excuse to  
14 allow people to take material to illegal destinations. and I  
15 don't think that's the intent of anybody in this room. I  
16 think people don't want their client lists public, etc. But  
17 that should not preclude enforcement on behalf of the  
18 agencies under the guise of, well, it's trade secret  
19 information where we took the material, and this is probably  
20 as much a 901 comment as it is a 1383 comment.

21 I think Kelly wants...

22 MR. ASTOR: Oh, I have nothing to say on this  
23 subject.

24 (Laughter)

25 MR. ASTOR: To those that haven't heard this

1 comment before, it was actually in our written comments  
2 submitted in connection with 901. Hank, what prompted my  
3 grabbing the microphone wasn't just Nick. I appreciate your  
4 comment about what is a trade secret ought to remain one. I  
5 want people here to think about it a little bit differently  
6 because there is no issue, as Mr. Block and I have shared  
7 with each other, but that customer lists qualify in most  
8 cases as trade secrets. But since now we're tracking what  
9 we do with material once it comes into the possession of the  
10 processor, it's even more vital or as vital to protect our  
11 markets, the identification of where we're sending it.  
12 That's not to say it doesn't get reported to your agency or  
13 that you don't share it with CARB if you're required to do  
14 that for some reason. But I don't want competitors of  
15 company A knowing they can approach, make a Public Records  
16 Act request to find out where company A (sic) is marketing  
17 the material, whether land-applying, or they're doing  
18 anything. And so it's not just customer lists, it's also  
19 end-users and how we're ridding ourselves properly of this  
20 information. And as long as it's Nick Lapis that's checking  
21 to make sure we're doing things right, I don't care what he  
22 says - no, I'm kidding. Actually we do care. But we  
23 understand your need for some data, but it's not just who  
24 our customers are, it's where we're moving it.

25 Thank you.

1 MR. NOBLE: Dan Noble, Association of Compost  
2 Producers.

3 I want to look at it through the other end of the  
4 microscope here or telescope. And that is that we're  
5 talking about two things, feedstocks, which are in essence a  
6 resource that goes into a facility as well as the products  
7 that come back out of that facility. The term mentioned  
8 about quality, and we talked about quality, is that quality  
9 is kind of a fungible concept but not when it comes to  
10 contamination. So it seems to me that as far as being  
11 transparent in the industry, if we don't have feedstock  
12 standards, how are we going to look at the appropriate  
13 pricing of those feedstocks. My sense is, is that as the  
14 feedstock gets more and more contaminated or is more  
15 contaminated, that requires a higher price to process it.  
16 And, conversely to that, the product that comes out of the  
17 back of the facility, as it has more and more contamination  
18 in it, it should command a lower price.

19 So we're taking a commodity that we all generate,  
20 putting it into a collection system, but then we're now  
21 asking ourselves to make acceptable product from that. It  
22 seems to me that a market-based system that reflects those  
23 standards along with those prices is something that should  
24 be transparent if there's going to be a marketplace.  
25 Because, for example, if you're taking crude oil or various

1 grades of coal or various types of timber, all of the prices  
2 of those commodities are based on the quality of the product  
3 that becomes an industry standard. And I think if we're  
4 going to create an industry here, we need to have that kind  
5 of clarity and transparency.

6           Now that may be different from the reporting  
7 requirements, where you're trying to determine whether the  
8 material is actually going into a landfill or not. And I  
9 was thinking – so my question – I have a question on the  
10 back of this too, is how does all of this information – if  
11 we create a transparent system that has some shadows so that  
12 we're not exposing trade secrets including customer lists  
13 and maybe even disposal locations, assuming somebody else  
14 has the ability to do that without –

15           MR. [SPEAKER]: Multiple locations are already  
16 public –

17           MR. NOBLE: Right, right. Disposal location. I  
18 mean beneficial use – that the fact that it's not a disposal  
19 location, I guess you could say, or – so, in other words,  
20 it's not illegal disposal, which is what your point was.

21           MR. BRADY: So, Dan, can you tie that together  
22 into a question or a specific suggestion –

23           MR. NOBLE: So how – how does that or can that –  
24 or have you thought about that being brought into 876 as far  
25 as the organics-management infrastructure-planning process,

1 or is there no relationship to that?

2 MR. LEVENSON: Can you rephrase that in one  
3 sentence in terms of what you think - I'm sorry, but I  
4 didn't - there was a lot there, and I don't really quite see  
5 what you're trying to say should go into 876?

6 MR. NOBLE: (Away from the microphone:) 876 is  
7 looking at passage, right?

8 MR. LEVENSON: Right.

9 MR. NOBLE: So that's not -

10 THE REPORTER: That's not making it onto the  
11 record. You need the microphone or I'm not picking it up.

12 MR. NOBLE: Yeah. So it seems to me that in 1383  
13 reporting, because you're looking at diversion should be,  
14 the flipside of that is we're looking at processing  
15 capacity, which I understand is what 876 is about. And if  
16 901 can do all of that and the DDRS system can do all of  
17 that, it seems that it should, but it would require some  
18 sort of a quality metric on the front end and the back end,  
19 is all I'm saying.

20 MR. LEVENSON: Okay. And I think that - so I  
21 think that speaks to something that Cara mentioned, or maybe  
22 I did, but both of us, before lunch, about contamination,  
23 not only what's allowed in or out, but is there some sort of  
24 measurement of - is there some way we can measure  
25 contamination. That seems exceedingly difficult. Or is

1 there some kind of quality standard or something that has  
2 been developed that can be referenced or that we can somehow  
3 talk about, so I think we need to have more discussion about  
4 that.

5 Evan, and we'll go back - oh, we'll go Chuck -  
6 Evan, Chuck, and then back.

7 MR. EVAN EDGAR: Evan Edgar, Edgar Associates. I  
8 have a question about when. So we're collecting all this  
9 data and we're reporting it. And within 1383 it says no  
10 later than July 1, 2020 the Department in consultation with  
11 CARB shall analyze the progress at the waste sector or state  
12 government, local organization has made in achieving their  
13 organic-waste-reduction goals of 2020 and 2025. That's in  
14 statute. Plus as a collector, we have AB 1826 that we're  
15 supposed to get 50 percent of all organics out of the  
16 landfill by 2020. And if we don't the threshold goes down  
17 to two cubic yards of MSW on January 1st, 2020. So my  
18 question is - and the 1383 is no later than - can we kind of  
19 frontload that? Because I think you're going to need that  
20 information on progress made towards the 2020 goal is  
21 important to 1826 on the threshold of going down to two  
22 cubic yards of MSW on January 1st, 2020? So it would be  
23 nice if when you are reporting, as part of the big picture  
24 here, is to maybe do your analysis in 2019 or sooner so that  
25 as a hauler we can gear up for this two yards of MSW or

1 less, should we not be making the 50-percent goal of AB  
2 1826.

3 MR. BRADY: So there's a couple things with that.  
4 As you mentioned, there's the provision in 1383 related to  
5 the Department's authority to adopt regulatory requirements.  
6 There's also the provision related to the requirement that  
7 CalRecycle in consultation with the ARB do an analysis by  
8 2020 that's looked at market trends. There are a couple  
9 things in motion on that second piece. The Department's  
10 budget change proposal that was submitted in January  
11 includes funding for a waste characterization study that  
12 will be conducted in 2018-19 to help provide information in  
13 terms of where is the – where is the waste sector in terms  
14 of achieving the goals.

15 There is additionally, I think, the scope of work.  
16 I'll let Howard speak to that in a minute. But as it  
17 relates to – I'm not sure if you're suggesting that  
18 reporting requirements come online prior to 2020 or 2022,  
19 because that certainly is beyond the scope of our authority.  
20 I think we've thought part of the process of adopting the  
21 regulations prior to 2022 is to potentially provide  
22 voluntary reporting – have the reporting mechanism set up so  
23 there could be voluntary reporting if jurisdictions or  
24 whoever wanted to opt into doing that. But that's kind of –  
25 two years isn't that far off, but it's a little bit far off.

1 MR. EVAN EDGAR: I guess to rephrase it I meant to  
2 say just on the progress, that no later than July 1st, 2020  
3 that there should be some analysis on our progress towards  
4 the 2020 goal. How you guys do that – you have to do that  
5 anyway as part of 1826 because on 1826 it's 50 percent of  
6 all organics by 2020. And if we don't make it as a whole,  
7 then the threshold goes down to two cubic yards of MSW, so  
8 that has to happen anyway. And it may not be part of 1383  
9 reporting, but there may be some mechanism to frontload that  
10 under 1826 and it's the same type of analysis you're doing  
11 as did we make 50 percent by 2020.

12 MS. MORGAN: Yeah, and I think as Hank said, what  
13 we're planning on is that waste characterization study in  
14 '18-19 would do just that, so it will be a year in advance  
15 of the study being completed and that will beat that. But  
16 it will also help us in determining whether the threshold  
17 should change for 1826. So, you know, we are talking about  
18 little – I can't say exactly if it will be a year or more.  
19 That industry would know if that threshold is going to be  
20 ratcheted down or not, plus or minus.

21 MR. LEVENSON: And the other thing related to  
22 that, not so much to the 1826 ratchet-down possibility,  
23 Evan, but the 2020 report that we in consultation with ARB  
24 have to do. We'll have the waste characterization data. We  
25 have a lot of other sources of data. We have existing 901

1 data. We have whatever we get from Electronic Annual  
2 Reports relative to 1826 and 341. I mentioned earlier that  
3 we'll have a couple of scopes of work probably on the March  
4 agenda related specifically to the 2020 analysis, including,  
5 you know, repeating an infrastructure study, adding  
6 additional kinds of data that we would need to answer some  
7 of the questions that are – or some of the factors that are  
8 laid out in statute for that analysis, so we'll – you know,  
9 by the time you run through the contracting procedure and  
10 have a contract that gets done, we're probably talked 2018,  
11 2019 before we get a report, but that would still help  
12 inform that decision as well, so. A lot of things that we  
13 haven't put down on paper in terms of exactly how they're  
14 fitting together, but in our heads, you know, we are moving  
15 towards that, so maybe we need to articulate that.

16 Let's see, we have Mr. Helget, and then we'll go  
17 over to the back.

18 MR. HELGET: Chuck Helget, Republic Services.

19 Go back to the contamination threshold stuff and  
20 go over again for me what materials we're talking about  
21 looking at for contamination. I mean it's a very different  
22 thing than if we, you know, are talking about contamination  
23 materials in land-app green waste or contamination levels in  
24 feedstock going into a composting facility. I'm trying to  
25 figure out where this fits into ultimately the system

1 evaluating greenhouse gas reductions at landfills.

2 MR. LEVENSON: Well, I think, I mean all these  
3 things are going to relate to greenhouse gas reduction, but  
4 in this case we're talking about, and several people have  
5 mentioned it, the need for clean feedstocks to go into  
6 composting or digestion facilities or a wastewater treatment  
7 plant, whatever, so that the processing is less costly and  
8 the products that come out are clean, they meet acceptable  
9 standards for end use, they aren't going to cause problems  
10 later on. This could be – we had one comment on  
11 polyethylene-lined paper. We've got concerns about aseptics  
12 and mixed packaging getting collected and either fouling up  
13 processing systems or plastics that are having to be culled  
14 out of either pre or post composting operations, things like  
15 that. But we're putting that out more as a question than  
16 any determination at this point, kind of what do we need to  
17 be looking at in terms of contamination and does there need  
18 to be some quantification of that as well.

19 MR. HELGET: And I understood it as sort of a  
20 reporting tool, but are we reporting that in order to be  
21 able to verify at the back end how much material is – again  
22 I'm a little bit lost with this. The other – I guess the  
23 other mechanism would be so that you could set some sort of  
24 contamination limits beyond what we've already got. I'm  
25 trying to speculate out here how this information would be

1 used. There's no doubt that we need to figure out better  
2 ways of cleaning materials so that we have better access to  
3 wastewater treatment facilities and AD facilities, but I'm  
4 struggling to find out how that fits into your regulatory  
5 package, I guess.

6 MR. BRADY: I mean I don't want to not answer your  
7 question, but I think part of it is we're trying to - we're  
8 looking at that as a potential metric that could be used to  
9 evaluate programs, the part that's difficult is we're still  
10 talking about programs conceptually. So part of that is we  
11 wanted to put that out as something for folks to think about  
12 and identify challenges with measuring contamination. I  
13 mean it's not as simple as saying ten percent because it's  
14 just not necessarily feasible to measure at that level. But  
15 there are different potential points where contamination  
16 could occur and looking at efforts to reduce that either  
17 through education and outreach at the consumer level, at  
18 facility level. There's a lot of potential points where  
19 that could occur.

20 MS. MORGAN: I think the only thing I would add is  
21 concept wise I think we're looking at, you know, reporting  
22 on what efforts were made by the jurisdiction or the hauler  
23 to address contamination and what those programs are. So I  
24 think that's more of what we've been talking about concept  
25 wise, versus setting a certain number for what that equates

1 to.

2 MR. LOPEZ: Yeah, Daniel Lopez with Black &  
3 Veatch.

4 I'd like to share my experience with source  
5 separation of organic waste. I mean this came up several  
6 times also as it relates to contamination and as it relates  
7 of the quality of the compost. So I used to work on a  
8 design construction of the City of Toronto, saw several  
9 organic waste anaerobic digestion facility. And the City of  
10 Toronto specifically has a very extensive residential source  
11 separation program. In order to increase participation of  
12 the residents, they allowed plastic bags to be used to  
13 reduce the yuck factor, so increase participation but also  
14 make it convenient to the residents. So, as a result, the  
15 level of contamination, even source separated, is about 20  
16 to 30 percent of the incoming material that had to be  
17 processed at the waste anaerobic digestion facility. So you  
18 end up with an incoming material that is contaminated even  
19 though you call it source separation. So I think we need to  
20 accept that municipal source-separated organic waste has a  
21 level of contamination, maybe as little as 5 percent, but it  
22 may be also as high as 30 percent. So the key is you have  
23 to pretreat it very effectively to remove the contamination.

24 Also, in order to be able not only to digest it in  
25 this case but also to produce a high quality digestate or a

1 compost maker. So in a way you have to work backwards. We  
2 have to look at what is the quality of the compost standard  
3 that is in place, and then to see how effectively you have  
4 to treat the material to meet that standard.

5           So it's - I'm trying to say if you look at  
6 commercial source separated waste, it has - actually the  
7 contamination level is not as high, but if you go into the  
8 municipal sector I think you have to anticipate that the  
9 contamination level is there, regardless of how well you do  
10 education. So it's obviously a great goal to have as clean  
11 of a feedstock, but I think the fact of the matter is there  
12 is contamination and the key is then how to effectively  
13 remove the contaminants and produce a marketable product.

14           MR. LEVENSON: Great points. I think we just  
15 nailed down another workshop.

16           Other comments on reporting? We could move onto  
17 Enforcement, which is another key aspect of this entire  
18 discussion. And if everybody wears out - everybody okay  
19 with that?

20           All right. Let me introduce Georgianne Turner who  
21 is going to talk about various Enforcement concepts. You're  
22 looking at my like I was..

23           MS. TURNER: Thanks, Howard.

24           And that's what I was thinking, I think she should  
25 have brought coffee for all of us.

1 (Laughter)

2 MS. TURNER: So you know we're really in the  
3 conceptual mode which makes discussing enforcement a little  
4 amorphous, so bear with me, but we think there are a few  
5 concepts that we could kick off today, get people thinking  
6 about, and one of those is we've got some models to discuss.  
7 Since we will be doing things a little different than we do  
8 through 939 compliance, we need to discuss some of those  
9 model options.

10 And as we define what entities that are in the  
11 scope of these regulations, we do need to have a discussion  
12 about who would enforce those requirements against the  
13 entities that do fall within the requirements. So that's  
14 what we're going to try and focus on today.

15 I want to start the conversation out with I think  
16 many of you have been around for a long time, so I don't  
17 know that I need to say this, but I want to say just  
18 basically our primary objective here is always compliance  
19 first and in assisting jurisdictions in doing this.  
20 However, we do feel like it is a necessary step to have a  
21 strong methodology to assure a level playing field and to  
22 compel the appropriate level of motivation to implement  
23 these requirements. So that lends itself to an enforcement  
24 process.

25 Also I just want to make a couple of quick notes

1 that this discussion is really outside any discussion that  
2 individual jurisdictions might have through their  
3 ordinances, which could be more strict than what we might  
4 require here through this process. And this is also totally  
5 different than any discussions that a jurisdiction might -  
6 requirements that a jurisdiction might expect through their  
7 franchise agreements. So I just want to keep those  
8 conversations separate from this conversation even though I  
9 know that they're all part of the whole picture of how we  
10 move forward with this regulation package.

11           So as I made note, you know we're going to have a  
12 similar relationship with jurisdictions, most probably where  
13 CalRecycle is responsible and has the authority to take  
14 enforcement over jurisdictions that are unable to comply  
15 with the requirements that are set forth through this  
16 rulemaking package. That model will not be a 939 model. It  
17 will not apply the standards that are outlined in the good  
18 faith effort in the same way that the 939 law provides for,  
19 so I think that's just important to note.

20           In the same vein, though, you know there will be  
21 multiple factors that need to be considered as part of a  
22 determination of a penalty. And so those will be definitely  
23 part of the discussion, not obviously today because that's a  
24 little further down the road, but I just want to make a note  
25 of that so people don't panic.

1           So I think we want to talk about who should be  
2 responsible for enforcing over these entities. And it's a  
3 little hard discussion to have really right now because we  
4 don't know who is all going to be under the umbrella, but I  
5 think we'll attempt to have that conversation.

6           So an example might be we had some discussions  
7 about contamination. And there may be some contamination  
8 requirements on facilities, and if that was something that  
9 came out of this regulation package, would it be appropriate  
10 to have LEAs take a look at that through the Statement of  
11 the Standards. As it's, you know, very conceptual, so I  
12 know it's a little hard to guess what those things might be.

13           Also, is it appropriate for jurisdictions to have  
14 some sort of level of enforcement over generators and  
15 haulers? And if that is, then what would that look like?

16           So I see this – kind of there's two aspects when  
17 we talk about different models of enforcement, there's two  
18 aspects of this. One is kind of the compliance and  
19 monitoring, which Hank kind of briefly talked about before  
20 me. So who monitors that compliance and how is that  
21 reported out and who does that, and then who actually takes  
22 enforcement over the entity for failing to do what they need  
23 to do? So those things are often linked, but they don't  
24 have to be, and that will become a little apparent as I get  
25 into the different models.

1           So these are five models that we have come up  
2 with. There's probably other models out there, and we're  
3 certainly open to hearing that. So the first model I think  
4 is kind of a simplistic view, which is the State would have  
5 all the enforcement authority. Obviously they would  
6 continue to maintain their authority over the jurisdictions  
7 and other agencies where the jurisdictions don't have  
8 authority, such as State agencies. So there would be a  
9 status quo, and that would be true for any of these models  
10 that I am going to go through. But in addition to that, the  
11 State would also have the responsibility and authority to  
12 enforce against the other entities that are outlined in the  
13 requirements.

14           The second model is a delegated enforcement to  
15 governmental agencies and with State oversight. There is a  
16 similarity to the LEA program in this respect, that the  
17 State would delegate the enforcement of the State  
18 regulations to local government. And then if the State  
19 found that the jurisdiction failed that, to implement those  
20 enforcement duties, then the State would have some recourse.

21           Third model might be that there's joint authority.

22           It's a simplistic view, but there are problems probably  
23 with who does what, when, but it is a model and we could  
24 look at that.

25           The fourth option would be an optional delegated

1 authority. This is similar to local governments, local LEAs  
2 in the sense that they have a process that they go through  
3 to designate a particular agency to fulfill the State duties  
4 under the Solid Waste Law. We could use a model similar to  
5 this where they opt in, so to speak, the local jurisdiction  
6 opts in to take on those responsibilities. And where they  
7 don't opt in, then the State would be left with those  
8 responsibilities.

9           And then the fifth is a partial delegation and  
10 this would be similar to our Tire Enforcement Program that  
11 we work with legal agencies on. The legal agency is  
12 responsible for monitoring and compliance, but when there  
13 are violations or an enforcement action necessary, those are  
14 delegated to the State.

15           So those are some different models that we have  
16 identified that could be potentially beneficial for  
17 discussion purposes on how we might implement something for  
18 1383. Just a note, I did make a note of this before, but  
19 just to remind us. We're not trying to expand the  
20 jurisdictions' authority to State agencies, so that would  
21 stay the same.

22           So these are just a few questions, and pretty much  
23 anything I discussed and anything that you think I should  
24 have discussed is on the table for discussion, so please  
25 feel free. Try and just give you some concepts to kind of

1 reflect back on. You know what models might be of benefit  
2 and why those models might be of benefit or not. And who  
3 should be responsible for enforcing against certain specific  
4 entities, and why.

5 MR. LEVENSON: Thanks, Georgianne.

6 Nick, you've got the microphone.

7 MR. LAPIS: I don't have answers to most of these  
8 questions, but I did want to point out -

9 MR. LEVENSON: Hold the microphone up a little bit  
10 more, please.

11 MR. LAPIS: Sorry. Something I've heard from a  
12 few different jurisdictions around the state is that they  
13 have a hard time enforcing against certain big generators  
14 like schools and school districts. I'm curious if local  
15 governments would prefer to have that specific  
16 responsibility transferred to the State. I think there is  
17 an issue there with they're both public agencies, but the  
18 schools are major contributors and especially in the food-  
19 recovery realm there is potentially going to be a lot to do  
20 there.

21 And there are a few other examples, I mean  
22 universities, obviously the U.C. system would be statewide,  
23 but there are other sizes of universities.

24 MS. TURNER: I think that's exactly the kind of  
25 comment that we're looking for and that helps us decide, you

1 know, conceptually what might be appropriate to put out in  
2 the next round of workshops, so thank you.

3 MR. EVAN EDGAR: Evan Edgar, Edgar –

4 MR. LEVENSON: Hang on one second, Evan.

5 And I think, Nick, that goes also back to the  
6 Definitions way early in terms of generator, you know, and  
7 do we need to define that and then who has authority over  
8 those generators. In the case of schools and State agencies  
9 it's going to be something different than jurisdictions, so.

10 Evan.

11 MR. EVAN EDGAR: Evan Edgar, Edgar Associates.

12 All these are great ideas, all sorts of good  
13 options. And what has worked in the past under shared  
14 responsibility, AB 939 or the next session has been a great  
15 model. But we also know this won't be in force till 2024  
16 and it's 2017 now. So we have a lot of time to work on  
17 this. But we should build upon what we have in place. And  
18 I believe that what we have in place is the Annual Electric  
19 – the, what, EAR, Electric Annual Reports. We've been using  
20 that as a way to report from local government and the shared  
21 responsibility. And it's been a great thing under 939 where  
22 it committed local government to step up with the haulers in  
23 order to make 939 successful. But under the new era of  
24 generator responsibility, with 341 and 1826, we haven't seen  
25 the same level of shared responsibility or the same level of

1 enforcement under the annual reports. So we're looking  
2 forward to this interim period until 2024 when we can build  
3 upon some type of enforcement with all these great ideas  
4 that maybe write – keep on doing annual reports but with  
5 greater report – better numbers, don't default to zero, have  
6 real enforcement for 341. It hasn't happened for four  
7 years. And 1826, it would be nice to have some enforcement  
8 there with some type of activities. So let's build upon  
9 that on the interim and by 2024 comes around, I'm sure we're  
10 going to have a good system in place with CARB.

11 Thank you.

12 MR. LEVENSON: I'm going to ask Hank, there's  
13 something – there's one thing you said about 2024 that is  
14 very important for us to correct, and that's why I want to  
15 turn to Hank on that.

16 MR. BRADY: Yeah. So I'm assuming part of your  
17 outline in 2024, that's the existing – when jurisdictions  
18 would be up for annual review or the biennial review. The  
19 legislation and part of why we're discussing different  
20 enforcement concept, is that the legislation didn't use the  
21 exact same model as what's been used for 939. AB 1826, AB  
22 341, the legislation very specifically indicated to use the  
23 existing biennial review process.

24 As it relates to 1383, it references the total  
25 amount that fines may be, and that's up to \$10,000 a day.

1 That's in 41850. But as Elliot had mentioned earlier and as  
2 Georgianne allude to in her comments, it's not part of why  
3 we are having this conversation even though it's early, and  
4 in the absence of what program requirements may look like,  
5 it's that we do need to develop a different enforcement  
6 model, so that's part of why we're kind of talking about  
7 these different models. And then to that as well, given the  
8 implementation date of the regulations not being until 2022,  
9 two years after the first goal is supposed to be met, there  
10 is a need for programs to be measurable and enforceable in  
11 2022, because the next goal is only three years away. So  
12 we're not waiting until a year before the final goal is  
13 supposed to be met.

14 MR. LEVENSON: Hank, correct me if I'm wrong, I  
15 want to make a further distinction that the statute says the  
16 jurisdictions cannot impose penalties from 2024. That's  
17 different than when CalRecycle can impose penalties. So  
18 that's why we are trying to get these in place by, say,  
19 2019. People have three years to prepare. And whatever  
20 they are, whatever the provisions are, beginning in 2022  
21 we'll be looking at our people implementing those  
22 requirements so that we can take appropriate compliance  
23 assistance or enforcement action.

24 MR. HILTON: Rob Hilton, HF&H.

25 You know this issue of enforcement is one that

1 every agency around the state is wrestling with right now  
2 with regard to 1826 and 341. And while those don't have  
3 specific enforcement requirements in it, as they're  
4 negotiating the services for those with their haulers, there  
5 is inherently a discussion about who is going to perform the  
6 enforcement role, who is going to enforce when this material  
7 is too contaminated to collect into the program, who is  
8 going to enforce if somebody stops paying for a bin that  
9 they're supposed to be subscribing to, all of those sorts of  
10 discussions. And we're having those discussions around  
11 customer bases in the tens to hundreds.

12 As you start looking at extending this down into  
13 all customers, theoretically, that enforcement question  
14 becomes a lot more difficult. And it's what Nick said about  
15 perhaps politically sensitive people that need to be  
16 enforced against but also just Code-enforcement priorities  
17 generally. And when you talk to city managers and county  
18 administrators across the state, they have a backlog of  
19 public health-related enforcement issues that they aren't  
20 getting to because they don't have enough Code-enforcement  
21 staff. And so in many cases they don't want to be the ones  
22 taking on more Code enforcement because they can't. And  
23 haulers naturally don't want to be enforcing against their  
24 customers because they have a customer service role.

25 And so I think, you know, there are some agencies

1 that have successfully taken on enforcement, StopWaste, San  
2 Francisco, Sacramento, San Diego have all done that. And so  
3 I sort of like your optional-delegated authority model where  
4 agencies could say, 'Yeah, we've got the resources, we can  
5 do that' or 'Maybe we don't and we need the State to do it  
6 for us.' You obviously are going to need to think through  
7 what that means in terms of financing those resources if you  
8 were to do it, but I think that may be a preferred model for  
9 many agencies.

10 MR. HELGET: Chuck Helget, Republic Services.

11 Elliot, you might want to pay attention. Trying  
12 to read through 1383 -

13 [SPEAKER] He left.

14 MR. HELGET: Oh, he's gone.

15 (Laughter)

16 MR. HELGET: Well, good. A good question, a good  
17 time to ask this question. As I read the bill again, I'm  
18 trying to think back to, you know, right when went through  
19 this process of developing this legislation, subparagraph 1  
20 says: May, locals may impose penalties on generators. Sub  
21 5 says: May include penalties to be imposed by the  
22 Department for noncompliance. If penalties are included,  
23 they shall not exceed the amount authorized pursuant to  
24 41850. To me sub 5 limits your authority to impose  
25 penalties on local - to imposing penalties on local

1 jurisdictions and not on generators and haulers and others.  
2 Your reaction.

3 MR. BRADY: I'm not Elliot Block, but I'll - there  
4 are a couple things I'm to address - to address your  
5 question. I think part of this workshop is we're still  
6 exploring where authority may lie for the Department. And  
7 that's - we haven't taken anything off the table, but we are  
8 looking at where the most effective means of different  
9 programmatic requirements may be placed.

10 As it relates to paragraph 1, paragraph 5, and  
11 paragraph 6. Paragraph 1 specifically notes that the  
12 requirements may include - may require local jurisdictions  
13 to impose penalties on generators. Paragraph 5 states that  
14 the Department may include penalties for noncompliance with  
15 the regulations, not to exceed \$10,000 a day, through that  
16 cross reference. And then paragraph 6 says penalties by  
17 jurisdictions, by referencing paragraph 1, do not take  
18 effect until 2024. So all that's to say it's just somewhat  
19 of a complicated statute, but we're still looking at where  
20 our enforcement role may lie and part of the models that  
21 Georgianne is discussing is that it may be that  
22 jurisdictions have a role to play. I think that's very  
23 likely. LEAs may have a role to play, CalRecycle may have a  
24 role to play. But in terms of where does our enforcement  
25 lie, we're still working on that question.

1 MR. HELGET: Okay. One of the – and Nick will  
2 surely correct me if I'm wrong, but I think the logic behind  
3 the structure, and I think there was some logic, is that the  
4 regs take effect in 2022 and the local jurisdictions need to  
5 actually develop their programs and plans by that point.  
6 And so having come into effect, the generators would then,  
7 on the operational side, have a couple of years to adapt to  
8 those regulations, put the programs in place, and there's  
9 time to get this all done and all going. So I think that's  
10 why I've always been reading the statute, anyway, to imply  
11 that when we talk about your ability to impose fees and  
12 penalties under 401850, that's pretty specifically tied to  
13 the enforcement mechanisms for AB 939, as I recall.

14 MR. BRADY: Again, not Elliot, but would just –  
15 said the legislation references the amount in 41850, it  
16 doesn't necessarily state that that exact same mechanism  
17 needs to be used. That's a good comment, and we'll continue  
18 working on that with you, but that's where we are in our  
19 interpretation.

20 MR. NOBLE: Dan Noble again, ACP. I made sort of  
21 a quick comment about maybe forming a market-development  
22 advisory group, and so this all kind of goes into if we are  
23 in fact creating markets with a marketable product, it seems  
24 to me that there could be some sort of market-based  
25 compliance mechanism that would be part of this process.

1 Because if you're selling product, that's obviously a  
2 market. And if it's a high quality at a high price, that  
3 means that people are willing and wanting to pay for it. If  
4 you're giving away the product, it may be questionable or it  
5 just may be that the city or the producer, or whoever, is  
6 giving it away. You know, depending on the quality of that  
7 material, it could be determined whether it's marketable or  
8 whether it's some sort of form of just getting rid of the  
9 material. And even if you're paying something to take it  
10 and put it on their land, that starts to smell a little bit  
11 like disposal, so – as opposed to diversion. So I think it  
12 might be useful in this process, so that we don't trash the  
13 existing markets either literally or financially, that we  
14 have some sort of market-based compliance mechanism that's  
15 part of this process. I'm not – I don't have any firm  
16 proposals, but maybe through, you know, a market-development  
17 advisory group to this process, we could engage in that  
18 discussion.

19 MS. TURNER: Okay. We'll have to give that – so  
20 we'll give that some thought.

21 MR. LAPIS: Nick with Californians Against Waste.

22 Chuck said that I have to correct him if I  
23 disagree, so I feel like I have to correct him. My read of  
24 the statute is the same as your read, that the penalties on  
25 generators can't kick in until 2024. The requirements on

1 local governments are effective 2022 and are subject to  
2 penalties. That said, I do need to go and look through my  
3 notes, Chuck, to make sure that that is reflective of the  
4 conversation we had last year, but that is what the statute  
5 says.

6 (Comments outside of the range of the microphone)

7 MR. LAPIS: Okay, did I flip -

8 MS. TURNER: I think what Chuck is questioning us  
9 with is do we have the authority to enforce against the  
10 generators and the haulers. I think that's what I hear.  
11 Correct? And Chuck is saying yes, for the record. That's -  
12 but that's what you're challenging, is that we - he doesn't  
13 believe, his initial read on the legislation is that we have  
14 the authority to enforce against generators and haulers.

15 MR. LEVENSON: So we'll consult with Elliot and  
16 come back to this next time. I think part of it - we'll  
17 have to do it - you know everybody is going to have a  
18 different interpretation, how the provisions are, they're  
19 constructed, and what do they refer to. What does  
20 subparagraph 5 refer to, it modifies A, which is different,  
21 so we'll be looking at that.

22 MR. BRIGGS: I was just going to say that - Dave  
23 Briggs from -

24 MR. LEVENSON: Can you identify yourself, please?

25 MR. BRIGGS: What's that?

1 MR. LEVENSON: Please identify yourself.

2 MR. BRIGGS: Yeah. Dave Briggs -

3 MR. LEVENSON: Okay. I didn't hear you in the  
4 back. My apologies.

5 MR. BRIGGS: - from Napa County Public Works.

6 And I was just going to say locally as far as  
7 enforcement measures go, the system really relies on the  
8 LEAs. Those of us who work on AB 939 implementation,  
9 tracking, reporting, the beauty of our job is we don't have  
10 an enforcement role. Instead we're out there making friends  
11 and giving away recycling bins, and things like that. The  
12 separate Agency, LEA, is certainly a local entity, but it's  
13 also a State entity, is my understanding. And they already  
14 enforce plenty of stuff, they do load checks, they have  
15 vehicle-inspection programs. People are used to them being  
16 the enforcement agency. So, anyway, it seems like we  
17 already have that answer to a degree, is all I was going to  
18 say.

19 MS. TURNER: Thank you.

20 MR. LEVENSON: Oh, yeah, go ahead.

21 MR. WHITTINGTON: So it's Devin Whittington with  
22 the City of Roseville. Mine is more of a question. So  
23 we've developed an organics-waste collection system in the  
24 City of Roseville. And one of the problems that we have  
25 been addressing is back hauling or basically large box

1 stores taking their material back to where the destination  
2 was where they originally delivered them. And the question  
3 I have is who could regulate that to ensure that that  
4 material is being processed at a permitted facility.

5           So that's one of the things that we're looking at  
6 our end, because as we develop local solutions, we have to  
7 go through all the hurdles, who have our facilities  
8 permitted and make sure they're up to spec, while somebody  
9 could be back-hauling the material to somewhere that's not  
10 necessarily permitted. So that's something that's more of a  
11 question, but something that we need help on. Because when  
12 we develop these large structures, because we need the  
13 infrastructure here locally to process that material, that  
14 we're at a competitive level with those other facilities.  
15 So that said.

16           MS. TURNER: So I'm going to take an attempt to  
17 just respond to that, is that you're LEA is going to be the  
18 person who decides whether that facility needs to be  
19 permitted or not. I think what I hear you say is talking  
20 about potentially material that isn't considered waste yet.

21           So I don't know that that's true, but I think we need to  
22 keep that in mind that as people are back-hauling material  
23 some of that isn't classified as waste yet. So, you know,  
24 we run into a little bit of definitional problem there, so I  
25 think we'd have to have a little bit more details on your

1 specific model to know who to point you to.

2 MR. SHERMAN: Steve Sherman, the East Bay  
3 Municipal Utility District. I just want to share a  
4 perspective from the wastewater industry. We are an  
5 organics processor. We do take in some amount of commercial  
6 source-separated organics. We charge a fee for that. And  
7 we are regulated by a whole bunch of different agencies,  
8 including CalRecycle. We're also a regulating issuer. We  
9 issue permits. Customers have to have permits to come in  
10 our door. We can go after them if they violate. We're  
11 expected to do that. And so the lessons, you know, coming  
12 out of the compost and recycling world and then going into  
13 this other world of wastewater and water, the people that I  
14 was talking to about, 'Oh, you know we just got San  
15 Francisco and Alameda County, we're doing some mandatory  
16 source-separated organics and, you know, this is a real  
17 game-charging, and all this, and the State eventually will  
18 do it,' they would in the first few meetings I had when I  
19 first joined the agency would look at me kind of quizzically  
20 because that was already settled a long time ago. They  
21 regulate, they enforce, and it's expected. And I think  
22 that's where this industry is going to move to as well.  
23 Maybe not that particular model, but you have the power, use  
24 it.

25 MS. TURNER: Can you give me an example of one or

1 two things that you require or regulate your customers on?

2 MR. SHERMAN: They – so we test for the materials  
3 that's come in, and they – that's what the permit then is  
4 written for, that it has specific limits that we have set on  
5 various types of physical or chemical contaminants, let's  
6 say, or physical limits on certain other constituents. And  
7 if they violate that, we can go after them.

8 MS. TURNER: Okay, that's helpful. Thank you.

9 MR. LEVENSON: Other comments on Enforcement.

10 Okay. We'll move onto the last section, besides a  
11 quick wrap-up.

12 MS. MORGAN: So as we move forward into developing  
13 the 1383 concepts, we also thought it was a great  
14 opportunity to talk about or have the conversation with all  
15 of you regarding what changes that we could make to the AB  
16 939 jurisdiction review process. Maybe changes,  
17 modifications, streamlining. So the next few slides that we  
18 have are going to hit on some key topic areas that are  
19 specific to jurisdictions and the AB 939 review process.  
20 And so it is an opportunity for us to get your input, to  
21 look at ways that we could either do programmatic changes or  
22 things that we might need, statutory changes to make happen.

23 So as we go through these slides, at the end of  
24 the slides we will have opportunity for you guys to respond  
25 to questions.

1 MR. LEVENSON: A little confusion here on the tag.  
2 That's all on me. So one of the areas that we want to look  
3 at is a key tenet of AB 939 success, which is CalRecycle's  
4 formal review of jurisdiction program implementation, which  
5 we do on a two- and mostly a four-year cycle, pursuant to  
6 Senate Bill 1016, which is the latest legislation modifying  
7 this. So rather than read all these questions, we just want  
8 to pose questions to you for your consideration either today  
9 or as we move down through this process in terms of are  
10 there ways to streamline this formal review process, what  
11 should it look like in 2022, should we include additional  
12 requirements or should we be streamlining it.

13 Related to the review process, we also have the  
14 annual reporting process. Obviously reporting, we talked  
15 about that a lot. It's going to continue to be an important  
16 means of communicating with CalRecycle and for allowing us  
17 to verify program implementation, whether that's of the core  
18 939 programs or of 1826 or the regulations promulgated under  
19 SB 1383. So we've talked a little bit about, you know, the  
20 SB 1383 reporting reg requirements, what they might look  
21 like, what systems they might use, the idea of not adding a  
22 new reporting system onto the books but rather using what  
23 we've got; but at the same time we also want to look at are  
24 there ways to streamline the existing annual report process  
25 for 939.

1           Okay. Planning is another component of 939. It's  
2 going to continue to be an important part obviously of 1383.  
3 And some of the existing 939 planning requirements have been  
4 in place for a long time, since pretty much the inception of  
5 939 in 1989. So we've put a couple of ideas up here in  
6 terms of like the five-year review report or the summary  
7 plan document. We're looking for ideas that, you know, are  
8 these necessary anymore, without diminishing the underlying  
9 intent and the underlying program implementation in 1989.  
10 Are there some of the requirements that can be streamlined  
11 or reduced, or are there ones that should be added.

12           MS. MORGAN: So another concept we wanted to throw  
13 out there is in light of what we're proposing with 1383 and  
14 having some possible specific programmatic activities. Is  
15 there desire or input on changing or making some of the  
16 jurisdiction program requirements under 939 more specific?  
17 Maybe having more best management practices. So, for  
18 example, rather than just looking at is the jurisdiction  
19 implementing its construction and demolition recycling  
20 program, could there be more specificity on what CalRecycle  
21 is looking for and what makes an adequate program.

22           Another area we would like your input on is the  
23 939 enforcement process. Are there ways that we could  
24 streamline or improve that process, again provide more  
25 specificity in that process. Typically, those of you who

1 aren't familiar, the enforcement process can take a couple  
2 of years, so it's a long time for a jurisdiction to be in  
3 this limbo land of being on a compliance order. So are  
4 there opportunities or do you have input for us and things  
5 that we could change with respect to that.

6 And the last slide is just summarizing those  
7 particular areas, and we'd really like to open it up to all  
8 of you to provide us some input.

9 MR. LEVENSON: So I want to repeat that, you know,  
10 we're not looking here at, at least – unless – put those  
11 ideas forth – CalRecycle is not putting forth ideas related  
12 to diminishing AB 939 requirements and the related  
13 legislation, AB 341 and AB 1826, but rather the various  
14 reporting, review, planning functions, are there ways we can  
15 streamline things. Because we know there's going to be more  
16 coming on top of – to jurisdictions and some other entities  
17 through 1383. We want to have the conversation about can we  
18 reduce some things on the 939 side. Maybe something folks  
19 haven't thought about very much, so we certainly will  
20 entertain ideas through time on this. I don't see any hands  
21 jumping.

22 MS. MORGAN: They like it. Well, good.

23 MR. LEVENSON: Mary.

24 MS. MORGAN: Mary.

25 MS. PITTO: Mary Pitto with Rural County

1 Representatives of California.

2           And I certainly welcome the idea, and I don't have  
3 any thoughts on it immediately, but I definitely will review  
4 and most likely propose some streamlining that I think my  
5 counties would enjoy.

6           MS. MORGAN: That would be great, Mary. And I  
7 know we're kind of putting this out there and starting the  
8 conversation, but as we collect comments electronically over  
9 the next 30 days, we would greatly appreciate if you have  
10 ideas that we can consider to make changes, especially as we  
11 move into developing the concepts for 1383, we'd really  
12 appreciate hearing that.

13           MR. LEVENSON: Evan.

14           MR. EVAN EDGAR: Evan Edgar, Edgar Associates.

15           939 has been in a lull for over ten years. And  
16 I'm glad AB 32 was passed to change the concept from just  
17 waste diversion into climate change. And since AB 32 has  
18 passed, we had all these other great laws in organics. So  
19 over the last couple years, 939 wasn't keeping up with the  
20 five-year review and all these other requirements, thus all  
21 these new organics law were passed. So we have 15 years of  
22 capacity now, so now we're trying to integrate all these new  
23 statutes based upon climate change into a diversion  
24 construct. But with shared responsibility under 1383, there  
25 is ways to do that if they were out have a nexus with 939

1 and 1383. So there is some opportunity to streamline it.

2           What really needs to happen is, as part of the 75-  
3 percent recycling plan, that's kind of lulled out too. The  
4 State of California has gone backwards the last couple years  
5 from a 50-percent recycling rate to 47. And what needs to  
6 be updated all these new organics laws be placed in a 75-  
7 percent recycling plan, send that to the Legislature with  
8 all the ideas we've had today on market development, on  
9 enforcement, on keeping the progress going on now to shoot  
10 for 2020 goals without waiting for a 2025 package of  
11 regulations and enforcement in 2022 and 2024. So any  
12 message today is that CalRecycle should look at the 75-  
13 percent plan, update that with all the good ideas you have  
14 today to see if you can even make 75 percent by 2020.

15           MR. LEVENSON: Evan, I just want to ask how do you  
16 think that might differ from the 2020 report that we have to  
17 do with ARB that's going to look at kind of the state of  
18 many things and make recommendations?

19           MR. EVAN EDGAR: Well, I think the CARB and NET  
20 plan is mostly climate-change issues. I think that there is  
21 a lot of good linkages and a lot of good overlap. But one  
22 thing as a part of the 75-percent plan, it got into things  
23 like the landfill tip fee going up. It got into a lot of  
24 more issues, was more global with regards to shared  
25 responsibility. I think the 75-percent plan got into

1 remanufacturing in California, not getting to exporting our  
2 bales overseas, gets into bioenergy plans and not having all  
3 our woodchips stick around. So I think the 75-percent plan  
4 is goal setting for 75 percent, and we're going backwards at  
5 47, and can we even achieve it. Have we done the metrics  
6 with the new laws in place and what is actually achievable  
7 by 2020 on a 75-percent goal? I don't think we're going to  
8 make it. Do we adjust that goal or do we up a landfill tip  
9 fee in order to get money to make that goal? So I think  
10 it's a more global case on 75 percent than just the focused  
11 CARB plan, then 2020 was based upon organics and methane  
12 mitigation.

13 MR. LEVENSON: Well, let me — you know, I probably  
14 will disagree with you and we'll have to have another  
15 conversation about this, but what the statute requires in  
16 that report, and it's no later than July of 2020, is the  
17 progress towards the organic-waste reduction goals for 2020,  
18 20 and — 2020 and '25; looking at infrastructure  
19 development, state funding, rate increases, regulatory  
20 barriers, policies to facilitate permitting, status of  
21 markets, electrical interconnection, blah-blah-blah. You  
22 know it's got a lot of broad things. So it may be a matter  
23 of timing. I think we have a lot on the plate.

24 I'm not saying a 75-percent plan is not a good  
25 idea, but it seems to me that much of that is encompassed in

1 this and so I don't quite see the difference other than  
2 perhaps it's a year earlier.

3 MR. EVAN EDGAR: And let's go back to when. I  
4 think, and like you said, it's July 1, 2020. That plan will  
5 come out after the 75-percent recycling rate is supposed -  
6 or the State goal. I think frontloading the 75-percent  
7 recycling plan in 2018 would be more appropriate. Can we  
8 even make the 2020 recycling goal of 75-percent? I don't  
9 think we can. You know, but we need to do the metrics. Do  
10 we adjust it? And what do we need to do in order to achieve  
11 that. That is a more global question, is climate change and  
12 organics.

13 MR. LEVENSON: Thank you.

14 Other. Okay, we have a few emails and we're not  
15 able to print them. Do you want to just read them?

16 (Conferring)

17 MR. LEVENSON: I'm delegating you paraphrase  
18 power.

19 MR. BRIA: (Reading:) I'm not close to the  
20 reporting process but do participate in the annual visits.  
21 At a minimum, look at all requirements for local  
22 jurisdictions and eliminate duplicative reporting.  
23 Streamline as much as possible. The staff visits are not  
24 well defined in terms of what you're trying to accomplish  
25 other than to satisfy some statutory requirement to conduct

1 a visit. There should be a way to determine the quantity  
2 and quality of programs during the annual report, and  
3 reserve visits to jurisdictions when you cannot obtain the  
4 information you need.

5 MR. LEVENSON: Who was that from, Chris?

6 MR. BRIA: Wanda Redic, City of Oakland.

7 MR. LEVENSON: Okay. Thank you, Wanda.

8 Is that the only one?

9 MR. BRIA: She had one earlier on the compliance  
10 as well. (Reading:) When jurisdictions have franchise  
11 agreements that allow penalties for contamination, consider  
12 whether that would be considered compliant with any  
13 regulation that would mandate penalties by a jurisdiction  
14 upon a generator.

15 MR. LEVENSON: Thanks.

16 It's been a pretty long day. We have time if  
17 folks want to make general comments, reiterate anything that  
18 you said before, hammer us on anything. Otherwise we're  
19 happy to just kind of close up and tell you what at least a  
20 glimpse of the next steps is. So I just want to make sure  
21 you all have an opportunity to state your piece. Nobody's  
22 been curtailed, I hope.

23 Oh, okay. Neil. You can't control your brother.

24 MR. NEIL EDGAR: I came to answer that question,  
25 Howard. Neil Edgar, the California Compost Coalition.

1 I think generally today was an excellent start of  
2 sort of a loose framework in many areas about where the bulk  
3 of the work needs to take place over the next year plus.  
4 And while I like to disagree often with my friend, Matt  
5 Cotton, he says we know how to do this. And when he says,  
6 "We know how to do this," I think he's referring to the  
7 people in this room and the people in the industry. We as  
8 the state of California, this is a paradigm shift in waste  
9 management. So 25-million plus residents have no idea how  
10 to do this, have never done it before, haven't seen it,  
11 don't have a little bucket on their kitchen counter to  
12 separate out food scraps. So I think this is a unique  
13 opportunity to change the game a little bit. And in doing  
14 that, I think we need to look at the end, so start with the  
15 end in mind. What do we want to achieve.

16 And, to piggyback on what Debra Kaufman said  
17 earlier, we need clean feedstocks, we need to have clean  
18 market products. And if we're not able to achieve those end  
19 goals, then we're probably going to fail at what we're  
20 hoping to succeed at. And those jurisdictions around the  
21 state that have been out in front of this, like San  
22 Francisco and StopWaste can testify, that there is a lot of  
23 bleeding that's been going on along the way. There's been a  
24 lot of facilities failures and a lot of learning curve that  
25 needs to be shared in order to develop programs and, you

1 know, offer models for jurisdictions that are just starting  
2 to take this up. And the sooner that we can start to  
3 explain the why and the what to the residents of most of  
4 California is probably better sooner rather than later.

5           We want to see responsible programs,  
6 environmentally-sound programs. I think it's an open  
7 question, a fair question that Greg Kester raised earlier,  
8 is biosolids management is a problem already. Are we  
9 looking – how many programs should we develop to increase  
10 the volume of that material type, given the uncertainty of  
11 putting it out into the environment. It's a fair question.

12 Those answers haven't been answered in a couple of decades  
13 of biosolids management, and it seems to be intensifying  
14 with many concerns at local jurisdictions.

15           And I would encourage local solutions. So while  
16 we're looking at facility development around the state,  
17 there are large facilities, there is existing  
18 infrastructure, but the more local solutions that we can  
19 focus on and encourage is going to minimize the number of  
20 external environmental impacts, the unintended consequences  
21 of transporting materials all around the state, and other  
22 unforeseen environmental impacts that we probably don't want  
23 to see as a result of this implementation.

24           MR. LEVENSON: Thanks, Neil. I just wanted to  
25 respond to a couple things that you made. I think it's a

1 really good point in terms of there's an industry that maybe  
2 knows how to do this, but as a state there's a lot that  
3 needs to be done. And part of the reason we actually  
4 specifically wanted to have a conversation on 939 at the end  
5 of this workshop is to both highlight some of the  
6 differences but also look forward as to what might need to  
7 be done. And 939 was adopted in 1989 and it was a goal to  
8 be achieved by 2000. There was more of a ramp-up period  
9 than what we're dealing with now. It was to reduce disposal  
10 by 50 percent. It wasn't material-specific. This goal is  
11 material-specific. There is less of a ramp-up period. And  
12 in some cases a lot of the aluminum is already out, a lot of  
13 the easier materials to get out are already out. So this is  
14 a bit more of a difficult goal to achieve. And that's part  
15 of why we want to have this workshop, is to outline early on  
16 that we do think there is a big lift that we need to tackle  
17 both as a state, with the industry, with local governments,  
18 and at the consumer level.

19 But, with that, and just kind of back to this 939  
20 conversation as well, is looking at adopting new programs or  
21 potential requirements to the 1383 process, you know, trying  
22 to ask our stakeholders to think about what in the existing  
23 process could be changed alongside that, so.

24 MS. PITTO: Mary Pitto with Rural Counties, and I  
25 basically have a question.

1 I mean we've talked about – and I know a lot of  
2 counties have troubles working with the school districts or  
3 state agencies, and they don't have really jurisdiction to  
4 force them into anything. Are you considering have the  
5 State agencies and the school districts being part of this  
6 reporting program? And, specifically, even going back to  
7 939, if you're looking at making changes, perhaps school  
8 districts, State agencies, prisons should actually be a part  
9 of the entire reporting program and do annual reports.

10 MR. LEVENSON: Well, certainly we want – we're  
11 talking about or thinking about whether – I mean schools are  
12 part – school districts are part of the business definition  
13 under 341. State agencies are already subject to  
14 requirements. However, you know the enforcement on that is  
15 not super strong. the reporting is not – well, State  
16 agencies report to us, but schools is a different matter.  
17 So those are ideas that we certainly would want to take  
18 under consideration.

19 MS. DESLAURIERS: Oh, wait. Am I waiting on –

20 MR. LEVENSON: Yeah, go ahead.

21 MS. DESLAURIERS: Okay. Sarah Deslauriers with  
22 the California Association of Sanitation Agencies. The  
23 comment earlier I think Neil made about biosolids management  
24 being a problem, I haven't been experiencing problems so  
25 much yet as – because we have about 60 percent that's plant

1 to plant already, another 20 percent that's using the  
2 alternative daily cover. That's what we're concerned about  
3 going away because of the organics diversion system. We do  
4 need an alternative like expanding the land application of  
5 biosolids and making use of it. And, as many people have  
6 mentioned, the co-benefits of that beyond just offsetting  
7 synthetic fertilizer, increasing the water-holding capacity,  
8 increasing crop yields, and there are others. And I can go  
9 on and on. And I have data. I love data. So I'd love to  
10 share that with you as well in addition to having further  
11 discussions on biosolids management because it's very  
12 beneficial.

13 Thanks.

14 MR. LEVENSON: We definitely want to see that  
15 data. We're always looking for data on, you know, organic  
16 materials, land that are compost or land applied in terms of  
17 water retention, soil health benefits. We've used some of  
18 that to work CDFA on the Healthy Soils Initiative and kind  
19 of the Incentive Payment Program and what could be allowable  
20 for compost without exceeding nitrate levels. So that kind  
21 of information is great. Give it to Kyle. You know we'll  
22 connect with you and we'd love to get that, aside from the  
23 regulatory issues that you raised, yeah.

24 Jack.

25 MR. MACY: Jack Macy. Excuse me. Jack Macy, San

1 Francisco.

2 I and my colleague, who was the lead on reporting,  
3 appreciate the question – I appreciate the question about  
4 streamlining. So thinking about that, you know it would be  
5 great to streamline. And I guess from our point of view, if  
6 you have a jurisdiction that is implementing comprehensive  
7 programs, say mandating their participation, and has met the  
8 per capita goals, maybe there would be a way to – it would  
9 be a great if there was maybe a more streamline way to  
10 report, and maybe then save some resources on CalRecycle's  
11 time to help those that need more help. So does that mean  
12 like a different tier reporting process? If you've met  
13 certain metrics in that way you actually incentivize it.  
14 Why don't you mandate – implement these programs and mandate  
15 them, and we'll give you a streamline reporting process.

16 MR. LEVENSON: San Francisco of course would be  
17 not exactly the norm, but yeah. No, we hear you. So that's  
18 are definitely things that if they're – as you think about  
19 this, more specifics, that would help. We'll take that  
20 under consideration too.

21 Okay. I'm just trying keeping it open, but we  
22 will – so let me just wrap up with a few basic next steps.  
23 And I think Hank might want to say a few more things.

24 This is our first workshop. Clearly it was an  
25 opener on what's going to be a very long and complicated

1 process. There are so many issues that you had heard about  
2 today. Each one of those issues probably deserves, you  
3 know, hours, of a half day to a day. So we have another  
4 workshop down south in two days. It will be the same  
5 format, the same information. We will take that information  
6 back, along with any written comments that you provide  
7 within the next 30 days. We will have a comment form that  
8 will be available on our webpage.

9           Is it posted yet, Chris?

10           Ten minutes ago. We have a comment form that will  
11 – if you can use that to provide written comments, it will  
12 make it easier for us to kind of parse out comments relative  
13 to different forms, but we'll take comments. If they're in  
14 within the next 30 days, that's going to be sort of our  
15 window for the kind of things we start to do in the next  
16 iteration. We will always take comments beyond that. This  
17 is going to be a long, ongoing process, so we're not  
18 implying that if 30 days ends, we don't listen to you after  
19 that. But just if you get something in two months from now,  
20 well, we'll probably already have some different documents  
21 and different thoughts that are ready for the next set of  
22 workshops which, as Hank indicated, we're shooting for  
23 April. You know we don't know if we will make that. We  
24 don't have any specific – but we do have rooms reserved, but  
25 we don't have specific dates that we're ready to announce

1 yet. It's because we have to kind of see how this goes and  
2 what we are able to do. So April is our target. You know  
3 that could slip a little.

4 We will post all the comments that we get. And I  
5 believe we'll be posting a transcript from Peter, the court  
6 reporter, of this so that the information will all be  
7 available on the website at some point.

8 We won't be responding to individual comments,  
9 whether they're verbal today or written. We've taken notes.  
10 You know we'll be summarizing those and distilling them  
11 internally and trying to figure out, okay, what do we do  
12 about that general comment, what do we do about outreach and  
13 education. A lot of people spoke to that. You know we'll  
14 try to put together a cogent response that says we think we  
15 might be able to do this or that. That's the kind of  
16 approach we'll probably take. But you know we're in at the  
17 beginning of an exploratory period. We anticipate all of  
18 this year being informal workshops. It could be that they  
19 are workshops that are on the entire set of concepts or that  
20 we parse out particular aspects of this and have an all-day  
21 workshop on one or two topics to go into them in more  
22 detail, particularly as we get rolling, probably after the  
23 next - well, maybe the next iteration of workshops, but  
24 certainly after that.

25 So I think that's our plan right now. There's

1 contact info up there. I want to flag a couple of things to  
2 you. Listserv, if you want to be up to date on what's  
3 happening, sign up for the listserv. It's - the listserv  
4 link is there on the slide. You can always send comments to  
5 the email, but really go to the webpage and you can get the  
6 comment form. It will make it easier for us to kind of  
7 collate and assess your comments.

8           So I'll turn it over to Hank. I want to thank you  
9 all for being patient, for providing great input. There  
10 were a lot of good issues and comments raised today, a lot  
11 of concerns, good concerns, and good suggestions. And I  
12 think we heard them all. We've thought about some of them,  
13 others we hadn't, so we're going to be going back internally  
14 and seeing what the next steps will be, the exact next  
15 steps.

16           MR. BRADY: I just wanted to thank everyone for  
17 being here today. I think this is really our attempt to  
18 initiate the beginning of the conversation that we need to  
19 have over the next year, as we explore this informally  
20 before we enter rulemaking. You know today we were really  
21 highlighting a lot of exploratory concepts, so a lot of  
22 really good questions from everyone that we're going to take  
23 back and consider, you know, moving forward to the next  
24 round of workshops, workshops trying to delve a little bit  
25 deeper than the conceptual level.

1                   And, that said, we did outline a lot of  
2 exploratory things today. I did want to mention one of the  
3 things that we wanted to be clear about, is what we're  
4 thinking of in terms of working with ARB on how to define  
5 organics and what that means for the Baseline. I think it's  
6 really important that folks have that – have an  
7 understanding of our interpretation of that, and we can  
8 provide feedback on that as well, but really so we can  
9 outline kind of what the lift we think we're looking at is.  
10 And then the entire intent of this process is to be very  
11 clear and transparent about what requirements may look like  
12 in 2022, so that we can do our best to achieve the 2025  
13 goal.

14                   Thank you, everyone, for coming today.

15                   (Whereupon, the meeting was adjourned at 3:45  
16 p.m.)

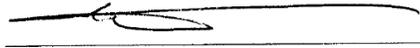
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A handwritten signature in black ink that reads "Susan Palmer". The signature is written in a cursive, flowing style.

Susan Palmer  
Certified Transcriber  
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