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1000	Astor, J., Ryan, P., Lynch, K., CRRC South	The CRRC Southern District is comprised of the California counties of Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, San Luis Obispo, Tulare, and Riverside. It is home to approximately 26 million residents, or some 67% of the state's population. CRRC SD members have expended billions of dollars in delivering recycling and composting services to these communities. No other stakeholder can claim the same level of investment in (or commitment to) waste recycling. The California Refuse Recycling Council, Southern District, is pleased to offer the following comments on the Appendix to the Initiation Statement of Reasons referenced above: We hereby incorporate by reference each and every comment contained in all of our prior testimony and correspondence on this issue including, without limitation, written communications dated July 21, 2017, September 15, 2017, November 20, 2017, March 12, 2019, July 17, 2019, and October 18, 2019. Accordingly, we respectfully submit this letter with the understanding and express intention that all of our prior communications, including the matrix submitted with the July 17, 2019 correspondence making significant recommendations and language changes that remain unaddressed in this current formal draft, and letter submitted on October 18, 2019 be incorporated by reference and deemed a part of this filing for consideration and response. We further hereby incorporate by reference each and every comment contained in all prior correspondence submitted by Kelly Astor on this issue including, without limitation, his letters written on behalf of certain CRRC Southern District member associations dated, respectively, July 17, 2017, September 15, 2017, November 20, 2017 and July 17, 2019. We want to renew our prior observations and concerns about this expensive and prescriptive approach taken to implement SB 1383, and we encourage consideration of many prior recommendations and suggested language requests that were thoughtfully provided by us with outreach to respected experts, local government officials and industry leaders who have a strong foundation in how to manage the waste streams, as well as how to develop and sustain markets in their jurisdictions.	Comment noted. Prior comments on this rulemaking during prior comment periods have been considered and responded to. Likewise, for comments in letters "incorporated by reference," if the previously referenced comments included in those letters were germane to the substance of the text or documents released for the comment period in which the comments were submitted or that were relevant to the rulemaking process were considered and responded to. Other than incorporating prior comments, this comment offers general opinions regarding the rulemaking rather than particular comments regarding Appendix A.
1001	Astor, J., Ryan, P., Lynch, K., CRRC South	We have also expressed concerns over the disproportionate impact these regulations foster in Southern California, and we particularly raised issues around the many disadvantaged communities that appear to be most economically impacted by the approaches taken in this regulation.	Comment noted. The Appendix to the ISOR includes a regional variation analysis which considers the potential for the economic impacts to vary by region. The Appendix to the ISOR notes the following regarding Southern California jurisdictions, "This analysis shows that these Southern California counties may incur a higher portion of the cost on a per capita basis. The potential for economic impacts to vary by region is in alignment with recent findings in rate surveys performed in 2018 as a part of a study under contract for CalRecycle. The surveys found that existing service rates in Southern California are notably lower than the statewide average…" The statement that Southern California jurisdictions may incur a disproportionate impact appears to rest on the argument that there is less organic waste recycling capacity in southern California and there are fewer jurisdictions in

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			Southern California that provide organic waste recycling collection services. CalRecycle also acknowledges this in the Appendix in the ISOR which includes the following note: A business that is located in a jurisdiction that already implements a majority of the requirements of the law likely already pays a higher rate for waste collection services then businesses located in jurisdictions that do not provide these services. These businesses may experience more modest rate increases compared to businesses located in jurisdictions that do not provide any, or only provide a minimal amount, of the additional services required by the regulation.
1002	Astor, J., Ryan, P., Lynch, K., CRRC South	However, for purposes of commenting on the Appendix to the Initial Statement of Reason (ISOR) we will refrain from outlining our numerous concerns with this regulation since we have provided these comments in many public forums and in our written recommendations without significant resolution. Instead, we will frame one issue that overarches the entire regulation: this concern is the failure to protect the existing infrastructure or to provide an atmosphere for development of new infrastructure. This flaw will result in systemic failure. As has been identified, additional organics collection and processing will need to be developed for this regulation to succeed, and most of this infrastructure needs to be built in areas that are currently challenged with federal air quality issues, such as the South Coast Air Quality Management District (SCAQMD),the San Joaquin Air Quality Management District and others where complex and stringent mobile source and stationary source rules are already in place. The California Air Resources Board (CARB) and the various fleet rules have impact on the implementation of SB 1383, and this has not been adequately evaluated. All these factors create a very difficult economic and regulatory platform on which to build new recycling and compost operations. It is estimated that we will need 75-100 new facilities to meet the mandate, and it assumes the existing infrastructure will remain viable, which is in doubt with the direction of this regulation. These new facilities will require significant time to develop if they are to overcome all the regulatory barriers and permitting issues. It is reasonable to estimate that the cost of a compost facility is over $16 million, and anaerobic digestion facility development will be necessary to accommodate some of the organics waste streams. These facilities will easily triple the cost of a composting facility. AB 1045 (Irwin, 2015) statutorily requested that the state develop recommendations for promoting organics waste processing and recycling infrastructure statewide.A report, released in November, 2018 pursuant to AB 1045, Enhancing Organic Materials Management by Improving Coordination, Increasing Incentives and Expediting Decision-Making, outlined numerous barriers, streamlining and coordination that will need to occur. To date, the focus of managing short-lived climate pollutants under SB 1383 has unfortunately been of the “command and control” nature of implementing the regulation without accompanying preparation of the financing infrastructure or the commitment to	Comment noted. The commenter argues that the regulations must be structured in a way that protects the existing investments of their members. Specifically, the commenter is referring to collection services and material recovery facilities that were established to process mixed waste. CalRecycle has sought to address this concern in a manner that is also in compliance with the statutory targets and requirements. As noted in the Initial Statement of Reasons, which was released for public review in January of 2019: “The draft regulations originally prohibited jurisdictions from implementing new mixed waste processing systems after 2022, and required all new services to implement source-separated curbside collection as a means of ensuring that collected organic waste would be clean and recoverable. In response to stakeholder feedback, CalRecycle eliminated the prohibition on new mixed waste processing systems provided that the receiving facilities demonstrate they are capable of recovering 75 percent of the organic content received from the mixed waste stream on an annual basis. The performance standard addresses stakeholder concerns about limiting flexibility, without compromising the goal for the regulations to achieve the statutory requirements.” The ISOR goes on to note that CalRecycle crafted regulations to allow for mixed waste collection provided that these collection services transport collected material to a facility that recovers 50 percent of the organic content it received by 2022 and 75 percent by 2025: “With very few exceptions, unique materials can only be processed and recovered when they are kept separate from other materials. This is primarily due to the fact that distinct materials are recovered through separate processes that

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		implementing the recommendations in the report referenced above. This effort will be critical if facilities can even be built.	are specifically designed to handle only that type of material. For example, metals, paper, and plastics are remanufactured through distinct processes (e.g. metal is smelted, paper is pulped and washed). Largely because of this, while material may be valuable as a homogenous commodity, it can become difficult or impossible to recycle when it is contaminated with other materials (e.g. many materials lose their value when they are commingled with other materials.) This principle holds true, and is perhaps more of a factor in the recovery of organic waste. Required source-separation of organic waste helps ensure that organics are kept clean, separate and recoverable. However; throughout the informal regulatory engagement process stakeholders raised concerns about potential costs associated with providing commercial and residential generators with a third container to source separate organic waste. Stakeholders also noted that several cities and counties implement single container collection services and process all the collected material for recovery. Stakeholders argued that allowing the use of a single-container collection system is a viable and cost-effective alternative that can help the state meet that statutory organic waste recovery targets. To respond to stakeholder requests for additionally flexibility CalRecycle crafted this section and Section 18984.2. These sections allow alternatives to providing a three-container source-separated organic waste collection service. Under these section jurisdictions are allowed to require their generators to use a service that does not provide the generators the opportunity to separate their organic waste for recovery at the curb. In order to ensure that the state can achieve the statutory organic waste reduction targets, these collections services are required to transport the containers that include organic waste to high diversion organic waste processing facilities that meet minimum organic content recovery rates (content recovery rates are specified in Subdivision (b) of this section)…" The commenter has stated in each comment period, that they believe the requirement to recover 75 percent of the organic content collected in these mixed waste collection services is unrealistic and infeasible. In turn CalRecycle staff repeatedly communicated to the commenter that the recovery targets cannot be lowered without compromising

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			the integrity of the regulations. This was further documented for this commenter and the public in the ISOR: "These minimum recovery rates are necessary because when the opportunity to recover material through source separation is lost, the state must ensure that minimum recovery levels are met at processing facilities. While this section provides additional flexibility to jurisdictions, CalRecycle must consider its obligation to ensure that the regulations are designed to achieve the statutory targets. If 100 percent of jurisdictions employed this collection option in 2022 the state could not meet the mandatory recovery target of 50 percent unless at least 50 percent of the organic waste collected from these services is recovered. Similarly, if 100 percent of jurisdictions employed this collection option in 2025 the state could not meet the mandatory recovery target of 75 percent unless 75 percent of the organic waste collected from these services is recovered. Therefore, in order to meet the recovery targets specified in statute and the state's ultimate climate goals the recovery standards included in this section are the minimum standards necessary. As generation of organic waste increases with population growth, these minimum recovery rates may need to be revisited. As stated previously the organic waste reduction targets are linked to a 2014 baseline of 23 million tons. This requires the state to dispose of no more than 5.7 million tons by 2025. If, as CalRecycle projects, generation increases to 26 million tons of organic waste by 2025, recovering 75 percent of 25 million tons will only reduce disposal to slightly more than 6 million tons, resulting in the state missing its organic waste recovery targets. The need for this rate increase could be mitigated if higher recovery rates are achieved through source separation, or if efforts to increase source reduction through food recovery and other methods are successful. However, the recovery rates established in this regulation should be considered an absolute minimum." CalRecycle has, prior to and during this rulemaking, communicated that the recovery efficiency requirements established in the regulation is the minimum level that the statute can tolerate. The commenter suggests existing infrastructure that cannot meet this standard should be "protected" or provided a "safe-harbor." The commenter requests changes in the proposed regulations that cannot

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			be reconciled with the statutory targets because CalRecycle finds that it cannot propose a regulation consistent with a statutory 2025 target that permits an unknown portion of the state from implementing the requirements necessary to achieve that target. CalRecycle acknowledges the role of existing infrastructure and acknowledges that previous investments in infrastructure were consciously made to achieve targets that were established prior to the adoption of SB 1383. However, the legislative direction in SB 1383 is unmistakably clear. The Legislature required CalRecycle to adopt regulations to achieve mandatory organic waste reduction levels. Nothing in the regulations prevents facility operators or jurisdictions from investing in facility upgrades or adapting existing facilities to process waste in a manner that meets the minimum regulatory requirements. Comment noted. The cost impact of specific regulatory requirements are subject to the economic analysis provisions of the Administrative Procedures Act that apply to the particular regulations an agency is proposing to adopt. Accounting for the cost of regulations that may be amended or are yet to be adopted is beyond the scope of what CalRecycle is required to analyze. Regardless, it is unclear what exact costs the commenter is suggesting must be accounted for.
1003	Astor, J., Ryan, P., Lynch, K., CRRC South	We close our comments by returning to the language in the statute that directs CalRecycle to provide a report to the Legislature by July 1, 2020 on **(1) the status of new organics recycling infrastructure development, (2) the progress in reducing regulatory barriers to the siting of organics recycling facilities, and (3) the status of markets for the products generated by organics recycling facilities.** The Legislature in its wisdom understood the interconnection of these issues in achieving the goals set forth to reduce short-lived climate pollutants. We find it difficult to provide any real policy or economic response to the rationale outlined in the ISOR and the Appendix because it makes assumptions that our infrastructure will be in place and functioning with sustainable markets by the time this regulation is fully operational and enforceable. With the report due to the Legislature in a mere six months it seems some measure of acknowledgement of these critical issues would be provided by CalRecycle in their proposed regulations and accompanying documents. Without the department advancing some signal to suspend enforcement or providing some triggering mechanism if these infrastructure issues do not evolve seems to disregard the underlying issues that need resolution for the success of the laudable air quality goals we all desire. Thank you for the opportunity to comment again on the proposed regulations, and we want to reinforce again that we have filed numerous comments on the economic impacts	Comment noted. The ISOR, the Appendix to the ISOR and all regulatory documents prepared for this rulemaking estimate the amount of infrastructure that is required to achieve the organic waste reduction targets codified in statute. Specifically, the estimate the amount of infrastructure that is necessary to recovery 289 million tons of organic waste over 12 years. The estimates are based on the amount of organic waste the statute requires to be recovered. CalRecycle acknowledges that the amount of organic waste that the statute requires to be recovered exceed the amount that can be recovered by existing infrastructure. The Appendix projects the additional levels of infrastructure that will be necessary to comply with the statute in each year of the analysis (2019-2030). This is done to provide the most conservative estimate of the cost of compliance. The comment argues that CalRecycle should not base cost estimates on the amount of infrastructure required, rather it should be based on the amount of infrastructure that will be

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		with specific recommendations and comments on the regulatory language that we want to underscore. Please contact any of the undersigned if you have questions or to request further information. We stand ready to assist you in achieving the goals established in SB 1383.	developed. It is unclear what basis CalRecycle would have for linking the cost estimates on a number below what is required in statute. The commenter is arguing that the estimates are unreasonable because the projected timeline for construction of infrastructure is unreasonable. CalRecycle acknowledges the difficulty of constructing infrastructure in the timelines that are necessary for the state to achieve the statutory targets. However, a projection that is not in alignment with statute would be entirely speculative, and effectively asks CalRecycle to project "non-compliance". CalRecycle has no basis to estimate levels of non-compliance with a regulation that is yet to take effect. Comment noted. The comment is vague but appears to suggest that CalRecycle must propose to not enforce aspects of the regulation if the organic waste recycling infrastructure capacity necessary to achieve the targets is not established by an undetermined date. It is unclear how a commitment not to enforce a regulation would help achieve the purpose of the regulation. These regulations, like all regulations, are designed so that compliance with the regulations will achieve the goal of the regulation. Enforcement is an essential aspect of ensuring compliance. Each aspect of the regulation is necessary to carry out the purpose of the statute. A commitment to not enforce a provision of the regulation would obviate the purpose or necessity of that provision. Additionally, as noted previously, the proposed regulations contain provisions in Section 18995.4 and 18996.2 allowing delayed enforcement of penalties for extenuating circumstances, including for organic waste infrastructure deficiencies. Under 18996.2, enforcement of penalties may be delayed for up to three years if the standards of that section are met.
1004	Blischke, J., Process and Organics Management Specialist	Comment to Chapter "Organic Waste Recycling Infrastructure Costs" Under this chapter it reads: Additionally, consistent with the SLCP analysis, all new compost infrastructure is assumed to employ a covered aerated static pile system, which is typically more capital intensive than traditional composting systems and would substantially increase the cost of capital infrastructure. Comment: Based on the provided description of aerated static piles (ASP) and its derivative covered ASP provided in the Draft Program Environment Impact Report I am concluding that it is an ASP that is covered with some kind of semi-permeable membrane as illustrated as an example in Figure 1 below.	Comment noted. CalRecycle acknowledges that compost facilities in some areas of the state will require more capital investments then others, and may be subject to different sets of local permitting requirements which may increase or decrease the costs. CalRecycle based the estimate for compost facilities on the economic analysis for the SLCP Strategy.

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		While covered ASP are certainly more sophisticated -and expensive- than ASP or open windrow type systems for controlling odors it is highly questionable if this type of outdoor system can provide the level of odor control needed when located in urban settings/close to sensitive receptors. In my opinion it is fair to assume that some of the needed new composting infrastructure will be located in an urban setting/close to sensitive receptors. For those locations it is more likely that a fully-enclosed composting facility is needed to meet environmental requirements including odor management. Figure 2 below provides some illustrative examples of such facilities and their exhaust air/odor management set up. This will, in turn, substantially increase the cost of capital infrastructure -and operation and maintenance- compared with covered ASP. I encourage CalRecylce to increase the cost figures shown in Figure 5: Capital Expenditures and Operations and Management to account for a certain number (or percentage of the estimated number, e.g., 25 – 30 percent) of fully enclosed composting facilities located in urban settings.	
1005	Chiarodit, T., County of Santa Barbara Public Works Department	The appendix to the Initial Statement of Reasons for SB 1383 continues to ignore the potential impact of increased Vehicle Miles Traveled (VMT). The following explanation has been offered: “CalRecycle did not receive conclusive data tangibly demonstrating a quantifiable increase in VMT that could be calculated as a result of the regulation.” It is unclear what efforts CalRecycle made to “receive conclusive data.” For example, was the attempt made to obtain metrics from haulers that measured increased fuel consumption from before and after the establishment of food scrap collection routes? The issue is important because the California Air Resources Board has “determined that it will not be possible to achieve the State’s 2030 and post-2030 emissions goals without reducing VMT growth.” Given the absence of data, our jurisdiction posits that VMT will be increased significantly in three ways, as detailed below. These estimates are not purported to be definitive but rather are intended to illustrate the potential significance of the matter.	The commenter is offering a general, introductory opinion that VMT will significantly increase as a result of the regulations. This is a comment introducing a more specific comment in Comment Number 1006. Due to local planning, political and economic influences, attempting to predict project approvals about the specific location and design of facilities and operations undertaken in response to the proposed regulation would be speculative and infeasible at this stage.
1006	Chiarodit, T., County of Santa Barbara Public Works Department	1. Route miles will increase because of the addition of a new food scraps waste stream. Some of these miles can be offset by reductions in trash services, but in most cases the best that can be achieved will be a reduction in the size of a trash container and not the frequency of collection. Our data indicates that the average food scraps customer takes an additional 3 miles per week to service, above and beyond the VMT baseline prior to food scraps collection. Since there are an estimated 380,000 businesses subject to SB 1383 in the state that would translate into 59,280,000 additional VMT annually.	The SRIA and the Appendix to the ISOR note that a specific increase or decrease in Vehicle Miles Traveled (VMT) could not be projected. This assessment remains true today.as noted in the Final Program Environmental Impact Report for SB 1383 Regulations—Short-Lived Climate Pollutants: Organic Waste Methane Emission Reduction: “Decisions by project proponents regarding the choice of compliance options and the precise location of new or modified facilities related to implementation of the proposed regulation cannot be known at this time. Furthermore, due to local planning, political (i.e., the willingness of jurisdictions to address local opposition to the siting of new or expanded facilities), and economic influences, attempting to predict project approvals about the specific location and design of facilities and operations undertaken

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			in response to the proposed regulation would be speculative and infeasible at this stage…" The commenter assumes that absent an explicit calculation of VMTs, CalRecycle has failed to account for potential fuel costs associated with hauling organic material. This assumption is inaccurate. CalRecycle notes that the projected collection costs disclosed in Table 3 of the SRIA, and in Tables 7 and 8 of Appendix to the ISOR, include increased fuel costs associated with recycling. While this is not a direction calculation of VMT this cost does account for the costs associated with increased fuel purchases associated with increased hauling. Additionally, CalRecycle provided a cost sensitivity analysis in the Appendix to the ISOR which estimates a range of transportation costs (including fuel costs). A sensitivity analysis is provided as specific estimates of VMT would be speculative. In the Appendix to the ISOR CalRecycle notes: The collection costs calculated in the original SRIA, and shown in the following Collection and Processing of Organic Waste section, relied upon values derived from Cost Study on Commercial Recycling prepared by HF&H Consulting and Cascadia Consulting Group for CalRecycle. The values in the cost study included fuel costs associated with collecting organic waste as a part of the total cost of collection. In this analysis, CalRecycle has additionally included data available from the cost study to project a range of potential costs associated with transporting finished products (e.g. compost, recycled paper, etc.) to market. While fuel costs were included in the original SRIA, this analysis shows a range of additional potential cost scenarios. The Cost Study on Commercial Recycling provides a statewide weighted average cost per ton for transporting a range of recovered commodities to market. The transportation costs represent the cost of delivering finished product to market. (As noted above, the fuel and transportation costs associated with collection are a part of the collection line-item shown in Collection and Processing of Organic Waste). For each material category, the per ton transportation costs include 1) base costs, 2) fuel costs, and 3) hauling costs. Base costs are defined as the minimum charge for picking up the materials from the processing facility. This represents the cost of loading, unloading, queuing, and a minimum travel distance of 10

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			miles. The fuel and hauling cost components represent the additional cost per ton per mile beyond the minimum charge. The calculator includes per ton costs for various material categories (e.g. compostables, glass, wood waste, etc.). The transportation costs were applied to the projected tons that would be recovered in each category. The Cost Study on Commercial Recycling, and the O&M costs for compost and AD derived from the SLCP economic assessment, include several similar or duplicative costs associated with collecting material from a facility. This was controlled for in the following low and medium transportation costs summaries. For each sensitivity analysis for transportation costs, slight variations were made to the calculator." (emphasis added).
1007	Chiarodit, T., County of Santa Barbara Public Works Department	2. Miles traveled to take the material to approved processing facilities will increase. Our local experience, which is consistent with data provided in Figure 16 of the SB 1383 Infrastructure and Market Analysis, is that the round trip miles per ton to deliver materials to a processor will be approximately 7. Starting with the target in diverting an additional 14,000,000 tons of organics, and subtracting amounts for edible food recovery, textiles, and carpet, a conservative number would be approximately 10,000,000 tons per year in the state multiplied by 7 miles per ton for a total increase of 70,000,000 VMT.	The SRIA and the Appendix to the ISOR note that a specific increase or decrease in Vehicle Miles Traveled (VMT) could not be projected. This assessment remains true today.as noted in the Final Program Environmental Impact Report for SB 1383 Regulations—Short-Lived Climate Pollutants: Organic Waste Methane Emission Reduction: "Decisions by project proponents regarding the choice of compliance options and the precise location of new or modified facilities related to implementation of the proposed regulation cannot be known at this time. Furthermore, due to local planning, political (i.e., the willingness of jurisdictions to address local opposition to the siting of new or expanded facilities), and economic influences, attempting to predict project approvals about the specific location and design of facilities and operations undertaken in response to the proposed regulation would be speculative and infeasible at this stage…" The commenter assumes that absent an explicit calculation of VMTs, CalRecycle has failed to account for potential fuel costs associated with hauling organic material. This assumption is inaccurate. CalRecycle notes that the projected collection costs disclosed in Table 3 of the SRIA, and in Tables 7 and 8 of Appendix to the ISOR, include increased fuel costs associated with recycling. While this is not a direction calculation of VMT this cost does account for the costs associated with increased fuel purchases associated with increased hauling. Additionally, CalRecycle provided a cost sensitivity analysis in the Appendix to the ISOR which estimates a range of transportation costs

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			(including fuel costs). A sensitivity analysis is provided as specific estimates of VMT would be speculative. In the Appendix to the ISOR CalRecycle notes: The collection costs calculated in the original SRIA, and shown in the following Collection and Processing of Organic Waste section, relied upon values derived from Cost Study on Commercial Recycling prepared by HF&H Consulting and Cascadia Consulting Group for CalRecycle. The values in the cost study included fuel costs associated with collecting organic waste as a part of the total cost of collection. In this analysis, CalRecycle has additionally included data available from the cost study to project a range of potential costs associated with transporting finished products (e.g. compost, recycled paper, etc.) to market. While fuel costs were included in the original SRIA, this analysis shows a range of additional potential cost scenarios. The Cost Study on Commercial Recycling provides a statewide weighted average cost per ton for transporting a range of recovered commodities to market. The transportation costs represent the cost of delivering finished product to market. (As noted above, the fuel and transportation costs associated with collection are a part of the collection line-item shown in Collection and Processing of Organic Waste). For each material category, the per ton transportation costs include 1) base costs, 2) fuel costs, and 3) hauling costs. Base costs are defined as the minimum charge for picking up the materials from the processing facility. This represents the cost of loading, unloading, queuing, and a minimum travel distance of 10 miles. The fuel and hauling cost components represent the additional cost per ton per mile beyond the minimum charge. The calculator includes per ton costs for various material categories (e.g. compostables, glass, wood waste, etc.). The transportation costs were applied to the projected tons that would be recovered in each category. The Cost Study on Commercial Recycling, and the O&M costs for compost and AD derived from the SLCP economic assessment, include several similar or duplicative costs associated with collecting material from a facility. This was controlled for in the following low and medium transportation costs summaries. For each sensitivity analysis for transportation costs, slight variations were made to the calculator." (emphasis added).

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1008	Chiarodit, T., County of Santa Barbara Public Works Department	3. Miles traveled to deliver the finished product, after processing, will increase. Our experience in delivering mulch for more than twenty years is that this activity takes about 10 miles per ton, which is in line with the averages cited in Table 16 of the SB 1383 Infrastructure and Market Analysis Report. With a target of 10,000,000 tons, but assuming 40% moisture loss from the original weight of the food scraps, and assuming that green waste which is already being marketed would be used as a component in the finished product, this number could be reduced to 6,000,000 tons of new finished product that needs to be delivered. At 10 miles per ton the VMT increase would be 60,000,000 annually. Total increased heavy-duty truck VMT from these three categories adds up to 189,280,000 per year for the entire state. This clearly is significant and is clearly at cross purposes with the overarching goal of reducing GHG. There are other negatives associated with increased VMT such as lost productivity and accelerated degradation of roads. Once again, absent any data from CalRecycle, and absent compelling arguments as to why such data is impossible to project, the analysis above is mostly intended to highlight some of the factors that have yet to be addressed in the rulemaking process.	The SRIA and the Appendix to the ISOR note that a specific increase or decrease in Vehicle Miles Traveled (VMT) could not be projected. This assessment remains true today.as noted in the Final Program Environmental Impact Report for SB 1383 Regulations—Short-Lived Climate Pollutants: Organic Waste Methane Emission Reduction: “Decisions by project proponents regarding the choice of compliance options and the precise location of new or modified facilities related to implementation of the proposed regulation cannot be known at this time. Furthermore, due to local planning, political (i.e., the willingness of jurisdictions to address local opposition to the siting of new or expanded facilities), and economic influences, attempting to predict project approvals about the specific location and design of facilities and operations undertaken in response to the proposed regulation would be speculative and infeasible at this stage…” The commenter assumes that absent an explicit calculation of VMTs, CalRecycle has failed to account for potential fuel costs associated with hauling organic material. This assumption is inaccurate. CalRecycle notes that the projected collection costs disclosed in Table 3 of the SRIA, and in Tables 7 and 8 of Appendix to the ISOR, include increased fuel costs associated with recycling. While this is not a direction calculation of VMT this cost does account for the costs associated with increased fuel purchases associated with increased hauling. Additionally, CalRecycle provided a cost sensitivity analysis in the Appendix to the ISOR which estimates a range of transportation costs (including fuel costs). A sensitivity analysis is provided as specific estimates of VMT would be speculative. In the Appendix to the ISOR CalRecycle notes: The collection costs calculated in the original SRIA, and shown in the following Collection and Processing of Organic Waste section, relied upon values derived from Cost Study on Commercial Recycling prepared by HF&H Consulting and Cascadia Consulting Group for CalRecycle. The values in the cost study included fuel costs associated with collecting organic waste as a part of the total cost of collection. In this analysis, CalRecycle has additionally included data available from the cost study to project a range of potential costs associated with transporting finished products (e.g. compost, recycled paper, etc.) to

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			market. While fuel costs were included in the original SRIA, this analysis shows a range of additional potential cost scenarios. The Cost Study on Commercial Recycling provides a statewide weighted average cost per ton for transporting a range of recovered commodities to market. The transportation costs represent the cost of delivering finished product to market. (As noted above, the fuel and transportation costs associated with collection are a part of the collection line-item shown in Collection and Processing of Organic Waste). For each material category, the per ton transportation costs include 1) base costs, 2) fuel costs, and 3) hauling costs. Base costs are defined as the minimum charge for picking up the materials from the processing facility. This represents the cost of loading, unloading, queuing, and a minimum travel distance of 10 miles. The fuel and hauling cost components represent the additional cost per ton per mile beyond the minimum charge. The calculator includes per ton costs for various material categories (e.g. compostables, glass, wood waste, etc.). The transportation costs were applied to the projected tons that would be recovered in each category. The Cost Study on Commercial Recycling, and the O&M costs for compost and AD derived from the SLCP economic assessment, include several similar or duplicative costs associated with collecting material from a facility. This was controlled for in the following low and medium transportation costs summaries. For each sensitivity analysis for transportation costs, slight variations were made to the calculator." (emphasis added).
1009	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	1. The Appendix attempts to address potential costs and benefits of the Senate Bill 1383 (SB1383) (2016) implementing regulations which are still in a draft proposal format. It appears that the Appendix is prepared as if the third formal draft of the proposed SB 1383 implementing regulations, released on October 2, 2019, were final. Such an assumption is inappropriate and, as such, the cost estimates in the Appendix may have to be revised to address any and all changes to the October 2, 2019, version of the proposed SB 1383 implementing regulations, if any.	Comment noted. The Appendix to the ISOR is based on the final text that was submitted to the Office of Administrative Law. CalRecycle elected to prepare the Appendix to the ISOR to account for amendments to the regulatory text, public comment, as well as substantial changes to market conditions impacting the cost of the regulations. Regardless, the final text upon which the Appendix is based only includes non-substantial changes from the October 2, 2019 draft. Later changes to regulatory language in April, 2020, were clarifying in nature and did not substantially change any regulatory requirements in a manner that would change the economic impact.

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1010	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	2. The entirety of the cost-analysis in the Appendix is based on the faulty assumption that all “organic waste,” as defined by the proposed SB 1383 regulations, is compostable organics and it can and will be managed by composting and anaerobic digestion. However, the analysis fails to recognize that there are many other types of organic materials that are non-compostable but have been included in the proposed definition of organic waste, such as, cardboard, textiles, etc., that cannot be managed through composting or anaerobic digestion processes. Infrastructure represents 95 percent of the gross costs associated with achieving the organic waste landfill disposal reduction targets. Therefore, the Appendix must be revised to consider the management of all organic waste as currently defined by the proposed SB 1383 regulations, including both compostable and non-compostable organic waste, through all applicable technologies, including thermal conversion technologies.	Comment noted. The Appendix does not assume all organic waste is compostable, and the Appendix does not assume all organic waste will go to composting or anaerobic digestion. It is unclear how the commenter came to this conclusion. The Appendix assumes the same facility pathways considered in the Final Environmental Impact Report.
1011	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	1. Page 3: The Introduction of the Appendix states, “The successful implementation of the regulations will create thousands of green jobs, generate billions in economic activity and benefits, and protect Californians from immediate and long-term health and environmental impacts valued in the billions of dollars.” Neither the Appendix nor the Draft Program Environmental Impact Report (DEIR) for the Statewide Adoption of Regulations for Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emission Reduction (SCH# 2018122023), dated July 30, 2019, consider all of the impacts of the proposed SB 1383 implementing regulations, including cost, public health and safety, and environmental impacts. The Task Force in its letter of September 11, 2019, to CalRecycle (copy enclosed) commenting on the DEIR emphasized that many of the environmental impacts were not fully analyzed. Some of those impacts included air quality impacts from an increase in vehicle miles traveled (VMT) due to collection of organic waste and transport to organics recycling facilities, the additional costs for waste collection/processing, who will provide the capital for the needed infrastructure development, and the costs for local jurisdictions to procure recovered organic waste products. Therefore, the Appendix cannot reasonably conclude with any certainty that the implementation of the proposed SB 1383 implementing regulations will result in economic, health, and environmental benefits. The Task Force recommends that the impacts be fully analyzed before the Office of Administrative Law (OAL) considers approval of the proposed regulations pursuant to Section 11349.1 of the Government Code.	Comment Noted. With respect to comments on the Environmental Impact Report, comments on the EIR should be made during the appropriate comment periods associated with the EIR process under CEQA. The Appendix to the ISOR comprehensively considers and discloses potential economic impacts. It is unclear from the comment what impacts are not considered.
1012	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	2. Page 3: The Introduction of the Appendix states that the proposed regulations are designed to achieve the statutory targets in the least burdensome and most cost-effective method possible. However, the Appendix lists the significant cost impacts to local jurisdictions that will result from complying with the regulations. On page 29, the Appendix even acknowledges that Southern California counties may incur a higher portion of the cost on a per capita basis and cites rate surveys that show that existing service rates in Southern California are notably lower that the statewide average. However, the Appendix and the proposed regulations disregard Section 40059 of the PRC, which states: “40059 (a) Notwithstanding any other provision of law, each county, city, district, or other local governmental agency may determine all of the following:	The commenter is offering an opinion on the general rulemaking model and speaking of general cost impacts rather that suggesting particular changes in the Appendix cost analysis updates or commenting on the economic analysis process. To the extent the comment claims the Appendix to the SRIA, which was the subject of this comment period, does not follow PRC 40059, that is not an affirmative APA content or process requirement. Instead, that section speaks to what aspects of solid waste handling the Legislature has determined are of local concern.

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		(1) Aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location, and extent of providing solid waste handling services. (2) Whether the services are to be provided by means of nonexclusive franchise, contract, license, permit, or otherwise, either with or without competitive bidding, or if, in the opinion of its governing body, the public health, safety, and well-being so require, by partially exclusive or wholly exclusive franchise, contract, license, permit, or otherwise, either with or without competitive bidding. The authority to provide solid waste handling services may be granted under terms and conditions prescribed by the governing body of the local governmental agency by resolution or ordinance. (b) Nothing in this division modifies or abrogates in any manner either of the following: (1) Any franchise previously granted or extended by any county or other local governmental agency. (2) Any contract, license, or any permit to collect solid waste previously granted or extended by a city, county, or a city and county." Local jurisdictions, including counties in Southern California, should be granted the authority to determine the least burdensome and most cost-effective method to achieve the statutory targets regardless of the current service rates in those jurisdictions. Government Code, Subdivision 11340 (d) states, "The imposition of prescriptive standards upon private persons and entities through regulations where the establishment of performance standards could reasonably be expected to produce the same result has placed an unnecessary burden on California citizens and discouraged innovation, research, and development of improved means of achieving desirable social goals." The Task Force strongly recommends that the OAL consider the excessively prescriptive nature of the regulations which is not consistent [as defined by Government Code 11349 (d) with Government Code, Subdivision 11340 (d)] when considering approval of the proposed SB 1383 implementing regulations pursuant to Government Code 11349.1. Before approval, the regulations must be significantly revised to reduce the excessive requirements on local jurisdictions.	
1013	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	3. Page 6: The Appendix states that CalRecycle did not receive conclusive data tangibly demonstrating a quantifiable increase in vehicle miles traveled (VMT) which could be calculated as a result of the regulation and states that local jurisdictions should employ mitigation measures to reduce VMT. Certain areas of the state, such as those with a high concentration of organic waste generators or those with a high number of organic recycling facilities, will see higher increases in VMT compared to other parts of the state, potentially exposing sensitive receptors to significant and unavoidable concentrations of mobile-source carbon monoxide emissions. Furthermore, the potential increase in VMT was not quantified in the DEIR. The potential increase in VMT must be quantified before the OAL considers the regulations pursuant to Government Code 11349.1.	Comment noted. Section 11349 of the Government Code contains statutory definitions rather than affirmative requirements. The SRIA and the Appendix to the ISOR note that a specific increase or decrease in Vehicle Miles Traveled (VMT) could not be projected. This assessment remains true today.as noted in the Final Program Environmental Impact Report for SB 1383 Regulations—Short-Lived Climate Pollutants: Organic Waste Methane Emission Reduction: "Decisions by project proponents regarding the choice of compliance options and the precise location of new or modified facilities related to implementation of the proposed regulation cannot be known at this time. Furthermore, due

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			to local planning, political (i.e., the willingness of jurisdictions to address local opposition to the siting of new or expanded facilities), and economic influences, attempting to predict project approvals about the specific location and design of facilities and operations undertaken in response to the proposed regulation would be speculative and infeasible at this stage…" The commenter assumes that absent an explicit calculation of VMTs, CalRecycle has failed to account for potential fuel costs associated with hauling organic material. This assumption is inaccurate. CalRecycle notes that the projected collection costs disclosed in Table 3 of the SRIA, and in Tables 7 and 8 of Appendix to the ISOR, include increased fuel costs associated with recycling. While this is not a direction calculation of VMT this cost does account for the costs associated with increased fuel purchases associated with increased hauling. Additionally, CalRecycle provided a cost sensitivity analysis in the Appendix to the ISOR which estimates a range of transportation costs (including fuel costs). A sensitivity analysis is provided as specific estimates of VMT would be speculative. In the Appendix to the ISOR CalRecycle notes: The collection costs calculated in the original SRIA, and shown in the following Collection and Processing of Organic Waste section, relied upon values derived from Cost Study on Commercial Recycling prepared by HF&H Consulting and Cascadia Consulting Group for CalRecycle. The values in the cost study included fuel costs associated with collecting organic waste as a part of the total cost of collection. In this analysis, CalRecycle has additionally included data available from the cost study to project a range of potential costs associated with transporting finished products (e.g. compost, recycled paper, etc.) to market. While fuel costs were included in the original SRIA, this analysis shows a range of additional potential cost scenarios. The Cost Study on Commercial Recycling provides a statewide weighted average cost per ton for transporting a range of recovered commodities to market. The transportation costs represent the cost of delivering finished product to market. (As noted above, the fuel and transportation costs associated with collection are a part of the collection line-item shown in Collection and Processing of Organic Waste). For each material category, the per ton

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			transportation costs include 1) base costs, 2) fuel costs, and 3) hauling costs. Base costs are defined as the minimum charge for picking up the materials from the processing facility. This represents the cost of loading, unloading, queuing, and a minimum travel distance of 10 miles. The fuel and hauling cost components represent the additional cost per ton per mile beyond the minimum charge. The calculator includes per ton costs for various material categories (e.g. compostables, glass, wood waste, etc.). The transportation costs were applied to the projected tons that would be recovered in each category. The Cost Study on Commercial Recycling, and the O&M costs for compost and AD derived from the SLCP economic assessment, include several similar or duplicative costs associated with collecting material from a facility. This was controlled for in the following low and medium transportation costs summaries. For each sensitivity analysis for transportation costs, slight variations were made to the calculator." (emphasis added).
1014	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force4	4. Pages 9 -10: The procurement section lists the estimated cost for local jurisdictions to procure the products sourced from recovered organic waste. Unfortunately, the Appendix does not provide any justification for why the proposed regulations require local jurisdictions to bear the full cost of procurement while exempting state agencies, school districts, and special districts, local education agencies, and non local entities. State law, Section 40001 (a) of the Public Resources Code (PRC), declares that "the responsibility for solid waste management is a **shared responsibility** between the state and local governments (emphasis added)." Furthermore, SB 1383 recognizes the shared responsibility "the waste sector, state government, and local governments" have in achieving the organic waste landfill disposal reduction goals for 2020 and 2025, and thus requires CalRecycle to analyze the progress made by the three sectors, **in that order**, including **"commitment of state funding"**, in achieving the said goals {PRC Section 42653 (a)} (emphasis added). However, by quantifying the cost impacts to local jurisdictions to satisfy the procurement requirements in the proposed regulations, the Appendix acknowledges that the responsibility weighs much more heavily on counties and cities than on state agencies, school districts, and special districts, local education agencies, and non local entities. These costs represent an unfunded state mandate under California Constitution, Article XIII B, Section 6 (a) since the proposed regulations would impose a new program on local governments without a specified state funding source. Moreover, local governments generally do not have the authority to impose fees or assessments that would pay for the increased costs that they would incur as a result of these procurement requirements. The Task Force strongly recommends that the OAL consider the lack of authority, as defined in Government Code, Subdivision 11349 (b), granted to CalRecycle to require local jurisdictions to procure specified minimum amounts of recovered organic	The appendix discloses the potential economic impact of the regulations. The commenter is not commenting on the economic analysis itself but is instead addressing the general model of the rulemaking undertaken by CalRecycle which is not germane to this comment period. CalRecycle disagrees with the characterization of procurement requirements as an unfunded mandate. First, the Legislature, in SB 1383, explicitly authorized local jurisdictions to charge and collect fees to recover its costs incurred in complying with the regulations (Pub. Res. Code § 42652.5(b)). In addition, Section 7 of the bill states that, "No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code." Such a fee authorization, and costs being recoverable from sources other than taxes, overcomes any requirement for state subvention of funds for reimbursement for a state mandate (see Gov. Code § 17556, County of Fresno v. State of California, 53 Cal.3d 482 (1991)). Second, local jurisdictions have discretion to design legitimate regulatory fees that charge, collect, and use

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		waste products, when considering the regulations pursuant to Government Code, Section 11349.1. **Before approval, the proposed regulations must be revised to remove the procurement requirements.**	funds in a manner that meets the exceptions to the definition of a “tax” under Cal. Const. Art. XIII C, Section 1 (e). There are no provisions in the SB 1383 regulations that limit that discretion. As such, it is overbroad and speculative to describe “any fees” that may in the future be imposed by the numerous local jurisdictions in California as “likely” to be treated as taxes. If a fee were to be challenged, the determination would be highly dependent on the particulars of how a local charge is purposed, collected and used. CalRecycle is not aware of any facts indicating that local jurisdictions are outright prevented from designing valid regulatory fees consistent with Prop. 26 and Prop. 218 to offset the costs of complying with SB 1383. Finally, according to the October 1, 2018 decision in Paradise Irrigation Dist. v. Commission on State Mandates, a statutory authorization to levy fees, such as that provided in SB 1383, is the relevant and dispositive factor in overcoming claims of subvention for a state mandate. This is true whether or not a local fee is subject to, or defeated by, a majority protest procedure. The court found the protest procedure to be a practical consideration for a local government as opposed to a legal factor in determining a requirement for subvention for a state mandate.
1015	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	5. Page 12: Collection costs are provided in the Appendix. However, it is not clear if the Appendix is assuming that all organic waste (compostable & non-compostable) is collected through a three-bin collection system with food waste and food-soiled paper placed in the green bin. The Appendix must be revised to clarify how the collection costs were calculated and must evaluate the impacts of **all compliance responses**, including each variation of organic waste collection allowed under the proposed regulations for residential, multi-family, commercial, and industrial sectors (emphasis added) before the OAL considers approval of the proposed regulations pursuant to Government Code, Section 11349.1.	Comment noted. The methodology for calculating collection costs are fully disclosed in the Appendix to the ISOR. Regarding how collection costs were calculated, the Appendix to the ISOR includes the following text: “As noted in the SRIA, CalRecycle used a modified version of the Cost Study on Commercial Recycling to estimate the cost of collection and processing of organic waste. CalRecycle adjusted the model to reflect updated projections of tonnage and material types used in the Draft EIR. As noted above, CalRecycle additionally adjusted costs to reflect inflation for the year 2019 using the Consumer Price Index. The inflation adjusted values are shown in Table 7…” The costs are applied on a per ton basis to residential, multifamily, and the commercial and industrial sectors. The costs for collection are specific to the economic costs associated with collecting one ton of material. The direct costs shown in Table 1 of the Appendix to the ISOR, disclose the direct costs of collection required by the regulation (e.g. waste sampling, contamination monitoring and reporting). The regulations do not require a jurisdiction

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			to pursue a specific collection mechanism, it would be highly speculative to project which compliance model jurisdictions may employ. The information relied upon to produce the SRIA, was noted in the SRIA. The SRIA, and the subsequent Appendix to the ISOR, disclosed CalRecycle's findings regarding the estimated cost. The rulemaking record includes all information relied upon for the rulemaking has been available to the public review throughout the rulemaking process.
1016	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	6. Page 15: A range of gross costs is provided based on estimates of transportation costs. The range considers three scenarios for statewide disposal, which is the primary factor impacting costs, as stated in the Appendix. However, it is not clear if the Appendix is assuming that all organic waste, as defined by the proposed regulations, is transported to composting and anaerobic digestion facilities or facilities that can handle the portion of organic waste that cannot be managed via composting and/or anaerobic digestion processes for diversion. The analysis must be revised to (1) identify and **include** cost of infrastructure facilities that must be developed to handle compostable/non-compostable organic, and (2) clarify how the transportation costs were calculated and must evaluate the impacts of transporting organic waste to **all appropriate facilities**, including each activity, process, or technology that can be used to divert organic waste, as defined by the proposed SB 1383 implementing regulations, from landfills including non-combustion thermal conversion technologies (emphasis added) before the OAL considers approval of the proposed regulations pursuant to Government Code, Section 11349.1. Page 15: Table 14 of the Appendix has projected a gross cost of $40 billion to manage the portion of SB 1383 organic waste, as defined by the proposed regulations, that can be handled via composting and anaerobic digestion. However, the analysis fails to identify who would provide the upfront capital to ensure the economic feasibility/viability for the development of a needed facility. Further, using the current California population and the number of households (3.7 person/household), the **additional** cost to each household (the ultimate rate payer) would be over $120 annually for a period in excess of 30 years (emphasis added). This further necessitates the urgent need for compliance with the requirements of Section 11349.1 of the Government Code prior to approval of the proposed SB 1383 implementing regulations by the OAL.	Comment noted. The Appendix does not assume all organic waste is compostable, and the Appendix does not assume all organic waste will go to composting or anaerobic digestion. It is unclear how the commenter came to this conclusion. The Appendix assumes the same facility pathways considered in the Final Environmental Impact Report. Comment noted. The Appendix to the ISOR includes an estimate of anticipated infrastructure costs as well as the anticipated cost of collecting and processing all types of organic waste subject to the regulations. The Appendix further explains in detail how transportation costs were calculated. The information relied upon to produce the SRIA was noted in the SRIA. The SRIA, and the subsequent Appendix to the ISOR, disclosed CalRecycle's findings regarding the estimated cost. The rulemaking record includes all information relied upon for the rulemaking has been available to the public review throughout the rulemaking process. Comment noted. The Appendix to the ISOR does not identify sources of upfront capital and the Administrative Procedure Act does not require such information. The Appendix to the ISOR projects the gross and net cost of implementation. The Appendix to the ISOR includes the following regarding the ultimate cost to individuals and businesses: CalRecycle updated the estimated cost to reflect the increased tonnage and corresponding increase in costs. Consistent with the standardized regulatory impact assessment, the direct costs are distributed to households and businesses. In the SRIA CalRecycle disclosed a potential cost scenario that assumed half of the direct costs would be applied to commercial industry ($662 per year)

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			and half of the direct costs would be applied to residential households ($17 per year). To show an alternative cost breakdown, CalRecycle is also presenting a scenario that applies direct costs to each sector based on the tons of waste generated by that sector. The waste characterization shows that approximately 40 percent of solid waste is generated by single family homes, and 60 percent of solid waste is generated by the commercial sector (including multi-family housing units of 5 or more). In each scenario, a modest growth factor based on historic growth is applied to the number of businesses and the number of households beginning in 2020. The costs shown here represent reasonable estimates of a statewide average cost increase that could be experienced by individuals and businesses. Circumstances will vary across the many jurisdictions in the state. A number of factors will impact how the costs of compliance are passed through to businesses and individuals, these factors include but are not limited to the local fee structure, the type of community (e.g. industrial or bedroom community), and the existing level of organic waste collection and recycling services provided. It is unclear how the commenter estimates costs over 30 years through the year 2050.
1017	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	7. Page 19: The costs for organic waste recycling infrastructure costs are limited to anaerobic digestion (AD) and composting facilities only. This analysis is insufficient because it neglects to consider the costs of processing organic waste to remove contaminants and the costs to develop infrastructure for organic waste that cannot be processed through AD and composting, such as certain types of paper and cardboard, textiles, wood waste, etc. The infrastructure costs in the Appendix must include **all appropriate facilities**, including each activity, process, or technology that can be used to divert organic waste from landfills including non-combustion thermal conversion technologies (emphasis added) before the OAL considers approval of the proposed SB 1383 implementing regulations pursuant to Government Code 11349.1.	Comment noted. The Appendix does not assume all organic waste is compostable, and the Appendix does not assume all organic waste will go to composting or anaerobic digestion. It is unclear how the commenter came to this conclusion. The Appendix assumes the same facility pathways considered in the Final Environmental Impact Report.
1018	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division,	Comment noted. This comment is background information and not germane to the language in the SRIA.

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		County of Los Angeles Board of Supervisors, City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.	
1032	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	Pursuant to California Public Resources Code - PRC § 21003 (b), the Legislature has found and declared that it is the policy of the state that documents (Draft EIRs) prepared pursuant to Division 13 of the PRC be organized and written in a manner SB 1383 SLCP Regulations EIR 2-111 that will be meaningful and useful to decision makers and to **the public** (emphasis added). Unfortunately, the subject Draft EIR fails to comply with this requirement of state law. For example, it is not clear to a member of the public as to (a) what the requirements of the final regulations would be, (b) what factors were initially used to establish the annual compost procurement of 0.7 tons/capita and the subsequent increase to 0.8 tons/capita, (c) why the annual compost procurement is applicable to cities and counties but not state agencies, (d) why the proposed regulations are attempting to disallow the state existing "good faith efforts" policy (PRC 41825), and if implemented what would be the mitigating measures to render the significant negative impacts of this decision to non-significant, etc.	Comment Noted. With respect to comments on the Environmental Impact Report, comments on the EIR that are submitted during the appropriate comment periods associated with the EIR process under CEQA are responded to under that process. Comment submitted during the EIR comment period that were resubmitted in the fourth comment period on the regulatory text were not germane to the documents released in the fourth comment period. The remainder of the comment is not germane to the Appendix to the SRIA released in this comment period.
1033	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	As an Alternative to the project (the proposed regulations), the subject Draft EIR has failed to recognize the success of the California Integrated Waste Management Act of 1989 (AB 939). Similar to SB 1383, AB 939 requires jurisdictions divert 50 percent of waste generated in the jurisdictions while allowing jurisdictions to develop their own source reduction, composting and recycling plans that best suit their communities. Today, most of jurisdictions are meeting and exceeding the mandate; in fact, only seven jurisdictions have been fined for failure to comply since the enactment of AB 939 in 1989. Unfortunately, the Draft EIR fails to recognize the success of the AB 939 which was not accomplished based on a command and control procedure as the one being proposed by SB 1383 regulations. Further unlike the SB 1383 proposed regulation, AB 939 was consistent and in compliance with the provisions of Section 40059 of the PRC which unfortunately is being disregarded by the proposed SB 1383 regulations. Specifically, Section 40059 of the PRC indicates: "40059 (a) Notwithstanding any other provision of law, each county, city, district, or other local governmental agency may determine all of the following: (1) Aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location, and extent of providing solid waste handling services. (2) Whether the services are to be provided by means of nonexclusive franchise, contract, license, permit, or otherwise, either with or without competitive bidding, or if, in the opinion of its governing body, the public health, safety, and well-being so require, by partially exclusive or wholly exclusive franchise, contract, license, permit, or otherwise, either with or without competitive bidding. The authority to provide solid waste handling services may be granted under terms and conditions prescribed by the governing body of the local governmental agency by resolution or ordinance. SB 1383 SLCP Regulations (b) Nothing in this division modifies or abrogates in any manner either of the following:	Comment Noted. With respect to comments on the Environmental Impact Report, comments on the EIR that are submitted during the appropriate comment periods associated with the EIR process under CEQA are responded to under that process. Comment submitted during the EIR comment period that were resubmitted in the fourth comment period on the regulatory text were not germane to the documents released in the fourth comment period.

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		(1) Any franchise previously granted or extended by any county or other local governmental agency. (2) Any contract, license, or any permit to collect solid waste previously granted or extended by a city, county, or a city and county." The Draft EIR needs to consider a less restrictive set of regulations, similar to AB 939's regulations and consistent with requirement of PRC 40059 as an "Alternative to the Project."	
1034	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	Section 2.4.3. Foster Recovery Programs and Markets, beginning on page 2-10 The Draft EIR mentions that procurement requirements would support the markets for the produced compost, mulch, and renewable fuels and energy. The Draft EIR needs to address the potential economic impacts of the procurement requirements on local jurisdictions and impacted stakeholders. These impacts could include the substantial financial burden on local government agencies required to procure recovered organic waste products, such as compost, fuel, energy, etc., at a higher cost than comparable products not created from recovered organic waste. The impact analysis needs to thoroughly discuss negative impacts as well as identifying measures to mitigate the negative impacts. The procurement of recycled materials by local governments is regulated by the Public Contract Code (PCC), Sec. 21150 et seq. The state law is considerate of local procurement processes and costs to local jurisdictions and thus requires products created from recycled materials to be purchased **only** when the recycled products are available at the same or a lessor cost than non-recycled products (emphasis added). SB 1383 SLCP Regulations EIR 2-116 The Draft EIR needs to analyze the financial impacts to local jurisdictions resulting from compliance with the procurement requirements of the proposed regulations as well as providing mitigation measures for those cases that local governments would be forced to disregard the requirements of the PCC, Section 21150 et seq. in order to be in compliance with the proposed regulations' procurement requirements. Furthermore, the SB 1383 regulations only require local jurisdictions such as counties and cities, but not state agencies, to procure compost created from recovered organic waste. Therefore, the Draft EIR needs to be revised to sufficiently analyze the economic and environmental impact of placing the entirety of the procurement requirements on counties and cities. The analysis should include the potential cost impacts to local government agencies and the environmental impacts of using the recovered organic waste products while factoring in the emissions associated with creating and transporting these recovered organic waste products. The Draft EIR needs to be further expanded to identify factors used to establish the proposed regulations' annual per capita procurement target, the impact of selected factors on regulated communities as well as mitigating measures to render the impacts non-significant. Additionally, the annual per capita procurement target was increased from 0.07 tons of organic waste per California resident per year to 0.08 tons in the second formal draft of the proposed regulations. The explanation needs to include a full cost-benefit analysis showing the additional financial impacts to counties and cities	Comment Noted. With respect to comments on the Environmental Impact Report, comments on the EIR that are submitted during the appropriate comment periods associated with the EIR process under CEQA are responded to under that process. Comment submitted during the EIR comment period that were resubmitted in the fourth comment period on the regulatory text were not germane to the documents released in the fourth comment period.

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		required to increase their annual procurement of recovered organic waste products and the environmental benefits of the increased annual procurement.	
1035	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	Section 2.5.7. Food Waste Collection Programs and Processing Facilities, beginning on page 2-28 -- This section describes reasonably foreseeable compliance measures that jurisdictions must implement pursuant to the proposed regulations to collect organic waste. The Draft EIR must be expanded to analyze the impact of the proposed regulations on local jurisdictions' authority for solid waste collection and management services. Changing waste collection methods and recycling services will impose a tremendous burden and responsibility on counties and cities, more than any other stakeholder group. The Draft EIR needs to thoroughly analyze the implications of the waste collection requirements and recycling services being inconsistent with the provisions of the Article XI of the California Constitution in re to general law and charter cities and counties as well as provisions of the PRC 40059 (a) which, in part, states, **"each county, city, district, or other local governmental agency may determine all the following:** **Aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location, and extent of providing solid waste handling services." (emphasis added)** State law, Section 40001 (a) of the PRC, declares that **"the responsibility for solid waste management is a shared responsibility between the state and local SB 1383 SLCP Regulations EIR 2-119 governments"** (emphasis added). Therefore, the Draft EIR should describe the legal implications of disregarding provisions of Section 40001 (a) of the PRC in order to allow the state to dictate local jurisdictions' solid waste collection and management practices through the SB 1383 regulations. Furthermore, SB 1383 does not preclude CalRecycle from considering a county or a city's "good faith efforts" to comply with the regulations. Section 42652.5. (a)(4) of the PRC specifically requires CalRecycle to consider "good faith effort" in determining a jurisdiction's progress in complying with the law. It states that CalRecycle "shall base its determination of progress on relevant factors, including, but not limited to, reviews conducted pursuant to Section 41825." Since PRC Section 41825 establishes the process to determine whether a jurisdiction has made a "good faith effort" to comply with the law, it is clear that CalRecycle is required to consider "good faith effort" in making its determination of a jurisdiction's progress and compliance with the requirements of the proposed regulations. Therefore, the Draft EIR needs to be expanded to include a cost-benefit analysis, demonstrating the economic impacts to counties and cities, required to implement the majority of the regulatory requirements and the environmental impacts of neglecting to include "good faith effort" provisions in the proposed regulations. The analysis should also include a description of the measures used to mitigate any negative impacts to counties and cities resulting from not including "good faith effort" provisions in the proposed regulations.	Comment Noted. With respect to comments on the Environmental Impact Report, comments on the EIR that are submitted during the appropriate comment periods associated with the EIR process under CEQA are responded to under that process. Comment submitted during the EIR comment period that were resubmitted in the fourth comment period on the regulatory text were not germane to the documents released in the fourth comment period.

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1036	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	Section 3.8. Greenhouse Gas Emissions and Climate Change, beginning on page 3.8-1 -- The Draft EIR needs to be expanded to include a life-cycle analysis regarding the GHG emission reduction resulting from use of thermal conversion technologies such as gasification and pyrolysis to divert organic waste, not limited to only biomass as defined under PRC 40106, from “landfill disposal.” The analysis of the environmental impacts, beginning on page 3.8-10, focuses on composting and anaerobic digestion only, although other processes are considered reductions in landfill disposal under the second formal draft of the SB 1383 regulations and there are other landfill disposal reduction technologies, such as thermal conversion technologies, that will also result in GHG emissions reductions when used to recycle organic waste. Further, the Draft EIR needs to be expanded to provide an explanation of why the activities that constitute a reduction in landfill disposal are limited to anaerobic digestion and composting, even though it has been established that conversion technologies are not incineration, achieve the same greenhouse gas reduction goals as anaerobic digestion and composting, and can process additional types of organic waste. The subject Draft EIR needs to recognize activities conducted by the former SB 1383 SLCP Regulations California Integrated Waste Management Board (CIWMB - now CalRecycle) on conversion technologies which have been summarized in their Conversion Technology Report to The Legislature, and formally submitted to the Legislature by the CIWMB via their Resolution No. 2005-78 in March 2005, a copy enclosed	Comment Noted. With respect to comments on the Environmental Impact Report, comments on the EIR that are submitted during the appropriate comment periods associated with the EIR process under CEQA are responded to under that process. Comment submitted during the EIR comment period that were resubmitted in the fourth comment period on the regulatory text were not germane to the documents released in the fourth comment period.
1037	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	Comment Number: 13-20 • Section 3.8. Greenhouse Gas Emissions and Climate Change, beginning on page 3.8-1 -- The analysis needs to be expanded to provide legal justifications and the necessity for the proposed regulations to require new technologies that may constitute a reduction in landfill disposal (such as thermal conversion technologies) to demonstrate a permanent lifecycle GHG emissions reduction equivalent to the emissions reduction from composting organic waste (0.30 MTCO2e/short ton organic waste), when the SB 1383 mandates is to reduce the **landfill** disposal of organic waste (emphasis added). Contrary to the statutes’ requirement, the proposed regulations establish more stringent requirements for new technologies than for composting and anaerobic digestion, which without a thorough life cycle analysis have already been identified as acceptable activities that constitute a reduction in landfill disposal of organic waste. The Draft EIR must provide all data and analysis used to reach the said conclusion as well as providing mitigation measures to address the proposed regulations negative impacts on development of thermal conversion technologies together with potential delay in achieving the SB 1383 landfill disposal and SLCP reductions.	Comment Noted. With respect to comments on the Environmental Impact Report, comments on the EIR that are submitted during the appropriate comment periods associated with the EIR process under CEQA are responded to under that process. Comment submitted during the EIR comment period that were resubmitted in the fourth comment period on the regulatory text were not germane to the documents released in the fourth comment period.
1038	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	Section 6. Other CEQA Considerations, beginning on page 6-1 -- This section needs to be expanded to include the economic impacts and legal ramifications of CalRecycle requiring local jurisdictions such as counties and cities to impose civil (monetary) penalties on residential or commercial organic waste generators for non compliance. This requirement as stipulated by CalRecycle exceeds the authority granted to CalRecycle by state law. While SB 1383 grants CalRecycle the authority to “require local	Comment Noted. With respect to comments on the Environmental Impact Report, comments on the EIR that are submitted during the appropriate comment periods associated with the EIR process under CEQA are responded to under that process. Comment submitted during the EIR comment period that were resubmitted in the fourth comment period on the regulatory text were not

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		jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction," this authority does not extend to the imposition of penalties (emphasis added). SB 1383 only states that CalRecycle "**may** authorize local jurisdictions to impose penalties on generators for noncompliance" {see Section SB 1383 SLCP Regulations EIR 2-137 42652.5. (a) (1) of the Public Resources Code (PRC)} (emphasis added). However, the proposed regulations specify that jurisdictions "shall adopt ordinance(s) or enforceable mechanisms to **impose penalties that are equivalent or stricter** than those amounts in Section 18997.2." (emphasis added). In requiring counties and cities to impose steep civil penalties of up to $500 per offense on residents and businesses for non-compliance with each requirement of the proposed regulations, CalRecycle would exceed its authority under the law. Therefore, the Task Force strongly recommends the Draft EIR be expanded to analyze the economic impacts to local jurisdictions, residents, and businesses and provide appropriate mitigation measures to render the impact as non-significant. Further, the analysis needs to consider the legal implications of changing existing state law, including Section 42652.5. (a) (1) of the PRC, to be consistent with the proposed regulations. In addition, this section of the Draft EIR must be expanded to consider the economic impacts of developing the needed organics recycling infrastructure capacity. In the Statement of Regulatory Impact Analysis (SRIA), CalRecycle previously estimated that achieving SB 1383 mandates would require a capital investment of over $3 billion with a substantial financial impact on California's jurisdictions. This impact must be addressed in the Draft EIR along with potential mitigation measures. Furthermore, the Draft EIR must consider the availability of markets to handle recovered organic products and mitigation measures to address potential impacts from policies such as the "China National Sword." Lastly, this section of the Draft EIR needs to be expanded to address all probable effects of the project, including but not limited to identifying all potential options for organic waste collection processing, recycling, and disposal technologies, along with their potential beneficial and adverse impacts on human and natural resources as well as the necessary mitigation measures to achieve the SB 1383 mandates.	germane to the documents released in the fourth comment period.
1039	Clark, M., LA County Solid Waste Management Committee/Integrated Waste Management Task Force	DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE STATEWIDE ADOPTION OF REGULATIONS FOR SHORT-LIVED CLIMATE POLLUTANTS (SLCP): ORGANIC WASTE METHANE EMISSION REDUCTION (SCH #2018122023) The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to thank the California Department of Resources Recycling and Recovery (CalRecycle) for providing the opportunity to comment on the subject "Draft Program Environmental Impact Report" (Draft EIR) which was released for 45-day public comment period on July 30, 2019. https://www.calrecycle.ca.gov/docs/cr/laws/rulemaking/slcp/sb1383eir.pdf One of the Task Force priorities in addressing solid waste management issues is to ensure public health and safety as well as the protection of our natural resources. As such, theTask Force has been in support of efforts addressing the impacts of greenhouse gas (GHG) emissions and climate change. To this end, the Task Force would like to provide the following comments on the subject Draft EIR:	Comment Noted. With respect to comments on the Environmental Impact Report, comments on the EIR that are submitted during the appropriate comment periods associated with the EIR process under CEQA are responded to under that process. Comment submitted during the EIR comment period that were resubmitted in the fourth comment period on the regulatory text were not germane to the documents released in the fourth comment period.

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	Drane, N., County of Sacramento	Critiques of the Cost-Benefit Analysis The cost-benefit principle is a major policy evaluation tool widely used in the US and the rest of the world to determine the effectiveness or advisability of proposed or existing public policies to improving societal welfare. It involves a quantification and comparison of all financial and social costs and benefits associated with policy actions. The cost-benefit principle says that one should take an action if, and only if, the extra benefit from taking it is greater than the extra cost. That is, only policies or programs that result in positive net benefits to society should be undertaken. The Appendix's cost analysis presents a cost-benefit analysis of the Initial Statement of Reason and three alternative scenarios in Table 14 on page 15. In all four scenarios, gross costs exceed gross benefits, with net costs ranging from $3.9 billion to $12.8 billion. A footnote states that the gross benefits presented do not include avoided health and social costs. On pages 32 and 33, an attempt is made to quantify these avoided health and social costs. These social costs estimate the damage to human health and the environment that is prevented by reducing Green House Gas (GHG) emissions. The analysis estimates that these avoided social costs would range from $865 million to $2.4 billion. Adding the avoided costs as benefits to Table 14 reduces net costs. In the table below, we have adapted Table 14 from the Appendix's cost analysis and added the last two columns to include the health and social benefits shown on page 33 to derive an updated net cost. Even with these avoided social costs added, none of the scenarios generates a positive net benefit to society. The Appendix's cost analysis further estimates monetized health benefits at $10.48 billion (Table 21) which measure avoided premature mortality, avoided hospitalizations, and avoided ER visits. Avoided premature mortality is estimated at $10.46 billion, essentially accounting for the entire monetized health benefits estimate. It is not clear how these health benefits overlap with the $2.4 billion in health and social benefits presented on page 33. It is only after avoided premature mortality is factored in, that the cost-benefit analysis yields a positive net benefit result. Note that the analysis acknowledges the fact that the avoided social and health benefits may be overstated because worldwide or global climate damages rather than impacts specific to California were the basis for the estimates. So at best, a positive net benefit finding is tenuous. Looking deeper, this tenuousness is stretched even more thinly because of calculations that are sorely lacking a critical sensitivity analysis. To wit: The original studies cited for the health and social benefits calculations are all qualified and include extensive disclaimers. The authors of these studies acknowledge as much. 1. The projected reductions in CO2E by this policy approach are highly controversial with significantly differing scientific opinions and they are at best speculative. 2. The conversion of those speculated reductions into climate impact forecasts compound this uncertainty and are inherently wildly variable as any climatologist will agree. 3. The translation of those climate impacts into health and social benefits further compound those uncertainties and are little more than guesswork.	Comment noted. The overarching purpose of the proposed regulations is to provide the benefit of GHG reductions by reducing methane emissions. Regardless, the purpose of the Appendix to the ISOR is to disclose the economic impacts of the proposed regulations. Comment noted. The numbers do not overlap. One projected value shows the benefits the regulations will produce from avoiding two specific pollutants, PM2.5 and NOx. The other projected value shows the benefits of avoiding the pollutant of methane. It is possible for a regulation to produce more than one environmental benefit. The monetized health benefits which are estimated at $10.48 billion are discussed as the result of avoided emissions of criteria pollutants of NOx and PM2.5. As noted in the Appendix to the ISOR, these benefits are the result of reduced hospitalizations, emergency room visits and mortality. The projected avoided incidents are noted in Table 21. The health and environmental benefits from avoiding emissions of methane are calculated separately as the pollutants create different impacts. As noted in the Appendix to the ISOR, CalRecycle used the social cost of methane developed by the IWG to estimate the economic value of the health and environmental benefits of reducing methane. This produces the range of health and environmental benefits of $865 million - $2.4. This is noted on pages 32-33 of the Appendix to the ISOR. The projected net cost conclusion does not rely upon or include the health and social benefits. Health and social benefits are calculated for disclosure, but they are not used to reduce the economic impact. The Appendix to the ISOR includes a sensitivity analysis for the health benefit calculations. Comment noted. The statement that landfill methane capture was not considered is incorrect. The estimated greenhouse gas emission reductions consider landfill methane capture. See the Specific Purpose and Necessity of the Regulations Section 18983.2. Comment noted. Contrary to the suggestion of the commenter, landfill gas collection and control systems are regulated per Title 17, Sections 95460 -95476 of the California Code of Regulations. Costs to implement and maintain those systems are a result of implementation of those regulations. These proposed regulations does not

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		The level of variability for these benefits is enormous yet no sensitivity analysis for it was conducted by the authors. The projected net cost conclusion relies on these highly uncertain estimated benefits acting as counterbalance to all the more predictable costs. The cost analysis needs to be revised to include a sensitivity analysis or uncertainty analysis to the wide variability in projected health and social benefits. Businesses and residents across the state are experiencing proof that these cost projections are highly unrealistic when juxtaposed to rate increases already being seen in our communities even before the regulations are implemented. Particularly to point number one above, please note that the quantified societal benefits that justify the program's cost are predicated on preventing methane emissions into the atmosphere. Therefore, in the specific case of landfills that have systems in place to capture the methane for beneficial uses (i.e. renewable natural gas or renewable electricity generation), such as the County of Sacramento, the basis for a significant share of the estimated benefits is not valid. For such landfills or waste management systems that dispose waste in landfills fitted with gas capture systems, the policy represents an enormous cost for a problem that the gas capture infrastructure already addresses. Diverting organics from such landfills nullifies the significant investments that communities have already made to solve the problem of GHG emissions and imposes the additional costs as evaluated in the analysis. So while the cost-benefit analysis holds in the general case, albeit only with inclusion of avoided mortality benefits, it breaks down for landfills that already address GHG emissions through installed gas capture systems. In such cases, the program's benefits would be insignificant compared to its costs. The Appendix's cost-benefit analysis would be more accurate if it included an analysis of the jurisdictions who currently send their organics, like food waste, to a landfill facility that is fitted with gas capture systems, and therefore, already capture the benefit of reduced methane emissions into the atmosphere. In addition, the analysis would do well to include case studies of specific California sub-regions that are served by landfills with gas capture systems. Such an analysis should also include as an added cost, the cost of investments in gas collection systems that would be rendered moot by diverting away the source material. To acknowledge the progressive thinking and investments already made by some communities in the State to capture GHGs from landfills, and in recognition of the fact that for such communities the net benefit finding in the Appendix's cost analysis is not applicable, perhaps the policy should consider some exceptions on how the policy's objectives can be advanced in these communities.	contribute to a lost investment in those systems as they will continue to be required absent a future regulatory change where those costs could be assessed. Regardless, as existing waste decomposes over many years, such systems will continue to have a use. With regard to net benefits to communities, as noted in the Appendix the health benefits are partially attributable to the reduced emissions of NOx and PM2.5 at landfills. Combustion of landfill gas collected through the aforementioned landfill gas collection systems is a significant source of these emissions, which directly impact the communities living within 1 kilometer of a landfill. Reductions in landfill gas collection and combustion can increase the health benefits in these communities.
1020	Drane, N., County of Sacramento	Inaccurate Costs for Processing of Organic Waste Under the "Collection and Processing of Organic Waste" section of the Appendix, Table 7 lists updated costs per ton on commercial recycling commodities and we are very concerned about the inaccuracy of the prices per ton to process wood waste, green waste and compostables. We are nearing the end of our organics diversion services procurement and have received many proposals for processing these materials. In the Sacramento Region, for example, processing costs for self-haul wood waste, self-haul green waste, residential green waste, and residential green waste with food waste is on	Comment noted. CalRecycle acknowledges that the cost of processing may vary regionally, however CalRecycle disagrees that the cost of processing wood is underestimated. The cost tool CalRecycle used to calculate processing costs uses a statewide average of processing costs across various regions. Further, commenters appear to be comparing their entire per ton cost for recovering wood (collection, processing and transportation to market),

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		average $73 per ton. The Appendix states an updated average processing cost for these materials as $31.72, which is less than half our average processing costs we received from our procurement. We highly recommend those numbers be revisited and CalRecycle survey existing facilities to use accurate processing costs to estimate the cost of collection and processing of organic wastes.	to the single line-item for wood processing cost CalRecycle presented in the appendix. The combined collection and processing cost for wood waste is $67.12. The transportation costs presented in Table 4 also factor into the overall cost of recovering wood.
1021	Drane, N., County of Sacramento	Inaccurate Costs for Processing of Organic Waste Under the "Collection and Processing of Organic Waste" section of the Appendix, Table 7 lists updated costs per ton on commercial recycling commodities and we are very concerned about the inaccuracy of the prices per ton to process wood waste, green waste and compostables. We are nearing the end of our organics diversion services procurement and have received many proposals for processing these materials. In the Sacramento Region, for example, processing costs for self-haul wood waste, self-haul green waste, residential green waste, and residential green waste with food waste is on average $73 per ton. The Appendix states an updated average processing cost for these materials as $31.72, which is less than half our average processing costs we received from our procurement. We highly recommend those numbers be revisited and CalRecycle survey existing facilities to use accurate processing costs to estimate the cost of collection and processing of organic wastes.	Comment noted. The cost tool CalRecycle used to calculated processing costs uses a statewide average of processing costs across various regions. Processing waste includes the cost of removal of contaminants, which is averaged across the state. Additionally, CalRecycle estimates of the cost of contamination monitoring are represented in Table 1 and included in the row "Hauler Contamination Monitoring and Reporting" and "Waste Sampling." See pages 10-11 of the Appendix to the ISOR. The regulations additionally include education and outreach requirements which are designed to reduce contamination which should subsequently reduce the cost of contamination processing. However, it is speculative to estimate the effectiveness of those efforts for reducing contamination. A sensitivity analysis would require a baseline of contamination data to compare to, and an assumption of a decreased level of contamination. A baseline of contamination does not exist and projecting a decrease in contamination would be speculative and would potentially understate the cost of the regulation.
1022	Drane, N., County of Sacramento	Transportation Cost Assumptions We understand the challenges in measuring the impact of Vehicle Miles Traveled (VMT) for future facilities. However, we do believe there should be an assessment on the increase of VMT when collection trucks in many jurisdictions throughout the State will have to collect organic waste carts more frequently, such as weekly rather than every other week, after SB 1383 rules are implemented. CalRecycle has data from all jurisdictions on how frequently organic carts are collected and should be able to compute assumptions on the increase of collections.	Because analysis of VMTs depends on many unknowns at this time, such as siting of future facilities, CalRecycle determined that it would be unduly speculative to quantify VMTs with any certainty.
1023	Eulo, A., City of Morgan Hill	Thank you for updating the analysis of compliance costs associated with the proposed Short-lived Climate Pollutant: Organic Waste Reduction regulations. The City offers the following comments and thanks you, in advance, for your consideration: 1. Constitutionality of Assumed Approach and Creation of Unfunded State Mandate Page 35 of the Appendix contains the following statement: "This analysis assumes that all costs are eventually either passed on to businesses or households through higher waste management rates." The City finds that, while this is likely true for most of the costs resulting from the proposed regulations, it is not true for the procurement requirements proposed to be imposed on jurisdictions.	CalRecycle disagrees with the characterization of procurement requirements as an unfunded mandate. First, the Legislature, in SB 1383, explicitly authorized local jurisdictions to charge and collect fees to recover its costs incurred in complying with the regulations (Pub. Res. Code § 42652.5(b)). In addition, Section 7 of the bill states that, "No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this

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		As drafted, the regulations require jurisdictions to procure a large amount of products produced from recovered organic waste materials. While there is flexibility in the products to be procured, the vast majority of them do not directly relate to waste management operations. The California Constitution contains fairly explicit restrictions that require fees passed onto customers to be directly related to the costs of the services provided. Given this, it would not be constitutional for the City to include the costs of procuring compost, mulch, building heat, or biomass electricity in our solid waste rate calculations. Without the ability to pass on these costs to solid waste customers, the City will be forced to use General Fund revenues for compliance and will not be able to recover these costs through user fees.	act, within the meaning of Section 17556 of the Government Code." Such a fee authorization, and costs being recoverable from sources other than taxes, overcomes any requirement for state subvention of funds for reimbursement for a state mandate (see Gov. Code § 17556, County of Fresno v. State of California, 53 Cal.3d 482 (1991)). Second, local jurisdictions have discretion to design legitimate regulatory fees that charge, collect, and use funds in a manner that meets the exceptions to the definition of a "tax" under Cal. Const. Art. XIII C, Section 1 (e). There are no provisions in the SB 1383 regulations that limit that discretion. As such, it is overbroad and speculative to describe "any fees" that may in the future be imposed by the numerous local jurisdictions in California as "likely" to be treated as taxes. If a fee were to be challenged, the determination would be highly dependent on the particulars of how a local charge is purposed, collected and used. CalRecycle is not aware of any facts indicating that local jurisdictions are outright prevented from designing valid regulatory fees consistent with Prop. 26 and Prop. 218 to offset the costs of complying with SB 1383. Finally, according to the October 1, 2018 decision in Paradise Irrigation Dist. v. Commission on State Mandates, a statutory authorization to levy fees, such as that provided in SB 1383, is the relevant and dispositive factor in overcoming claims of subvention for a state mandate. This is true whether or not a local fee is subject to, or defeated by, a majority protest procedure. The court found the protest procedure to be a practical consideration for a local government as opposed to a legal factor in determining a requirement for subvention for a state mandate.
1024	Eulo, A., City of Morgan Hill	2. Underestimation of Compliance Costs The entire analysis assumes that substantially increased quantities of renewable natural gas, and the infrastructure to transport it, are going to materialize before January 1, 2022. This flawed assumption results in the Appendix vastly understating the true costs of compliance with the procurement requirements as the other methods of compliance, like purchasing compost or electricity derived from biomass, are the most expensive options. Per page 9 of the Appendix, the calculation to estimate procurement compliance costs assumes that each of the compliance pathways are equally followed. It further states that, since jurisdictions will likely pursue the lowest cost pathway instead of pursuing them all equally, the estimate "may overstate costs." While this reasoning could be true, it ignores the fact that the lowest cost pathways, those relying on renewable gas, are likely to remain impractical or infeasible for many years after the January 1,	The Appendix presents a reasonable estimate of the cost of the procurement requirements. The Appendix notes that if jurisdictions pursue the cheapest compliance option, the total cost of the procurement requirements would equate to $30 million. The Appendix to the ISOR notes: "As the amount of each product category that will be procured by each jurisdiction can't be projected with certainty, CalRecycle assumed each category would account for an equal portion of procurement with the exception of biomass conversion, which is assumed to process less material as the number of facilities is not

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		2022 deadline. Given this, the estimate actually substantially understates the likely costs that will be imposed upon jurisdictions.	anticipated to expand and the facilities face more feedstock limitations then solid waste facilities." CalRecycle estimated the cost of procurement at $288 million. This is a reasonable estimate given uncertainties regarding products jurisdictions will select to comply with the regulations.
1025	Wonsidler, M., San Diego County Public Works	Thank you for the opportunity to review- we have no comments to submit at this time.	Comment noted.
1026	Zetz, E., SWANA CA Chapters Legislative Task Force	On behalf of the California Chapters of the Solid Waste Association of North America (SWANA) Legislative Task Force (LTF), thank you for the opportunity to provide comments on the December 2019 Appendix to the Initial Statement of Reasons (Appendix) to the SB 1383 Short-Lived Climate Pollutants regulations. SWANA represents much of the publicly-owned and operated solid waste management infrastructure in the state and the local governments responsible for implementing waste diversion and recycling programs. The LTF represents the three California Chapters on legislative and regulatory issues. SWANA LTF would like to provide the following comments on the Appendix: 1. The introduction of the Appendix states, on page 3, "The successful implementation of the regulations will create thousands of green jobs, generate billions in economic activity and benefits, and protect California from immediate and long-term health and environmental impacts valued in the billions of dollars." SWANA LTF believes that the Appendix cannot reasonably make the conclusion that the implementation of the proposed SB 1383 regulations will result in economic, health and environmental benefits with any level of certainty, due to the fact that the Programmatic Environmental Impact Report (DEIR) that was released in July was inadequately drafted. In the comment letter we submitted on September 13, 2019 regarding the DEIR, we emphasized that there were many environmental impacts that were not fully analyzed, including air quality impacts from the increased vehicle miles traveled due to the collection of organic waste. Additionally, we are concerned with the statement in the Appendix that "the proposed regulations are designed to achieve the statutory targets in the least burdensome and most cost-effective method possible." This statement is grossly untrue and, more importantly, completely disregards Section 40059 of the PRC which includes a provision that local governments "may determine all aspects of solid waste handling" – aspects which are prescribed in great detail in the proposed regulation – and Government Code Subdivision 11340(d) which was memorialized in 2017, among other things: "The imposition of prescriptive standards upon private persons and entities through regulations where the establishment of performance standards could reasonably be expected to produce the same result has placed an unnecessary burden on California citizens and discouraged innovation, research, and development of improved means of achieving desirable social goals." SWANA LTF strongly believes that all public agencies should be granted the authority to determine the least burdensome and most cost-effective method to achieve the statutory	With respect to comments on the Environmental Impact Report, those are appropriate for comment periods associated with the EIR process under CEQA. The Appendix to the ISOR comprehensively considers and discloses potential economic impacts. It is unclear from the comment what impacts are not considered. The Appendix to the ISOR aligns the estimates of cost with the disposal and recovery projections and pathways used for the Environmental Impact Report. However, the findings in the EIR are specific to environmental impacts, and the EIR does not attempt to calculate economic benefits. The second comment is a general comment about the overall regulatory model rather than specific economic impact calculations or the process CalRecycle followed in preparing Appendix A.

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		targets. We strongly recommend the Office of Administrative Law consider the excessively prescriptive and burdensome nature of the regulations.	
1027	Zetz, E., SWANA CA Chapters Legislative Task Force	2. The cost analysis in the Appendix is based on the assumption that all "organic waste," as defined by the proposed SB 1383 regulations, is compostable organics that can and will be managed by compositing and anaerobic digestion. The analysis, however, fails to recognize that there are many types of organic materials that are non-compostable but have been included in the proposed definition of organic waste, such as, cardboard, textiles, etc. These materials cannot be managed through composting or anaerobic digestion processes. We highly suggest that the Appendix be revised to consider the management of all organic waste, as currently drafted by the proposed SB 1383 regulations, including both compostable and non-compostable organic waste, through all applicable technologies including thermal conversion technologies.	The Appendix does not assume all organic waste is compostable, and the Appendix does not assume all organic waste will go to composting or anaerobic digestion. It is unclear how the commenter came to this conclusion. The Appendix assumes the same facility pathways considered in the Final Environmental Impact Report.
1028	Zetz, E., SWANA CA Chapters Legislative Task Force	3. It is difficult to verify the veracity and accuracy of the assumptions and numerical estimates of the cost analysis without being provided with the backup information as to how and where the figures were obtained. Additionally, the cost analysis assumes significant financial benefits from the implementation of SB 1383, at a macro-economic level. It is questionable to what extent these benefits will be realized, but perhaps more importantly, the benefits artificially reduce the estimated monthly cost increases to residences and businesses. It will be important for jurisdictions and their elected decision makers to know the actual amount of the expected increase, minus the net macro benefits, in order to assess the real cost impacts to residents and businesses.	The information relied upon to produce the SRIA was noted in the SRIA. The SRIA, and the subsequent Appendix to the ISOR, disclosed CalRecycle's findings regarding the estimated cost. The rulemaking record including all information relied upon for the rulemaking has been available to the public review throughout the rulemaking process. CalRecycle's announcement of comment periods disclosed this fact. The comment period for Appendix A which revised the cost estimates provided in the SRIA, importantly included the following notice: "This Appendix, as well as the entire rulemaking file, including technical documents and all information that provides the basis for the proposed regulation, are available for inspection and copying throughout the rulemaking process. The full text of the regulation (posted October 2, 2019) upon which the cost assessment is based on and the Appendix to the Initial Statement of Reasons are available here: https://www.calrecycle.ca.gov/Laws/Rulemaking/SLCP/ It can also be reviewed in person, along with all documents in the rulemaking file including technical documents and all information that provides the basis for the proposed regulation, from 8:00 a.m. and 4:00 p.m. at CalRecycle's offices at 1001 I Street in Sacramento. Please contact Ashlee Yee at the above-mentioned address if you would like to schedule review of the document in person." Comment noted. The projected net cost conclusion does not rely upon or include the health and social benefits. Health and social benefits are calculated for disclosure, but they are not used to reduce the economic impact. The net

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			costs represent the economic costs minus the economic benefits.
1029	Zetz, E., SWANA CA Chapters Legislative Task Force	4. The Appendix assumes that diverting organics from landfills will cost equal or less per ton than disposal. This may be true for approximately 20% of the state. These would be areas where the current gate tipping fee for disposal is $75-$100 per ton. In the Central Valley and in the Southern California Region, that is not the case as average tipping fees are more in the $30-$40 per ton range. Recent estimates place anerobic digestion at about $80-$100 per ton. Diverted organics that are not yard waste will not be composted using traditional windrow methods, which current range from $25-$35 per ton. This brings us to our second point regarding these cost differences. According to Table 7, yard waste composting averages $33.77 per ton and compostables average $31.47 per ton. As noted above, anaerobic digestion costs are more in the $80-$100 per ton range. Furthermore, most jurisdictions will likely start co-collecting yard waste and food waste together for increased efficiency and environmental protection. By co-collecting, the jurisdiction will now need to send the yard waste they were getting processed for $30-$40 per ton at a traditional windrow compost facility, to higher cost anerobic facilities, thereby subjecting the entire tonnage to the $80-$100 per ton cost. It is not clear if the economic analysis reflected these changes in collection when estimating cost impacts	Comment noted. The Appendix to the ISOR does not make this assumption. The Appendix to the ISOR finds that recycling organic waste that is currently disposed will result in a net cost of $12.8 billion over 12 years. Comment Noted. Table 8 of the Appendix to the ISOR includes the following note regarding the costs for anaerobic digestion: “The cost for processing the tons projected to be recovered through composting and anaerobic digestion is included in the O&M costs noted in Table 5.” The projected cost for the operation and management of anaerobic digestion facilities is included in Table 5 of the Appendix to the ISOR, and relies upon the AD processing costs used in the SLCP Economic analysis. Comment noted. The cost of collecting and processing compostables (e.g. food waste) and green waste are included in the Appendix to the ISOR. The regulations do not require co-collection of yard waste and food waste. This is one path jurisdictions may choose to comply with requirements to provide collection services. Further, yard waste collected with food waste can be handled at a compost facility that is appropriately permitted and is not required to go to anaerobic digestion.
1030	Zetz, E., SWANA CA Chapters Legislative Task Force	5. On page 6 of the Appendix, it states that “CalRecycle did not receive conclusive data tangibly demonstrating a quantifiable increase in VMT which could be calculated as a result of the regulations.” It goes on to state that local jurisdictions should employ mitigation measures to reduce VMT. However, there are certain areas of the state, such as those with a high concentration of organic waste generators or those with a high number of organic recycling facilities, that will see higher increases in VMT compared to those in other parts of the state. It is imperative that VMT increases be considered, as they factor heavily into the potential impacts, both financially and in terms of other impacts, such as wear and tear on city streets, associated with the proposed regulations. Additionally, increased VMT will include providing weekly organic collection for all residences. Although it varies jurisdiction by jurisdiction, not all residences currently have organic waste collection service, and many that do have it bi-weekly rather than weekly. At a minimum, compliance with the regulations will more than double the VMT, just for the residential organic materials component of the regulatory requirements.	As it also determined in its Environmental Impact Report for these regulations, CalRecycle determined that it was unable to quantify VMTs with any level of certainty due to unknowns involving, for example, where new facilities would be sited in the state. As such, it would have been speculative to attempt to quantify any economic effect on this front.
1031	Zetz, E., SWANA CA Chapters Legislative Task Force	6. Despite the assertion that public agencies pass costs on through garbage rates, which is not true for all the costs of implementation, such as for the procurement requirements and edible food program. The Appendix does not acknowledge the difficulties of raising fees given the onerous Prop 218 and 26 process	Comment noted. It is unnecessary for purposes of the Appendix to the SRIA to opine on difficulties in charging local fees. CalRecycle also disagrees with the assertion that the regulations are an unfunded mandate since the

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		requirements, and in some cases the complete lack of the possibility of raising fees. For instance, the City of San Diego in 1919 passed the People's Ordinance which prohibits the City from charging fees for refuse collection. Therefore, SB 1383 simply represents an unfunded state mandate under the California Constitution since the proposed regulations would impose a new program on local governments, without a specified state funding source. We strongly recommend the Office of Administrative Law take this into consideration.	Legislature specifically provided the authority for jurisdictions to raise fees to offset costs in SB 1383.