

October 18, 2019



Ashlee Yee

Materials Management and Local Assistance Division  
California Department of Resources Recycling and Recovery  
P.O. Box 4025 Sacramento, CA 95812

1100 K Street  
Suite 101  
Sacramento  
California  
95814

Transmitted via E-MAIL: [SLCP.Organics@calrecycle.ca.gov](mailto:SLCP.Organics@calrecycle.ca.gov)

Telephone  
916.327.7500

Facsimile  
916.441.5507

**RE: CSAC Comments on October 2, 2019 Formal Draft Short-lived Climate Pollutants Organic Waste Reduction Regulations**

The California State Association of Counties (CSAC) offers the following comments on the proposed regulations to implement SB 1383 (Lara, Chapter No. 395, Statutes of 2016) relating to organics diversion from our landfills. CSAC has been actively engaged in this regulatory process since the passage of SB 1383 in 2016. We appreciate the consistent outreach on the part of the Department of Resources, Recycling and Recovery (Cal Recycle) and their attention to local government issues and concerns. We thank staff for the number of changes in this draft that responded directly to comments by local governments regarding the practical implementation of these measures. Many of these changes will help streamline this regulatory package, and also make it consistent with other policies, procedures and laws.

Specifically, we appreciate the changes included in this draft that responded to local government concerns, such as the rural exemption extension from January 1, 2025 to December 31, 2026. In addition, aligning the linguistic outreach requirements with existing requirements in Section 7295 of the Government Code will streamline this process and keep it consistent with other state requirements. Counties also appreciate the expansion of acceptable organic waste products for procurement compliance, and added flexibility of the new penalty structure. As stated, these changes and several others included in this draft improve upon the previous version. However, counties have ongoing concerns related to several measures within the draft, and are generally concerned that the mandate for local governments to implement, monitor and fund these new requirements will result in substantial staffing needs at the local level and ultimately significant cost impacts to our constituents.

In addition to our general comments, counties remain concerned about the following issues, and we align our comments with those submitted by individual counties.

In Section 18983.2, the definition of “renewable transportation gas” is limited to gas derived from in-vessel digestion of organic waste only. Counties believe the regulations should expand the definition of “renewable gas” to include gas derived from other technologies, including biomass conversion utilizing thermal conversion technologies.

In Section 18982 (56.5), “project baseline” in the context of greenhouse gas (GHG) emission reduction is defined as “...a conservative estimate of the business-as-usual greenhouse gas emissions that would have occurred if the organic waste proposed for recovery was disposed of in activity that constitutes landfill disposal....” Counties note that the use of the term “conservative” in this definition and suggest that this is ambiguous and subjective. We also

support the request by Los Angeles County that the definition in Section 18983.2 should be revised for consistency with the definition of “project baseline.”

We appreciate the increased flexibility related to containers colors as included in Section 18982. This will help to reduce the cost burden of replacing all containers. Changing the lid color is appropriate so viable container bodies are not discarded, adding to California’s overall waste stream. However, we do note that the container color requirements are not consistent for the different types of containers. The regulations specify that “blue containers” with a blue lid can have a body of any color, but does not specify the same requirement for brown, gray, and green containers. We recommend making this change consistent for all containers.

CSAC has consistent and ongoing concerns regarding the implementation of the proposed regulations and the heavy cost burden that will ultimately be borne by local rate payers. Local governments have the authority to raise fees at the local level to implement state laws and mandates. However, it must be known, that this regulatory package, when fully implemented, will have a significant impact on individual households. SB 1383 calls for targeted reductions to our methane emissions, and this regulatory package takes bold action to implement this law. Counties support the protection of our environment and the need to reduce our greenhouse gas emissions. We also support the balance of cost effective strategies that take into consideration the cumulative fiscal impact – balancing bold action with implementable rules and regulations that are economically feasible and not overly burdensome on individuals.

In addition to the cost impact of staffing, our consistent message and main point throughout this process has been the need for sufficient infrastructure to manage this portion of the waste stream. To meet our targets, California will need to invest billions in capital investment. Cap and Trade funding has provided limited resources to make process towards the significant resources needed to site and permit facilities. We firmly believe that capacity is a statewide conversation that is tied to resources and requires the participation of all stakeholders. This requirement is beyond the ability of most local jurisdictions to achieve, and should be part of a broader effort focused on the development of organics infrastructure and associated funding in California.

We appreciate the stakeholder engagement from the Department, and look forward to continuing our work together to achieve our ambitious organic waste diversion targets. Thank you for the opportunity to provide you our comments. Should you have any questions, please feel to contact me at 916-327-7500, ext. 504, or [cmartinson@counties.org](mailto:cmartinson@counties.org).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cara Martinson', written in a cursive style.

Cara Martinson  
Senior Legislative Representative & Federal Affairs Manager