

# Humboldt County

## Solid Waste Local Task Force

### Cities of:

Arcata  
Blue Lake  
Eureka  
Ferndale  
Fortuna  
Rio Dell  
Trinidad

County of Humboldt

Humboldt Waste  
Management Authority

*The Humboldt County Local Task Force serves in an advisory capacity to individual agencies and the HWMA towards the implementation of the integrated management of solid wastes and recyclables.*

*The Local Task Force is also responsible for assisting in the coordination, review and implementation the county and cities 5-Year CIWMP Report.*

### Agenda

**Wednesday, December 16, 2020 (1pm-2:30pm)**

**Virtual Meeting-Zoom Link:**

**<https://us02web.zoom.us/j/87004527930>**

**Meeting ID: 870 0452 7930**

**Call in: 408-638-0968**

*Copies Available: Copies of the agenda materials are available electronically upon request by emailing [dwood@ci.eureka.ca.gov](mailto:dwood@ci.eureka.ca.gov)*

- 1. Call to Order/Roll Call**
- 2. October 12, 2020 Minutes (attached) – Review & Approve**
- 3. Jurisdiction Representative Reports- Receive updates and take action as appropriate.**
- 4. Ongoing Discussion Items**
  - 1. CA Redemption Value Buy Back Centers- Receive update from Jill Duffy, Executive Director of HWMA; Take action as appropriate.**
  - 2. “Mandatory Organic Recycling” (AB1826) and “Short Lived Climate Pollutants” (SB1383) (attached)-Receive update from Spencer Fine, CalRecycle Representative; Take action as appropriate.**
  - 3. Curbside Collected Recycling Contamination/Oopsie Tag- Receive Update from Linda Wise, General Manager of Recology; Take action as appropriate.**
- 5. Treated Wood Waste (attached)-Receive update on disposal of treated wood waste from Jill Duffy, Executive Director of HWMA; Take action as appropriate.**
- 6. Potential Formation of Local Task Force Subcommittees**
- 7. Non-Local Task Force Organization Reports**

This is a standing agenda item for non-member organizations to provide reports to the SWLTF on their respective waste management topics.

1. HWMA- National Recycling Strategy (attached)
2. Recology
3. Zero Waste Humboldt

## **8. Proposed Future Tasks/Actions**

The LTF will identify tasks or action items to be addressed at a specified LTF meeting.

## **9. Oral and Written Communications**

- a. This time is provided for people to address the Task Force or to submit written communications concerning matters not on this agenda. Task Force Members may respond to statements, but any request that requires action will be referred to appropriate agency staff for review. Reasonable time limits may be imposed on both the total amount of time allocated for this item, and on the time permitted to each individual speaker. Such time allotment or portion thereof shall not be transferred to other speakers.

## **10. Adjournment**

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### **Agenda**

**Monday, October 12, 2020 (9am-10:30am)**

**Virtual Meeting-Zoom Link:**

**<https://us02web.zoom.us/j/6975413022>**

*Copies Available: Copies of the agenda materials are available electronically upon request by emailing [dwood@ci.eureka.ca.gov](mailto:dwood@ci.eureka.ca.gov)*

#### **1. Call to order**

9:11 AM

#### **2. Introductions/Roll Call**

Eureka- Donna Wood

Blue Lake- Emily

Ferndale- Not present

Fortuna- Kevin Carter

Rio Dell-Karen Dunham

Trinidad- Not present

County of Humboldt- Tom Mattson

HWMA- Jill Duffy

Non-members: Spencer Fine Cal Recycle, Maggie Gainer Zero Waste Humboldt, Linda Wise Recology, Mario Kalson LEA

#### **3. January 9, 2020 Minutes (attached) – Approval**

Summary- No comments

Motion/Second- Kevin.Karen

Public Comment- NA

Vote- Pass Unanimously (Ferndale and Trinidad not present)

#### **4. Jurisdiction Representative Reports- *Review and discuss***

Eureka-COVID increased waste generated at home with overstuffed bins and increased trash in recycling. Put out press release to alert people that their choice at bin can help protect essential workers. CRV issues also prevalent, took to City Council and signed letter to go to state reps about the issue.

Arcata- Food waste grant underway. Issues with sewage at Food for People has held up the grant. They also passed single use plastics ordinance though COVID has impacted this. They want to keep it going while not making businesses feel penalized. Contamination also an issue along with unhoused increase and influx into public trash cans. Also a freeze on hiring and short staffed. Also concerned about CRV among organics diversion requirements. They are at capacity which makes it hard to take on new things. Interested in having food waste topic on next agenda.

Humboldt County- CRV is also big issue. BOS is mad. Also working with Assemblymember Wood. The county is definitely taking a hard stance on this topic and hopes other members will join.

Fortuna- Echoes all other concerns reported. Also issues with illegal camp sites. Also concerned about organics requirements coming down.

Blue Lake-Has been more shielded from major waste issues due to small town. They did see waste increases from summer youth programs. Hoping to go to for a rural organics exemption and seeing how these regulations fit into garbage program.

LEA- concerned about waste from neighboring fires. Looking into temporary transfer stations. Waiting on guidance.

Rio Dell- Still seeking universal pickup. They are seeing large amount of illegal dumping at bins at City Hall. People are piling up garbage bags at private residences. Also have a new CSO for nuisance abatement.

#### **5. Election of Chair and Vice Chair**

Summary- Kevin is the Vice Chair. He can assume Chair if he would like. Kevin said he does not want to at this time. Motion went forward for Donna Wood to be chair and Kevin to remain Vice Chair.

Motion/Second- Julie/Tom

Public Comment- NA

Vote- Pass Unanimously (Ferndale and Trinidad not present)

#### **6. Discuss Updates to Member Composition of SWLTF**

Jill shared that the LTF would develop a recommendation that each agency would pass by their legislative bodies through a resolution. This last happened in 2016. There is opportunity to develop different types of expansions. We could modify to think long term about who else may want to part of it...rep from recycling industry, member of public. The larger the group gets it is harder to get quorum.

Maggie asked how the actual members would get appointed

Jill is not clear if it is the county or the members of the LTF

Maggie said based on experience with AB 939 that it is the county that appoints. She thinks non city members would be helpful and has seen it in other regions.

Spencer says it is a local decision for us to make and to consider something like a regional recycling group that meets more often than LTF that can make recommendations. Keep in mind the LTF develops 5 year planning documents which may not be as useful for non-city members.

Donna asks if we should reach out to county to begin to find out about process to make changes. Contact is Kathy Hayes

Julie wants to ensure we are thinking short term and long term when making changes. Arcata is seeing budget and staff constraints and needs to figure out capacity. But also wants to plan for where we want to be when we do have more funds. Also lets be sure not to focus too much on recycling and overlook Zero Waste concepts and organics reductions. Maybe a subcommittee could be more active on these topics with non members? Showing the efforts and activity of a subcommittee could begin to make the case for changing member composition.

Tom agrees with Julie about waiting to make changes. Keep in mind voting members are ultimately responsible for implementing state mandates and when voting, agencies need to be sure they are feasible and able to be implemented in each members operation. We absolutely need non members input and knowledge to help make these things happen. County is lacking a full time Solid Waste person.

Maggie said if Zero Waste Humboldt is not a full voting member they would be happy to have a standing agenda item to report. This would meet part of their needs in the meantime and help forward their goals. They also recognize attending a lot of meetings is hard. Supports postponing changes to the board and also like concerted efforts on organics.

Discussion went forward on where standing agenda item would be. Landed on a standing reports items for ZWH, Recology, and HWMA. Have it towards end of meeting but members can request it be pulled earlier in the meeting.

Tom would like to see an "action to be taken" section so that reports yield some sort of action.

## **7. Receive Preliminary Waste Characterization Report (attached)**

Feb 2020 materials audited, then June 2020 cancelled due to COVID. Second audit rescheduled for June 2021. Just a preliminary report. So far, not much different than 2010 study. Was hoping to see decrease in organics, but did not. We will need to use this to see how we can do better, especially with organics. Arcata saw that recoverable food waste was down, so that could be a good sign. Maggie asked if Oops tags helped. Linda said yes but it's the action after. Do they tip and charge garbage? What is the teeth. Jill mentioned it can be strict but could be coordinate region wide. It is suggested we talk more on oops at next meeting, put on agenda. Tom is interested in helping fund education. Linda would like to present on this topic next meeting.

## **8. Oral and Written Communications**

This time is provided for people to address the Task Force or to submit written communications concerning matters not on this agenda. Task Force Members may respond to statements, but any request that requires action will be referred to appropriate agency staff for review. Reasonable time limits may be imposed on both the total amount of time allocated for this item, and on the time permitted to each individual speaker. Such time allotment or portion thereof shall not be transferred to other speakers.

Spencer shared that Oct 20<sup>th</sup> is national reuse day. Recycling commission is meeting this month about CRV. EAR is due. Some state waste statutes are being reviewed and a rural exemption has been extended though waiver is no longer valid. Any state regs coming down calrecycle is willing to work with each agency to make it happen. Webinars will be available to help. Spencer will send email follow up with all the info we need.

Maggie shared ZWH has a video series for the public about plastics and food waste. Nov 15<sup>th</sup> is zero heroes night and there will be awards. ZW business certification is going digital since the old format was costly. Also working on youth programming for kids.

HWMA shared issues with CRV. COVID closures, scrap metal costs, CalRecycle not allowing HWMA to make adjustments. HWMA is looking into pilot program and hopes to meet with a few of the bigger cities to talk more. Program is cost prohibitive and operates at a loss. Changes need to be strategic for the long term

Maggie sees opportunity to educate people about other ways to consume beverages. Jill highlights that when CRV started plastic was not as prevalent, especially bottled water. Donna suggests a CRV subcommittee. This action cannot be taken from public comment but can be discussed further at next meeting as agenda item.

## **9. Adjournment**

Meeting was called to adjourn by Donna Wood at 10:35am.

## October 12, 2020 Humboldt LTF Meeting

### Key Dates

- [Electronic Annual Report](#) (EAR) is due now.
- Statewide Commission meetings this month can be found [here](#) (next one tomorrow)
- October 20: CalRecycle Public Meeting, 10:00 a.m. to?
- October 20: National Reuse Day
- SB 1383 trainings, see item below
- November 5: Farm and Ranch Grant application due

### Mandatory Organics Recycling Program (MORe) AB 1826

CalRecycle has made the determination the AB 1826 threshold is lowered to regulated businesses that generate two or more cubic yards per week of solid waste, recyclables, and organics. Additionally, CalRecycle has extended the rural exemption allowed for in AB 1826 until December 31, 2026. For more details please see the agenda item from the September 15, 2020, public meeting

- Businesses/Multi-family (MF's 5 or more units) that generate 2 cy or more of solid waste per week
  - 2 CY of Solid Waste Threshold
    - Up to 1 CY of organic waste per week waiver is no longer valid.
  - City has until January 1, 2021 to implement changes.
    - CalRecycle will work with jurisdictions if additional time is required and we will develop an implementation plan and schedule.

### SB 1383 Short-lived Climate Pollutant:

1383 CalRecycle has resubmitted the SB 1383 (Short-Lived Climate Pollutant) regulatory package to the Office of Administrative Law for approval as required per the Administrative Procedure Act (APA). [SB 1383 \(Lara, Chapter 395, Statutes of 2016\)](#) requires the implementing regulations to become effective on or after January 1, 2022.

### SB 1383 training

CalRecycle, in coordination with HF&H, Debra Kaufman, and Diversion Strategies, will host a SB 1383 Model Tools Webinar Series.

As a reminder, the model tools can be found here:

<https://www.calrecycle.ca.gov/organics/slcp/education>

Below are the dates and times for the webinars.

- Overview of the Model Tools – Monday, October 26 from 10:00-11:30 AM
- Model Franchise Agreement – Tuesday, October 27 from 10:00-11:30 AM
- Model Mandatory Organic Waste Disposal Reduction Ordinance – Tuesday, October 27 from 1:00-2:30 PM
- Model Procurement Policy – Wednesday, October 28 from 10:00-11:30 AM
- Model Edible Food Recovery Agreement – Wednesday, October 28 from 1:00-2:30 PM

Each webinar will have one hour of presentation and then 30 minutes of Q&A. To assist with the Q&A sessions, if there is any feedback you would like to provide on the model tools before the webinars, please submit them to the SLCP inbox ([SLCP.Organics@calrecycle.ca.gov](mailto:SLCP.Organics@calrecycle.ca.gov)) by Friday, October 16. However, questions can also be asked during the webinars.

As a reminder, the model tools are considered drafts until the regulations are approved.

Access to the webinars will be located here: <https://www.calrecycle.ca.gov/Broadcast/> Please note they are not listed yet. We will send a reminder about this series, as we get closer to the date.



SANTA BARBARA COUNTY  
Innovative Environmental Solutions



WESTERN PLACER  
WASTE MANAGEMENT AUTHORITY



CPSC  
California Product Stewardship Council.



"We'll Take Care of It"



NAPA RECYCLING & WASTE SERVICES



Athens Services



MID VALLEY DISPOSAL

SDCDA  
San Diego County Disposal Association



BLT Enterprises



December 1, 2020

The Honorable Jared Blumenfeld  
Secretary for Environmental Protection  
California Environmental Protection Agency  
1001 I Street  
Sacramento, CA 95811

**Subject: Solid Waste Industry and Local Government Concerns Regarding the Veto of SB 68 (Galgiani)**

Secretary Blumenfeld,

On September 29, 2020 Governor Newsom vetoed SB 68 (Galgiani), which would have repealed the sunset date for management and disposal of Treated Wood Waste (TWW) in a composite-lined portion of a solid waste landfill - standards that have been in place since 2004. The solid waste industry and local governments are largely responsible for managing the handling and disposal of TWW. Together, we face significant management challenges and **an exponentially increased risk of illegal TWW disposal** when Health and Safety Code Section 25150.7 expires on December 31, 2020. We are concerned that the veto of SB 68 leaves us with no effective management standards or guidance for TWW, no practical alternatives for managing the handling and disposal of this waste, and very little time to adapt current practices without immediate guidance from CalEPA.

A recent posting by the Department of Toxic Substances Control (DTSC) indicates that as of January 1, 2021, "... all hazardous treated wood waste managed in California will have to be stored and manifested as hazardous waste and transported to class I hazardous waste landfills for disposal." As a result, any treated wood that is generated by a business or household (or left on site from 2020) is subject to the full range of standards for management and disposal of hazardous waste. These include a limit that the material cannot remain on the generator's site longer than 90 days, cumbersome storage and labeling requirements, required shipment on a hazardous waste manifest, and disposal at a full hazardous waste facility.

Data provided by DTSC to the preserved wood industry indicate that 1.3 billion pounds of TWW has been safely disposed in the composite-lined portions of solid waste (Class II or Class III) landfills. Reports over the years have identified no significant environmental issues with current disposal practices.

If TWW is required to be disposed in a hazardous waste Class I landfill, it will create significant disruptions to local waste handling operations and significantly increase illegal disposal. Transportation costs and impacts will also increase. These impacts include traffic and toxic air contaminants and GHG emissions that will fall on the low-income

communities located near the Class I facilities. For 16 years, homeowners and businesses have become accustomed to managing TWW through our facilities and pursuant to the alternative management standards (AMS). The DTSC posting warns that TWW will be considered hazardous starting next year. This leaves residential and commercial customers with no practical disposal options because of the significantly greater costs and complexities of managing and transporting these materials as hazardous wastes to a Class I hazardous waste disposal facility.

According to the Treated Wood Waste Management in California AB 1353 (Matthews, Chapter 597, Statutes of 2004) Implementation Report, June 2018, "California's hazardous waste facilities lack the capacity to accommodate the volume of TWW generated in the state each year." **The average cost to dispose TWW in a hazardous waste Class I landfill is over eight times the cost of disposal in a Class II or Class III landfill.**

Transportation costs are also prohibitive, given that there are no more than three Class I landfills, and all are located in remote areas that are considerable distances from where TWW is generated. These costs and challenges greatly increase the potential for illegal dumping and burning, as traditional transportation and disposal pathways must turn away those wastes and customers may be unable or unwilling to adhere to the proper management and disposal requirements. Any increase in illegal disposal will result in additional cost pressures on already strained state and local governments that will have to clean up those illegal hazardous waste disposal sites. It is also important to note that these additional requirements and costs will occur at a time when the solid waste industry and local governments are struggling with the increased costs and administrative burdens caused by COVID-19.

These costs, when applied to the available estimated amount of TWW generated at 45,000 tons, will result in a statewide increase in disposal costs of at least, **\$22,500,000 per year**. However, the CalRecycle 2018 Disposal Characterization Study reflects a statewide Treated/Painted/Stained Wood Waste estimate of 1,740,699 tons that went into California landfills in 2018. Based on this estimate, we believe that our current estimated generation number of 45,000 tons is likely significantly low and therefore the actual annual costs starting in January 2021 will be significantly higher. The significant additional costs associated with handling TWW as hazardous waste will likely be borne by the local governments in the form of illegal dumping or at Household Hazardous Waste (HHW) facilities.

A recent study required by SB 162 (Galgiani, Chapter 351, Statutes of 2015), Treated Wood Waste Implementation of Senate Bill 162, found a 93% compliance rate with the Alternative Management Standards (AMS), ensuring the protection of the environment and public health. Furthermore, the AMS decreased illegal dumping of TWW to "no reported instances." Administrative type violations were noted in the review and were primarily addressed in SB 68 with improved data collection, outreach, and reporting.

The existing alternative management standards effectively result in proper management of TWW and a curtailment of illegal dumping, illegal burning, and illegal storage. Local governments are particularly concerned with illegal management of TWW should the existing management standards expire. **Without the current management standards, illegal dumping and burning will increase dramatically as homeowners, farmers, wineries, and businesses come to realize the increased costs and complex procedures that will be in place on January 1, 2021.**

To avoid these outcomes, we strongly recommend that CalEPA, DTSC, and the Governor's Office consider alternatives that will allow the current management standards to stand until remedial legislation can be passed and signed by the Governor. We strongly urge consideration of the following:

- ***Issuance of variances pursuant to Health and Safety Code Section 25143.*** Issuance of variances should allow TWW to be managed under the current AMS both for collection and disposal. This will provide time for adoption of a legislative solution or, in the absence of such an outcome, to provide for an off-ramp for a reasonable transition to managing the material as a hazardous waste.<sup>1</sup>

HSC Section 25143 authorizes DTSC to issue variances from one or more hazardous waste control requirements under certain circumstances. This process could be used to provide the public with relief from having to manage the TWW as a hazardous waste after January 1, 2021. Given our optimism that a legislative solution can be crafted, we believe that temporary variances could be issued – perhaps for a period of six months. This would give our broad coalition time to develop either (1) legislation that can be supported, quickly passed, and signed into law, or (2) in the event legislation is not feasible or successful, to develop plans and a procedure to manage TWW as hazardous waste with all the necessary requirements by July 1, 2021.

We believe that the primary condition of all variances should be managing TWW in accordance with current AMS regulations set forth in 22 CCR § 67386.1 et seq. The AMS have been in place since 2008, are familiar to all concerned, and provide for the safe management and disposal of TWW. This approach will allow stakeholders and DTSC to manage TWW within a universally understood and effective framework until a feasible transition plan is in place, thereby avoiding unnecessary illegal dumping, burning, and other negative outcomes.

- ***Development of a standard template for issuance of TWW-related variances.*** Recognizing that DTSC is now limited to issuing variances to specific individuals or business concerns, we suggest that DTSC create a standard template for TWW-

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<sup>1</sup> It should be noted that many years ago, DTSC regulated TWW through the use of variances issued to various companies. The practice of issuing variances was not consistent, and the many variances issued by DTSC to different companies had varying time frames and conditions and did not reflect a cohesive regulatory strategy. DTSC ultimately abandoned this approach, with legislation replacing the variance patchwork to provide consistent standards for management of TWW.

related variance applications. Creation of a standard TWW variance template will significantly reduce the workload for both DTSC's review of those applications and the burden placed upon each individual applicant. Those entities currently involved in the management and collection of TWW are extremely diverse. Some entities may have little trouble applying for a variance to cover the numerous facilities that they operate. Other operators, especially those serving rural areas, may have far fewer resources to successfully navigate the variance application process and yet may be the only pathway for collection and management of TWW in the areas they serve. Given the successful management of TWW by those existing entities and the high risk of illegal dumping and burning without adequate transportation and management opportunities, we believe that there would be significant environmental and resource benefits from developing and using a standard template for issuance of TWW-related variances.

We stand ready to discuss these concerns, our recommendations, **and any other options that would provide a similar level of continuity to our jurisdictions and our management practices.** Thank you for your attention to this matter of statewide concern.



John Kennedy, Legislative Advocate  
Rural County Representatives of California



Alyssa Silhi, Legislative Representative  
California Special Districts Association



Chuck Helget, Director Government Affairs  
Republic Services

Christy Pestoni, Chief Operating Officer  
Upper Valley Disposal & Recycling  
Clover Flat Resource Recovery Park &  
Landfill  
South Lake Refuse & Recycling



Christine Wolfe, Public Policy Manager  
Recology



David E. Fahrion, Chief Executive  
California Waste & Recycling Association



Derek Dolfie, Legislative Representative  
League of California Cities




Richard D. Plecker, P.E., Environmental  
Utilities Director  
City of Roseville

Mike Rivera, Solid Waste Division Manager  
City of Watsonville

Leslie Robinson, Collection & Materials  
Manager  
Santa Barbara County Resource Recovery  
and Waste Management Division

/s/ M. Michael Mohajer

M. Michael Mohajer, Commissioner  
Los Angeles County Solid Waste  
Management Committee/Integrated Waste  
Management Task Force

  
Rachel Ross-Donaldson, Agency Manager  
Tehama County Solid Waste Management  
Agency



Alex Oseguera, Director of Government  
Affairs  
Waste Management



Leslie Lukacs, Executive Director  
Zero Waste Sonoma (Sonoma County  
Waste Management Agency)



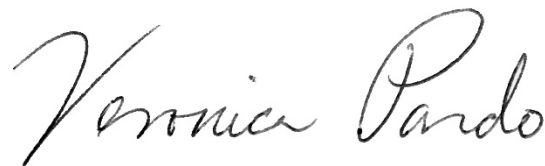
Jennifer Lombardi, General Manager  
Mendocino Solid Waste Management  
Authority



Keith Quinlan, Solid Waste Superintendent  
City of Lompoc



Candace Andersen, Chair  
Contra Costa County Board of Supervisors



Veronica Pardo, Regulatory Affairs Director  
Resource Recovery Coalition of California



Natasha Drane, Government Relations and  
Legislative Officer  
County of Sacramento

Jill Duffy, Executive Director  
Humboldt Waste Management Authority

Bruce McCracken  
C&S Waste Solutions

Kevin Bell, P.E., Deputy Executive Director  
Western Placer Waste Management  
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John Snyder, Vice President  
EDCO Waste and Recycling

Eric Zetz, Chair  
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(SWANA) California Chapters Legislative  
Task Force

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Doug Kobold, Executive Director  
California Product Stewardship Council

Mr. John Kelly Astor, General Counsel,  
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California Waste Haulers Council  
Inland Empire Disposal Association  
L.A. County Waste Management  
Association  
Solid Waste Association of Orange County

Wendy Sommer, Executive Director  
StopWaste

Max Goossen, Vice President & Chief  
Operating Officer  
Westside Waste Management Co., Inc.

Joseph Kalpakoff  
President  
Mid Valley Disposal

Gary Clifford, Executive Vice President  
Athens Services

Dave Sikich, President  
Atlas Disposal Industries

Jacob Panero, Chief Executive Officer  
Varner Brothers, Inc.

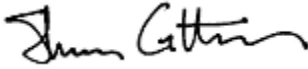
Greg Kelley, Managing Partner  
Napa Recycling & Waste Services, LLC



Doug Button, President  
South San Francisco Scavenger Co., Inc.



Bill Dobert, Chief Financial Officer  
Alameda County Industries  
Bay Counties Smart Station Specialty Solid  
Waste & Recycling



Shawn Guttersen, Vice President  
BLT Enterprises  
Fremont Recycling & Transfer Station



Mark Figone, President  
East Bay Sanitary Co., Inc.



Patty Garbarino, President  
Marin Sanitary Service



Ron Fornesi, Partner  
Mission Trail Waste Systems, Inc.



Vincent Colvis, Operations Manager  
Mt. Diablo Resource Recovery



Jeff Tillman, General Manager/Vice  
President  
South Tahoe Refuse Co., Inc.



Mike Repetto, President  
Tracy Delta Solid Waste Management Co.



Sal San Filippo, General Manager  
Garden City Sanitation  
Milpitas Sanitation



Bernie Camera, General Manager  
Livermore Sanitation



Paul Molinelli Jr., Partner, Vice President &  
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Bob Molinaro, President  
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Timothy S. Flanagan, General Manager  
Monterey Regional Waste Management  
District



Gina Cardera, General Manager  
Amador Valley Industries



Gene Gilton, Manager  
Gilton Solid Waste Management



Alan Marchant, President  
Turlock Scavenger Company



Louie Pellegrini Jr.  
President, Peninsula Sanitary Service  
Partner, Sonoma County Resource  
Recovery

cc: Meredith Williams, Director, Department of Toxic Substances Control  
Rachel Machi Wagoner, Director, CalRecycle  
Caroline Godkin, Deputy Secretary for Environmental Policy, California  
Environmental Protection Agency  
Melissa Immel, Deputy Legislative Secretary, Office of Governor Gavin Newsom



*Humboldt Waste Management Authority*

*1059 West Hawthorne Street, Eureka, CA 95501*

*Phone: 707-268-8680 Fax: 707-268-8927*

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*Arcata ❖ Blue Lake ❖ Eureka ❖ Ferndale ❖ Humboldt County ❖ Rio Dell*

Date: December 4, 2020

To: Solid Waste Local Task Force Members

From: Jill Duffy, HWMA Executive Director

**Subject: Treated Wood Waste Disposal Update**

Effective January 1, 2021, Treated Wood Waste (TWW) will again be required to be managed as Hazardous Waste and will not be allowed for acceptance at Solid Waste Transfer Stations or construction debris contractors in the State of California.

Treated wood waste includes: Pressure treated wood, creosote and copper-sulfide containing wood.

For your information, attached is a copy of a letter sent to CalEPA Secretary Jared Blumenfeld on December 1<sup>st</sup>, 2020 regarding potential significant impact resulting from Governor Newsom's veto of SB 68 (Galgiani) last September and the approaching sunset of the Alternative Management Standards for TWW set for December 31, 2020. This letter was prepared by California Product Stewardship Council and Rural County Representatives of California with input by fellow members of the Solid Waste Industry Group (SWIG) and other interested parties. The letter was developed to shed light on the looming and potentially significant financial impact this sunset will have on local governments, business owners, residents and the hauling community.

This letter and information was distributed to HWMA Board members, the County Administrative Officer and City Managers, as well as with the County's Environmental Health Division on December 2<sup>nd</sup>.

By way of background, on January 1, 2007, the California legislature approved "Alternative Management Standards" for the handling and disposal of Treated Wood Waste with an sunset date of December 31<sup>st</sup> 2020. This legislation also directed the Dept. of Toxic Substance Control to conduct a study. For HWMA's Hawthorne Street Transfer Station site, in August of 2007 the HWMA Board of Directors adopted the management standards by resolution for acceptance at the Hawthorne Street Transfer Station. Incidental amounts are defined as 15% or less of a load containing TWW and is treated as solid wastes. Percentages greater than this, or in excess of 500 pounds, is segregated by staff, stored onsite in a designated area and then transferred to a Class 3 landfill as needed. These disposal costs are covered by the Waste Management Fees currently in place. Privately owned transfer stations approved similar acceptance standards.

In late September 2020, Governor Newsom vetoed SB 68, a bill that would have removed the sunset date for these alternative standards. As a result of this veto, effective January 1<sup>st</sup> 2021 all TWW must be treated as hazardous waste.



## *Humboldt Waste Management Authority*

*1059 West Hawthorne Street, Eureka, CA 95501*

*Phone: 707-268-8680 Fax: 707-268-8927*

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*Arcata ❖ Blue Lake ❖ Eureka ❖ Ferndale ❖ Humboldt County ❖ Rio Dell*

This determination affects transfer stations statewide, including HWMA, Humboldt Sanitation, Recology and all local contractor and construction businesses. TWW will be required to be disposed at either hazardous waste collection facilities or permitted Class 1 landfills.

HWMA has confirmed that while the State of Oregon does not recognize TWW as hazardous wastes, the State has a reciprocity agreement with CA that their landfills will not accept materials deemed hazardous by another state. Therefore, TWW will not be accepted by HWMA's landfill operator (Dry Creek Landfill).

HWMA operates the only HHW facility in Humboldt County and this facility was not designed to accept and store TWW, so this shift in material determination represents a significant and dramatic challenge for HWMA to accommodate. According to HHW regulations, HWMA is allowed to accept only up to **100 pounds of TWW material from residents and no more than 220 pounds a month from businesses**. TWW material will have to be reduced in dimension to fit into shipping containers for transportation and we may need to modify the facility to provide storage. Preliminary review of transportation and disposal costs estimates indicate it may be upwards of \$500/ton to handle this material.

HWMA is monitoring and participating in efforts to address this situation. The attached letter could serve as a template for individuals or jurisdictions to submit similar letters to CalEPA or the Governor's office.

Reference:

<https://dtsc.ca.gov/toxics-in-products/treated-wood-waste/>

### **Treated Wood Waste (TWW)**

#### **What is Treated Wood Waste?**

TWW comes from old wood that has been treated with chemical preservatives. These chemicals help protect the wood from insect attack and fungal decay while it's being used. Fence posts, sill plates, landscape timbers, pilings, guardrails, and decking, to name a few, are all examples of chemically treated wood.

**Note: The statute (HSC 25150.7) and regulations (22 CCR 67386.1 et seq.) that allow treated wood waste to be handled with alternative management standards will expire December 31, 2020. After that date, all hazardous treated wood waste managed in California will have to be stored and manifested as hazardous waste and transported to class I hazardous waste landfills for disposal.**

#### **Is Treated Wood Waste Toxic?**

TWW contains hazardous chemicals that pose a risk to human health and the environment. Arsenic, chromium, copper, creosote, and pentachlorophenol are among the chemicals used to



## *Humboldt Waste Management Authority*

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preserve wood and are known to be toxic or carcinogenic. Harmful exposure to these chemicals may result from touching, inhaling or ingesting TWW particulate (e.g., sawdust and smoke).

### **Treated Wood Waste Report**

DTSC has completed an extensive analysis of TWW pursuant to Senate Bill 162 (Galgiani, Chapter 351, Statutes of 2015). SB 162 required DTSC to prepare a comprehensive report on rates of compliance with the Alternative Management Standards (AMS) for TWW. To meet this requirement, DTSC conducted 126 compliance inspections of TWW generators and disposal facilities in California. In addition, responses to TWW surveys from Household Hazardous Waste Collection Facilities (HHWCF), Certified Unified Program Agencies (CUPA), Solid Waste Transfer Stations and Load Check Program Facilities (SW Facility) were evaluated. DTSC's evaluation and conclusions on rates of compliance with the AMS for TWW are discussed in this report. To download the report, click on the link below.

**Report:** [California Department of Toxic Substances Control Treated Wood Waste Report, March 2019](#)

### **Other Documents**

**Report:** [California Department of Toxic Substances Control Treated Wood Waste Report, June 2011](#)



December 3, 2020

U.S. Environmental Protection Agency  
EPA Docket Center  
Docket ID No. EPA-HQ-OLEM-2020-0462  
Mail Code 28221T  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

To Whom It May Concern:

On behalf of the Rural County Representatives of California (RCRC)<sup>1</sup>, the California State Association of Counties (CSAC)<sup>2</sup>, and the League of California Cities (CalCities)<sup>3</sup> we are writing to provide comments on the United States Environmental Protection Agency's (U.S. EPA) October 5, 2020 Draft National Recycling Strategy (Draft Strategy).

We appreciate U.S. EPA's interest in developing a National Recycling Strategy and believe that such an effort, if crafted appropriately, could have a transformative effect on local and state recycling efforts and significantly reduce solid waste management costs.

### **Summary**

National efforts should focus first and foremost on increasing manufacturer engagement in designing readily recyclable products and using recycled materials in those products. While many of the options included in the Draft Strategy are helpful, they could be wasted efforts if it is too difficult to recycle materials or there is no end market for them.

Local governments and the solid waste industry have no control over which products will be introduced into the marketplace, for which they will ultimately be responsible for management and disposal. As such, it is vital for manufacturers to focus on designing products that are readily recyclable (not just theoretically recyclable) and for which there are end markets. Furthermore, homogenization of packaging materials could reduce contamination and make it much easier to manage and find markets for recyclables.

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<sup>1</sup> RCRC is an association of thirty-seven rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from those member counties.

<sup>2</sup> The California State Association of Counties (CSAC) is the voice of California's 58 counties at the state and federal level.

<sup>3</sup> Established in 1898, the League of California Cities is a nonprofit statewide association that advocates for California cities with the state and federal governments and provides education and training services to elected and appointed city officials.

Given that the costs of solid waste management are borne by the residents and businesses in our communities, upfront manufacturer investments in improved product design could significantly reduce cost impacts for those groups.

### **Waste Management and Recycling in California**

In California, local governments are the backbone of solid waste management and recycling efforts, with the State Legislature declaring that “solid waste management is a shared responsibility between the state and local governments.”<sup>4</sup> California local governments are also charged with diverting 50 percent of solid waste from landfill disposal through source reduction, recycling, and composting<sup>5</sup> and are subject to significant financial penalties for failure to make progress toward those goals. A broader state goal seeks to source, reduce, recycle, or compost 75 percent of solid waste statewide.<sup>6</sup>

To achieve these objectives, California has adopted a wide-ranging program that builds upon substantial private and ratepayer investments with:

- A statewide market development program<sup>7</sup>
- A sales and use tax exclusion for projects that utilize recycled feedstock
- Producer responsibility programs for the collection and recycling of paint, carpet, mattresses, mercury thermostats, pharmaceuticals and sharps, and pesticide containers
- A deposit program for beverage containers
- Minimum recycled content requirements for rigid plastic packaging<sup>8</sup> and plastic beverage containers<sup>9</sup>

Despite these substantial financial investments and programmatic changes, there remains significant challenges to recycling, especially for plastics. The biggest challenge is often the lack of reliable end markets for those materials. In some respects, local plastic recycling is like sitting on a two-legged stool: we collect the material and sort it, but then there is often no place to send it for recycling.

### **Comments on Draft National Recycling Strategy Objectives** **Objective 1 – Reduce Contamination in the Recycling System**

We agree that reducing contamination in the recycling stream can help produce higher quality feedstock for manufacturing and thereby improve the marketability of recovered

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<sup>4</sup> Public Resources Code Section 40001.

<sup>5</sup> Public Resources Code Section 41780(a)(2).

<sup>6</sup> Public Resources Code Section 41780.01.

<sup>7</sup> Recycling Market Development Zone (RMDZ) Program, <https://www.calrecycle.ca.gov/rmdz/>.

<sup>8</sup> Use of 25% minimum postconsumer content is an alternative to source reduction or utilization of reusable or refillable containers.

<sup>9</sup> Public Resources Code Section 14547 – 15% minimum postconsumer recycled content requirement increases to 50% by January 1, 2030.

products. However, reducing contamination alone will not result in increased recycling without the development of markets for those materials.

The solid waste industry is generally good at “mining” the waste stream to find and extract materials of value when there are entities interested in purchasing those materials. On the other hand, it would be a waste of scarce ratepayer resources to produce cleaner recycled materials if there are no entities interested in using those materials at the end of the day.

The Draft Strategy offers two pathways for reducing contamination in the recycling stream: 1) Enhance education and outreach to consumers on the value of recycling and how to recycle properly; and, 2) Increase coordination, availability, and accessibility of information on recycling programs and policies. While helpful, these suggestions largely ignore the fact that contamination also occurs because of product design and is not simply a consumer-caused problem. Additionally, contamination-free recyclables do not guarantee reliable markets.

#### Consumer Education and Outreach

With respect to consumer education and outreach, the most important recommendation is improving consistency and reliability of labels for recyclable products. Consumers often believe that many types of trash are recyclable because products are labeled with recycling symbols, but the reality is that there is often no market for those materials and so they end up in the landfill or cost more to recycle than the commodity is worth.

New products are constantly introduced into the marketplace and marketed as being more environmentally friendly or recyclable when the new designs may actually pose even greater challenges because they contaminate the existing recycling stream or because there is no market for those materials at the end of their useful lives. Simply stamping “please recycle” on a product may mislead consumers into believing that a given product is recyclable when there is no market for it. We strongly urge federal coordination with manufacturers to ensure that recyclability and recycled content are incorporated into the product development process.

Given the incredible diversity among local solid waste collection and recycling programs, establishing consistent labels for recycling bins and trash cans is impractical and inappropriate at the federal level. While consumer education about the importance of recycling may lend itself to federal engagement, communication to consumers about the types of materials that are recyclable (and labeling of recycling bins and trash cans) should be done at the local level. There are a wide variety of jurisdictions with different solid waste management needs and capabilities. What may be easily recyclable in one jurisdiction may not be recyclable in another because there are no markets available for those materials.

Because these local challenges do not lend themselves to a rigid national solution, labeling requirements for recycling bins and trash cans should remain at the local level.

Education, outreach, and labeling can play a role in reducing contamination when trash is placed in the recycling bin; however, there are still many jurisdictions that use single-bin collection systems where materials recovery facilities remove recyclable products for which there are end markets. In those jurisdictions, it will be far less effective to focus resources on consumer education about what materials are recyclable.

*Coordination of Information on Recycling Programs and Policies*

While we appreciate U.S. EPA's suggestion that it could coordinate and share information on different state and local policies and best practices and create new workgroups and clearinghouses, these are likely to have only a minor impact on reducing contamination and improving efficiency of the solid waste management system. Furthermore, many of these tasks could be performed just as well by nonprofit organizations and public-private partnerships. We fear these efforts could divert federal attention from other activities that would have a more meaningful impact on increasing recyclability of materials and recycling overall.

***Objective 2 – Increase Processing Efficiency***

The Draft Strategy suggests that one of largest problems is that recycling infrastructure “has not kept pace with the rapidly changing recyclables stream.” Unfortunately, this is an oversimplification that ignores the reality that it is often difficult to find markets for existing sorted materials, even without adding more material types that need separate collection and/or recycling technologies. Furthermore, the rapidly changing “recyclables” stream has been plagued by a lack of consideration as to whether the new products introduced into the marketplace are realistically recyclable and will find their ways into new products, or will simply become new contaminants in the system because there are no end markets for those materials.

While we acknowledge that additional investments and innovation could help improve the efficiency of materials separation and reduce contamination, those will be wasted efforts if there are no buyers for the separated material.

To increase processing efficiency, the Draft Strategy suggests several options, including: 1) Improve understanding of available recycling infrastructure and needs; 2) Increase awareness of available public and private funding and incentives; 3) Fund research and development; 4) Increase consideration of the sorting process in design of new products; and, 5) Develop national recycling system definitions, measures, targets, and performance indicators. While there may be merit to options 1, 2, and 5, we limit our comments to the most important and transformative options (3 and 4), below.

*Increase Consideration of Sorting Process in Design of New Products*

One of the two most important and transformative suggestions in the Draft Strategy is to push manufacturers to design for recyclability when developing new products. U.S. EPA is uniquely positioned to facilitate national and global cooperation among manufacturers in a way that individual states and local governments are not.

Unfortunately, the option (as drafted) is too narrow and should be broadened. The option only calls for considering how new products will be managed and sorted through the solid waste stream. This option should be refined to ensure that manufacturers' product design processes consider whether the products can be easily sorted **AND** whether they can be easily recycled into new products.

Oftentimes, new products incorporate design features, chemical compositions, or labels that make it difficult to recycle those materials into new products. Just some forethought in the product design process can significantly increase the likelihood that the product can and will be recycled and reduce the costs of recycling.

As previously noted, requiring product manufacturers to focus on designing products that are readily recyclable (not just theoretically recyclable) is one of the two lynchpins for increasing recycling. Increasing the recyclability of products will make them easier to manage and remove a significant barrier to market development.

*Fund Research and Development*

Next in importance, there is always room for investment in research and development of new technologies and processes that will assist in processing and recycling – especially for materials for which there are few, if any, marketable uses.

***Objective 3 – Improve Markets***

Improving markets for recyclable materials is the second of the two most important objectives in the Draft Strategy; however, this must be coupled with an effort to push manufacturers to design for recyclability when developing new products.

Recycling is not accomplished by the mere separation of potentially recyclable material. Instead, recycling is only achieved once that material is used in the production of new products. All other efforts to finance infrastructure improvements, enhance sorting, and reduce contamination will be for naught if there is no end market for the resulting materials. Federal involvement can be instrumental in the development of markets for recycled materials.

For many years, roughly one-third of the materials annually collected for recycling in California were exported overseas for processing and manufacturing into new products. In 2017, China accounted for 55 percent of the recyclable exports California shipped overseas. Declining international markets have significantly impacted on California's

solid waste and recycling systems. Products that Californians long assumed were easily recyclable now often have nowhere to go. Improving domestic markets will help create local jobs and reduce dependence upon foreign markets with less stringent environmental safeguards.

While the Draft Strategy outlines several options to improve markets, the most important and transformative are 3.4 (Increase manufacturing use of feedstocks) and 3.5 (Increase demand for recycled materials). Options 3.1-3.3 are helpful, but are much more passive in scope and will not result in the market transformation that is needed.

*Increase Manufacturing Use of Regional*

The Draft Strategy emphasizes that manufacturers may not be aware of recycled material feedstock in their areas or of the potential uses for those materials. It suggests working to ensure manufacturers can take advantage of supply that is generated in the regions where they are located.

In our experience, manufacturer awareness of the availability and suitability of local recycled feedstock is not as significant of a barrier as is the price differential between recycled and virgin feedstock – especially for plastic.

Rather than setting a narrow goal to increase *regional* utilization of recycled feedstock, we believe that many types of recyclable materials would benefit from increasing the use of recycled feedstocks in general, regardless of where they are generated. We note that transportation costs and challenges may make it difficult for manufacturers to source recycled feedstock from distant locations; however, all recycling operations would benefit from U.S. EPA's focus on increasing manufacturer use of recycled feedstocks.

*Increase Demand for Recycled Materials, Focusing on Materials with Less Mature Markets*

The key to any effort to increase recycling is to increase demand for recycled materials. We support developing strategies to address materials with less mature markets. There is a great need to find innovative ways to utilize less marketable recyclables. Finding innovative new uses for different segments of the waste stream will make it much easier for local governments and the solid waste industry to find entities interested in obtaining those items. Similarly, there is merit to identifying barriers to the increased use of recyclable materials and developing strategies to overcome those challenges.

At the same time, there should be recognition that it may be easier to redesign some products on the front end to eliminate the use of less-marketable commodities. Forethought in the product design process could save considerable costs for the end-of-life management of some materials. This advanced planning

could render unnecessary the extensive (and expensive) efforts that would be needed to increase recycling of less marketable materials.

To point out a single example of innovative recycling efforts, the California Department of Transportation (Caltrans) is exploring using recycled beverage containers to create a liquid plastic polymer binder for road paving projects. While Caltrans is currently using PET beverage containers, there will be an increased demand for those materials as California beverage container manufacturers must increase the recycled content of their products. It may be worth exploring whether other less marketable types of plastics could be used for similar purposes.

**Conclusion**

In conclusion, we appreciate your efforts to develop a National Recycling Strategy and the opportunity to provide comments on the October 5, 2020 draft. We urge U.S. EPA to focus on upstream efforts to improve manufacturer engagement, ensure that products that enter the marketplace are designed for recyclability, and create end markets for the use of recycled materials.

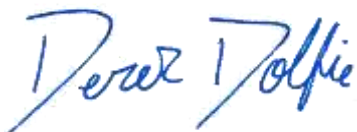
Sincerely,



John Kennedy  
Legislative Advocate  
Rural County Representatives of  
California



Catherine Freeman  
Legislative Representative  
California State Association of Counties



Derek Dolfie  
Legislative Representative  
League of California Cities