

TOWN OF ATHERTON

OFFICE OF THE MAYOR
150 WATKINS AVENUE
ATHERTON, CALIFORNIA 94027

October 3, 2019

Robert Cave
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
rcave@baaqmd.gov

Re: RethinkWaste Comments on BAAQMD Draft Regulations 13-2: Organic Material Handling and Composting Operations

Dear Mr. Cave,

On behalf of the Town of Atherton, I would like to thank you for the opportunity to comment on the Bay Area Air Quality Management District's (Air District) proposed Regulation 12, Rule 2. I am writing to communicate our concerns about the approach the Air District has taken in drafting the Rule and the impacts it will have to our service provider's facilities.

The Town of Atherton contracts services with RethinkWaste, also known as South Bayside Waste Management Authority, is a joint powers authority of twelve public agencies (Atherton, Belmont, Burlingame, East Palo Alto, Foster City, Hillsborough, Menlo Park, Redwood City, San Carlos, San Mateo, the County of San Mateo and the West Bay Sanitary District) in San Mateo County. RethinkWaste currently serves approximately 435,000 residents and 11,000 businesses and has been a leader in the delivery of innovative waste reduction and recycling programs since its formation in 1982. RethinkWaste owns and operates (via a contractor) the Shoreway Environmental Center that includes a Transfer Station and Materials Recovery Facility, which processes about 2,000 tons per day of municipal solid waste, recyclables, and organic materials. The organic materials are composted at two facilities, one in San Jose and another in Vernalis.

Below are some of the major concerns the Town of Atherton has with the current draft regulations date June 6, 2019:

- 1. The Air District has not been transparent in the development of this rule or provided adequate explanation of the nexus between emissions reductions and many of the rule requirements.**

The rule contains an overwhelming number of parametric measurements and procedures for nearly every aspect of materials management and composting. The Air District has not provided information or scientific justification for the extreme amount of effort and expense to be undertaken by owners such as ourselves in pursuit of this monitoring, testing and recordkeeping.

- 2. The rule will cause unforeseen and undue economic impacts on a large number of the regulated facilities and will increase the transportation impacts of organic materials handling both within and outside the Air District.**

If enforced in its current form, the rule will not only stifle the development of future organics diversion facilities but could potential lead to facility closures within the Air District, resulting in organic materials to be transported to more distant facilities outside its jurisdiction.

- 3. The proposed rule lacks clarity and creates unnecessary confusion by failing to clearly define requirements for solid waste transfer and processing operations.**

Maintaining separate rules for Organic Materials Handling Operations and Composting Operations – as the District has previously planned – would provide more clarity on the distinct requirements for each type of operation. As currently written, the rule creates regulatory confusion for municipal solid waste (MSW) transfer and processing operators. Given the differences in processing timelines and limited residence time for materials already required for MSW transfer and processing, there appears to be no distinction from composting operations – where materials are expected to remain for extended periods.

- 4. The proposed implementation schedule of six months following adoption of the rule is unreasonable and nearly impossible to achieve for a majority of facilities.**

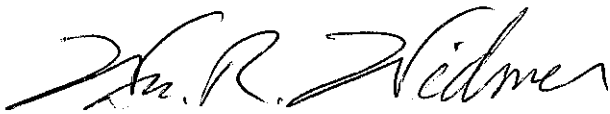
By proposing an implementation timeline of six months, the Air District has failed to understand the real-world requirements of other regulatory agencies and local planning processes for the addition of the proposed structures and improvements that would be needed. Land use approvals, solid waste permitting, and local building permitting and approvals often take several months each for their own processes. In addition, as a public agency, RethinkWaste, has public processes it must follow for approval of a major and costly project, which has its own timeframe. We ask that the Air District work and verify with the appropriate oversight agencies on their timelines on implementation of these proposed regulations, including the California Department of Resources Recycling and Recovery and the California Environmental Protection Agency.

5. This rule will impede the achievement of SB 1383 and other organics diversion policies by reducing capacity in the Air District.

Meeting the organics diversion mandates of SB 1383 and other regulations will require a significant increase in regional and statewide capacity for organics diversion processing. The Air District estimates that the state will need 12-15 new facilities. The proposed rule will make it more difficult to operate existing facilities, let alone site, finance, permit, and operate the new facilities needed to support the materials flows required to meet the State's goal to divert 75% of organics by 2025.

Thank you again for allowing us to comment on these proposed regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "W. R. Widmer". The signature is fluid and cursive, with a large initial "W" and "R".

William R. Widmer
Mayor, Town of Atherton

CC:

Joe La Mariana, Rethink Waste Executive Director

Hilary Gans, RethinkWaste Senior Facilities and Contracts Manager

David Canepa, Supervisor, San Mateo County

Carole Groom, President of the Board of Supervisors, San Mateo County & RethinkWaste Board Member

Doug Kim, City of Belmont Councilmember

Jay Benton, Town of Hillsborough Councilmember and RethinkWaste Board Chair

Alicia Aguirre, City of Redwood City Councilmember and RethinkWaste Board Vice Chair