

# DOCKET

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>>> Donn Ferguson <[donnf@co.kern.ca.us](mailto:donnf@co.kern.ca.us)> 3/8/2011 11:10 AM >>>

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In response to your query of Friday March 3, 2001 regarding the Kern Unincorporated jurisdictions proposed waste disposal and recycling mitigation measures for the Hydrogen Energy California (HECA) project.

A. Cal Recycle maintains a by jurisdiction summary of disposal as reported under the SB 1016 requirements.

To use the system:

- Connect to the website <http://www.calrecycle.ca.gov/LGCentral/Tools/MARS/DrmcMain.asp>
- Use the pull down menu to select the Kern- Unincorporated jurisdiction and,
- Press the "Report Years Post 2006" button

This system reports in pounds per capita per day. As shown the Kern Unincorporated jurisdiction is currently in compliance at 5.5 lbs/person/day as compared to our limit of 7.6 lbs/person/day. The 7.6 lbs/person/day is equivalent to the previous 50% diversion State mandate. It should be noted that Kern Unincorporated considers the 5.5 lbs/person/day to be artificially low due to the current economic recession.

B. Cal Recycle has a mechanism in place to allow a jurisdiction to modify the amount of waste included in the Disposal Reporting System Annual Report. This mechanism is limited to specific waste types and the Report format requires the jurisdiction to describe the efforts to recycle the material prior to the request for Report Modification. The mechanism is not explicitly described in regulations but rather was addressed as a policy.

In a March 13, 2000 letter to jurisdictions, the Board (now CalRecycle) clarified its policy regarding disposal corrections (deductions) for non-hazardous designated waste; i.e., waste often sent to Class II disposal facilities. The Board has since developed a procedure for jurisdictions wishing to petition the Board for disposal corrections for non-hazardous designated waste, if the criteria described below are met:

1. The landfill provides the jurisdiction with material type-specific disposal tonnage.
2. The landfill operator is prohibited from diverting the material for beneficial use because of a directive from a Regional Water Quality Control Board, or an Air Pollution Control District, as applicable.
3. The jurisdiction submits information about the material's disposal, as outlined in the Board's Reporting Year Tonnage Modification Request form (section 1, and subsections A.2, 3, 4, and 14 of section II), including the document from the landfill identifying the material type-specific disposal tonnage.

Examples of non-hazardous designated waste types that are often prohibited from being diverted for beneficial use are: auto shredder fluff, contaminated soil, and non-friable asbestos.

C. Mitigation Measures – Plain English version

If the waste from HECA cannot be recycled or otherwise avoid significant impact on our State-mandated diversion compliance, HECA will pay into a recycling fund. This fund will be used to increase recycling from other areas of the waste stream without causing additional charge to the trash systems' general rate payers.

D. Mitigation Measure Explanation

1- In the event that any residual materials generated in Kern County is disposed in any California landfill subject to jurisdictional reporting

It is expected that the proponent will conduct substantial efforts, at the proponent's expense, to find methods to recycle the residual waste materials. This effort to recycle is required to meet CalRecycle's minimum standard for disposal modification. Examples of recycling methods could include the use of the residual slag as roadbase or further processing to recover metals and/or minerals.

2- and CalRecycle does not approve an adjustment

If recycling of the residual waste material is unsuccessful, the Dept will attempt to get a tonnage adjustment from CalRecycle as described in section B above. HECA is required to provide support for this effort.

3- HECA shall pay the County a payment based on the following schedule: \$30 a ton (0 -100 tons per day), \$50 a ton (101 - 200 tons per day), \$75 a ton (greater than 200) or other amount as approved by the Board of supervisors to mitigate impacts to diversion programs.

The cost of recycling programs increases as the total tonnage needed increases. Materials with a low relative cost, but high tonnage, are already being recycled as part of Kern Unincorporated jurisdictions programs. Smaller, more specialized recycling programs result in higher costs per ton to implement.

4- The county shall deposit the money in a Diversion Mitigation Reserve Account that will be used to fund diversion programs in Kern County.

This is intended as a last resort. It is the intent of the County that HECA will find methods to recycle their own wastes and the County will not be required to implement new programs. However, if the Kern unincorporated jurisdiction is required to receive the HECA wastes and implement new recycling programs, any mitigation fees shall be placed in designated accounts for that specific use.

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