August 6, 2013

Mr. Howard Levinson
CalRecycle
1001 I Street
Sacramento, CA 95812-4025

Re: City of Sunnyvale Comments on MRF Performance Standards

The City of Sunnyvale welcomes the opportunity to comment on the proposed MRF performance standards. The approach reflects a great deal of thought and careful work on the unenviable task of implement the legislative direction on "comparable to source separation," with regard to commercial recycling.

Sunnyvale has long been a leader on recycling issues. For example:

- In 1982, Sunnyvale began one of the first curbside collection programs in the Bay Area.
- Since 1994, it has combined source separation with mixed waste processing to maximize diversion, investing $40 million in the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station®).
- City Council this year adopted a Zero Waste Strategic Plan that calls for 90% diversion by 2030 and includes specific projects with a funding plan to achieve the goals.

As both a mixed waste processing facility (MWPF) operator and a City subject to the AB 341 commercial recycling mandate, Sunnyvale has a great deal of interest in CalRecycle's work on this topic. We would like to offer the benefit of our experience to better address and flesh out details of the proposal in ways that preserve legislative intent. A few points requiring clarity are:

Criteria: Slide #8. Cost is buried as a third level criterion, which means it is not subject to serious consideration, although it must be. California's ability to move to higher diversion rates depends on a community consensus (among ratepayers, taxpayers, materials generators and service providers) that this is a good idea. If the approach is too costly, consensus could be blocked, even possibly damaging the public's positive image of current programs and practices. Cost is too important an issue to be dropped to a "third tier" position as it is here. We ask that CalRecycle revise the criteria to make cost a top tier criterion, then go back to the beginning and reanalyze the alternative approaches.

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Definition of MWPF: Slide #36. "…an MWPF sorts solid waste that did not have recyclables separated at the source." The SMaRT Station sorts waste that has already had recyclables separated at the source. So, in terms of the definition, our facility is a hybrid, as are others. The proposal does not contemplate where facilities such as ours fit and is thus incomplete. We ask that CalRecycle revise the analytical framework to account for the reality that many jurisdictions use a combination of source of source separation and post-collection mixed waste processing to capture commercial recyclables.

Systems, not Facilities: Slide #34, states the proposal's intent to "Compare systems, not facilities." As a jurisdiction that applies a systems-based approach, we agree with that statement. However, the remainder of the discussion and the details of the methodology seem to focus on facilities, not systems.

Sunnyvale has 1,875 businesses subject to the Commercial Recycling mandate. The City provides cardboard collection, a food waste collection pilot that will be taken full-scale next year, and other programs targeting specific materials. Other, private sector, services remove other recyclables. Therefore, when the rest of the material, collected as garbage, arrives at the MWPF it is less rich than the waste originally generated by the businesses. Therefore, any objective evaluation of the "comparability" of MWPF has to factor in all of the ways that diversion is applied to materials discarded by this group of generators.

Unintended consequences could occur without taking the hybrid nature of this system into account. For example, as noted above, our SMaRT Station does not meet the definition of a MWPF because it sorts wastes from businesses that also receive source separation collection services. This would seem to give the City a perverse incentive to either (1) drop its source separation services and rely entirely on MWPF capture of recyclables from "black bin" MSW collections to qualify the SMaRT Station as a MWPF or (2) stop operating the SMaRT Station MWPF and rely entirely on source separation for both commercial and residential recycling. Doing either would promote City compliance with AB 341's requirements, but decrease the overall amount of recyclables diverted from the landfill. We do not believe that either action is desired by CalRecycle, and ask that the proposal be revised to avoid such unintended consequences.

In conclusion, the mechanics of the detailed methodologies appear to be well designed, but need to be hooked to better strategic goals. Cost should play a much more prominent role in the criteria. Definitions need to take into account hybrid systems that combine source separation and mixed waste sorting to maximize diversion. The proposal should compare systems, not facilities, as stated.

Thank you very much for providing the workshops and this opportunity to comment. As a public agency, our SMaRT Station records are "open book." We would be pleased to share our experience and work with CalRecycle staff on ways to meet the legislature's intent in a cost-effective way while increasing the amount recycled from California's commercial generators.

Very truly yours,

Mark Bowers
Solid Waste Programs Division Manager
Environmental Services Department

Cc: John Stufflebean, Director of Environmental Services
Mayor Spitaleri and All Council