LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyiswmtf.org

DONALD L. WOLFE
CHAIRMAN

March 16, 2006

The Honorable Rudy Bermudez
State Capitol, Room 5135
Sacramento, CA 94249-0056

Dear Assembly Member Bermudez:

ASSEMBLY BILL 727 AND CONVERSION TECHNOLOGIES

On behalf of the Los Angeles County Solid Waste Committee/Integrated Waste Management Task Force (Task Force), I would like to extend my appreciation to you for introducing Assembly Bill 727, a proposal that would have promoted conversion technologies (processes that convert waste that cannot be recycled into useful products and/or renewable clean energy) in California. While it's our understanding that AB 727 is no longer active, we continue to support your efforts in making these technologies an integral component of California's waste management infrastructure. Supported by a March 15, 2005, comprehensive report prepared by the California Integrated Waste Management Board regarding conversion technologies, we strongly believe that these technologies (already prevalent in Europe and Japan due to their environmental benefits and scarce availability of land) will reduce our dependence on landfilling while achieving the State's "zero waste" goal by enhancing our recycling infrastructure.

Enclosed is a letter recently sent to Assembly Member Barbara Matthews regarding her conversion technology efforts. Because of your interest and support for this issue, we hope you will be involved in efforts by Assembly Member Matthews and others to pass new legislation to invigorate research and development of these state-of-the-art technologies. We believe your proposal to obtain real-world data from conversion technology demonstration facilities in California is especially deserving of consideration and we hope it becomes part of a legislative proposal this Legislative Session. Obtaining this data is crucial for decision makers to make an informed decision about the future of conversion technologies.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and its 88 cities in Los Angeles County.

Consistent with these responsibilities and to ensure a coordinated and cost-effective solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a Countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

Once again, thank you for your progressive work on promoting a sustainable management system for California. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,

Margaret Clark

Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Council Member, City of Rosemead

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Enc.

cc: Assembly Member Matthews
Each Member of the Los Angeles County Board of Supervisors
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Southern California Association of Governments
Each Member of the Los Angeles County Integrated Waste Management Task Force

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DONALD L. WOLFE
CHAIRMAN

March 15, 2006

The Honorable Barbara S. Matthews
State Capitol Room 5155
Sacramento, CA 94249-2017

Dear Assembly Member Matthews:

ASSEMBLY BILL 2118 (INTRODUCED FEBRUARY 17, 2006)
CONVERSION TECHNOLOGIES

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to submit the following comments regarding Assembly Bill 2118 (AB 2118), relating to conversion technologies.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and its 88 cities in Los Angeles County. Consistent with these responsibilities and to ensure a coordinated and cost-effective solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a Countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

With the array of societal, economic, and environmental benefits that conversion technologies offer, we were bewildered to see the legislative language contained in AB 2118 contradict your previous legislation promoting conversion technologies (AB 1090, as introduced February 22, 2005) especially since AB 1090 was supported by a diverse coalition of stakeholders. This outpouring of support for AB 1090 is derived from the recognition that conversion technologies utilize modern scientific advances to convert waste that cannot be recycled into useful products and/or renewable clean energy rather than continuing to bury or burn it. As a result, conversion technologies reduce our dependence on landfilling, reduce green house gas emissions, reduce our dependence on foreign oil, creates local high-paying jobs, and brings us closer to achieving a 'zero waste' environment.

On February 23, 2006, the Task Force voted to oppose AB 2118, which we believe would do more to hinder the development of conversion technologies than if the current statutes and regulations were to remain unchanged. On February 28, 2006, I spoke extensively with Jim Collin of your staff regarding our concerns. Although the Task Force voted to oppose AB 2118, we are hopeful that these concerns can be resolved and we appreciate the opportunity to dialogue with your staff. Specifically, our concerns are that AB 2118 would:

- Exclude conversion technology facilities from being considered as ***nondisposal*** facilities and classifies them as solid waste ***disposal*** facilities. This stifles the development of conversion technologies by having them comply with inappropriate regulations and siting/permitting requirements, resulting in unnecessary delays and higher costs. [Public Resources Code (PRC) 40151]

- Revise the definition of Transfer or Processing Station to exclude activities involving "converting" solid waste. [PRC 40200]

- Place conversion technology facilities that produce ***electricity*** or ***energy*** in the same category as incineration, undermining the benefits of conversion and creating public confusion. [PRC 40116.5 (a) & 40201]

- Expand the California Integrated Waste Management Board's (Waste Board) authority over "waste-derived materials." [PRC 40116.5 (a)]

- Require conversion technology facilities to be identified in the Countywide Siting Element. This ***new*** requirement would be a significant financial burden for conversion technology development in Los Angeles County since it is a 2-year process at a cost of $500,000. [PRC 40501]

- Require conversion technology facilities to comply with the Waste Board's Disposal Reporting System, further burdening conversion technology facilities. [PRC 41821.5]

- Provide **no** diversion credit for conversion technologies, regardless of the process used or product produced. This in effect places incineration above conversion in the solid waste management hierarchy since jurisdictions currently receive 10% diversion credit for utilizing incinerators (such as biomass conversion facilities). [PRC 40116.5 (b) & 40201]

- Place extraordinary permitting requirements on conversion technology facilities that no other type of solid waste facility (nondisposal or disposal) in California is required to comply with. [PRC 44153]

- Require all jurisdictions (including out-of-State) to implement specific programs, potentially in violation of the Federal Interstate Commerce Clause. [PRC 44153 (c)]

- Require conversion technology facility operators along with the appropriate local enforcement agency (LEA) to become an agent of the Waste Board to verify that a jurisdiction utilizing the facility is implementing all diversion programs identified in its Source Reduction and Recycling Element. This encroaches into the authority of local governments to determine which solid waste facility they can or cannot use. [PRC 44153 (c)]

- Prohibit the Waste Board's LEA from issuing a new or revised Solid Waste Facility Permit to a conversion technology facility unless the proponent substantiates the facility (a) "maintains or enhances environmental benefits", and (b) "maintains or enhances the economic sustainability of the integrated waste management system." This requirement is not only unprecedented and exclusively applicable to conversion (and not other types of solid waste facilities), but it is difficult to achieve since it is ambiguous and too subjective. [PRC 44153(e)&(f)]

We are hopeful that the above provisions were unintended based on your history of supporting conversion technologies and leadership role in introducing and carrying out corresponding legislation. The Task Force recognizes that there remains some special interest opposition to the provisions of AB 1090 as originally introduced. However, we respectfully request reasonable and scientifically-supported provisions be incorporated into this legislative proposal that includes the following while addressing the above-listed concerns.

- Provides diversion credit for solid waste beneficially recovered through conversion technologies

- Identifies conversion technologies as beneficial use technologies

- Appropriately places conversion technology in the waste management hierarchy in relation to their environmental and societal benefits

- Corrects technologically inaccurate definitions

With national attention focusing on the need to reduce our dependence on fossil fuels, and California's efforts to accomplish the 'zero waste' goal, a golden opportunity exists where both needs can be simultaneously met. This opportunity is through the development and utilization of conversion technologies. For the reasons stated, the Task Force **opposes** AB 2118. However, we look forward to working with your office, the Waste Board and other key stakeholders to revise AB 2118 to advance conversion technologies to address the environmental challenges of the 21st century.

Should you have any questions, please contact me at (626) 569-2100 or your staff may contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,

Margaret Clark

Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Council Member, City of Rosemead

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cc: Governor Schwarzenegger
Special Assistant to the Governor for Energy and Environmental Technologies (Terry Tamminen)
Senate President Pro Tem Don Perata
Assembly Speaker Fabian Nuñez
Each Member of the Assembly Natural Resources Committee
Each Member of the Assembly Agricultural Committee
Each Member of the Los Angeles County State Legislative Delegation
Each Member of the Los Angeles County Federal Legislative Delegation
Secretary of the California Environmental Protection Agency (Alan C. Lloyd)
Secretary of California Department of Food and Agriculture (A.G. Kawamura)
Each Member of the California Integrated Waste Management Board
Each Member of the California Energy Commission
Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor in the County of Los Angeles
Federal Office of Science and Technology Policy
California State Association of Counties

League of California Cities
League of California Cities, Los Angeles County Division
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Solid Waste Association of North America
Each Member of the City of Los Angeles' Ad Hoc RENEW LA Committee
County Sanitation Districts of Los Angeles County
University of California, Riverside
University of California, Davis
Each Member of the Los Angeles County Integrated Waste Management Task Force