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SOLID WASTE MANAGEMENT COMMITTEE/
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August 19, 2010

The Honorable Darrell Steinberg
Senate President Pro Tem
State Capitol, Room 205
Sacramento, CA 94248-0001

Dear Senator Steinberg:

ASSEMBLY BILL 737 (AMENDED AUGUST 17, 2010)
SOLID WASTE: DIVERSION

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to express our **strong opposition** to Assembly Bill 737 (AB 737). If enacted, AB 737 would require CalRecycle to establish strategies for achieving 75% waste diversion and reporting to the Legislature. Additionally, despite the Task Force's previously communicated concerns in a letter dated June 7, 2010 addressed to Senator Christine Kehoe, the bill continues to require local governments to enact and enforce a mandatory commercial recycling ordinance, further imposing significant financial burden on local governments and California businesses for compliance with the mandate. Finally, the bill would require a local enforcement agency to approve permits through a pro-forma approval process when significant changes are made in the design or operation of the solid waste facility, regardless if those changes are authorized by the existing permit or if they are consistent or in conflict with the host jurisdiction's land use permit, and would eliminate current provisions in State law for the local task force to comment and review updates of the Non-Disposal Facilities Element and impact(s) on a region-wide basis.

The key issues are:

- **Life-cycle and Economic Analysis, the Need for Developing Material Recovery Facilities, and Product Stewardship –** Prior to mandating commercial recycling and/or higher diversion rates, it is absolutely necessary to analyze the **true** life-cycle environmental and economic cost of recycling. While recycling offers many environmental benefits, it also has environmental impacts, particularly the unavoidable greenhouse gas emissions resulting from processing. Currently, due to a lack of local markets, significant quantities of California's recyclable goods are shipped overseas and processed under significantly less stringent or non-existent air/water pollution control, and health and safety standards. As such, a **true** lifecycle analysis of global environmental

effects and costs associated with recycling programs is essential for developing an environmentally sound and sustainable waste management system in California. Further, to avoid the environmental drawbacks of shipping these materials to foreign countries, the bill should provide for development of in-State facilities that can properly handle and process these recovered materials. Lastly, to aid with the lack of said in-State facilities, we feel it is necessary for the bill to consider product stewardship strategies.

- **Recycling Markets –** Recycling is sustainable **only** when there are sufficient markets for goods. To this end, the State needs to substantially expand its efforts by providing economic incentives and assistance to innovative businesses. Currently, many processing/materials recovery facilities in California have available capacity to recover additional materials from the waste stream, but they do not, due to a lack of suitable markets. Unfortunately, while AB 737 continues to mandate the recovery of recyclables and provides for additional processing/recovery facilities, it fails to establish or address the necessary markets to demand the recovered goods. It is worth noting that as California strives to be the largest producer of recyclable materials, it should equally strive to actually "recycle" them in California.

- **New Technologies & Solid Waste –** The bill does not address the need for the development of alternative/emerging technologies, while continuing to solely pursue recycling and composting. Once recyclable materials are removed from the solid waste stream, the waste materials that are left behind have little to no beneficial reuse value as stipulated by the current and inadequate California solid waste regulations. As such, the post-recycled residuals are buried in landfills. However, many of these residual materials can be beneficially used to produce renewable energy or green fuel using proven types of technologies – conversion technologies (CTs). Commercially available CTs include thermal, chemical, biological, mechanical or a combination of these processes, but do not include incineration. As an example, the gasification process can be used to produce clean power and advanced transportation fuels by utilizing the gas that is created under a thermal process. By removing the existing legislative and regulatory barriers, CTs can provide substantial new sources of energy or clean fuel and provide new markets for the post-recycled residuals otherwise disposed in landfills.

- **Cost to Local Governments –** The bill fails to consider the financial impact and undue resource burden it places of local jurisdictions, especially given the current economic downturn and record budget shortfalls experienced by all levels of government while using the justification that local governments *can* impose fees

on their businesses to recover costs. Local governments may find it unfeasible or unjustified to impose more taxes/fees/charges on their constituent businesses.

- **Non-Disposal Facilities Element (NDFE) Amendment Process –** Also not addressed by the bill are the Task Force's concerns in regards to NDFE amendments and updates. Specifically, the bill would require a local agency to approve permits through a pro-forma approval process when significant changes are made in the design or operation of the solid waste facility, regardless if those changes are authorized by the existing permit or if they are consistent or in conflict with the host jurisdiction's land use permit, and would eliminate current provisions in State law for the local task force to comment and review NDFE amendment impact(s) on a region-wide basis.

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 the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated and cost-effective and environmentally sound 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.

Therefore the Task Force **strongly opposes** AB 737 and respectfully request that the proposal be amended to address the stated issues above. 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

PGT:MS:rg

cc:
Governor Arnold Schwarzenegger
Assembly Speaker John A. Perez
Senator Dennis Hollingsworth, Minority Leader
Assembly Member Martin Garrick, Minority Leader
Assembly Member Wesley Chesbro, Author
Assembly Coauthors: Huffman and Salas
Senate Coauthors: Leno, Padilla and Pavley
Each Member of the Los Angeles County Legislative Delegation
Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor in the County of Los Angeles
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
Gateway Cities Council of Governments
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task Force