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SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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April 24, 2014

The Honorable Wesley Chesbro, Chair
Assembly Natural Resources Committee
1020 N Street, Room 164
Sacramento, CA 95814

Dear Assembly Member Chesbro:

**OPPOSE UNLESS AMENDED
ASSEMBLY BILL 1594 (AMENDED APRIL 21, 2014)
SOLID WASTE: RECYCLING: DIVERSION: GREEN MATERIAL**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **opposes** Assembly Bill 1594 (AB 1594) **unless amended** to address the following issues:

- Provide incentives for increased organics processes infrastructure and remove barriers to the use of new technologies for processing organic waste.
- Remove the proposed application reporting requirements listed in Section 41781.3(a)(3)(B)(i) and (ii) and simply reference the existing “good faith effort” requirements of Section 41825(e) of the existing Public Resources Code.
- Define the terms “organic waste recycling facility” and “reasonable vicinity” unless they will be defined by the Department of Resources Recycling Recovery through the rulemaking process.

The proposed legislation, if enacted, would eliminate recycling credit for the use of green materials as a landfill alternative daily cover effective January 1, 2020. Additionally, if the elimination of the said recycling credit causes a jurisdiction to fall out of compliance with the AB 939 recycling mandates, then the jurisdiction can submit an application to the California Department of Resources Recycling Recovery (CalRecycle) requesting for an extension, not to exceed two years. Upon receipt of an application, CalRecycle may, at its sole discretion, grant such an extension.

The above referenced application form, among other things, requires the jurisdiction to:

- Identify all existing organic waste recycling facilities within a reasonable vicinity of the jurisdiction and the capacity available for materials to be accepted at each facility (emphasis added).
- Identify barriers to siting new or expanded organic waste recycling facilities *within the jurisdiction* and a plan to remedy those barriers that are within the control of the jurisdiction.

Removing barriers to infrastructure and providing processing options

Elimination of recycling credit for the use of green materials as a landfill alternative daily cover (ADC) would necessitate development of new composting and/or anaerobic digestion (AD) facilities. Currently, the 89 jurisdictions in Los Angeles County generate over 5 million tons of organics (including green materials) per year and our preliminary estimates indicate that County jurisdictions would need over 36 facilities with a processing capability of 250 tons-per-day each. A similarly sized facility in San Jose cost approximately \$40 million; therefore the total cost to build this infrastructure in Los Angeles County could be as high as \$2 billion. This is essentially a new industry for Los Angeles County and there are currently no AD facilities in the County which are open to the public. We believe state-administered grant and loan programs are critical to helping this industry get off the ground and become successful. Significant funding will be required to build the necessary processing infrastructure for organics waste recycling, which should not be limited to one or two processes.

Many thermal, chemical, biological, and mechanical conversion technologies could be utilized to process organic material into a wide spectrum of resources which can be used to produce electricity and fuels. However, these technologies are stifled by antiquated legislative and regulatory barriers. These technologies can diversify our approach to organics management and help jurisdictions comply with the State's direction to divert these materials from landfill disposal.

We encourage the State to take a technology neutral position or, at a minimum, not prohibit technologies that can provide equal or greater greenhouse gas reductions than anaerobic digestion and composting. Although anaerobic digestion is at present the most widely used technology in California to convert biodegradable organic waste to energy, biomass gasification and other conversion technologies can manage a broader array of organic waste and have much less residual that may still need to be disposed. Moreover, the technologies provide comparable or greater greenhouse gas reductions, which must be the primary emphasis of the State's effort to divert organics from landfills through source separated collection.

Therefore, it is recommended that the proposed legislation be expanded to include the following which, in most part, is consistent with the recommendations of the AB 32 (2006) Climate Change Scoping Plan Update.

“ (a) The State Air Resources Board and the Department Resources Recycling Recovery shall identify financing/funding/incentive mechanisms for in-State infrastructure development to support the Waste Management Sector’s goals of the 2014 Climate Change Scoping Plan Update prepared pursuant to the California Global Warming Solutions Act of 2006. Mechanisms to be considered shall include the Cap-and-Trade Investment Plan; loan, grant and payment programs; Low Carbon Fuel Standard pathways; the Public Utilities Commission proceedings (e.g. biogas from anaerobic digestion and Renewable Market Adjusting Tariff); and offset protocols for recycling, composting, anaerobic digestion, biomass , as well as the Department’s identified thermal, chemical, biological and mechanical processes.”

(b) In addition to the requirements of Paragraph (a) the Department of Resources Recycling Recovery shall cooperate with local governments and industry to provide assistance and incentives for increasing the feasibility of organic recycling by promoting processing opportunities and the development of new infrastructure of sufficient capacity to meet the needs of generators, and developing sufficient end-use markets throughout the state for the quantity of organic waste required to be diverted.”

“Good Faith Effort”

The application requirements described in Section 41781.3(a)(3)(B)(i) and (ii) place an unnecessary additional reporting burden on local governments that are struggling to meet their AB 939 requirements. This is contrary to previous legislation such as SB 1016 (2008) which was meant to space out reporting requirements and reduce the micromanagement of local government programs.

Asking local jurisdictions to identify vacant parcels, existing vacant or expandable facilities, zoning and permitting requirements, and removal of barriers to siting and/or expanding an existing “organic waste recycling facility” is one step away from forcing local jurisdictions to render their land use decision making authority to CalRecycle. Planning and land use decisions are the purview of local jurisdictions and they are the only ones familiar enough with their communities to make decisions about what types of facilities should be sited in their communities.

For example several small jurisdictions in Los Angeles County which may fall out of AB 939 compliance without ADC diversion credit are predominantly residential communities without vacant land or industrial areas to locate a facility. The language of AB 1594

gives CalRecycle the sole discretion to determine these small jurisdictions compliance based on whether or not the jurisdiction can site a recycling facility.

CalRecycle's review should be limited to the existing requirements established in Section 41825(e) of the Public Resources Code for determining a jurisdiction's good faith effort. If a jurisdiction meets these requirements based on a review by CalRecycle then they should be deemed to be making a "good faith effort". Falling out of compliance with AB 939 because of lack of ADC credit should not subject any jurisdictions to requirements above and beyond the normal requirements already established in law for falling out of compliance for any other reason.

The Task Force **opposes** AB 1594 **unless amended** to ensure jurisdictions have a reasonable capability to process the green material before the regulations go into effect. Should you have any questions regarding this letter, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or (909) 592-1147.

Sincerely,



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

cc:

Assemblymember Das Williams
Each Member of the Assembly Natural Resources Committee and Committee Staff
Each Member of the Los Angeles County Legislative Delegation
California State Association of Counties
League of California Cities
Each Member of the Los Angeles County Board of Supervisors
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
San Fernando Valley Council of Governments
Gateway Cities Council of Governments
Westside Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task Force