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LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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July 25, 2022

The Honorable Anthony J. Portantino, Chair
Senate Committee on Appropriations
State Capitol, Room 412
Sacramento, CA 95814

Dear Senator Portantino:

**OPPOSE – ASSEMBLY BILL 1857 (CRISTINA GARCIA) AS AMENDED ON
JUNE 23, 2022 – SOLID WASTE**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **opposes** Assembly Bill 1857 (AB 1857), as amended on June 23, 2022, for the reasons stated below as well as suggest amendments to address concerns with the bill.

The proposed legislation, as amended, would repeal the state law's provision authorizing the inclusion of not more than 10 percent of the diversion through transformation for the two existing waste-to-energy facilities, namely Southeast Resource Recovery Facility (SERRF) in Long Beach, and Covanta in Stanislaus County. In Los Angeles and neighboring counties, nearly 150 jurisdictions use SERRF. These jurisdictions need these credits to help fulfill the State requirement to divert at least 50 percent of municipal waste from landfills. SERRF also advances renewable energy production by transforming waste into electricity and significantly increasing metals recycling. Eliminating this credit will most certainly jeopardize jurisdictions' ability to meet State diversion objectives and needlessly subject them to significant financial and regulatory penalties.

Furthermore, the AB 1857 would add Section 42999.5 to the Public Resources Code (PRC) and would require the Department of Resources Recycling and Recovery (CalRecycle) to administer the Zero-Waste Equity Grant Program to support targeted strategies and investments in communities transitioning to a zero-waste circular economy. In evaluating and selecting eligible zero-waste projects, CalRecycle shall make investments in communities seeking to reduce their reliance on transformation. When selecting projects, CalRecycle shall prioritize projects in communities where a transformation facility is located as of January 1, 2022. Additionally, the bill requires the CalRecycle in consultation with the California Workforce Development Board and the Division of Occupational Safety and Health, to submit policy recommendations to the

Legislature on or before January 4, 2024, on how to increase job opportunities and improve labor standards and worker pay related to the zero-waste job sector.

The Task Force supports the addition of Section 42999.5 which prioritizes source reduction and recovery of reusable materials from the waste stream before sending the "residual wastes" to landfills. However, this Section of the bill as written would also severely impact the ability of jurisdictions to make use of new technologies to process post-recycled residual waste and divert it from landfills in the future. AB 1857 would add Section 42999.5 (2) (f) which excludes infrastructure that produce fuels or energy from receiving grants under the proposed Zero-Waste Equity Grant Program. To achieve various California climate adaptation and zero waste goals simultaneously, the Task Force strongly believes that the state policy makers need to support the development and use of advanced conversion technologies (CT)s. These California goals include achieving greenhouse gas (GHG) and Short-Lived Climate Pollutants (SLCP) reductions, eliminating reliance on fossil fuels and achieving carbon negative electrification for various sectors of the economy, plastic litter reduction, organic waste processing, and a circular economy for various hard to manage materials entering the waste stream as well as meeting waste reduction targets as recognized by the former California Integrated Waste Management Board and its Report to the Legislator and its Resolution No. 2005-78 (copy enclosed).

In addition, this exclusion of CTs is not aligned with Senate Bill 32 (Pavley, 2016) emissions targets to reduce GHG emissions 40 percent below 1990 levels by 2030 or Senate Bill 1383 (Lara, 2016) which calls for a 40 percent reduction in methane by 2030. Using fuels and energy generated from the processing of post-recycled residuals offset the extraction of fossil fuels with high carbon intensities, reduce methane, and counteract climate change. Just like the sun and wind, there will be post-recycled residual waste. Utilizing this material for fuel and energy is preferable to landfilling it. Landfills have finite capacity and produce methane even with state-of-the-art methane capture systems.

Recycling is not just turning the same material back into the same product; rather, it is also using the discarded materials and placing the raw materials back into other usable products. This recycling of discarded materials includes transformation, not incineration, of the waste into useful products such as biogas, polymers, and resins that can reduce mining and extraction of raw materials. Without transformation, the recycling and reuse industry will be limited in the amounts of materials it will be able to return to the circular economy.

Moreover, various types of organics, plastics, and compostable materials cannot be continuously recycled indefinitely without causing contamination, health, and/or safety problems. Even if hard-to-handle or non-recyclable materials are prohibited from sale in the State, there will still be essential packaging and product materials that cannot be recycled or banned, and "recycling" will generate residual materials that remain after

recyclables and organic wastes are processed. As an alternative to landfilling, California needs a disposal pathway for these materials and "post-recycled" residuals.

The May 24, 2022, Assembly Floor Analysis of AB 1857 intensified the growing **misconception** that CT processes incinerate solid waste and create significant amounts of pollution, emphasis added. Unlike incineration, CT does not burn solid waste. Instead, it uses high heat, pressure, chemicals, and/or other mechanisms in a zero or a low oxygen environment to break solid waste into syngas, polymers, or other materials that can be used to create new products. Advocating for CT does not mean everything in the waste stream must go straight to this process without source separating or preprocessing. CT is necessary as a later step in the processing of certain waste streams. The use of CT must be done in conjunction with public education on reducing curbside contamination, developing advanced recycling markets, improving collection, and requiring manufacturers to produce products that can be recycled or composted.

The Task Force recommends the following amendments to the bill to clarify the bill's intent to address incineration of waste and continue to allow existing waste diversion facilities that support local jurisdictions to operate:

- Revise all references from "transformation" to "incineration" *by adding "Section 40141.1 to the Public Resources Code (PRC) to read 'For provision of any law except as provided in this section, **incineration** means the destruction of solid, liquid, or gaseous wastes through high-temperature burning.' Transformation does not include incineration."*
- Continue to allow SERRF and Covanta facilities which were in operation prior to 1995 and serving jurisdictions in the Los Angeles and Stanislaus Counties to be eligible for a maximum of not more than 10 percent diversion through the utilization of the said two existing facilities pursuant to Section 41783 (a) (5) of the PRC.
- *Add Section 40195.05 to the PRC to read "**Solid Waste Incinerator: Solid Waste Incinerator means any facility that generates electricity or steam from the combustion of any solid waste material from commercial or industrial establishments or the general public (including single and multi-family residences, hotels, and motels).**"*
- Revise Section 40201 of the PRC by deleting the reference to "incineration."
- Revise Section 42999.5 (2) (f) to read "Grants shall not be provided pursuant to this section for a project that will result in landfilling or incineration of solid waste."

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939), the Task Force

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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.

Based on the foregoing, the Task Force **opposes** AB 1857 as amended on June 23, 2022. The Task Force respectfully request that the proposed legislation be amended to address our concerns by incorporating the suggested amendments. If you have any questions, please contact Mr. Mike Mohajer, a member of the Task Force, at MikeMohajer@yahoo.com or (909) 592-1147.

Sincerely,



Sam Shammass, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force

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Enc.

cc: Assembly Member Cristina Garcia
Each Member and staff of the Senate Committee on Appropriations
California State Association of Counties
League of California Cities – Los Angeles County Division
Each Member of the Los Angeles County Board of Supervisors
Fesia A. Davenport, Los Angeles County Chief Executive Officer
Gateway Cities Council of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Westside Cities Council of Governments
Each City Mayor and Manager in the County of Los Angeles
Each City Recycling Coordinator in the County of Los Angeles
Each Member of the Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-78 (Revised)

Discussion And Consideration Of Conversion Technology Report To The Legislature

WHEREAS, the 2003-2004 Waste Composition Study indicates that approximately 40 million tons of waste is landfilled in California; and

WHEREAS, Zero Waste is a primary goal of the Board's strategic plan; and

WHEREAS, Assembly Bill 2770, Chapter 740, Statutes of 2002, was signed by Governor Davis in September 2002 and required the CIWMB to research and evaluate new and emerging non-combustion thermal, chemical, and biological technologies and submit a report to the Legislature; and

WHEREAS, The CIWMB contracted with the University of California to conduct an analysis of conversion technology processes and products; and

WHEREAS, The CIWMB also contracted with RTI, International to conduct life cycle and market impact analyses of conversion technologies; and

WHEREAS, these peer reviewed reports served as the major source of information for the CIWMB Conversion Technology Report to the Legislature, which support the following major findings:

1. Conversion technologies are distinct from landfills and incineration, and can result in substantial environmental benefits for California, including the production of renewable energy, reduced dependency on fossil fuels, and reduction of greenhouse gases.
2. Conversion technologies can enhance landfill diversion efforts and can be complementary to the existing recycling infrastructure. The Board requirements for diversion eligibility for such facilities require that conversion technology facilities complement the local infrastructure and that they maintain or enhance the environmental benefits and economic sustainability of the integrated waste management system.
3. Conversion technologies would be expected to meet federal, state, and local air emissions requirements. Local air districts in California are best equipped to review and condition conversion technology facilities.
4. Definitions of conversion technologies in current statute are scientifically inaccurate, and should be amended.

WHEREAS, CIWMB staff conducted stakeholder workshops to discuss prior to preparation of the *Conversion Technology Report To The Legislature*; and

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WHEREAS, CIWMB staff accepted written comments and has considered stakeholder comments and amended the Report based on the stakeholders comments.

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts Option 1 and the *Conversion Technology Report To The Legislature*, including the following policy recommendations:

1. The definition of “conversion technology” approved by the Board in Resolution Number 2002-177 be promulgated in law, and that more specific definitions of various conversion technologies be developed during a regulatory process.
2. The existing definition of “gasification” is scientifically inaccurate and should be deleted.
3. The “transformation” definition be amended to mean the combustion or incineration of solid waste.
4. Conversion technologies are distinct from landfills and incineration.
5. The Legislature should consider some level of diversion credit for conversion technology facilities in accordance with the conditions set forth in Resolution 2002-177; and

BE IT FURTHER RESOLVED, that the Board directs staff to forward the Report through Cal/EPA and the Governor to the Legislature; and

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 15-16, 2005.

Dated: March 15, 2005

ORIGINAL SIGNED BY

Mark Leary
Executive Director