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LOS ANGELES COUNTY  
SOLID WASTE MANAGEMENT COMMITTEE/  
INTEGRATED WASTE MANAGEMENT TASK FORCE  
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June 3, 2022

The Honorable Benjamin Allen, Chair  
Senate Committee on Environmental Quality  
1021 O Street, Suite 3230  
Sacramento, CA 95814

Dear Senator Allen:

**OPPOSED – ASSEMBLY BILL 1857 (CRISTINA GARCIA) AS AMENDED ON MAY 19, 2022 – SOLID WASTE**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to express its position to **oppose** Assembly Bill 1857 (AB 1857), as Amended on May 19, for the reasons stated below as well as suggested amendments to address the concerns.

The proposed legislation would delete previous exceptions to the California Integrated Waste Management Act of 1989's (AB 939, ACT) general definition of terms such as "solid waste disposal," "disposal," or "dispose" and instead define those terms for purposes of the ACT to mean the final deposition of solid wastes onto land, into the atmosphere, or into the waters of the state, including, but not limited to, through landfill disposal, transformation as currently defined in Section 40201 of the Public Resources Code (PRC), or EMSW conversion, at a permitted solid waste facility. While the foregoing further substantiate that transformation facilities must fully comply with the requirements of the Federal Clean Air Act as well as the state and local air pollution control/air management districts, AB 1857, if enacted, would repeal the Act'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 SERRF in Long Beach, and Covanta in Stanislaus County.

The bill would enact the Zero Waste Transition Act of 2022, requiring CalRecycle to support communities in transitioning from a reliance on transformation facilities to building infrastructure to meet the state's recycling goals and the state's 2025 *organic waste reduction target*. Furthermore, the bill requires the Department of Resources Recycling and Recovery (CalRecycle) to develop, on or before January 1, 2024, a five-year

investment strategy to drive local zero waste strategies for communities seeking to reduce their reliance on transformation.

This bill as written would 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. The Assembly Floor Analysis for the May 19, 2022 version of the bill states that the Zero Waste Transition Act of 2022 will support communities in transitioning from a reliance on “transformation” facilities to building infrastructure to meet the state's recycling goals and organic waste reduction targets. The definition of transformation in the Analysis is inconsistent with Section 40201 of the PRC by stating “**Transformation refers to the incineration of solid waste...**” while disregarding advanced conversion technologies (CT)s that are enlisted in Section 40201 of the PRC and are essential for the state to reach its recycling goals and meet waste reduction targets as was recognized by the former California Integrated Waste Management Board and its Report to the Legislator and its Resolution No. 2005-78, (copy enclosed). The Task Force strongly believes that the state policy makers need to support the development and use of CTs through amended state statutes and regulations, particularly to enhance the production of low carbon energy, fuels, and chemical needed to achieve California GHG reductions goals as well as electrification and zero waste goals.

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 Assembly Floor Analysis of AB 1857 intensifies the growing misconception that CT processes incinerate solid waste and create significant amounts of pollution. 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 Subdivision 40192 (b) of the PRC to replace "transformation" with "incineration."
- Revise Section 40201 of the PRC by deleting the reference to "incineration."
- Revise the bill's proposed Subdivision 26011.8 (b) (1) of the PRC by deleting the last sentence.

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 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

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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 May 19, 2020. 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](mailto:MikeMohajer@yahoo.com) or at (909) 592-1147.

Sincerely,



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

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Enclosure (1)

cc: Assembly Member Cristina Garcia  
Each Member and staff of the Senate Committee on Environmental Quality  
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 City 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