



LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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GAIL FARBER CHAIR
MARGARET CLARK VICE - CHAIR

July 22, 2010

The Honorable Christine Kehoe, Chair
Senate Committee on Appropriations
State Capitol, Room 5050
Sacramento, CA 94248-0001

Dear Senator Kehoe:

**OPPOSE UNLESS AMENDED - ASSEMBLY BILL 222 (AMENDED JULY 15, 2010)
SOLID WASTE: DEFINITIONS**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **opposes unless amended** Assembly Bill 222 (AB 222) as amended on July 15, 2010, and requests it be amended to revert back to the July 8, 2009, version. As amended the bill would create new permitting barriers, establish inaccurate working definitions, and prohibit conversion technologies from receiving any Renewable Portfolio Standard (RPS) eligibility or AB 939/SB 1016 disposal reduction credit, including the credits currently provided to gasification. This would further discourage the development of new technologies and perpetuate California's dependence on landfill disposal, indefinitely, and facilities in foreign countries to manage/incinerate materials recovered through recycling activities in California.

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.

For many years the Task Force has been a strong supporter of conversion technologies as an alternative to traditional landfill disposal for post-recycled solid waste residuals. Conversion technologies are processes capable of converting post-recycled residual solid waste into useful products, green fuels, and clean renewable energy without combusting the waste. The July 8, 2009, version of AB 222 would have provided the much-needed regulatory relief for these advanced technologies, creating a rigorous but achievable pathway for their development. Numerous California municipalities are considering conversion technologies to reduce their dependence on landfilling, create green collar jobs, and provide a way for us to shift to more sustainable solid waste management practices.

Unfortunately the June 25, 2010, analysis completed by the Senate Environmental Quality Committee (SEQ) contained numerous errors and omissions, which undoubtedly had much to do with the ultimate decision of the Committee to gut and amend the Bill. Some of the key errors and omissions within the SEQ analysis include the following:

- The passage of AB 2770 (2002 Statutes) required the California Integrated Waste Management Board (now CalRecycle) to develop a report on new and emerging conversion technologies and allocated \$1,500,000 for this purpose. CalRecycle submitted to the Legislature a report entitled *New and Emerging Conversion Technologies: Report to the Legislature*, which thoroughly detailed various conversion technologies. Contrary to the SEQ analysis, which makes no mention of this report and claims conversion technologies may impair recycling, this report pointed out that the development of conversion technologies to manage solid waste would actually increase recycling due to the necessary increased pre-processing of the feedstock to remove recyclable materials in addition to diverting solid waste from landfills, especially materials that currently have no markets.
- The SEQ analysis claims that despite numerous studies conducted by the University of California Riverside (UCR), questions remain regarding these various technologies' "proven track records and consistent emissions data." However, the UCR report entitled *Evaluation of Emissions from Thermal Conversion Technologies Processing Municipal Solid Waste (June 2009)*, identified over 100 operating thermal conversion technologies operating successfully utilizing solid waste as a feedstock while meeting all local applicable environmental requirements, and concluded that conversion technologies are viable options for the conversion of municipal solid waste. UCR was able to make these conclusions based on independently verified emissions data.

- The SEQ analysis claims the July 8, 2009, version of “AB 222 proposes to define, as RPS eligible, processes and technologies that are directly contrary to the goal of the RPS - to reduce air emissions.” This is contradictory to multiple, credible peer-reviewed studies showing that conversion technologies lead to significant net reductions in air emissions, including greenhouse gas emissions, and are equivalent to many other currently designated renewable technologies. This includes a report completed by California Air Resources Board’s Economic and Technology Advancement Advisory Committee, which identified the potential for conversion technologies to reduce annual greenhouse gas (GHG) emissions by approximately five million metric tons of CO₂ equivalent in California.
- The SEQ analysis suggests before any conversion technologies are allowed to be “accepted” as an option in California, all “efforts that are consistent with the existing waste management hierarchy of source reduction and recycling/composting should be expanded and explored” while simultaneously noting that 40 million tons of waste continued to be disposed in landfills every year. Additionally, the analysis fails to recognize that the majority of California recovered materials through recycling activities are shipped overseas for processing and/or incineration in facilities that do not operate under the same environmental standards compared to those in California. These foreign facilities produce large amounts of GHG and toxic emissions furthering the cause of global warming.
- The SEQ analysis claims that AB 222 “sets a different, and arguably lower, emission standards [sic] for these activities than the other RPS eligible activities.” However, California’s three largest planning and regulating agencies relating to solid waste, air quality, and energy – the Air Resources Board, Energy Commission, and Department of Resource Recycling and Recovery – stated that the July 8, 2009, version of “AB 222 supports innovation and the introduction of a range of new technologies for production of biofuels and renewable energy from organic wastes that **meets California’s environmental standards**” (emphasis added).

Unfortunately, based on this deeply flawed analysis, the July 15, 2010, version of AB 222 as amended by the SEQ would equate conversion technologies, regardless of the technology employed, with incineration of solid waste and create new permitting barriers to the development of conversion technologies. This is contrary to the assurances of the SEQ Committee Chair, Senator Joe Simitian, who indicated that amendments moved in Committee were intended to assist proponents and “eliminate the statutory impediments to permitting and siting” that currently exist in Statute. Senator Simitian indicated the amendments were intended to represent an incremental step forward for the development of conversion technologies. Instead, the July 15, 2010, amendments gut and amend the bill to accomplish the opposite of the original intent of the bill and include the following counterproductive provisions:

- Classifying all conversion technologies (referred to as biorefineries in the bill) as “transformation” facilities.
- Designating all materials processed at conversion technology facilities as disposal, even if material is recovered to create fuels or other marketable products, and despite current beneficial uses at landfills, incinerators and other solid waste facilities counting as diversion.
- Requiring all conversion technologies to be listed in the Countywide Siting Element (CSE) prior to development. The necessary revisions of the CSE is an onerous process, which requires a minimum of 18 months and \$100,000 and can take significantly longer and cost much more in large, populated counties with many jurisdictions such as the County of Los Angeles.
- Prohibiting energy from conversion technologies to count as renewable energy for the purposes of meeting the State’s RPS goals, despite current designation for biomass incineration, landfill gas, digester gas, and gasification technologies as eligible for RPS credit.

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The effect of these amendments is to place landfills and incinerators above conversion technologies in the State's waste management hierarchy and perpetuate the dependence on disposal of post-recycled residual solid waste in California while further stifling the development of conversion technologies in California. Therefore, the Task Force would like to express its position of **oppose unless amended** for the July 15, 2010, amendments to AB 222 and respectfully requests it be amended to revert to its July 8, 2009, form. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (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

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cc: Senate President Pro Tem Darrell Steinberg
Seantor Dennis Hollingsworth, Minority Leader
Assembly Speaker John Perez
Assembly Member Anthony Adams
Assembly Member Fiona Ma
Senators Benoit and Calderon
Assembly Members Blakeslee, Conway, Emmerson, Fletcher, Fuentes, Galgiani,
Gilmore, Knight, Mendoza, Smyth, and Torrico
Each Member of the Senate Appropriations Committee
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 Fernando Valley Council of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
County of Los Angeles Chief Executive Officer
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each Member of the Task Force's Alternative Technology Advisory Subcommittee