



DONALD L. WOLFE
CHAIRMAN

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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May 8, 2006

The Honorable Barbara S. Matthews
State Capitol Room 5155
Sacramento, CA 94249-2017

Dear Assembly Member Matthews:

**REQUEST TO WITHDRAW SIGNATURE FROM MAY 23, 2003, LETTER
RELATED TO DIVERSION CREDIT FOR GASIFICATION TECHNOLOGIES**

In a joint letter dated May 29, 2003, to the California Integrated Waste Management Board (CIWMB) (copy enclosed), you joined former Legislators Byron Sher and Hannah-Beth Jackson in clarifying several issues regarding AB 2770 (2002 Statutes) which you had authored. The letter stated, among other things, that it was AB 2770's legislative intent to provide no diversion credit for gasification technologies that use solid waste as feedstock, even though its plain language stated otherwise. As a result, the letter has become the State's official policy on diversion credit for gasification technologies. On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force), I respectfully request that you consider withdrawing your signature from the above referenced letter, given the changing dynamics related to conversion technologies since AB 2770 was signed into law, and your intent to provide full diversion credit for conversion technologies, including gasification, through AB 1090 (introduced in 2005).

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 its 88 cities in Los Angeles County. Consistent with these responsibilities and to ensure a coordinated and cost-effective 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.

As the lead Legislative sponsor for conversion technologies, on behalf of the Task Force, I want to express my deep appreciation to you for your continued efforts in changing the

The Honorable Barbara S. Matthews
May 8, 2006
Page 2

paradigm of viewing waste as an important resource rather than a nuisance. Without your steady leadership, the dialogue to advance conversion technologies in California would not have come about. Your introduction of AB 1090 was an important milestone for the solid waste industry in California. While AB 1090 stalled in the Assembly Natural Resources Committee in January 2006, we are glad that you continued the conversion technology momentum by subsequently introducing AB 2118.

We recognize the complexity of revising AB 2118 to satisfy all stakeholders. Withdrawing your signature from the May 29, 2003, letter would reinforce your position on this matter, and send a clear signal of your support for advancing the dialogue on conversion technologies. In addition, in the absence of guidance from the Legislature on this critical issue, State agencies such as the CIWMB have been unable to promulgate regulations appropriate to the development of new facilities. The withdrawal of your signature would provide these agencies with clearer direction and allow them to restart the regulatory process.

We appreciate your consideration of our request. If you have any questions, please contact me at (626) 569-2100 or your staff may 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

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Enc.

cc: Each Member of the Los Angeles County Board of Supervisors
Each City Mayor in Los Angeles County
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Each Member of the Los Angeles County Integrated Waste Management Task
Force

California Legislature

May 29, 2003

Linda Moulton-Patterson, Chair
Integrated Waste Management Board
1001 I Street
Sacramento, CA 95814

RE: Legislative Intent of AB 2770 (Chapter 740, Statutes of 2002)

Dear Linda:

We understand from board staff that there have been several inquiries requesting interpretation of AB 2770 (Chapter 740, Statutes of 2002) and its implications for diversion credit for gasification technologies that use solid waste. In addition, we understand that the board is concerned that the March 1, 2003 deadline for the report required pursuant to Public Resources Code Section 40507.1 has passed and that the report will not be completed in compliance with the law.

With respect to the inquiries about diversion credit for gasification, both the legislative history and the statute itself reinforce our intent to define gasification separately from other so-called "transformation" technologies, but to ensure that no diversion credit be granted for its use. Indeed, the review and discussion of the bill which took place in the Senate policy committee, as well as the analyses from that committee, the Senate floor and the Assembly floor on concurrence, confirms the legislative intent as described above.

In addition, Public Resources Code Section 40507.1 expressly requests the board to report on gasification technologies (as well as other conversion technologies) to provide better information on their impacts on recycling and other diversion activities. The Legislature would not have requested this information had it intended to approve the use of those technologies for diversion in the same legislation.

Finally, other provisions of the Integrated Waste Management Act (for example Chapter 6 (commencing with Section 41780)) are explicit and detailed in describing those activities that are subject to diversion credit. Gasification technologies are not referenced in those sections, nor did AB 2770 amend those provisions.

Linda Moulton-Patterson

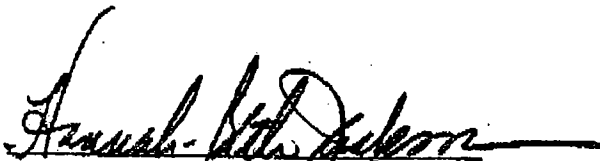
May 29, 2003


Page 2

With respect to the date on which the report required under Section 40501.7 is due, we understand that the board would like to submit the report concurrent with its annual report due on March 1, 2004, not the annual report due March 1, 2003 as provided in the law. We have no objection to the board proceeding as it prefers and will review options to amend the date in legislation now pending before the Legislature.

We trust that the foregoing clarifies and confirms our intent with respect to AB 2770, and look forward to seeing the report on conversion technologies next year. Upon receipt and review of this report, the Legislature may reconsider the issue of diversion credits for this new technology.

Sincerely,


HANNAH-BETH JACKSON, Chair
Assembly Natural Resources Committee


BARBARA MATTHEWS, Chair
Assembly Agriculture Committee


BYRON SHER, Chair
Senate Environmental Quality Committee