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LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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August 22, 2012

Assembly Member Wesley Chesbro
P.O. Box 942849, Room 2141
Sacramento, CA 94249-0001

Assembly Member Das Williams
P.O. Box 942849, Room 6011
Sacramento, CA 94249-0035

Dear Assembly Members Chesbro and Williams:

**OPPOSE ASSEMBLY BILL 2670 (AMENDED AUGUST 21, 2012)
WASTE: RECYCLING: DIVERSION: GREEN MATERIALS**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force), **strongly opposes** Assembly Bill 2670 (AB 2670) as amended August 21, 2012. If enacted, AB 2670 would mandate organics management on local governments without giving local governments an opportunity for any feedback on the costs and benefits of such a proposal. This bill was changed via a “gut and amend” process, thus short-circuiting the legislative process and not allowing enough time for the full deliberation a bill of this magnitude would require. The Task Force offers the following comments.

General Comments:

- This legislative proposal (Proposal) should be considered in conjunction with the comprehensive plan being developed by CalRecycle in compliance with AB 341—CalRecycle is in the midst of developing a report to the Legislature in conformance with AB 341, which you authored last year, to evaluate many of the same concepts currently proposed. The stakeholder process allows these concepts to be considered as part of an integrated approach and properly vetted before being sent to the Legislature. This Proposal short-circuits the public participation process by being worked out behind closed doors at the 11th hour.
- This Proposal removes an important option for managing organics—Because of stringent air quality regulations and its high degree of urbanization, large-scale composting is not viable in Los Angeles County. Thus, prior to phasing out the

use of green waste as an alternative daily cover (ADC), alternative organics management infrastructure and markets for the end products must be developed. Sufficient lead time must be allowed to site, permit, and develop the infrastructure needed to manage the green waste currently used as ADC, such as conversion technologies (including anaerobic digestion), in addition to the capacity needed to manage all other organics pursuant to other provisions of this Proposal. To expedite the development of this infrastructure, we strongly urge the State to consider providing economic and other incentives and removing legislative and regulatory barriers that currently impede its development.

Additional Specific Comments:

- Intent language—We see no reason to limit the intent language to only composting and anaerobic digestion. Many other processes, including all conversion technologies, are capable of processing source-separated organics and have unnecessary barriers to their development as established in State statute. In addition, there are insufficient markets for all the compost that would be produced if that were the only allowable option, which unfortunately the Proposal fails to address.

Also, we would like to see a clear definition of "green material" included in the legislation and not allow such a broad term to go undefined where it can later be defined to mean whatever CalRecycle chooses.

- Phase out diversion credit for green waste used as ADC, no later than January 1, 2020—We strongly support continued diversion credit for green waste used as ADC, since it (1) reduces the use of dirt for cover materials and thus conserving landfill space, (2) provides local jurisdictions with a local and affordable way to manage green waste, (3) assists jurisdictions' compliance with AB 939 mandates, and (4) complies with AB 32 greenhouse gas (GHG) reduction goals by reducing GHG emissions from truck exhaust to distant locations.

Given the time necessary to develop adequate organics management infrastructure, including facility planning, permitting, environmental reviews, financing, and construction, together with the lack of sufficient markets for the composted end products, phasing out green waste ADC by January 1, 2020, is unrealistic for jurisdictions in Los Angeles County and other urbanized jurisdictions in Southern California.

- Regulations for MRF fines used as ADC—The Task Force has some reservations regarding the use of MRF fines as cover at landfills in urban areas. The concern has been that these materials are easily windblown, create odor, and do not prevent vectors.

- Requirements for source separation of organics by large-quantity organics generators—“Recycling” services are not applicable to organics; therefore, the proposal should focus on greenwaste and/or organics processing services. Although we support the separate collection of organics by large-quantity generators, we strongly believe markets for organics materials must be developed by the State so these materials are not disposed.

The Proposal does not include a clear definition for the term “organics”. Given the fact that the proposed Section 42649.2, subparagraph (d)(2), provides for different timelines for different organic materials, one must assume that all organics are included in the definition, both “compostable organics” such as greenwaste, food scraps, etc., and “non-compostable organics” such as those with fossil fuel origin. Also, a “large-quantity commercial organics generator” is defined as a business that generates “*significant*” amounts of organic waste the term “*significant*” must be clearly defined.

According to CalRecycle, over 75% of solid waste disposed of in California landfills in 2010 were organics. The infrastructure needed to manage these organics through alternative means is huge and would require massive financial investments. For example, just one 700-ton per day anaerobic digestion facility to be developed in Los Angeles County would require a \$70-\$100 million investment. A significant number of these facilities would be necessary to manage the current organic waste stream. Jurisdictions in Los Angeles County can ill-afford such expenditures in these times of fiscal belt-tightening.

- Require facilities to separate green waste and wood waste—The Task Force is concerned with the proposed requirements. Solid waste facilities may have constraints in terms of (1) providing a separate collection area and equipment for receiving the subject materials and (2) diverting the subject materials from disposal. These requirements may make it cost prohibitive for a facility operator to comply with.

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

Assembly Members Chesbro and Williams
August 22, 2012
Page 4

For these reasons, the Task Force **strongly opposes** this legislative proposal as drafted. If you have any questions, 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

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cc: John Perez, Speaker of the Assembly
Darrell Steinberg, Senate President Pro Tem
Senator Alex Padilla
Each member of the Los Angeles County Legislative Delegation
California State Association of Counties
League California Cities
League California Cities, Los Angeles County Division
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
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Each City Mayor and City Manager in the County of Los Angeles
Each member of the Los Angeles County Board of Supervisors
Each Member of the Los Angeles County Integrated Waste Management Task Force