



LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyiswmtf.org

DEAN D. EFSTATHIOU
CHAIRMAN

June 18, 2008

The Honorable Jared Huffman
State Capitol, Room 4139
Sacramento, CA 94249-0060

Dear Assembly Member Huffman:

**ASSEMBLY BILL 2640 (AMENDED MAY 23, 2008)
GREENWASTE ADC FEE AND NEW ORGANIC WASTE DIVERSION MANDATE**

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 2640 (AB 2640) as amended on May 23, 2008. AB 2640, if enacted, would among other things, require 1) a 50 percent reduction of all "organic" material currently disposed or deposited in landfills by 2020, and 2) subject all greenwaste deposited in a landfill, including that used as alternative daily cover (ADC), to the State's current waste disposal fee of \$1.40 per ton to promote composting activities.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (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 within 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, the County of Los Angeles Board of Supervisors, the City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

AB 2640, if enacted, would among other things require the California Integrated Waste Management Board (Waste Board) to implement regulations that would impose a 50 percent reduction on the amount of "organics" landfilled or otherwise deposited in a landfill by January 1, 2020. The term "organics" is not defined by the Bill nor by any

existing statute or Waste Board regulation. However, Webster's Dictionary variously defines the term "organic" as: "*of, relating to, or derived from living organisms*" and "*of, relating to, or containing carbon compounds.*" As such, based on the Statewide Waste Characterization Study Report released by the Waste Board in December 2004, the "organic" fraction of solid waste disposed in California landfills averaged approximately 75 percent of the disposed waste. As a result, AB 2640 if enacted, without any scientific study and/or lifecycle analysis would expand the current AB 939 waste diversion mandate imposed on local governments, from its current rate of a 50 percent reduction to as much as an **85 percent reduction mandate by 2020.**

The burden to reduce the amount of organics disposed or deposited in landfills will be primarily shouldered by local governments, as evidenced by provisions in AB 2640 that require the Waste Board to consider assessment of fines and other sanctions for local governments that fail to meet this new diversion mandate. Worse yet, since there is no tracking or accounting system to accurately measure and allocate the amount of "organics" disposed or deposited in landfills, AB 2640 would also create a new bureaucratic tracking, measurement, and compliance burden on local governments.

The Task Force has been on record for many years in full support of programs and activities that would result in a reduction in the amount of waste disposed in landfills, however we have strong reservations regarding another legislative proposal that would significantly increase the diversion mandate on local government **without** providing the critical resources necessary for local governments to successfully meet these new mandates. The needed resources include, but are not limited to, removal of the current statutory and regulatory prohibitions on the development of alternative technologies to landfilling and composting.

As landfill capacity decreases in urban areas throughout the State, it becomes even more imperative for the State to take a leadership role in developing other avenues for management of organic waste, an issue that is not properly addressed by this Bill. A number of options exist for the productive use of organic waste, such as processing through conversion technologies to produce renewable fuels and energy. Conversion technologies are state-of-the-art processes that meet air quality standards and have the ability to convert post-recycled residual waste and turn it into marketable products, biofuels, and renewable energy. Currently, there are over 140 operating conversion technology facilities in Europe and Japan, which have been used to stretch limited landfill capacity, reduce greenhouse gases, and generate valuable products, electricity, and fuels.

The Task Force also strongly believes that imposing a fee on solid waste materials that are being beneficially reused is not consistent with the goals established by the California Integrated Waste Management Act. Rather than expanding opportunities for the productive use of organic waste, AB 2640 proposes to apply the State's current

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\$1.40 per ton fee (and any future increase in the said fee) for all greenwaste used as ADC while increasing costs for local governments throughout the State. Compounding the problem, AB 2640 restricts the use of funds generated from this fee to only subsidizing composting facilities. The Bill fails to recognize that it may not be feasible to shift greenwaste from ADC to composting facilities in metropolitan/urbanized areas like Los Angeles County. Scarce availability of land, stringent air quality regulations, and community resistance to such facilities makes the development of composting facilities an unlikely solid waste management option for the small fraction of greenwaste presently being used as ADC. Even if sufficient composting facilities were able to be developed elsewhere, greenwaste will still need to be transported over long distances to other counties or states, leading to higher trash rates and added traffic congestion and air pollution.

Therefore, the Task Force **opposes** AB 2640. Should you have any questions, please 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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cc: Senate President Pro Tem Don Perata
Each Member of the Los Angeles County Legislative Delegation
Each Member of the Senate Environmental Quality Committee
California State Association of Counties
The League of California Cities
The League of California Cities, Los Angeles County Division
Each Member of the County of Los Angeles' Board of Supervisors
Each City Mayor in Los Angeles County
South Bay Cities Council of Governments
San Gabriel Valley Council of Governments
Gateway Cities Council of Governments
Southern California Association of Governments
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each Member of the Los Angeles County Alternative Technology Advisory Subcommittee