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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](http://www.lacountyiswmtf.org)

July 31, 2013

The Honorable Kevin De Leon, Chair  
Senate Appropriations Committee  
State Capitol, Room 2206  
Sacramento, CA 95814

Dear Senator Leon:

**ASSEMBLY BILL 1126 (AMENDED JUNE 19, 2013) -- OPPOSE  
SOLID WASTE: BIOMASS CONVERSION: EMSW CONVERSION**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **opposes** Assembly Bill 1126 (AB 1126) as amended on June 19, 2013. If enacted, AB 1126, among other things, would (1) potentially eliminate any diversion credit for the amount of solid waste diverted from disposal through source reduction measures and (2) define the terms "Engineered Municipal Solid Waste conversion" or "EMSW Conversion" and "Engineered Municipal Solid Waste conversion facility." These facilities would be categorized as disposal facilities and subject to the requirements of disposal facilities in the Countywide Siting Element.

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.

The Task Force has long been a strong supporter of the development of MSW conversion technologies in California as a way to reduce dependence on landfills, generate energy, and produce fuels. Conversion technologies are an array of innovative non-combustion thermal, chemical, mechanical, and/or biological processes capable of

converting post-recycled residual solid waste into useful products, chemicals, green fuels, and clean renewable energy.

If enacted, AB 1126 would (1) potentially eliminate any diversion credit for the amount of solid waste diverted from disposal through source reduction measures, (2) prohibit any diversion credit and/or renewable energy credit for conversion technology facilities using MSW as feedstock, and (3) defines the terms "Engineered Municipal Solid Waste conversion" or "EMSW conversion" and "Engineered Municipal Solid Waste conversion facility." These facilities would be categorized as disposal facilities (no credit for diversion and/or renewable energy); subject to the requirements of disposal facilities in the Countywide Siting Element; and must meet a series of mostly arbitrary criteria of which some are mathematically/technically impossible/impractical to achieve. For example, the following is a partial list of these criteria stipulated by the bill:

- Requires an efficient "burn rate" and specifies the waste to be processed must contain less than 25 percent moisture and less than 25 percent noncombustible waste that are clearly arbitrary and without any technical justification.
- Disregards the use of non-combustion technologies to convert MSW to energy, fuel, and other products.
- Sets an arbitrary processing limit of 500 tons per day for a conversion facility.
- Requires the waste to have 5,000 BTU per pound after conversion. However, it should be noted that it is even extremely difficult for a facility using post-recycled residuals as feedstock to meet the 5,000 BTU per pound criteria.

As such, it would be extremely doubtful that such a facility using MSW as feedstock could technically and economically be developed in California for the foreseeable future.

Further, AB 939 requires each jurisdiction to achieve a 50 percent waste diversion rate. Compliance with this requirement is measured by achievement of a jurisdiction's target per capita disposal rate. In its attempt to assist the cement kiln industry that uses biomass (green) materials and used/waste tires as its processing fuel source, AB 1126 would specify that "solid waste" no longer includes these materials converted at an EMSW conversion facility. Unfortunately, the proposal, when combined with requirements of the existing State law (Section 41781 of the Public Resources Code), would allow the California Department of Resources Recycling Recovery (CalRecycle) to require a jurisdiction to recalculate and reduce its per capita disposal rate as established by Senate Bill 1016, Chapter 343 of the 2008 Statutes. This would have a major negative financial impact on each city and county in California. The Task Force is very concerned that this provision may jeopardize jurisdictions' compliance with the state's 50 percent waste diversion mandate. If jurisdictions were to fall out of compliance with AB 939 as a result of the recalculation/reduction of their allowable per capita disposal rate, they would be subject to fines of up to \$10,000 per day or \$3.65 million each year.

The Honorable Kevin De Leon  
July 31, 2013  
Page 3

Instead of addressing current barriers in statute by establishing a permitting pathway for MSW conversion facilities, this bill, as explained above, sets capricious standards that make facility development even more challenging than it currently is. It further exposes cities and counties to a lower per capita disposal rate as established by SB 1016 (2008).

Therefore, the Task Force **opposes** AB 1126 as amended on June 19, 2013. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at [MikeMohajer@yahoo.com](mailto: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: Assemblyman Richard Gordon  
Each Member of the Senate Appropriations Committee  
California State Association of Counties  
League of California Cities, Los Angeles Division  
Each member of the Los Angeles County Legislative Delegation  
Each member of the Los Angeles County Board of Supervisors  
San Gabriel Valley Council of Governments  
South Bay Cities Council of Governments  
San Fernando Valley Council of Governments  
Gateway 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 Los Angeles County  
Each Member of the Los Angeles County Integrated Waste Management Task Force