



GAIL FARBER, CHAIR
MARGARET CLARK, VICE - CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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July 31, 2013

TO: County of Los Angeles Board of Supervisors

Dear Supervisors:

**URGENT REQUEST FOR LETTER OF OPPOSITION FOR ASSEMBLY BILL 1126
(AMENDED JUNE 19, 2013) – MUNICIPAL SOLID WASTE CONVERSION**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) is writing to share our concern regarding the potential consequences the County unincorporated communities and other jurisdictions may face if Assembly Bill 1126 (AB 1126), as amended on June 19, 2013, is enacted. We urge your Board to send a letter of **opposition** to the Legislature regarding the proposed legislation. We have attached a sample opposition letter for your convenience.

The Task Force has long been a strong supporter of the development of municipal solid waste (MSW) conversion technologies in California as a way to manage post-recycled residual solid waste, reduce dependence on landfills, generate energy, and produce fuels. Instead of addressing current barriers in statute by establishing a permitting pathway for MSW conversion facilities, this bill sets capricious standards that make facility development even more challenging than it currently is.

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, (2) prohibit any diversion credit and/or renewable energy credit to 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 arbitrary criteria of which some are mathematically/technically impossible/impractical to achieve. As such, it would be very doubtful that such a facility 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 each county in California. The Task Force is very concerned that this provision may jeopardize jurisdictions', including the County unincorporated communities, 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.

For the reasons mentioned, the Task Force **strongly opposes** AB 1126 and respectfully urges your Board to send an opposition letter to the California Legislature in order to, among other things, maintain the County unincorporated communities allowable per capita disposal targets and avoid non-compliance to AB 939. Unfortunately, this bill has been moving quickly through the legislative process as jurisdictions have not been made aware of the negative consequences associated with its provisions. The bill is scheduled to be heard in the Senate Appropriations Committee on August 12, 2013. We respectfully encourage the County's **opposition** as soon as possible.

If you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or 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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Enc.

cc: William Fujioka, Los Angeles County Chief Executive Officer
Each Member of the Los Angeles County Integrated Waste Management Task Force

_____, 2013

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

Dear Senator De Leon:

**ASSEMBLY BILL 1126 (AMENDED JUNE 19, 2013)
MUNICIPAL SOLID WASTE CONVERSION**

The County of Los Angeles Board of Supervisors **strongly opposes** Assembly Bill 1126 (AB 1126), which would, among other things, limit our ability to convert post recycled municipal solid waste into useful products, lower our jurisdiction's allowable per capita disposal target, and may jeopardize our compliance with the State's 50 percent waste diversion mandate.

If enacted, AB 1126 would exclude "used" or "waste tires" and "biomass (green) material" sent to Engineered Municipal Solid Waste (EMSW) facilities from the solid waste calculation used by our jurisdiction in calculating our base-year diversion rate for the County unincorporated communities. This would result in the lowering of our allowable per capita disposal target and may jeopardize our compliance with the State's 50 percent waste diversion mandate as prescribed by AB 939 (1989). If we were to fall out of compliance with AB 939 as a result of the recalculation of our allowable per capita disposal rate, we would be subject to fines of up to \$10,000 per day or \$3.65 million each year.

Moreover, we are concerned that AB 1126 would remove potential viable waste management options from our waste management portfolio by combining combustion processes with non-combustion conversion processes under the new term "Engineered Municipal Solid Waste conversion." Processes that fall under this description would also be considered disposal, which removes one of our jurisdiction's main incentives to send waste to a conversion technology facility. Additionally, the bill specifies a series of criteria that must be met by these facilities if they are to operate in California. These criteria are mostly arbitrary and some are mathematically/technically impossible/impractical to achieve and/or comply with. As such, it would be very doubtful that such a facility could technically and economically be developed in California for the foreseeable future.

For these reasons, the County of Los Angeles Board of Supervisors **opposes** AB 1126. Should you have any questions, please contact _____.

Sincerely,

cc:

Governor Edmund G. Brown
Senate President Pro Tem Darrell Steinberg
Assembly Speaker John A. Perez
Assembly Member Gordon
Los Angeles County Chief Executive Office
Each Member of the Senate Appropriations Committee
Los Angeles County Integrated Waste Management Task Force