



DEPARTMENT OF CITY PLANNING
RECOMMENDATION REPORT



CITY PLANNING COMMISSION

Date: Thursday, August 23, 2007
Time: after 8:30 a.m.*
Place: 14410 Sylvan Street-Room 201
City Council Chambers
Van Nuys, CA 91401

CASE NO: CPC 2007-0455-CA
CEQA: ENV 2007-0456-CE
LOCATION: Citywide
COUNCIL DISTRICT: All
PLAN AREA: All
RELATED FILE: CF Nos. 2005-1336,
05-1179-S3, and
05-1179-S4

PUBLIC HEARING REQUIRED

REQUEST: Amendment to Sections 12.03, 12.19, 12.20 and 12.24 of the Los Angeles Municipal Code.

SUMMARY: A proposed ordinance (Appendix A) amending provisions of the Los Angeles Municipal Code to permit Alternative Technology Facilities (the next generation of recycling, converting Municipal Solid Waste residual to recovered resources, chemicals, products, and energy, including electricity) in the M2, M3 and PF Zones, by establishing definitions of terms, and requiring a conditional use procedure.

RECOMMENDED ACTIONS:

1. **Adopt** the staff report as its report on the subject;
2. **Adopt** the attached findings; and
3. **Approve** the proposed ordinance (Appendix A) and recommend its adoption by the City Council.


S. GAIL GOLDBERG, AICP
Director of Planning


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ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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Exhibit C	Citywide Wasteshed Districts

SUMMARY

The purpose of this ordinance is to establish regulations for alternative technology facilities throughout the City and support the Bureau of Sanitation's goal to place a facility within each of its six watershed districts. Alternative technologies, the next generation of recycling, provide means to recycle, refine and re-manufacture materials which currently go to landfills. The basic methods of the technological processes include thermal, biological/chemical and/or other physical processes. The new alternative technology facilities will further the City's goal of zero waste, and help to reduce, reuse, recycle, or convert the resources now going to disposal in landfills to renewable energy, chemicals or products.

Over the past 15 years, the City has made significant accomplishments and strides in both the public and private sector toward a zero waste system. The objective of the proposed ordinance is to create standard zoning regulations for the various types of alternative technology facilities throughout the City of Los Angeles. The Los Angeles Municipal Code (LAMC) currently does not define alternative technologies or provide a process in which to entitle a new facility with proper conditions and mitigation.

The proposed ordinance (Appendix A) amends provisions of the LAMC to permit alternative technology facilities as a discretionary action. The proposed ordinance would amend Sections 12.03, 12.19, 12.20, and 12.24 of the LAMC to effect the following changes:

1. Provides definition for the various alternative technology processes.
2. To allow in the M2, M3 and PF Zones, all activities related to the operation of alternative technology facilities and material processing to be conducted within an enclosed building and require the conditional use permit procedure.
3. The proposed ordinance establishes the conditional use procedure which grants the City Planning Commission additional authority to conduct a public hearing, evaluate all required safeguards, and subsequently determine the appropriate site and conditions for alternative technology facilities in the M2, M3 and PF Zones.

FINDINGS

1. In accordance with Charter Section 556, the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent and provisions of the General Plan in that it will further Goal 9G of the Citywide General Plan Framework by providing, “an environmentally sound solid waste management system that protects public health, safety, and natural resources and minimizes adverse environmental impacts”, and advocates increased efforts to recycle or convert a greater proportion of the City’s trash and urban refuse through various programs of diverting trash from landfills; and
2. In accordance with Charter Section 558 (b) (2), the proposed ordinance is directly related to the General Plan and will not adversely affect any Specific Plans or other plans being prepared by the Planning Department. This ordinance will fulfill the Citywide General Plan Framework, Objective 9.12 and Policy 9.12.2, to support integrated solid waste management efforts through the establishment of citywide diversion objectives; and
3. In accordance with Charter Section 558 (b) (2), the proposed ordinance (Appendix A) is in substantial conformance with the public necessity, convenience, general welfare and good zoning practice, in that it will facilitate equitably locating alternative technology facilities in the M2, M3, and PF Zones citywide, supporting Goal 9F of the General Plan Framework through encouraging adequate collection, transfer and disposal of municipal solid waste, and that which cannot be reduced, recycled or composted is collected, transferred and disposed in a manner minimizing adverse environmental impacts, through the use of alternative technology processing opposed to a landfill; and
4. In accordance with Charter Section 556, the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent and provisions of the General Plan in that the ordinance will support the Citywide General Plan Framework, Infrastructure and Public Policy Objective 9.29 by converting municipal solid waste to recovered resources, chemicals, products, and energy, including electricity, in a manner that demonstrates a commitment to environmental principals, and is consistent with industry standards; and
5. That the ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) and City guidelines for the implementation thereof pursuant to Article II, Section 2, Subsection (m) of the Los Angeles City CEQA Guidelines, as it will not have a negative impact on the physical environment.

STAFF REPORT

Request

On August 8, 2006, the Planning and Land Use Management Committee referred motions to the Department of City Planning, CF 05-1336 (Smith-Zine) and CF 05-1179-S4 (Reyes-Perry), directing staff to consider giving by-right status in the M2 and M3 Zones to alternative technologies and emerging technology facilities, subject to all applicable City of Los Angeles planning code restrictions, as well as all applicable Federal, State and Local regulations for air and water quality standards. The Department was also directed to work with the Bureau of Sanitation to ensure equitable distribution of alternative technologies and other infrastructural recommendations.

Background

The definition of alternative technologies, for this report, is a municipal solid waste residual processing technology to process refuse or post-source separated waste using one or a combination of thermal, biological/chemical and/or other physical processes.

RENEW LA

In February 2006, the City Council adopted the Recovering Energy Natural Resources and Economic Benefit from Waste for Los Angeles (RENEW LA) as a guide for solid waste and resource management for the City of Los Angeles for the next twenty years. The plan builds on key elements of existing programs and infrastructure, and combines them with new conversion technology. The Plan will achieve higher levels of resource recovery in the form of recyclables, soil amendments, renewable fuels, chemicals, green energy, and a reduction in the quantity of residue material disposed of in landfills and associated environmental impacts.

For clarification, RENEW LA uses the term “conversion technology” whereas this report uses “alternative technology”, which is a broader umbrella of technologies.

The goal of RENEW LA is to reduce, reuse, recycle, or convert the resources now going to disposal in landfills and increase an overall diversion level to 90 percent or more, from the current rate of 62 percent, and to dispose of only inert residual material that which is unable to be converted after processing by the year 2025. The efforts rely on two areas of action; enhancement and growth of existing diversion programs, and the development of conversion technology facilities to process refuse that is not reused or recycled.

To date, the Bureau of Sanitation has released a request soliciting contractors to develop a facility for processing municipal solid waste (MSW) residual utilizing alternative technologies based on resource recovery for the City of Los Angeles. Prior to awarding a contract to develop an alternative technology facility, guidelines and standards for regulating facilities within the City should be approved by policy-makers. This recommendation report proposes the adoption of definitions of terms and conditional use guidelines for alternative technology facilities.

General Plan Framework Element

The Infrastructure and Public Services chapter of the General Plan Framework concludes that, due to expected population growth, the City needs to manage its infrastructure and public services in a manner that avoids depletion or permanent damage to its natural resources. The City must examine the viability of the existing infrastructure support systems relative to sustainability and correct deficiencies. Infrastructure improvements will be required to support the needs of the City's growth and replace existing facilities that have deteriorated due to age or have become obsolete.

The policies of the General Plan Framework Element seek solutions to infrastructure and service deficiencies including expansion of facilities commensurate with the demanded increase. The Bureau of Sanitation has implemented many programs to divert waste from landfills; however, the growing population of the City of Los Angeles is producing increasingly more solid waste that remains after diversion. Consequently the need for solid waste transfer and disposal facilities are increasing. Therefore, increasing the capacity of existing programs and development of new methods of diversion must be made available for the collected waste.

Status of Proposed Alternative Technology

Currently the Bureau of Sanitation is in the process of selecting one or more suppliers to develop an alternative technology facility using proven and commercialized technology for processing Black Bin/Municipal Solid Waste (MSW) residual material, and produce usable by-products such as electricity, green fuel, and/or chemicals. The proposed facilities are expected to increase the diversion level of the City's Black Bin/MSW residual material now going to landfills from the current 62 percent to 80 percent.

The City is interested in facilities that utilize solid waste treatment technologies, including but not limited to pyrolysis, gasification, advanced waste to energy (a second generation advancement of incineration technologies), biological, chemical, physical and/or combination thereof. Some treatment technologies are well-proven worldwide at

commercial scale, have high landfill diversion rates, and can generate a wide range of useful by-products that can be marketed.

Each of the six wastesheds within the city produces approximately 200-1,000 short tons/(metric tons) per day of Black Bin/MSW residual. The City's objective is to develop one facility per wasteshed. Each facility will process the waste generated by the wasteshed district it is located within, at a total throughput of 1,000 short tons/(metric tons) per day, thereby processing waste locally and equitably throughout the City. The throughput of the facility also depends on the commercialization status of the technology proposed by the operator. The City presently disposes of approximately 3,600 short tons/(metric tons) per day of Black Bin/MSW residual by landfilling. The City desires to significantly reduce the amount of Black Bin/MSW residual being disposed of in landfills and to maximize recycling and reuse of this unused resource.

In keeping with the City's goal of landfill diversion and the role of alternative technologies, this ordinance will allow for the development of both publicly and privately owned and operated alternative technology facilities.

Discussion

As a result of staff research, analysis, and review of the zoning code, in addition to a series of meetings with the staff of the Bureau of Sanitation, the Environmental Affairs Department and the Department of Building and Safety, the following discussion addresses consideration of the proposed conditional use permit process for alternative technology facilities.

Regulating Land Use

In evaluating the type of land use process for alternative technology facilities, Planning staff considered by-right, by-right with performance standards, and the conditional use process. Due to the nature of the materials handled, equipment necessary, large volume processed creating dust, noise, fumes, vibration, odor, etc., the Department is recommending the conditional use process. Alternative technology facilities will require the consideration of specific conditions to mitigate any environmental impacts to a level of insignificance. In addition, it is anticipated that alternative technology facilities will require an Environmental Impact Report (EIR), and therefore should be reviewed and conditioned through a discretionary process.

Regulatory land use controls which are by-right based are nondiscretionary. They range from simply permitting a use without any limitations when it complies with provisions of the underlying zone, to a use being permitted after it complies with performance standards.

By right. A by-right use that complies with the underlying zone may be issued a building permit without any further local review, resulting in no opportunity for establishing additional conditions by the City.

By right with performance standards. A by-right use subject to performance standards is required to obtain all permits, license and approvals from federal, state and local agencies prior to issuance of a City building permit. Using this option the City would not have the ability to include additional site specific conditions nor would this process result in a single document containing conditions of approvals from other agencies. This method limits the ability for cohesive administrative review, efficient monitoring and enforcement.

The by right based process with performance standards may be sufficient for many uses, however, alternative technologies are new and emerging and they are not readily categorized or comparable to existing uses that have known standards. Performance standards in the by right process are limited due to their generic and minimal ability to address issues related to design, operation or possible neighborhood impact.

Conditional use. The actual review procedure includes opportunity for public hearings, the ability to craft site specific conditions, review of the environmental document, and obtain fees, for the conditional use process. Additionally, it is likely alternative technology facilities will vary significantly from one location to another and will reflect changes over time in advances in technology; therefore it is of greater importance that decision makers render a decision with collective input from all stakeholders including other departments and agencies, elected officials, and community members.

The Planning Department recommends the conditional use process, which would serve as an effective tool for stakeholder participation, as well as for education and outreach of new emerging technologies, provide opportunity for neighborhood improvements, and further contribute to transparency in the review process.

Site Design and Operations

Site design and operating standards of alternative technology facilities will mitigate impacts to surrounding properties. In order to reduce potential equipment emissions and odors from the site, air quality mitigation measures will be required. The mitigation measures will be the most current available technology, and methodology to reduce the emissions and odors from the facility, as required by the South Coast Air Quality Management District.

In an effort to improve the appearance and environment of industrial areas in the City and to mitigate the visual impacts of on-site parking and storage, for areas not enclosed within a building, a solid wall, fence or gate, a minimum of eight feet in height, will be required.

To reduce potential noise impacts from the site, a noise reduction plan is required identifying measures to mitigate noise, including but not limited to sound attenuation methods such as sealing windows and doors and acoustical insulation of walls. The plan shall render the project site consistent with Minimum Ambient Noise Levels of Section 111.03 of the Los Angeles Municipal Code (LAMC).

To aesthetically enhance the visual appearance of the facilities and conserve water resources, the landscaped areas shall comply with the water management standards, of Sections 12.40, 12.41, 12.42, and 12.43 of the LAMC.

On-site parking requirements for the facility buildings will comply with Section 12.21 A 4 (c) of the LAMC, one automobile parking space for each 500 square feet of floor area shall be provided. The on-site parking and storage of delivery trucks shall accommodate the volume generated by the facility. No on street parking or storage is permitted.

To reduce associated traffic impacts on the surrounding community the ordinance provides a set of standard siting requirements. Co-location is encouraged between alternative technology sites and existing solid waste facilities, transfer stations, collection vehicles sites, material recovery facilities, and green waste facilities to reduce the distance and number of truck trips.

It is expected that the facility operation within a wholly enclosed building, processing waste and maintaining equipment, will occur 7 days a week, 24 hours per day. Truck deliveries and hauling on-site and off-site will be limited to the hours of 6:00 a.m. through 6:00 p.m., Monday through Friday, and 7:00 a.m. to 2:00 p.m. on Saturday, except as needed to accommodate City post-holiday or emergency disposal requirements. Modified hours may be considered by the decision maker.

To protect patrons or residents of nearby uses from impacts associated with facility operations, the ordinance requires that each facility will be located at least 1,000 feet from an A or R Zone or a residential use, nursing home, playground, park, school (K-12), day care, hospital, or church.

In summary, generic standards cannot fully address mitigation of impacts due to each site having its own unique setting. The conditional use process will allow the decision maker to impose site specific conditions on a project by project basis.

Neighborhood Protection

A Community Protection Program will be created by the facility operator to mitigate the potential impacts of an alternative technology facility. The Program will include a Community Improvement Fund that will finance public improvements; streetscape, infrastructure, community amenities, and provide a more livable environment. The funds will be generated from a per-ton tipping fee determined by the City Council. The fees will be paid to the facility and in turn paid on a quarterly basis to the City. Appropriation from the Fund will be authorized by resolution on a project by project basis, upon recommendation of the Councilperson for the district and approved by the City Council.

The Program will also include the publication of a quarterly newsletter prepared by the facility operator. Each newsletter will contain a summary of activities and permit violations, if any, for the reporting period and 24-hour emergency phone numbers. In addition, an annual report will be published that includes a summary of activities and permit violations, if any, for the year and overall compliance with the conditions of the subject approval. The distribution list of the newsletter and annual report will include local stakeholders, interested parties, and property owners and occupants within a 500-foot radius.

Federal, State, and Local Controls

Alternative technologies will be regulated by various federal, state, and local agencies including the South Coast Air Quality Management District, the Los Angeles Regional Water Quality Control Board, the California Integrated Waste Management Board, the California Department of Fish and Game, the State Department of Health Services, the U. S. Army Corps of Engineers, Los Angeles County and Los Angeles Local Enforcement Agency. Each agency, as a permitting body, is responsible for requiring implementation of the highest technically accepted mitigating standards for the various aspects of alternative technology facilities. In addition, the California Environmental Quality Act (CEQA) will require an Environmental Impact Report (EIR) for these facilities.

Equitable Facility Distribution

It is desirable to create an equitable distribution of facilities that share in both the negative impacts and beneficial services. However, this Ordinance cannot solve existing inequitable distribution and environmental injustices, but it can assist equitable distribution and siting of alternative technology facilities throughout the City.

The Bureau of Sanitation's geographically designated municipal solid waste areas of the City are divided into six wastesheds for operational purposes; East Valley, West Valley, North Central, Harbor, Western and South (Exhibit C). In the effort to facilitate equal

distribution and environmental justice within the six watershed districts, an immediate option to address the issue within the parameters of the current zoning would be to include the PF Zone in addition to the M2 and M3 Zones. Public Facility properties are distributed throughout the six watershed districts increasing the opportunity for siting and co-locating with other Bureau of Sanitation facilities, and siting within districts with few Industrial designated properties. The PF Zone regulates the use and development of publicly owned land. When on publicly owned property, specifically listed Public Facility uses are subject to the conditional use process, adding alternative technology to the list of uses is consistent with the zone.

This recommended proposal, allowing facilities in the PF, M2, and M3 Zones may provide additional siting opportunities, however it would not preclude consideration of a request for an appropriately sited facility through a discretionary action, such as a zone change.

Further study and exploration of siting new facilities could be conducted as the technologies improve and established facilities demonstrate their efficiencies. The City may consider, through the Public Facilities and Service Element of the General Plan and using long range planning methods, developing future infrastructure policies and goals for siting facilities within each watershed. The City may also consider proactively locating and identifying potential areas of study, taking into account sites that are currently occupied or not zoned for such a use to accommodate future needs.

The Bureau of Sanitation anticipates that the development of alternative technology facilities will accommodate processing municipal solid waste residual that is generated from within its own watershed district boundaries, thereby furthering equal distribution in processing waste and reducing truck traffic air emissions and hauling distances.

Conclusion

In summary, the attached ordinance will define alternative technologies, establish facilities as a recognized use, and provide impact mitigating standards and criteria for the operations of the facilities. The conditional use process allows stakeholder participation, site specific conditions, provides an opportunity for neighborhood improvements, and facilitates transparency in the review process. Including the PF Zone for siting facilities should provide additional opportunities for equitable distribution throughout the City.

Staff recommends that given the range of development and operational issues attributed to alternative technology facilities, the concerns regarding environmental justice, and public participation, that the attached ordinance, Exhibit A, be approved and recommended to the City Council for adoption.

Environmental Impact

The attached proposed ordinances are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 2, Subsection (m) of the City of Los Angeles CEQA Guidelines (ordinances which have no negative impact on the physical environment).

APPENDIX A

DISCUSSION DRAFT PROPOSED ORDINANCE
ORDINANCE NO. _____

Proposed Ordinance amending Section 12.03, 12.19, 12.20, and 12.24 of the Los Angeles Municipal Code relating to Alternative Technology Facilities.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Amend Section 12.03 of the Los Angeles Municipal Code by adding in proper alphabetic sequence the following definition:

Alternative Technology. Technologies that provide an alternative to landfill disposal of municipal solid waste. Feedstock that consist of source separated materials and/or byproduct materials from industrial and manufacturing facilities that are used beneficially as feedstock are not considered solid waste and are not covered by this ordinance. Alternative Technology consists of various types or combinations of thermal, biological/chemical, and/or other physical processes.

Thermal Technology. A high heat process to convert organic waste fraction to Synthesis gas, fuel gas or steam, or other products; methods include but are not limited to: Pyrolysis, Pyrolysis/Gasification, Pyrolysis/Steam Reforming, Convectional Gasification - Fluidized Bed, Conventional Gasification - Fixed Bed Thermal Technologies, Plasma Arc Gasification, Advanced Waste to Energy, and Catalytic Cracking.

Biological/Chemical Technology. Biological and chemical breakdown of the organic materials in waste to produce Synthesis gas (e.g., Syngas), alcohols, or other chemicals, methods include but are not limited to: Anaerobic Digestion, Aerobic Digestion/Composting, Ethanol Fermentation, Acid/Enzymatic, Hydrolysis, Syngas-to-Ethanol, Syngas-to-Biodiesel, Thermal Depolymerization, and Distillation.

Note: The City of Los Angeles Local Enforcement Agency will determine if the application meets these definitions.

Sec. 2. Add new Subdivision 17 of Subsection A of Section 12.19 of the Los Angeles Municipal Code to read as follows:

17. Alternative technology, as defined in Section 12.03, when established and operated in conformance with the standards contained in Section 12.24 U 27.

Sec. 3. Add new Subdivision 40 of Subsection A of Section 12.20 of the Los Angeles Municipal Code to read as follows:

40. Alternative technology, as defined in Section 12.03, when established and operated in conformance with the standards contained in Section 12.24 U 27.

Sec. 4. Amend Subdivision 21 of Subsection U of Section 12.24 of the Los Angeles Municipal Code to read as follows:

21. The following uses in the **PF Zone: (Amended by Ord. No. 173,492, Eff. 10/10/00.)** convention and exhibition centers; government owned parking facilities; flood control facilities; sewage treatment facilities; covered reservoirs; appurtenant structures adjacent to covered and uncovered reservoirs, such as water treatment facilities, water pumping facilities, water distribution facilities, and water filtration plants; sanitary landfills; alternative technology facilities; and any joint public and private development uses more intensive than those permitted in the most restrictive adjoining zones. The phrase “**adjoining zones**” refers to the zones of properties abutting, across the street or alley from, or having a common corner with, the subject property. In addition to the findings otherwise required by this subdivision, for any joint public and private development uses, the Commission shall find that benefits are provided to the public and that the benefit accruing from the project, whether as a result of additional taxes or the provision of public facilities, is sufficient to outweigh any impairment of the public interest that may be created by the public agencies’ proposed use of the land.

Sec. 5. Add new Subdivision 27 of Subsection U of Section 12.24 of the Los Angeles Municipal Code to read:

27. Alternative technology facilities may be permitted in the M2, M3 and PF Zones in compliance with the following:
 - (a) Various types or combinations of thermal, biological/chemical, and/or other physical processes. The City of Los Angeles Local Enforcement Agency will determine if the application meets this definition.
 - (b) Prior to any local grading or building permits being issued an alternative technology operator shall obtain permits, licenses, certificates, or other approvals as may be applicable from all regulatory agencies that satisfy the necessary requirements as set forth by applicable city, county, state and federal agencies, including but not limited to the following:

- (1) The South Coast Air Quality Management District;
 - (2) The Los Angeles Regional Water Quality Control Board;
 - (3) The California Integrated Waste Management Board;
 - (4) The California Department of Fish and Game;
 - (5) The State Department of Health Services;
 - (6) The U.S. Army Corps of Engineers; and
 - (7) County of Los Angeles; and
 - (8) City of Los Angeles Local Enforcement Agency.
- (c) Co-location of alternative technology sites may be permitted at existing solid waste facilities sites, transfer stations, solid resource collection vehicles sites, material recovery facilities and green waste facility sites.
- (d) The facility shall be located at least 1,000 feet from an A or R Zone or a residential use, nursing home, playground, park, school (K-12), day care, hospital, or church.
- (e) All material storage, loading, unloading, operations and conversion processing shall be conducted wholly within an enclosed building or buildings. The site shall accommodate the onsite queuing of vehicles within an area completely enclosed by a solid wall or fence and gate a minimum 8 feet in height.
- The wall or fence shall be located between the use and landscaped yard setback area. The front, side and rear setbacks shall be a minimum of 5 feet in depth.
- (f) Landscaping shall comply with the landscape requirements set forth in Sections 12.40, 12.41, 12.42 and 12.43 of the Los Angeles Municipal Code.
- (g) Automobile parking spaces shall be provided for buildings as required by Section 12.21 A 4 (c) of the Los Angeles Municipal Code. A parking and storage area for delivery trucks shall be provided on-site to adequately accommodate the volume generated by the facility. No on street parking or storage shall be permitted.

- (h) The hours of operation are as follows: Facility operations, such as material processing and equipment maintenance requiring continuous operation, are permitted at all times. Truck deliveries may be accepted at the facility site between the hours of 6:00 a.m. through 6:00 p.m., Monday through Friday, and 7:00 a.m. to 2:00 p.m. on Saturday, except as needed to accommodate City post-holiday disposal requirements or emergency. Modified hours may be considered by the decision maker.
- (i) Air quality mitigation measures which are used shall be the most current available technology and methodology to reduce emissions and odors from the facility. The technology and methodology shall be evaluated and approved by the South Coast Air Quality Management District (SCAQMD).
- (j) The applicant shall submit a noise reduction plan to the plan checker. The noise reduction plan shall identify techniques used to mitigate noise from the site, including but not limited to sealing windows and doors, and acoustical buffering of walls. The noise reduction plan shall render the project site consistent with the Minimum Ambient Noise Levels Section 111.03 of the Los Angeles Municipal Code.
- (k) The applicant shall submit a covenant to establish a Community Protection Program, to be approved by the Department of City Planning, and a recorded copy shall be provided to the plan checker. The Community Protection Program shall include the following:
 - (1) A quarterly newsletter created by the facility operator shall be required. The distribution shall include local stakeholders, interested parties, and property owners and occupants within a 500-foot radius. Each quarterly newsletter shall contain a summary of activities and permit violations, if any, for the reporting period and 24-hour emergency phone numbers. The facility operator shall issue an annual report which includes a summary of activities and permit violations, if any, for the year and overall compliance with the conditions of the subject approval.

- (2) A Community Improvement Fund shall be established for the purpose of financing public improvements; streetscape, infrastructure and community amenities, approved by ordinance of the City Council. The fund shall be comprised of a per-ton tipping fee, at a percentage to be established by ordinance of the City Council. The fees shall be paid to the facility operator and paid on a quarterly basis by the operator to the City. Appropriation from the Fund shall be authorized by resolution on a project by project basis, upon recommendation of the Councilperson for the district and approved by the City Council. Contributions to this fund are subject to audit by the City Controller.
- (l) Prohibited Material: special wastes including radioactive material, hazardous waste, household hazardous waste, electronic waste, universal waste and medical waste as defined in Sections 114960 and 25110 of the California Health & Safety Code and Section 42463 of the California Public Resources Code.

COUNTY CLERK'S USE
CITY CLERK'S USE

CITY OF LOS ANGELES

Exhibit A

OFFICE OF THE CITY CLERK
ROOM 615, CITY HALL EAST
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION

(Article III, Section 3—City CEQA Guidelines)

Submission of this form is optional. The form shall be filed with the County Clerk, 111 No. Hill St., Los Angeles, California 90012, pursuant to Public Resources Code Section 21252 (b). Pursuant to Public Resources Code Section 21188 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY Department of City Planning	LOG REFERENCE ENV-2007-0456-CE	COUNCIL DISTRICT Citywide
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PROJECT TITLE:
Code Amendment (CA) - Conversion Technology Facilities (CPC-2007-0455-CA).

PROJECT LOCATION:
Citywide

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:
A proposed ordinance amending provisions of the Los Angeles Municipal Code to permit Conversion Technology Facilities, by establishing definition of terms and requiring the Conditional Use procedures.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:
N/A

CONTACT PERSON Phyllis A. Parker	AREA CODE	TELEPHONE NUMBER 213-978-1325
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EXEMPT STATUS: (Check One)	CITY CEQA GUIDELINES	STATE EIR GUIDELINE
<input type="checkbox"/> MINISTERIAL	Art. III, Sec. 2b	Sec. 15073
<input type="checkbox"/> DECLARED EMERGENCY	Art. III, Sec. 2a (1)	Sec. 15071 (a)
<input type="checkbox"/> EMERGENCY PROJECT	Art. III, Sec. 2a (2) & (3)	Sec. 15071 (b) & (c)
<input type="checkbox"/> GENERAL EXEMPTION	Art. III, Sec. 1	Sec. 15060
<input type="checkbox"/> CATEGORICAL EXEMPTION	Art. VII, Sec. 1	Sec. 15100
<input checked="" type="checkbox"/> OTHER	(See Public Resources Code Sec. 21080 (b) and set forth state and city guideline provision. <u>Exemption Art. II, Sec. 2 (m)</u>)	

JUSTIFICATION FOR PROJECT EXEMPTION: The proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) and City guidelines for the implementation thereof pursuant to Article II, Section 2, Subsection (m) of the City of Los Angeles CEQA Guidelines because the adoption of this ordinance has no impact on the physical environment. The enactment of this ordinance will not result in any environmental impacts. The proposed ordinance merely changes the location and size of parking facilities for future residences and would neither add to nor lessen environmental review requirements for any residential project. Any proposed residential project would be subject to CEQA requirements, relative to any impacts generated.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.

SIGNATURE 	TITLE City Planner	DATE January 29, 2007
FEE: N/A	RECEIPT NO. N/A	RECEIVED BY N/A
		DATE N/A

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record
Form Gen. 183 (Rev. 8-90) (Appendix A) (C.S. 4/98)

THE APPLICANT CERTIFIES THAT HE OR SHE UNDERSTANDS THE FOLLOWING:
Completion of this form by an employee of the City constitutes only a staff recommendation that an exemption from CEQA be granted. A Notice of Exemption is only effective if, after a public review and any required public hearings, it is adopted by the City agency having final jurisdiction (including any appeals) over the project application. If a CEQA exemption is found inappropriate, preparation of a Negative Declaration or Environmental Impact Report will be required. IF THE INFORMATION SUBMITTED BY THE APPLICANT IS INCORRECT OR INCOMPLETE SUCH ERROR OR OMISSION COULD INVALIDATE ANY CITY ACTIONS ON THE PROJECT, INCLUDING CEQA FINDINGS.

Phyllis A. Parker
NAME (PRINTED)

*  SIGNATURE

ENVIRONMENTAL QUALITY & WASTE MANAGEMENT

JUN 28 2005

PLANNING & LAND USE MANAGEMENT
MOTION

The City of Los Angeles is required by the State of California to divert an increasing percentage of waste from landfills. In addition, the State of California's Renewables Portfolio Standard (RPS) mandates that investor-owned utilities (IOUs) increase their annual retail power sales from eligible renewable resources by at least 1% per year with a goal of attaining 20% aggregate annual retail sales by 2017. Though municipal facilities like LADWP are currently exempt from the specific provisions of the RPS, SB1078 requires municipal utilities to develop renewables programs in the spirit of the legislation. In addition, the City has voluntarily set a 20% RPS goal by 2017.

Further, the City of Los Angeles currently encourages recycling by providing single-family, residential, curbside (blue can) pick-up, as well as requiring all City departments to recycle. In support of the necessity for recycling, recycling facilities have achieved a by-right designation in "M," or manufacturing zones, with certain restrictions.

There are currently many technologies able to convert the organic waste materials left after a materials recovery process and that are not suitable for composting, into green energy, alternative fuels and other useful products. These technologies include, but are not limited to: hydrolysis, gasification, pyrolysis, fermentation and anaerobic digestion. These methods differ from incineration and traditional waste-to-energy approaches because they do not require combustion, making them "clean" technologies.

In as much as it is not only good public policy, but also an ever-increasing need to produce energy from renewable sources,

I THEREFORE MOVE that conversion technology and emerging renewable energy facilities be given by-right status in the M2 and M3 zones, subject to all applicable City of Los Angeles planning code restrictions, as well as all applicable Federal, State and Local regulations for air and water quality standards.

I FURTHER MOVE that the Planning Department and Bureau of Sanitation work together to identify appropriate siting opportunities in each of the six City wastesheds, (West Valley, East Valley, West Los Angeles, North Central, South Los Angeles and Harbor) with an eye toward environmental justice.

PRESENTED BY: _____

GREIG SMITH, Twelfth District

SECONDED BY: _____

05-1336

am
JUN 28 2005

ITEM 13 - E

MOTION

I MOVE that the matter of the continued consideration of Budget and Finance and Environmental Quality and Waste Management Committees' Reports and Communication from the City Attorney relative to Amendment No. 2 to contract with Browning-Ferris Industries of California, Inc. (BFI), for continued disposal services at BFI Sunshine Canyon Landfill for an additional five-year term starting July 1, 2006 and ending June 30, 2011, Item No. 13 on today's Council Agenda (CF 05-1179), **BE AMENDED** to instruct the Planning Department to prepare and process the necessary documents and actions to adopt a General Plan Amendment which would create suitable industrial zones equally throughout the City to enable the siting of facilities needed to implement the Renew LA concept.

PRESENTED BY:


ED P. REYES
Councilman, 1st District

SECONDED BY:



AP

August 5, 2005

ak

CF 05-1179-S3

Mo.
ADOPTED

AUG 05 2005

LOS ANGELES CITY COUNCIL

VERBAL MOTION

I HEREBY MOVE that Council ADOPT the following recommendation in connection with Amendment No. 2 to contract with Browning-Ferris Industries of California, Inc. (BFI) for continued disposal services at BFI Sunshine Canyon Landfill:

DIRECT the Planning Department to report to the Planning and Land Use Management Committee and the Ad Hoc Committee on Recovering Energy, Natural Resources and Economic Benefit from Waste for Los Angeles (RENEW LA) relative to the land use implications (zoning issues) to ensure equitable distribution of conversion technologies and any other infrastructural recommendations that the process leads to.

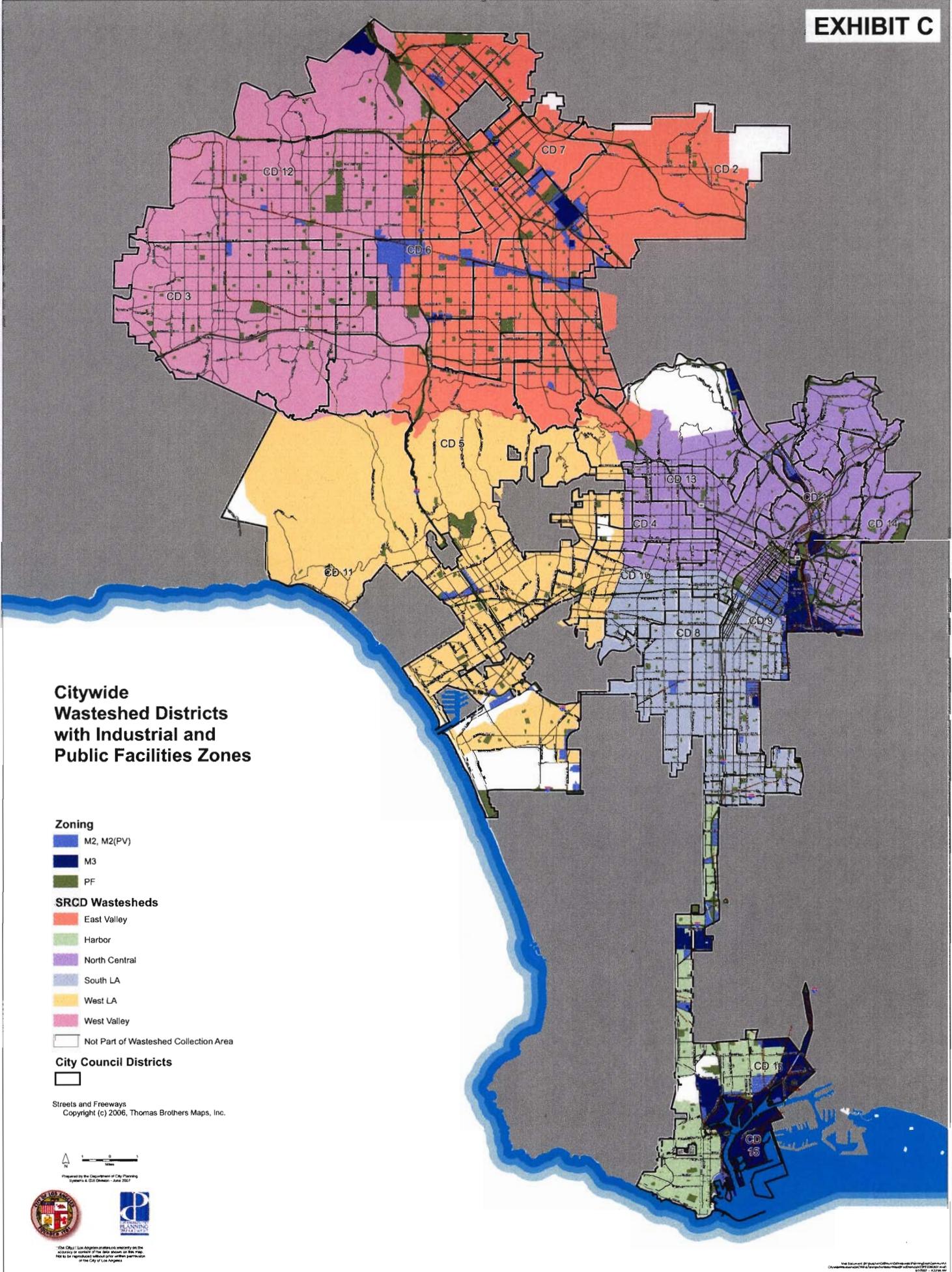
PRESENTED BY _____
ED P. REYES
Councilmember, 1st District

SECONDED BY _____
JAN PERRY
Councilmember, 9th District

August 9, 2005

CF 05-1179 -S4

Motion
ADOPTED
AUG 09 2005
LOS ANGELES CITY COUNCIL



Citywide Wasteshed Districts with Industrial and Public Facilities Zones

Zoning

- M2, M2(PV)
- M3
- PF

SRCD Wastesheds

- East Valley
- Harbor
- North Central
- South LA
- West LA
- West Valley

Not Part of Wasteshed Collection Area

City Council Districts

Streets and Freeways
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**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
August 16, 2007**

Bill	Author	Status	Summary	Task Force Position
AB 6	Houston	Introduced 12-04-06 In Assembly Natural Resources Committee	Existing Law: California's Global Warming Solutions Act (AB 32, 2006 Statutes) requires the State Air Resources Board (SARB) to develop regulations to achieve the Act's greenhouse gas emission reduction targets. SARB has the discretion to incorporate market-based options. Proposed Law: This bill would require SARB to adopt market-based options.	
AB 35	Ruskin	Amended 8-01-07 In Senate Appropriations Committee	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: This bill would require CAL EPA to adopt regulations establishing green building standards for the construction and renovation of state buildings by July 1, 2009, and would require on and after July 1, 2010 that all state buildings meet these standards.	
AB 48	Saldana	Introduced 12-04-06 In Assembly Appropriations Committee Reintroduced from 2006 Legislative Session (AB 2202)	Existing Law: The Department of Toxic Substances Control (DTSC) regulates the sale of Covered Electronic Devices (e.g., TVs, computer monitors, laptop computers, and LCD/plasma TVs). State law requires DTSC to adopt regulations by January 1, 2007 prohibiting the sale of CEDs if they are banned in the European Union. Proposed Law: This bill would expand the definition of CEDs to include any plug-in and battery-operated consumer electronic device. In addition, DTSC is required to develop regulations prohibiting the sale of all electronic devices currently banned within the European Union effective January 1, 2010.	
AB 118	Nunez	Amended 7-17-07 In Senate Appropriations Committee	Existing Law: Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Proposed Law: The bill would create the Alternative and Renewable Fuel, Vehicle Technology, Carbon Reduction, and Clean Air Program, to be funded by an increase in various motor vehicle related fees until January 1, 2016 for eligible air quality improvement projects and programs related to new fuel and vehicle technologies.	
AB 258	Krekorian	Amended 8-01-07 In Senate Appropriations Committee	Existing Law: The California Coastal Commission, in partnership with local governments, plans and regulates development and natural resource use along the coast. Proposed Law: This bill would require the State Water Board and other regional boards to implement a program to control the discharge of preproduction plastic from point and nonpoint sources. Moreover, it would require plastic manufacturing, handling, and transportation facilities to implement best management practices to control the discharge of preproduction plastics.	

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2007-2008 SESSION
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Bill	Author	Status	Summary	Task Force Position
AB 484	Nava	Amended 7-18-07 In Senate Appropriations Committee	<p>Existing Law: Existing law requires the Department of Transportation, and any other state agency that provides construction and repair services, to contract for construction items that utilize recycled materials used in paving or paving subbase.</p> <p>Proposed Law: This bill would prohibit CalTrans, or any contractee with the department, from disposing of asphalt concrete or Portland cement concrete in a solid waste landfill, unless the contractor makes a specified determination that no other means of using or disposing the material is feasible or that it will be used for beneficial reuse in the construction or operation of a solid waste landfill.</p> <p><i>Previously</i>, this bill would require CalTrans to use recycled aggregate base for at least 50 percent of the total amount of aggregate base used on and after January 1, 2008, and for at least 75 percent of the total amount of aggregate base used on and after January 1, 2009, unless it determines that the use of the materials is not cost effective.</p>	Letter of Support sent 6-21-07 for 2-20-07 version
AB 501	Swanson	Amended 6-21-07 In Assembly Health Committee	<p>Existing Law: It is prohibited for a person to dispose of home generated sharps waste after September 1, 2008.</p> <p>Proposed Law: This bill would require pharmaceutical manufacturers whose products are used to pre-fill sharps to supply a container for the safe disposal of home used sharps with a toll free number supplying information on safe disposal methods.</p> <p><i>Previously</i>, this law would have required pharmaceutical manufacturers by January 1, 2008, to make available paid mail return for patients to safely dispose of prefilled syringes, pen needles, or other injection devices.</p>	Letter of Support sent 6-21-07 for 4-30-07 version
AB 546	Brownley	Amended 7-16-07 In Senate Environmental Quality Committee	<p>Existing Law: The Department of Toxic Substances Control regulates the sale of Covered Electronic Devices (e.g., TVs, computer monitors, laptop computers, and LCD/plasma TVs). A \$6 - \$10 recovery fee (depending on the screen size) is imposed on these CEDs to fund the collection and recycling of these CEDs.</p> <p>Proposed Law: Beginning July 1, 2008, this bill would require a retailer of CEDs to provide their customers with a list of authorized collectors of CEDs.</p>	Watch

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
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Bill	Author	Status	Summary	Task Force Position
AB 548	Levine	Amended 6-19-07 In Senate Environmental Quality Committee	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: This bill would require on or after July 1, 2008, that an owner of a multifamily dwelling consisting of five or more units, provide recycling services that are consistent with any other state or local law or requirement governing the collection, handling, or recycling of solid waste.	Watch
AB 656	Plescia	Introduced 2-21-07 In Assembly Environmental Safety and Toxic Materials Committee	Existing Law: Effective February 8, 2006, households can no longer dispose universal waste into the trash. Universal waste includes electronic waste, household batteries, fluorescent tubes, mercury waste, and aerosol cans. Proposed Law: This bill would require the Waste Board and Water Resources Control Board to prepare and forward a report to the Legislature by July 1, 2008 on whether the incidental disposal of alkaline batteries at landfills cause any environmental impacts.	Watch
AB 679	Benoit	Amended 7-09-07 In Senate	Existing Law: Current law carries various penalties, including fines and/or imprisonment for littering or illegal dumping. Proposed Law: This bill would require the court to impose a civil assessment in addition to any other penalty or fine, in the amount of \$100 for an infraction or \$200 for a misdemeanor. <i>Previously,</i> this bill would have required the court system to impose a civil assessment on violators that is equal to the actual cost of cleanup incurred by the city or county that results from littering or illegal dumping offenses.	Letter of Support for 5-03-07 version sent 6-11-07
AB 712	De Leon	Amended 7-12-07 In Senate Appropriations Committee	Existing Law: Existing law requires each operator of a solid waste disposal facility to pay a quarterly fee to the State Board of Equalization. Proposed Law: This bill would impose a new tipping fee of \$0.50/ton of waste disposed in California beginning April 1, 2009, in order to fund air quality compliance for off-road diesel vehicles that dispose, transfer, or process solid waste or recyclable materials. This bill would also provide up to four million dollars in grants for projects that reduce greenhouse gas emissions from landfills through organic material diversion (excluding "thermal technologies").	Letter of Opposition sent 6-12-07 for 5-02-07 version

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Bill	Author	Status	Summary	Task Force Position
AB 722	Levine	Amended 6-04-07 In Assembly Appropriations Committee Inactive File	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: Starting July 1, 2010, this bill would phase in minimum energy efficiency requirements for general purpose light bulbs over a six-year period. It would require that after the phase-in, most general purpose lights achieve 50 lumens per watt standard. <i>Previously,</i> this bill would have prohibited the sale of incandescent light bulbs and halogen lamps beginning January 1, 2012.	Watch
AB 729	Mullin	Introduced 2-22-07 In Assembly Natural Resources Committee	Existing Law: The Department of Toxic Substances Control regulates the sale of Covered Electronic Devices (e.g., TVs, computer monitors, laptop computers, and LCD/plasma TVs). A \$6 - \$10 recovery fee (depending on the screen size) is imposed on these CEDs to fund the collection and recycling of these CEDs. Proposed Law: This bill would require the Waste Board to develop regulations for authorized CED collectors to legally donate CEDs to non-profit organizations for reuse.	
AB 769	Aghazarian	Introduced 2-22-07 In Assembly Revenue and Taxation Committee	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: This bill would exempt all fuel used to transport biomass, including the organic fraction of municipal solid waste, from the State's Sales and Use Tax.	
AB 800	Lieu, Brownley and Krekorian	Amended 6-06-07 In Senate Related bill AB 1391	Existing Law: State law requires the State Office of Emergency Services to be immediately notified when hazardous substances or sewage is discharged into the waters of the State. Proposed Law: This bill would expand the notification requirements and associated penalties for discharging hazardous substances, sewage, or other wastes into the waters of the State.	Watch
AB 820	Karnette	Amended 4-09-07 In Assembly Appropriations Committee	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: This bill would prohibit the selling, use, or distribution of polystyrene food containers at University of California campuses, State Mental Hospitals, and California prisons on condition it is approved by the Board of Regents or the Department of Corrections.	Letter of Support sent 5-17-07

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
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Bill	Author	Status	Summary	Task Force Position
AB 904	Feuer	Amended 6-01-07 In Assembly Appropriations Committee Inactive File	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: Enacts the Plastic and Marine Debris Reduction, Recycling, and Composting Act, which prohibits a food service provider from distributing disposable food packaging unless the packaging is recyclable or recovered for composting at a 25% rate statewide.	Letter of Support for 4-11-07 version sent 6-11-07
AB 1018	Emerson	Introduced 2-22-07 In Assembly	Existing Law: Any unauthorized discharge of waste into the waters of the State must be abated in compliance with the local Regional Water Quality Control Board or the State Water Resources Control Board requirements. Proposed Law: This spot bill would make technical non-substantive changes relating to the above issue.	
AB 1023	Desaulnier	Chaptered 7-27-07	Existing Law: Manufacturers of specified plastic trash bags (excluding grocery bags) must incorporate post consumer plastic material in their bags (10% of the bag weight) or in all its plastic products (30% of the total weight). Proposed Law: Exempts manufacturers of compostable and biodegradable trash bags from California's recycled-content requirements for plastic trash bags.	
AB 1058	Laird	Amended 7-17-07 In Senate Appropriations Committee	Existing Law: Existing law sets forth various requirements for energy and design efficiency in the construction and renovation of state buildings. Proposed Law: This bill would require Cal EPA along with other state entities by July 1, 2009, to coordinate, develop, adopt, and make available a set of voluntary green building "best practices" for residential home construction, including measures for energy, water, materials, and resources efficiency, indoor environmental quality, and innovation and design processes.	
AB 1075	Cook	Amended 3-28-07 In Assembly Natural Resources Committee	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Up to 10% of the 50% diversion requirement can be met through biomass conversion provided certain conditions are met, including sending hazardous waste ash to a Class I Hazardous Waste Disposal Facility. Proposed Law: This bill would redefine that term "solid waste conversion" as a technology that produces a net reduction in the discharges of air contaminants or emissions. It would define the terms gasification as "solid waste conversion" and transformation as "incineration". <i>Previously</i> , this bill would have specified that the Class I Hazardous Waste Disposal Facility must be classified as such by the State Water Resources Control Board.	Watch

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Bill	Author	Status	Summary	Task Force Position
AB 1109	Huffman and Feuer	Amended 8-01-07 In Senate Appropriations Committee	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: This bill would create the California Lighting Efficiency and Toxics Reduction Act which would prohibit, on or after January 1, 2010, a person from manufacturing specified general purpose and florescent lights that contain levels of hazardous substances prohibited by the European Union.	Watch
AB 1150	Lieu	Introduced 2-23-07 In Assembly Natural Resources Committee	Existing Law: "Transformation" is defined as incineration, pyrolysis, distillation or biological conversion other than composting. Proposed Law: This bill would revise the definition of "transformation" to mean incineration of solid waste, or the processing of solid waste through a non-combustion thermal, chemical, or biological process.	Watch
AB 1183	Hancock	Amended 6-21-07 In Senate	Existing Law: DTSC regulates hazardous waste in California. Proposed Law: This bill updates the means by which information maintained by the Department of Toxic Substances Control and the State Water Resources Control Board on contaminated sites throughout the state is made available to the public.	
AB 1193	Ruskin	Amended 3-29-07 In Assembly Appropriations Committee	Existing Law: Existing law prohibits a person from selling, offering to sell, or distributing for promotional purpose a mercury-added thermostat. Proposed Law: This bill would require manufacturers to create a collection and recycling program for mercury added thermostats.	
AB 1195	Torrigo	Amended 8-01-07 In Senate Appropriations Committee	Existing Law: The Waste Board administers a used oil recycling incentive program which provides used oil collection centers/programs \$0.16/gallon for recycling used oil, and electric utilities \$0.16/gallon for generating electricity from used oil. Proposed Law: This bill would require a used oil generator, transporter, or transfer facility to analyze the oil by an accredited laboratory prior to shipment or recycling, and ship the oil only to a recycling facility certified by the Waste Board. The bill would prohibit the Board from paying a recycling incentive for any used oil that is burned or used for energy recovery that does not meet the purity standards for recycled oil. It would establish, as of January 1, 2013, a recycling incentive of \$0.045 per quart for used oil recycled into re-refined lubricating oil. <i>Previously, this bill would have given the Waste Board discretion not to extend the used oil recycling incentive program to electric utilities.</i>	

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
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Bill	Author	Status	Summary	Task Force Position
AB 1207	Smyth	Introduced 2-23-07 In Assembly Natural Resources Committee	Existing Law: The State Water Resources Control Board and the Regional Water Quality Control Board regulates the land application of biosolids. Proposed Law: This bill would require the Waste Board, in consultation with the State Water Resources Control Board, to develop regulations for the land application of biosolids by July 1, 2009. Local jurisdictions are prohibited from enacting any ordinance or restriction contrary to the Waste Boards regulations.	Letter of Opposition sent 6-4-07
AB 1237	Hancock	Introduced 2-23-07 In Assembly Natural Resources Committee	Existing Law: The Local Enforcement Agency and the Waste Board are required to conduct regular inspections of solid waste facilities. In addition, the Waste Board has 60 days to determine whether to concur or object to the issuance of a Solid Waste Facilities Permit. If the Waste Board objects, it must state its reasons for objecting based on substantial evidence in the record. No action taken is considered tacit concurrence. Proposed Law: This bill would require the LEA and Waste Board inspections to be unannounced. In addition, the Waste Board's 60-day review period would be extended to 90-days. No action taken would be considered tacit objection.	Letter to Oppose unless Amended sent 5-17-07
AB 1391	Brownley	Amended 4-09-07 In Assembly Env. Safety & Toxic Materials Comm. Related Bill: AB 800	Existing Law: State law requires the State Office of Emergency Services to be immediately notified when hazardous substances or sewage is discharged into the waters of the State. Proposed Law: This bill would expand the notification requirements and associated penalties for discharging hazardous substances, sewage, or other wastes into the waters of the State.	
AB 1428	Galgiani	Amended 6-26-07 In Senate Environmental Quality Committee	Existing Law: Under existing law, electrical corporations are required to provide eligible biogas digester customer-generators with net energy metering under a pilot program. Proposed Law: This bill would replace the existing pilot program for eligible biogas digester customer-generators with a net energy metering program for eligible customer-generators, which use agricultural residues, animal wastes, or animal renderings (excluding municipal waste) to generate electricity. <i>Previously</i> , this bill would have expanded an existing pilot project allowing net energy metering for customer-owned electric generation projects fueled by manure methane production (biogas digestion) by allowing an additional 20 megawatts (MW) statewide from manure-fueled projects using thermal decomposition, anaerobic digestion, or other means of conversion.	

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
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Bill	Author	Status	Summary	Task Force Position
AB 1447	Calderon	Amended 6-12-07 In Senate	<p>Existing Law: No person, other than a certified appliance recycler, can remove materials that require special handling from major appliances, or transport/sell discarded major appliances to a scrap recycling facility, unless specific conditions are met.</p> <p>Proposed Law: This bill makes several changes to provisions governing the handling of hazardous waste and other materials removed from a major appliance before recycling or disposal of the appliance. It would allow appliance service technicians to remove refrigerants from major appliances, and expand the requirements for a certified appliance recycler.</p>	
AB 1473	Feuer	Amended 7-18-07 In Senate Appropriations Committee	<p>Existing Law: A solid waste facility cannot operate without a Solid Waste Facilities Permit. If the LEA determines that a facility is in violation of this requirement, the LEA must issue a cease and desist order.</p> <p>Proposed Law: This bill would authorize the LEA to stay their cease and desist order if the solid waste facility receives material that has been separated for reuse prior to receipt and is in operation on or before January 1, 2007. The bill would require an enforcement agency that elects to stay the enforcement of a cease and desist order to inspect the facility monthly. The bill sunsets January 1, 2012.</p>	Letter of Support for 4-11-07 version sent 5-17-07
AB 1535	Huffman	Introduced 2-23-07 In Assembly Appropriations Committee Related Bill: AB 546	<p>Existing Law: The Department of Toxic Substances Control regulates the sale of Covered Electronic Devices (e.g., TVs, computer monitors, laptop computers, and LCD/plasma TVs). A \$6 - \$10 recovery fee (depending on the screen size) is imposed on these CEDs to fund the collection and recycling of these CEDs.</p> <p>Proposed Law: This bill would expand the definition of CEDs to include a personal computer (e.g., a computer hard drive), and impose a \$6 recovery fee on each personal computer sold beginning July 1, 2008.</p>	Letter of Support sent 6-21-07
AB 1610	Nunez	Amended 7-17-07 In Senate Appropriations Committee	<p>Existing Law: The Waste Board currently imposes a \$1.40 per ton fee (maximum rate authorized by law) on each solid waste disposed to fund most of their activities.</p> <p>Proposed Law: Establishes the California Petroleum Refinery Facilities Standards Board (Board) and would require an owner or operator of a petroleum refinery facility in the state to submit information to the board relating to the capacity and operational status of the facility.</p> <p><i>Previously</i>, this bill would have authorized the Waste Board to increase the fee to \$2 per ton beginning July 1, 2007.</p>	Letter of Opposition for 2-23-07 version sent 4-19-07

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
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Bill	Author	Status	Summary	Task Force Position
SB 55	Florez	Amended 4-30-07 In Senate Appropriations Committee	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would:</p> <ul style="list-style-type: none"> • Require a publicly owned treatment works (POTW) to submit certification to the regional water quality control board regarding any sewage sludge that is transferred from a facility for disposal or further processing; • Require the sludge be certified to meet the requirements and standards for any pollutants listed in the waste discharge requirements for the POTW issued by the regional board; • Require any POTW to submit additional certification to sludge haulers certifying that the waste product is non-hazardous; and, <p><i>Previously</i>, the bill also required the POTW to indemnify the receiving party for any liability for remediation costs associated with sludge disposal or processing.</p>	Letter of Opposition sent 5-23-07
SB 74	Florez	Amended 5-02-07 In Senate Revenue and Taxation Committee	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would exempt, through January 1, 2014, Sales and Use taxes related to the sale, storage, use, or other consumption of biodiesel fuel wholly or partly derived from agricultural products, vegetable oils, recycled greases, or animal fats, or the wastes of those products or fats.</p>	
SB 140	Kehoe	Amended 7-11-07 In Assembly Appropriations Committee	<p>Existing Law: The Air Resources Board is required to conduct a comprehensive study on the impact of any regulations which establish a specification for motor vehicle fuel.</p> <p>Proposed Law: This bill would require the ARB to develop regulations requiring all diesel fuel sold to contain at least 2% renewable diesel (derived from vegetable oils, waste grease, or animal fat) no later than no later than one year after a specified determination made by the state Air Board. Within two years of the effective date of the regulations, at least 5% of all diesel fuel sold or offered for sale in the state for use in internal combustion engines would be required to contain renewable diesel fuel.</p>	Letter of Support for 5-01-07 version sent 5-23-07

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
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Bill	Author	Status	Summary	Task Force Position
SB 410	Simitian and Perata	Amended 5-31-07 In Assembly Appropriations Committee	<p>Existing Law: Utilities are required to obtain 20% of their delivered power from renewable sources by 2010. The Energy Commission administers a renewable energy program that provides “supplemental energy payments” to renewable energy producers to make renewable energy sources more competitive with nonrenewable sources.</p> <p>Proposed Law: This bill requires the California Energy Commission (CEC), in making awards from the Existing Renewable Resource Account (ERRA) to establish a specified production incentive and to make payments depending upon the availability of funding. Deletes the requirement that an existing facility generating electricity from biomass is eligible for funding only if it reports certain information on fuel usage to the CEC.</p>	
SB 411	Simitian	Amended 7-17-07 In Assembly Appropriations Committee	<p>Existing Law: Utilities are required to obtain 20% of their delivered power from renewable sources by 2010. The Energy Commission administers a renewable energy program funded by a surcharge on consumers’ energy bills.</p> <p>Proposed Law: This bill would require retail sellers of electricity, as specified, to increase their total procurement of eligible renewable energy so that at least 33% of retail sales are procured from eligible renewable energy resources no later than December 31, 2020.</p>	
SB 429	Ducheny	Introduced 2-21-07 In Senate Environmental Quality Committee	<p>Existing Law: Cal-EPA, the Waste Board, Water Board, each regional water quality control board, and the Department of Toxic Substances Control to maintain a list of all instruments and agreements restricting land uses imposed by those agencies and would require the list to provide specified information.</p> <p>Proposed Law: This bill would require state agencies, including Cal EPA, various local agencies, including a local solid waste enforcement agency, to notify the building, planning, or engineering department in the affected city or county if it takes certain actions with regard to approving a remedial action, removal action, closure, corrective action, or any other type of environmental cleanup action. The bill would authorize that department to refuse to issue a building, land use, or development-related permit unless the applicable entity reviews the permit application and approves the proposed activity, or proposes measures necessary to protect the public.</p>	

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
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Bill	Author	Status	Summary	Task Force Position
SB 470	Ashburn	Amended 6-25-07 In Assembly Appropriations Committee	Existing Law: Existing law provides that any person who has the care or control of any animal that dies from any contagious disease shall immediately cremate or bury the animal. Proposed Law: This bill would require the Waste Board to convene a working group to draft regulations for the emergency disposal or rendering of animal carcasses/livestock during a state of emergency, which would be adopted no later than July 1, 2009	
SB 585	Lowenthal	Introduced 2-22-07 In Senate Transportation and Housing Committee	Existing Law: Existing law authorizes the use of recycled concrete if the user has been fully informed that the concrete may contain recycled concrete materials. Proposed Law: The bill would require the CalTrans to annually report on the amount of recycled concrete materials they used in the prior fiscal year. The bill would also require CalTrans to conduct workshops for public works professionals on using recycled concrete materials.	
SB 660	Perata	Amended 7-18-07 In Assembly Appropriations Committee	Existing Law: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board (state board) to adopt regulations to require the reporting and verification of emissions of greenhouse gases. Proposed Law: This bill would establish the Strategic Research Investment Council, which would prepare and adopt a strategic research, development, and demonstration plan that establishes priorities and key expenditure categories for clean technologies.	
SB 697	Wiggins	Amended 6-25-07 In Assembly Appropriations Committee	Existing Law: State agencies are required to purchase specified recycled-content products, including mulch and recycled compost. In addition, the Department of General Services, in consultation with the Waste Board, develops the specifications for the purchase of compost by State agencies. Proposed Law: The bill would require that CalTrans and all persons contracting with the department to be use compost produced within the State. <i>Previously,</i> the bill would have required CalTrans by April 1, 2009 to develop a 10-year plan to increase the use of mulch, compost, and mulch products in the state's highway landscape maintenance program while phasing out the usage of pesticides and chemical fertilizers. It would require that a report be provided on the contents of the plan by April 1, 2009.	Letter of Support for 4-07-07 version sent 6-21-07

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
August 16, 2007**

Bill	Author	Status	Summary	Task Force Position
SB 735	Wiggins	Amended 7-05-07 In Assembly Appropriations Committee	<p>Existing Law: Existing law requires the Director of Transportation, in consultation with the California Integrated Waste Management Board, to review and modify bid specifications related to the purchase of paving materials, and base, subbase, and pervious backfill materials, using recycled materials.</p> <p>Proposed Law: This bill would require CalTrans to track the use of recycled and virgin materials for subbase, base and lean concrete base. It would require that CalTrans report to the Legislature on January 1, 2010 and biennially thereafter on the use of recycled materials that it is required to track.</p>	
SB 826	Padilla	Amended 6-04-07 In Assembly Appropriations Committee	<p>Existing Law: The Waste Board establishes the State's minimum standards for solid waste facilities, including the design, operation, maintenance, and reuse of these facilities.</p> <p>Proposed Law: This bill would require the Waste Board to adopt state minimum standards to identify and mitigate environmental justice impacts in disproportionately affected communities in which solid waste facilities are located. It would also prohibit the Board from issuing a solid waste facilities permit unless the Board provides a 65 day advance notice in the most commonly spoken languages within the vicinity. Moreover, the bill would extend the time period in which the Waste Board may concur or object to 90 days.</p>	Letter of Concern with 4-12-07 version sent on 5-23-07
SB 842	Scott	Introduced 2-23-07 In Senate Environmental Quality Committee	<p>Existing Law: "Gasification" is the non-combustion thermal processing of waste using heat, pressure, and steam to convert materials directly into a gas for electricity generation.</p> <p>To qualify for diversion credit, a gasification facility must:</p> <ul style="list-style-type: none"> • Not use air or oxygen in the conversion process • Not discharge air contaminants or emissions • Not discharge to surface or groundwater • Not produce hazardous waste • Remove all recyclable materials and marketable green waste materials to the maximum extent feasible • Be in compliance with all applicable laws, regulations, and ordinances • Any jurisdiction using the facility must have a 30% diversion rate <p>Proposed Law: This bill would authorize a gasification facility's discharge of air contaminates or emissions to be regulated by the State Air Resources Board or Air Quality Management Districts rather than having an absolute zero threshold.</p>	Letter of Support sent 5-17-07

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Bill	Author	Status	Summary	Task Force Position
SB 898	Simitian	Amended 7-09-07 In Assembly Appropriations Committee	<p>Existing Law: The Waste Board administers a program for the cleanup of solid waste disposal sites and the cleanup of co-disposal sites where the responsible party cannot be identified or is unable/unwilling to pay for the site's remediation.</p> <p>Under the program, an activity to remove/abate solid waste disposed into the municipal storm sewer is eligible for partial grant funding.</p> <p>Proposed Law: This bill clarifies that the public entity conducting the above activity must have a program to prevent the recurrence of solid waste disposal into municipal storm sewers, and would add an additional code of "0" or "PLA" for rigid plastic containers made with polylactic acid. It would additionally require the California Coastal Commission and the Department of Fish and Game to provide guidelines and programs for the removal and disposal of derelict fishing gear, and programs to improve waste management of derelict fishing gear by marina and vessel operators in marinas and harbors.</p>	
SB 899	Simitian	Amended 3-26-07 In Assembly Environmental Safety and Toxic Materials Committee	<p>Existing Law: Current law generally prohibits the manufacture, processing or distribution of products containing more than a specified amount of polybrominated diphenyl ether (PBDES).</p> <p>Proposed Law: This bill would phase out the use of plastic products that contain toxic materials such as styrene, bisphenol-A, perfluorocotanoic acid, vinyl chloride, nonylphenols, and alkylphenols. It would prohibit a person by June 1, 2008 from manufacturing, processing or distributing a product containing perfluorinated compounds or chemicals that degrade in the environment.</p>	
SB 966	Simitian and Kuehl	Amended 6-27-07 In Assembly Appropriations Committee	<p>Existing Law: AB 939 requires local jurisdictions to implement a plan to manage household hazardous waste, including unwanted pharmaceutical drugs.</p> <p>Proposed Law: This bill would authorize every drug retailer to conduct projects for the collection of drugs for proper disposal. If by January 1, 2011, less than 80 percent of the state's population has access to a collection opportunity within one mile of a retailer, the Department of Toxic Substances Control shall require every retailer to have a system in place for the acceptance and collection of drugs for proper disposal.</p> <p><i>Previously</i>, this bill would have required every retailer selling drugs to have in place a system for drug collection for proper disposal by July 1, 2008. Retailers, defined as having 10,000 sq. ft of retail space or being a supermarket entity, would be required to also provide customers with information on drug-recycling or drug return opportunities.</p>	Letter of Support for 4-30-07 version sent 6-21-07

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Bill	Author	Status	Summary	Task Force Position
SB 1016	Wiggins	Amended 4-10-07 In Assembly Natural Resources Committee	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. In determining compliance with AB 939, the State's diversion rate measurement system is used. The System has been found to be inaccurate, often resulting in non-representative diversion rates for jurisdictions.</p> <p>Proposed Law: This bill would authorize the Waste Board, if it determines that a city or county has diverted more than 50% of solid waste from landfill disposal to submit biennially information required in the Waste Board's annual report. If either the city or county subsequently fails to divert 50% of the solid waste, or if the Board rescinds the authorization, the city or county would be required to submit the report annually.</p>	Comment Letter on draft revisions sent 7-11-07
SB 1020	Padilla	Amended 6-26-07 In Assembly Appropriations Committee	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Failure to comply may subject the jurisdiction to penalties of up to \$10,000 per day.</p> <p>Proposed Law: Requires the Waste Board to adopt policies, programs, and incentives to ensure that the state achieves a 60% solid waste diversion rate by 2012 and a 75% diversion rate by 2020.</p>	Letter of Opposition for 4-09-07 sent 4-18-07
SB 1021	Padilla	Amended 5-24-07 In Assembly Appropriations Committee	<p>Existing Law: The California Beverage Container Recycling and Litter Reduction Act requires the Department of Conservation to implement a Statewide beverage container recycling program, including providing grant funding to local governments and non-profit agencies.</p> <p>Proposed Law: This bill would, for calendar year 2008, make available \$15 million in grant funding to local governments and non-profit agencies to place source separated beverage container recycling containers at multifamily homes.</p>	Watch
SB 1036	Perata	Amended 7-12-07 In the Assembly Appropriations Committee	<p>Existing Law: Existing law requires the Energy Commission to certify eligible renewable energy resources and to award production incentives and allocate and award supplemental energy payments from the New Renewable Resources Account to cover above-market costs of purchasing electricity from eligible renewable energy resources.</p> <p>Proposed Law: This bill would eliminate the CEC administration of funds available for award to new renewable energy facilities in the form of supplemental energy payments (SEPs) pursuant to the Renewables Portfolio Standard (RPS). This bill would authorize the Public Utilities Commission (PUC) to allow recovery of future above-market costs pursuant to its ratemaking authority.</p>	