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SOLID WASTE MANAGEMENT COMMITTEE/
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July 12, 2005

The Honorable Richard Alarcon
The State Senate
State Capitol, Room 4035
Sacramento, CA 95814

Dear Senator Alarcon:

**SENATE BILL 411 (AMENDED APRIL 26, 2005)
ELIMINATING DIVERSION CREDIT FOR SOURCE SEPARATED GREENWASTE**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **strongly opposes** Senate Bill 411 (SB 411) relating to the elimination of diversion credit for the use of source separated greenwaste as alternative daily cover at landfills.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County. Consistent with these responsibilities, and to ensure a coordinated and cost-effective solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a Countywide basis. The Task Force membership includes representatives of the League of California Cities--Los Angeles County Division, the County of Los Angeles Board of Supervisors, the City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

Under current Federal regulations, all permitted solid waste landfills are required to "cover" deposited waste on a daily basis to prevent this material from attracting vermin, creating a nuisance, or becoming an environmental hazard. The use of source separated greenwaste alternative daily cover (ADC) over other forms of ADC, including clean soil, has consistently proven to protect public health and safety and the environment while extending the life of a landfill; save ratepayers money on disposal charges; and reduce the need to extract, transport and use virgin soil materials. SB 411, if enacted, would eliminate the existing diversion credit given to source separated greenwaste ADC. Diversion credit for the beneficial use of source separated

greenwaste ADC was put in place by AB 1647 (Bustamante, 1996 Statutes) as a way to encourage greenwaste collection at curbside and associated processing infrastructure. By eliminating this diversion credit, SB 411 would significantly hamper the ability of local jurisdictions to meet the State's 50 percent waste reduction mandate, especially since source separated greenwaste ADC accounts for approximately 5 to 10 percent of a jurisdiction's diversion rate in Los Angeles County. Failure to meet the State's waste reduction mandate could subject a jurisdiction to penalties of up to \$10,000 per day.

The success of any recycling program is contingent on the availability of local markets and the existence of an infrastructure for the collected recyclables. At present, composting facilities in Los Angeles County and California have the ability to only handle a fraction of the source-separated greenwaste generated daily. While we understand the Bill's aim is to stimulate composting industry and markets (which the Task Force supports), we are concerned that it is very optimistic to expect the necessary markets and infrastructure (e.g., composting facilities) would develop overnight.

Based on prior experience, composting facilities have faced a number of regulatory, community, and environmental hurdles, including odor control and environmental justice issues. To address the abundant supply of greenwaste in Los Angeles County, it is important for composting markets to be developed first to stimulate greenwaste demand. By increasing demand, the development of infrastructure to properly handle this waste stream will naturally follow. Once this demand and infrastructure is created, excess greenwaste could be diverted from disposal rather than from beneficial use as ADC.

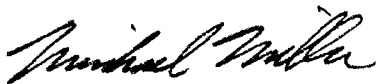
The Task Force strongly supports strengthening the composting market. Two key ways to increase capacity for beneficial use of greenwaste, beyond current ADC use, are to encourage the development of additional composting facilities and new conversion technologies. Conversion technologies can process the residual solid waste, including excess greenwaste currently disposed, and convert them into beneficial fuels, products and energy. The development of conversion technology facilities have been severely limited in California by the lack of a clear regulatory pathway and sufficient incentives for development, as well as outmoded statutory definitions. Significant resistance also exists from those special interests who oppose the siting of *any* solid waste management facility due to sometimes exaggerated and misperceived environmental impacts from these ventures, despite evidence to the contrary. Studies have shown conversion technologies, already prevalent in Europe and Japan, can enhance the environment by reducing waste and pollution, all the while complementing the existing recycling market. Therefore these facilities should be evaluated based on their overall environmental and economic merits. In addition, conversion technology facilities are

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clearly an alternative to **biomass facilities** in those areas of the State that **incineration** of solid waste is prohibited due air quality requirements.

Therefore, the Task Force **strongly opposes** SB 411 and any legislation negatively impacting the ability of local jurisdictions to meet the State's 50 percent diversion mandate. It is extremely important that the legislature continue to support diversion credit for greenwaste utilization due to its use as beneficial material and as an alternative to virgin material, and strengthen the State's recycling market to create support for additional infrastructure. Should you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,



Michael Miller, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Councilmember, City of West Covina

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cc: Lieutenant Governor Cruz Bustamante
Senate President Pro Tem Don Perata
Assembly Speaker Fabian Nunez
Each Member of the Senate Environmental Quality Committee
Each Member of the Assembly Natural Resources Committee
Each Member of the Los Angeles County Legislative Delegation
California Integrated Waste Management Board
Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor in Los Angeles County
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Solid Waste Association of North America
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each City Recycling Coordinator in Los Angeles County