



DONALD L. WOLFE  
CHAIRMAN

LOS ANGELES COUNTY  
SOLID WASTE MANAGEMENT COMMITTEE/  
INTEGRATED WASTE MANAGEMENT TASK FORCE  
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May 5, 2005

Senator Alan Lowenthal, Chair  
Senate Environmental Quality Committee  
State Capitol, Room 3048  
Sacramento, CA 95814

Senator Sheila Kuehl, Chair  
Senate Natural Resources and Water Committee  
State Capitol, Room 5108  
Sacramento, CA 95814

Assemblywoman Loni Hancock, Chair  
Assembly Natural Resources Committee  
State Capitol, Room 4126  
Sacramento, CA 94249

Dear Legislators:

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
AB 2770 (MATTHEWS, 2002) CONVERSION TECHNOLOGY REPORT TO THE  
LEGISLATURE**

Throughout your years of service to the citizens and residents of California, you have been at the forefront of developing environmental protections for the health and welfare of our State's diverse and growing population. Because of your genuine concern as environmental watchdogs for Californians' wellbeing, we were surprised by your April 6, 2005, letter to Senator Don Perata, Senate President Pro Tem and the Senate Rules Committee's Chair (copy enclosed), to withhold Ms. Rosario Marin's confirmation to the California Integrated Waste Management Board unless she and the Waste Board remove selected information from their *Conversion Technology Report to the Legislature* approved for submittal to the Legislature on March 15, 2005. We respectfully request detailed and factual explanation of the various claims made in your letter since they do not reflect the current scientific (Universities of California at Davis and Riverside) understanding of the technologies referred to in the letter.

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As reported by the Waste Board in December 2004, California sends over 40 million tons of trash yearly to landfills and solid waste incinerators dotted throughout the State. This amount is the residual waste remaining after all waste reduction and recycling activities have been implemented. Despite expanding waste reduction efforts throughout the State, the amount of waste disposed continues to increase each year. The siting of facilities to constructively manage this waste is becoming increasingly difficult, and is resulting in the creation of environmental risks as well as a waste of our State's valuable resources. Addressing this issue requires us to realistically analyze the net impacts of all waste management options, yet your letter states recycling and composting produce no toxic air emissions or ash. This assertion ignores the impacts of transport and processing of materials via the recycling and composting industry, including metal smelters and wood pulp processors. Assuming there are no environmental impacts from these activities sets up an unfair and unattainable comparison to other waste management technologies.

Your letter also contains several significant misconceptions regarding conversion technologies and their potential environmental impacts. To set the record straight, the term "conversion technology" (incorrectly identified in your letter as "cook" technologies) refers to an array of emerging technologies capable of converting the organic, or carbon-containing materials portion of **post recycled (residual)** solid waste into useful products, including marketable products, renewable and environmentally preferable fuels, and other sources of clean energy. These technologies are a reflection of our technological advances to bring about improvements to our quality of life and the environment while complying with strict environmental standards and up-front recovery of recyclable materials **prior** to the conversion process. If we are to tackle the tremendous challenge that over 40 million tons of waste represents, we must begin to shift the paradigm from solid waste management to **resource** management, and the only way to effectively do that is to develop a multifaceted approach, an approach that must include the development of technologies capable of converting **residual** solid waste into useful products.

By removing critical information from the conversion technology report developed by the Waste Board at the expense of tax payers, your action weakens and **obstructs** efforts to develop necessary infrastructure that is proven to reduce waste going to landfills, cut toxic air, water and ground pollutants, and reduce the depletion of California's precious and vital natural resources. The information and recommendations you directed the Waste Board to remove from the Report were based on sound scientific findings stemming from research completed by the Universities of California at Davis and Riverside, as documented in their *Evaluation of Conversion Technology Processes and Products and the Life Cycle and Market Impact Assessment of Waste Conversion Technologies* reports at a cost of \$1.5 million. We are confident in the accuracy of the

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data analyzed in those reports, which were based in part on similar facilities operating for many years in Europe and Japan. The Reports confirmed that the development of conversion technologies here in California would unequivocally result in the reduction of waste sent to landfills, the reduction of toxic air pollutants and greenhouse gases released into the atmosphere, and an increase in clean, renewable fuel and energy produced in our State to meet our growing development needs.

The Report along with the corresponding resolution was based on these comprehensive studies and should be available to the public in full. Those studies objectively concluded that conversion technologies "can result in substantial environmental benefits for California." Besides the Legislature, the Report is viewed by individuals, organizations, stakeholders, and decision-makers throughout California who deserve the opportunity to access the information unfiltered.

Opposition to conversion technology, and the claims that it poses a threat to the health and safety of California's residents and the environment, is clearly a misconception. This fallacy and the existing legislative obstacles have hindered the development of conversion technologies locally while over 130 viable facilities are currently operational in Western Europe and Japan.

We believe the findings and recommendations contained within the Report, as adopted on March 15, are critical to an impartial and authoritative assessment of these emerging technologies. This Report helped to place conversion technology in proper perspective, gave public policy and decision makers information to make informed decisions, and recommended a number of sound and impartial improvements that would allow the Legislature's consideration to potentially provide mechanisms for these technologies materialize in California.

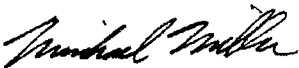
We therefore look forward to your response in explaining the claims expressed in your April 6, 2005, letter. Should you desire, we would be happy to set up a meeting with you and our conversion technology task force which includes a panel of experts selected from around the State with a special knowledge and interest in this field. Our main Task Force's 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.

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Thank you for your consideration of this request which stems from our confidence that we are working together towards the same ultimate goal--a safer and cleaner environment and a sustainable use of resources. Should you have any questions or wish to set up a meeting, 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

VJ/CS:sm

P:\sec\CT Letter to Leg

Enc.

cc: Governor Arnold Schwarzenegger  
Cabinet Secretary (Terry Tamminen)  
Secretary of California Environmental Protection Agency (Alan C. Lloyd)  
Secretary of California Department of Food and Agriculture (A.G. Kawamura)  
Chair of California Energy Commission (Joe Desmond)  
Secretary of Resources (Mike Chrisman)  
Each Member of the California Integrated Waste Management Board  
Mr. Mark Leary, Executive Director, California Integrated Waste Management Board  
Senate President Pro-Tem (Don Perata)  
Speaker of the Assembly (Fabian Nunez)  
Each Member of the County of Los Angeles Legislative Delegation  
Each Member of the County of Los Angeles Board of Supervisors  
Each City Mayor in the County of Los Angeles  
California State Association of Counties  
League of California Cities  
League of California Cities, Los Angeles County Division  
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 Member of the Alternative Technology Advisory Subcommittee  
Each City Recycling Coordinator in Los Angeles County

# CALIFORNIA LEGISLATURE

STATE CAPITOL  
SACRAMENTO, CALIFORNIA  
95814

April 6, 2005

Senator Don Perata, Chair  
Senate Rules Committee  
State Capitol Fourth Floor  
Sacramento, CA 95814

**RE: Concerns with Confirmation of Rosario Marin, Chair  
Integrated Waste Management Board**

Dear Senator Perata:

We are writing to express our strong concerns about an issue that has arisen in connection with the confirmation of Rosario Marin, chairperson of the Integrated Waste Management Board, and to request that this issue be addressed prior to Ms. Marin's appointment being taken up by the Senate for confirmation.

The issue involves Ms. Marin's action last month as chair of the board to approve a report and set of recommendations to the Legislature on the subject of "conversion technologies." These technologies "cook" solid waste in order to reduce its volume, and often produce energy or synthetic fuels as a byproduct.

In our view, the report adopted by the board does not comply with the law that called for the report. Of equal importance, several of its recommendations undermine the strong recycling, public health, and environmental protection policies enacted by the Legislature and past governors.

For over 15 years, the Legislature and past administrations have agreed that the “cooking” of solid waste (or “thermal non-combustion processing” of waste, to use the waste board’s terms) should not be given the same stature under law as reducing, recycling, or composting that waste. Unlike reduction, recycling, and composting, this processing of waste can produce toxic air emissions and hazardous ash that pose a threat to public health and the environment.

Moreover, the use of this technology could very well undercut the policies the Legislature enacted under the Integrated Waste Management Act, namely that all feasible source reduction, recycling and composting be undertaken before waste is disposed of through burning or landfilling.

In 2002, after much debate over this issue, the Legislature passed AB 2770 (Matthews—Chapter 740/2002) which appropriated \$1.5 million to the Integrated Waste Management Board to prepare and submit to the Legislature a study that assessed the public health and environmental effects of “conversion technologies.”

The purpose of the bill was to seek non-partisan, expert technical advice on the types of technologies that existed and their impacts on public health and the environment so that the Legislature could use that information to formulate new policies on integrated waste management.

Unfortunately, Ms. Marin and the board did not comply with the law and provide the Legislature with the information it requested.

Specifically:

- The Conversion Technology Report adopted by the Waste Board fails to provide the Legislature the information on the public health and environmental effects of conversion technologies. Public Resources Code Section 40507.1(b)(2) requires the board to evaluate the “lifecycle environmental and public health impacts” of these technologies.

The Report adopted by the board last month acknowledges that since few “conversion” facilities exist, information on the public health and environmental effects of these facilities is largely unknown. The report

further notes that its sister agency in CAL-EPA, the Office of Environmental Health Hazard Assessment, was unable to find sufficient information on these effects to conclude the facilities were safe for operation.

- The Report makes recommendations on conversion technologies not called for under law. Despite significant gaps in information on the public health and environmental impacts of "conversion" facilities, the board nonetheless makes the recommendation that the Legislature should consider giving diversion credit (i.e. counting waste processed in these facilities toward a local government's recycling requirements) for these technologies.

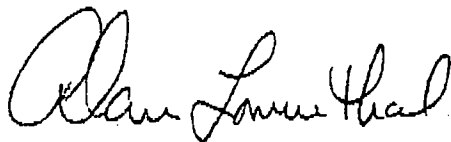
This recommendation apparently was made because industry and local government "stakeholders" advised the board of their desire to have it be a part of the report. Nonetheless, the law did not ask the board to make recommendations on this issue. The lobbyists who favor this technology are capable of making their case to the Legislature directly without the aid of the waste board.

- Report was not scientifically peer reviewed as required by law. Public Resources Code Section 40507.1 (c) required the report to subject to an external scientific peer review prior to its submittal to the Legislature. While the board claims some of the data contained in the report was peer-reviewed, the report itself was not, as required by law.
- The Process by which the Report was adopted was rushed, and not conducive to public input or participation. At least one environmental group, Californians Against Waste (CAW), has communicated to the board its concerns with the hasty process by which the board adopted the report last month. CAW asserts that the board cancelled a public meeting to review the report prior to its adoption, and hastily substituted an industry draft of the its resolution accompanying the adoption of the report for the publicly-noticed resolution.

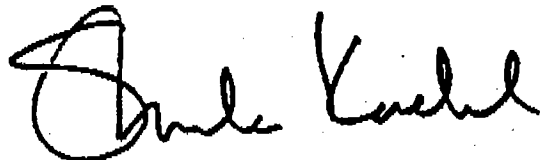
In view of the concerns stated above, we request that Ms. Marin be asked about these problems and that she commit to resolving these issues.

Thank you in advance for your consideration.

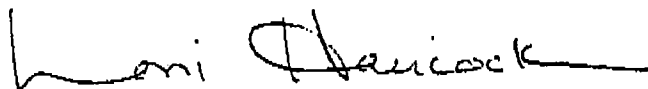
Sincerely,



Alan Lowenthal, Chair  
Senate Environmental Quality Committee



Sheila Kuehl, Chair  
Senate Natural Resources and Water Committee



Loni Hancock, Chair  
Assembly Natural Resources Committee