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LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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April 27, 2023

The Honorable Chris R. Holden, Chair
Assembly Appropriations Committee
1021 O Street, Suite 8220
Sacramento, CA 95814

Dear Assembly Member Holden:

OPPOSED – ASSEMBLY BILL 1705 (MCKINNOR) AS AMENDED ON MARCH 21, 2023 – SOLID WASTE FACILITIES: STATE POLICY GOALS

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to express its position to **oppose** Assembly Bill 1705 (AB 1705), as amended on March 21, 2023, for the reasons stated in this letter.

The proposed legislation if enacted would prohibit a person from establishing or expanding a transformation facility or an engineered municipal solid waste (EMSW) conversion facility in the state until the California Department of Resources Recycling and Recovery (CalRecycle) has determined that the state has achieved solid waste and organic waste policy goals for three consecutive years.

It is very unfortunate that this bill, proposed Subdivision 50001(e) of the Public Resources Code (PRC), is betting on the State's inability to achieve solid waste and organic waste policy goals for three consecutive years, in order to delay using Transformation and EMSW conversion facilities. The bill would further restrict current regulatory barriers that exist for the development of advanced conversion technologies (CTs) in the state. If this bill is enacted, there will be over three years in which there will be a standstill in guidance from policy makers and interest from technology innovators on how these facilities could be permitted and built to manage various waste streams.

This bill as written would severely impact the ability of jurisdictions in the State to use CTs to process post-recycled residual waste and divert it from landfills in the future. The word "*Transformation*" as defined under Section 40201 of the PRC is already defined incorrectly and misleading. Transformation should not be associated with incineration. No proposed legislation, such as Assembly Bill (AB) 1705, should further this confusion by including incineration with EMSW Conversion. Currently, EMSW conversion facilities can use advanced CTs to process various waste streams that cannot be recycled or have no commodity value. Because the intent of this bill is to make it impossible to use CTs, the Task Force cannot even offer an amendment. If the Task Force did, it would recommend:

(1) revising Section 40201 of the PRC to not associate Transformation with incineration, and (2) delete the proposed PRC, Subdivision 50001(e).

EMSW conversion and Transformation facilities are essential for the state to reach its recycling goals and meet waste reduction targets as was recognized **by the former California Integrated Waste Management Board and its Report to the Legislature and its Resolution No. 2005-78 [emphasis added]**, copy enclosed. The Task Force strongly believes that the state policymakers need to support the development and use of CTs through amended state statutes and regulations, particularly to enhance the production of low carbon energy, fuels, and chemical needed to achieve California greenhouse gas reductions goals as well as electrification and zero waste goals.

Recycling is not just turning the same material back into the same product; rather, it is also using the discarded materials and placing the raw materials back into other usable products. This recycling of discarded materials includes transformation, not incineration, of the waste into useful products such as biogas, polymers, and resins that can reduce mining and extraction of raw materials. Without transformation, the recycling and reuse industry will be limited in the amounts of materials it will be able to return to the circular economy.

Moreover, various types of organics, plastics, and compostable materials cannot be continuously recycled indefinitely without causing contamination, health, and/or safety problems. Even if hard-to-handle or non-recyclable materials are prohibited from sale in the State, there will still be essential packaging and product materials that cannot be recycled or banned, and "recycling" will generate residual materials that remain after recyclables and organic wastes are processed. As an alternative to landfilling, California needs a disposal pathway for these materials and "post-recycled" residuals.

The factsheet for AB 1705 claims that this action prevents diversion of recyclable materials to emission-heavy facilities and mitigates the adverse impacts associated with byproducts of these sites, which have a legacy of disproportionately impacting low-income communities. The growing misconception is that CT processes incinerate solid waste and create significant amounts of pollution. Unlike incineration, CT does not burn solid waste. Instead, it uses high heat, pressure, chemicals, and/or other mechanisms in a zero or a low oxygen environment to break solid waste into syngas, polymers, or other materials that can be used to create new products. Moreover, these technologies create very little by-product waste and captures emissions and pollutants within the system and do not allow them to escape. Advocating for CT does not mean everything in the waste stream must go straight to this process without source separating or preprocessing. CT is necessary as a later step in the processing of certain waste streams. The use of CT must be done in conjunction with public education on reducing curbside contamination, developing advanced recycling markets, improving collection, and requiring manufacturers to produce products that can be recycled or composted.

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

Based on the foregoing, the Task Force **opposes** AB 1705 as amended on March 21, 2023, for the reasons stated in this letter. If you have any questions, please contact Mr. Mike Mohajer, a member of the Task Force, at MikeMohajer@gmail.com or (909) 592-1147.

Sincerely,



Sam Shammass, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force

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Enc.

cc: Assembly Member McKinnor
Each Member and staff of the Assembly Committee on Appropriations
California State Association of Counties
League of California Cities – Los Angeles County Division
Each Member of the Los Angeles County Board of Supervisors
Fesia A. Davenport, Los Angeles County Chief Executive Officer
Gateway Cities Council of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Westside Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each City Recycling Coordinator in the County of Los Angeles
Each Member of the Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-78 (Revised)

Discussion And Consideration Of Conversion Technology Report To The Legislature

WHEREAS, the 2003-2004 Waste Composition Study indicates that approximately 40 million tons of waste is landfilled in California; and

WHEREAS, Zero Waste is a primary goal of the Board's strategic plan; and

WHEREAS, Assembly Bill 2770, Chapter 740, Statutes of 2002, was signed by Governor Davis in September 2002 and required the CIWMB to research and evaluate new and emerging non-combustion thermal, chemical, and biological technologies and submit a report to the Legislature; and

WHEREAS, The CIWMB contracted with the University of California to conduct an analysis of conversion technology processes and products; and

WHEREAS, The CIWMB also contracted with RTI, International to conduct life cycle and market impact analyses of conversion technologies; and

WHEREAS, these peer reviewed reports served as the major source of information for the CIWMB Conversion Technology Report to the Legislature, which support the following major findings:

1. Conversion technologies are distinct from landfills and incineration, and can result in substantial environmental benefits for California, including the production of renewable energy, reduced dependency on fossil fuels, and reduction of greenhouse gases.
2. Conversion technologies can enhance landfill diversion efforts and can be complementary to the existing recycling infrastructure. The Board requirements for diversion eligibility for such facilities require that conversion technology facilities complement the local infrastructure and that they maintain or enhance the environmental benefits and economic sustainability of the integrated waste management system.
3. Conversion technologies would be expected to meet federal, state, and local air emissions requirements. Local air districts in California are best equipped to review and condition conversion technology facilities.
4. Definitions of conversion technologies in current statute are scientifically inaccurate, and should be amended.

WHEREAS, CIWMB staff conducted stakeholder workshops to discuss prior to preparation of the *Conversion Technology Report To The Legislature*; and

(over)

WHEREAS, CIWMB staff accepted written comments and has considered stakeholder comments and amended the Report based on the stakeholders comments.

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts Option 1 and the *Conversion Technology Report To The Legislature*, including the following policy recommendations:

1. The definition of “conversion technology” approved by the Board in Resolution Number 2002-177 be promulgated in law, and that more specific definitions of various conversion technologies be developed during a regulatory process.
2. The existing definition of “gasification” is scientifically inaccurate and should be deleted.
3. The “transformation” definition be amended to mean the combustion or incineration of solid waste.
4. Conversion technologies are distinct from landfills and incineration.
5. The Legislature should consider some level of diversion credit for conversion technology facilities in accordance with the conditions set forth in Resolution 2002-177; and

BE IT FURTHER RESOLVED, that the Board directs staff to forward the Report through Cal/EPA and the Governor to the Legislature; and

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 15-16, 2005.

Dated: March 15, 2005

ORIGINAL SIGNED BY

Mark Leary
Executive Director