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LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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August 8, 2011

Mary Nichols, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Dear Ms. Nichols:

COMMENTS ON PROPOSED REGULATION: CALIFORNIA CAP ON GREENHOUSE GAS EMISSIONS AND MARKET-BASED COMPLIANCE MECHANISMS (15-DAY MODIFICATIONS RELEASED FOR PUBLIC COMMENT ON JULY 25, 2011)

The Los Angeles County Integrated Waste Management Task Force (Task Force) has reviewed the 15-day modifications to the proposed California Cap on Greenhouse Gas Emissions (GHGE) and Market-Based Compliance Mechanisms regulations and appreciates the opportunity to provide the following comments.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared by the County of Los Angeles and the 88 cities in the Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, 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.

The Task Force strongly supports the revisions to Section 95852.2(a)(7)(B) that does not require compliance obligations for all conversion processes that are producing a clean-burning fuel from the biogenic fraction of the Municipal Solid Wastestream. The initial draft criteria outlined unworkable requirements that are applicable only to *gasification* as described in the Public Resources Code. The purpose of this section is to determine if a gasification facility is defined as a solid waste disposal facility and whether the electricity produced is considered renewable under the Renewable Portfolio Standard. Applying the said requirements to all technologies that produce a clean-burning fuel through conversion in determination of GHGE reductions would be a misinterpretation of State Statute. Additionally, we also support the determination in the draft regulation that exempts biogenic emissions from a compliance obligation. The scientific consensus to date has reinforced the fact that biogenic emissions of CO₂, such as those produced from facilities that utilize biomass as a fuel source or feedstock, are climate neutral.

The Task Force also strongly supports providing a compliance obligation exemption for the three existing waste-to-energy facilities in California. These facilities were originally permitted under state legislation that mandated full support for these facilities. The three existing waste-to-energy facilities are equipped with the best available air emissions control technology and are currently reducing GHGE on a net basis due to avoided landfill methane. Los Angeles County residents depend on the two facilities located in Long Beach and Commerce for solid waste disposal services. Since neither facility can control their incoming, post-recycled waste stream to reduce GHGE, their only option is to purchase GHG allowances. Requiring these facilities to purchase allowances through the cap and trade program could result in severe unintended negative consequences. Therefore, we request that the full exemption provided to the existing waste to energy facilities be reinstated as provided in the previous draft of the regulation.

The Task Force is currently working with the County of Los Angeles in developing alternatives to landfills. Solid waste conversion technologies are successfully operating throughout Europe and Asia in countries where there is a strong paradigm shift in solid waste management. These countries are making an effort to reduce and, in some cases, eliminate dependence on landfill disposal. In these countries, wastestreams are viewed as “resource-streams”, and every viable material is extracted for recycling, composting, and energy or biofuel production. Strong policy drivers, regulatory pathways, and economic incentives have resulted in numerous successful and sustainable projects.

An example of this is the United Kingdom where policymakers are currently considering banning wood waste from landfills. To incentivize this potential policy decision, the Office of Gas and Electricity Markets recently awarded *double* Renewable Obligation Certifications to a facility that uses advanced gasification techniques to turn waste timber products, which would otherwise be landfilled, into clean renewable energy. According to the company owner, this recognition by regulators of the sustainability and advanced nature of the technology is helping the company establish additional facilities in the United Kingdom.

Throughout the United States and Canada, project developers are selecting locations for projects where state and local economic incentives and permitting conditions foster growth of this industry. California continues to miss out on this important sector of renewable energy generation because of regulatory uncertainty and the high cost of development.

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We would welcome the opportunity to work with the ARB to ensure that the proposed cap and trade regulations do not have unintended negative consequences on the growth of the solid waste conversion technology industry in California. This is a time when we should be identifying ways to create green-collar jobs and locally generate renewable energy from diverse feedstocks that also reduce our State's GHGE. Thank you for your consideration of our comments. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste management Task Force and
Council Member, City of Rosemead

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cc: Each Member of the Los Angeles County Board of Supervisors
County Sanitation Districts of Los Angeles County (Steve Maguin, Grace Chan,
Frank Caponi)
City of Long Beach (Mayor Bob Foster and each Council Member)
City of Commerce (Mayor Joe Aguilar and each Council Member)
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each Member of the Alternative Technology Advisory Subcommittee