



# COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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File No. 31-380.10

Dr. Steven Cliff  
California Air Resources Board  
1001 I Street - P.O. Box 2815  
Sacramento, California 95812

Via Email:

**Subject: Comments – Proposed Changes to the California Greenhouse Gas  
Cap and Trade Regulations**

Dear Dr. Cliff:

The Sanitation Districts of Los Angeles County (LACSD) appreciate the opportunity to comment on the proposed changes to the California Greenhouse Gas Cap and Trade Regulations. The Sanitation Districts provide essential wastewater and solid waste management services for about 5.7 million people in Los Angeles County while minimizing harmful emissions and maximizing renewable energy. Our comments are focused on the waste-to-energy provisions of the proposed changes.

LACSD fully support the proposed exclusion of the existing waste-to-energy facilities from compliance obligations until the second compliance period, while a comprehensive approach for handling the solid waste management sector under the cap is studied. This approach is consistent with CARB Board Resolutions 11-32 and 12-33.

Concerns were expressed at the July 18 CARB Workshop that enacting the proposed exclusion of the three waste-to-energy facilities could impact recycling efforts in the State of California. This concern is unfounded since the existing waste-to-energy facilities receive post-recycled waste. In fact, these facilities in many cases compliment recycling efforts by providing a cost effective management of post-recycled residuals that would otherwise wind up in landfills and not allowing for energy recovery. One example of this is a carpet recycler (The Carpet Recyclers) that uses the Commerce Refuse-to-Energy Facility for management of post-recycled residuals. The Carpet Recyclers achieve some of the highest carpet recycling rates in the state, and with the savings produced by cost effective residual management at the Commerce Facility compared to landfilling, they are able to invest in improved recycling processes. The Commerce Facility in turn utilizes the residual material as a fuel for producing renewable energy. If this material was landfilled, no energy production would occur.

Furthermore, waste-to-energy facilities placed under the cap cannot pass the cost of allowance purchases to customers since these facilities are competing with cheaper landfills. Driving waste to the landfills will result in a net increase in greenhouse gases. This conclusion is consistent with life cycle analyses performed at the Federal EPA and CalRecycle.

DM# 2690722v2

**Regulatory Amendments**

In §95852.2(c)(2)(D), it states that the municipal solid waste (MSW) fuel must be derived from a “municipal solid waste facility.” We interpret a municipal solid waste facility to be a materials recovery facility (MRF). For the existing waste-to-energy facilities not all MSW fuel comes from MRFs. Other sources can be direct from haulers (e.g., mixed waste barrel in a three barrel systems), direct from commercial establishments (e.g., carpet recyclers) or from special handling (e.g., drug enforcement programs). Therefore, to not inadvertently limit many types of waste that qualify as MSW, we recommend the following language modification:

~~“Municipal solid waste fuel facility, as defined in the PUC — or as defined in the definition section of this article and MRR.”~~ Fuel must be derived from a municipal solid waste facility.

In §95802(a)(YYY), the definition of “Waste-to-Energy” utilizes the words “incineration” and “eligible.” It is inaccurate to describe a modern waste-to-energy facility as “incinerating” waste as this describes the older type facilities that had no energy recovery. The more accurate technical term would be “combusting.” Also, air quality management district permit-to-operates really don’t describe “eligibility” of waste to combust. Therefore, we recommend the following language modification:

~~“Waste-to-energy means a facility located in California that incinerates combust eligible-municipal solid waste ....”~~

LACSD appreciates the opportunity to provide comment on the proposed changes to the Cap-and-Trade Regulatory language. Please contact the undersigned at this office with any questions or comments.

Very truly yours,  
Grace Robinson Chan



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FRC:bb

cc: Mike Tollstrup, ARB  
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