

**From:** Mike Mohajer [mailto:mikemohajer@yahoo.com]

**Sent:** Sunday, January 09, 2005 10:46 PM

**To:** Marin, Rosario; Moulton-Patterson, Linda; Mulé, Rosalie; Paparian, Michael; Peace, Cheryl; Washington, Carl

**Cc:** Berton, Fernando; Levenson, Howard; Leary, Mark

**Subject:** CIWMB JANUARY 18-19, 2005 AGENDA ITEM 11 - DRAFT CONVERSION TECHNOLOGIES REPORT TO THE LEGISLATURE

Madam Chair and Members of the Board,

Thank you for the opportunity to comment on the subject draft report. I also want to commend Fernando Berton for his efforts and dedication in working with the Board's consultants in the preparation of the draft report. I have reviewed the subject report and offer the following comments. I respectfully request that your Board direct staff to address these comments as well as those by other stakeholders, and after providing adequate time for public review, bring the matter back to your Board for consideration.

For the record I have retired from the County of Los Angeles where, among other things, I was responsible for their solid waste management programs. I have over 30 years of experience in the fields of waste management and environmental protection programs. I am a California Registered Civil Engineer and currently am serving as an appointee of the Los Angeles County Board of Supervisors on the Los Angeles County Integrated Waste Management Task Force. I am a volunteer and not an employee of any public or private entities. I am providing the following comments as a private citizen and not on behalf of any governmental agencies or private or public organizations.

The draft report's *Findings* (emphasis added) substantiate the position of many stakeholders, including local governments, that (1) conversion technologies are protective of public health & safety and environment subject to standards of performance set and/or to be established by Federal and State regulatory agencies; and (2) the State solid waste management hierarchy established by the Assembly Bill 939 in 1989 should be revised to promote the following waste management practices in order of priority: (A) Source Reduction; (B) Recycling, composting and other beneficial/recovery uses such as conversion technologies; and (C) Disposal by mean of incineration/combustion and landfilling.

I am very disappointed with the draft report's *Recommendations* (emphasis added) since a majority of them are not supported by the report's Findings and some are inconsistent with the current Board's policies which were developed during the past few years in concert with the League of California Cities, California State Association of Counties, Solid Waste Association of North America, the Counties of Los Angeles and Ventura, Rural Counties Regional Council, the Southern California Association of Governments, the San Gabriel Valley Council of Government and others. Additionally while Recommendations recognize the need for legislative changes they disregard the report's Findings and suggest a number of proposals which in addition to being confusing, place conversion technologies in the "disposal" category of the waste management hierarchy. Further, the recommendations, in conflict with the existing Board's policy,

places Anaerobic Digestion technology under conversion technologies, thus "disposal" {Board Resolution 2002-177 & staff report as well as Title 14 of the CCR, Section 17402 (a), CIWMB 12/14/04 Agenda}. However, it is suggested that Anaerobic Digestion operation/facility be provided with 10 percent diversion credit "only under the provisions in the CIWMB adopted-policy" {i.e. the "facility shall only accept solid waste from which, to the maximum extent feasible, all recyclable materials and marketable green waste compostable materials have been removed prior to the conversion process. The owner or operator of the facility shall certify that these materials will be recycled or composted." (Title 14 of the CCR, Sections 17410.5, CIWMB 12/14/04 Agenda) and Board Resolution 2002-177 & staff report}.

**We need a solid waste management system that promotes innovative technologies for the 21st Century rather than belaboring the outdated 20th Century technologies and systems and the unfounded and unsubstantiated skepticism and fear being promoted by a few interest groups. To this end the Board and its Members need to take leadership while taking advantage of the report's Findings in formulating legislative recommendations that move California into the 21st Century World. To this end I recommend the following:**

- 1. Conversion Technologies should be defined as listed in the proposed Section 17402 (a) (4) of Title 14 of the CCR, dated October 15, 2004, which exclude Anaerobic Digestion.**
- 2. The definition of "Transformation" in the statutes to be replaced with "combustion" and, as suggested in the report, to be defined as "the thermal destruction, in an oxygen-rich environment, of solid waste for the generation of heat and subsequent energy production."**
- 3. The solid waste management hierarchy established by the Assembly Bill 939 in 1989, should be revised and updated for the 21st Century by promoting the following waste management practices in order of priority: (A) Source Reduction; (B) Recycling, composting and other beneficial/recovery uses such as conversion technologies; and (C) Disposal by mean of combustion and landfilling.**
- 4. Jurisdictions shall be provided with diversion credits provided: (A) the jurisdiction has and will continue to implement its recycling and other diversion programs identified in its Board approved Source Reduction and Recycling Element; and (B) consistent with other requirements of the Board Resolution 2002-177, Option 3.**
- 5. Conversion technology facilities must comply with standards of performance set by federal and state regulatory agencies and any revisions there to. (Note: Avoid micro management by establishing specific set of regulations for each type of conversion technologies, as suggested by the report's Recommendations, unless the Board wishes to prohibit the concept of "innovation". Conversion technologies must be treated the same as any other industry in California).**

In closure, I also recommend that the report's Executive Summary be expanded upfront to provide a summary of the AB 2770 requirements as well as the purpose of the report. Also, the 2nd paragraph on Pg 1 of the Executive Summary as written is negatively very biased toward conversion technologies based on unsubstantiated air emission concern due to lack of data from facilities in California because none has been allowed to be developed due to existing legislative constraints and prohibition. Fortunately, as indicated by the report's Findings, there are many similar facilities operating in Japan and Europe with very stringent air emission requirements and they are all in compliance. The existing data should be evaluated prior to finalization of the Report to the Legislature.

Thank you for the opportunity to comment. Should you have any questions, I would be available to meet with you or your staff in Sacramento or Los Angeles.

***MIKE MOHAJER***  
[mikemohajer@yahoo.com](mailto:mikemohajer@yahoo.com)  
P.O.Box 3334  
San Dimas, CA 91773-7334