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February 24, 2010

Mr. Jeffrey D. Byron, Commissioner and Presiding Member
Integrated Energy Policy Report Committee
California Energy Commission
1516 Ninth Street, MS-32
Sacramento, CA 95814

Mr. James D. Boyd, Vice Chair and Associate Member
Integrated Energy Report Committee
California Energy Commission
1516 Ninth Street, MS-34
Sacramento, CA 95814

Dear Messers:

**COMMENTS REGARDING THE 2009 INTEGRATED ENERGY POLICY REPORT
CALIFORNIA ENERGY COMMISSION (ADOPTED DECEMBER 2009)**

On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force), I would like to submit comments to the California Energy Commission (CEC) regarding the 2009 Integrated Energy Policy Report (Report) that was adopted by the CEC on December 16, 2009. The Task Force is concerned that the Report does not fully address the potential of conversion technologies as a way to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the State's economy; and protects public health and safety.

Conversion technologies are processes that extract valuable resources and create renewable energy from solid waste. Conversion technologies may be thermal, chemical, or biological but are not incinerators – there is no combustion of the waste. Over 140 operating facilities are successfully processing solid waste in Europe and Japan; however no commercial facility has been constructed in the United States. The Task Force along with other entities, including the City and the County of Los Angeles, have extensively evaluated various conversion technologies from around the world, and concluded that these technologies can fundamentally change the way we manage waste, diverting up to 100 percent of the waste from landfill disposal, producing significant quantities of renewable energy and biofuels from that waste, preventing emissions - including greenhouse gas emissions - that otherwise would have been produced, and most significantly, creating high-tech green collar jobs.

Following our review of the Report, the Task Force would like to offer the following comments regarding the brief discussion of conversion technologies on pages 76-77:

- **Expand the Report to include a discussion on the various jurisdictions in California that are pursuing conversion technology development projects**

Several jurisdictions, including the City and County of Los Angeles, Cities of San Diego, Sacramento, San Jose, and Counties of San Bernardino and Santa Barbara are investigating conversion technologies for their potential to manage municipal solid waste (MSW) in an effective way. Currently underway, the Southern California Conversion Technology Demonstration Project, an endeavor spearheaded by Los Angeles County and the Task Force, seeks to develop one or more highly-efficient conversion technology facilities onsite with materials recovery facilities. The conversion technology facility will complement the Material Recovery Facility by utilizing the residuals (the waste remaining after all recyclables are removed) for beneficial use rather than sending them to a landfill. The goal of this project is to demonstrate the technical, environmental, and economic viability of conversion technologies in Southern California. Upon successful operation, the project would showcase the benefits of these technologies and spur private investment.

- **Regulatory clarification still needed in California**

We appreciate the CEC committing to work with the Department of Resources Recycling and Recovery “to review emerging conversion technologies that use MSW to produce a clean burning fuel that most closely meet the intent of current Renewable Portfolio Standard (RPS) eligibility requirements as well as environmental considerations and, if appropriate, suggest modifications to applicable State statutes to allow such technologies to be RPS eligible.”

If we hope to begin generating renewable energy from our abundant supply of MSW, and reduce our dependence on landfilling and waste exportation; it is vital that clarification be made to State Statute in order to create a regulatory pathway for the development of these technologies.

There continues to be discontinuity in the Public Resources Code regarding the State’s environmental priorities. For example, in Section 40106, the term “biomass conversion” is defined as a combustion process used for producing electricity or heat from specified biomass materials. Biomass conversion is not considered disposal for the purposes of meeting the State’s waste diversion mandate, and is fully

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eligible for renewable energy credit. In contrast, Section 40201 excludes biomass conversion from the definition of transformation, which encompasses incineration, pyrolysis, distillation, or biological conversion. This definition equates several conversion technologies with incineration, despite the fact they are non-combustion processes. It classifies and regulates these technologies by type, rather than on performance standards (i.e., meeting the strictest standards for air and water quality). This classification results in burdensome permitting requirements at the State and local level in addition to significant regulatory disincentives, such as not being eligible for diversion credit or the State's RPS. In addition, since these "transformation" facilities are classified as solid waste *disposal* facilities, they must be included in the Countywide Siting Element of the county in which they are located. Making a revision to the Countywide Siting Element is a lengthy and challenging process, requiring approval by a majority of cities in the county containing a majority of the cities' population. The process would take several years and over \$500,000 to complete in Los Angeles County.

Such statutory barriers to the development of conversion technologies are major impediments to achievement of the State's renewable energy, waste reduction, and other environmental goals, and should be directly addressed in the Report. We would be pleased to discuss these issues in further detail.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 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 10 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, 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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We appreciate your consideration of our comments. Should you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,

Margaret Clark

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

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cc: Governor Arnold Schwarzenegger
Assembly Member Fiona Ma
Assembly Member Anthony Adams
Each Member of the California Energy Commission
Melissa Jones, Executive Director, California Energy Commission
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each Member of the Alternative Technology Advisory Subcommittee