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October 27, 2009

Mr. Steve Church
California Air Resources Board
1001 I Street, PO Box 2815
Sacramento, CA 95812-2815

Dear Mr. Church:

**COMMENTS REGARDING THE OCTOBER 22, 2009
ETAAC ADVANCED TECHNOLOGY DEVELOPMENT PROPOSED FINAL REPORT**

On behalf of the Los Angeles County Solid Waste Management Committee Integrated Waste Management Task Force (Task Force), I wish to commend the California Air Resources Board's Economic and Technology Advancement Advisory Committee (ETAAC) on its efforts to identify several technological advances that are necessary to meet the State's progressive environmental goals, as well as provide a realistic depiction of the key barriers that currently exist to deploying and commercializing these technologies. We appreciate the ETAAC's consideration of our comments regarding its Advanced Technology Development Proposed Final Report (Report), which was released on October 22, 2009, and is scheduled for the ETAAC's consideration on October 29, 2009.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and its 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.

The Task Force along with other entities, including the County of Los Angeles, has extensively evaluated various conversion technologies from around the world, in order to advance the development of alternatives to landfill disposal of waste. Conversion technologies refer to a variety of biological, chemical, and non-combustion thermal processes capable of converting post-recycled residual solid waste into marketable products, including renewable energy. The Task Force concluded that these technologies have the potential to 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 creating high-tech green collar jobs.

We appreciate the ETAAC's consideration of the following comments and concerns:

1. Table 1-1 on page 1-10 should include "Legislative or Regulatory Obstacles" under "Government Barriers"

In order for conversion technologies and other similar GHG-reducing projects to be successfully developed in California, it is essential for the Air Resources Board, California Integrated Waste Management Board (and its successor agency), California Energy Commission, and other relevant state agencies to remove regulatory barriers, and assist and/or promote removal of the existing legislative constraints. Many potential project developers and investors have expressed hesitation in investing in conversion technologies in California due to the current regulatory uncertainty. This regulatory uncertainty is potentially more important for development of these advanced technologies than financial incentives. Specifically, there is a need for clarity regarding the following:

- Definitions of what constitutes conversion technology – Public Resource Code (PRC) Section 40201 (definition of transformation) includes pyrolysis, distillation, biological conversion in the same category as incineration of MSW. None of these terms are well defined, leading to confusion since various thermal, chemical, and biological conversion technologies may or may not fall under this definition. This is significant because a technology that is statutorily defined as "transformation" is considered a solid waste disposal facility and is subject to onerous permitting requirements at the State and local level in addition to significant regulatory disincentives.
- Correction of technically inaccurate definitions – PRC Section 40117 improperly defines gasification as a process that uses no air or oxygen in the conversion process. It also includes several unprecedented and

overly restrictive requirements on such technologies, including prohibiting the facility from producing *any* (1) discharges of air contaminants or emissions; (2) discharges to surface or ground waters of the State; or (3) hazardous waste. The statute even arbitrarily restricts the geographic origin of the waste feedstock the facility can accept.

- Unfortunately, the same technically inaccurate definition of gasification, with the same onerous restrictions, are included in PRC Section 25741, which forms the basis for the Renewable Portfolio Standards (RPS) guidebook definition of “solid waste conversion”
- This is the only type of process utilizing Municipal Solid Waste (MSW) as a feedstock that is specifically listed as eligible for renewable energy (MSW combustion is limited to three grandfathered facilities)
- Clarity regarding definition of biomass – Under the definition of biomass, as established in the Overall Renewable Energy Program Guidebook, MSW is neither specifically included nor excluded. A substantial portion of MSW is made up of “organic material not derived from fossil fuels,” however there is regulatory uncertainty as to whether conversion technologies processing the biomass fraction of MSW would or would not be designated as renewable.

Several unsuccessful legislative attempts have been made to clarify the above inconsistencies. This year, Assembly Bill 222 (AB 222), authored by Assembly Members Adams and Ma - a critical piece of legislation that would create a regulatory pathway for the development of conversion technologies in California - passed through State Assembly and the Senate Energy, Utilities and Commerce Committee with bipartisan support. Receiving unprecedented support from over 80 organizations and individuals, AB 222 is currently a two-year bill and is slated to be taken up in the Senate Environmental Quality Committee this coming January.

2. **Figure 2-1 on page 2-2 identifies recycling and waste as the second largest sector of the Green Workforce in California; however, the Task Force believes that even more jobs can be created if we localize the processing of recyclables.**

We urge the State to play a larger role in the development of statewide markets which use recyclable materials. Without localized markets, we will continue to ship our recyclables, as well as potential green collar jobs, to Pacific Rim countries. At this time we have no assurance that those facilities are developed and operated in a manner that is as protective of the human health and safety and the environment as a similar facility located in California, nor have we confirmed the true greenhouse gas (GHG) impact of such facilities.

- 3. Page 4-11, second and third bullets regarding gasification and pyrolysis: The current global status of conversion technologies is not accurately reflected in the following statement: “*While biomass gasification for power production has been under development for some time, it has yet to reach commercial success*”.**

According to the California Integrated Waste Management Board report entitled *New and Emerging Conversion Technologies: Report to the Legislature (June 2007)*; “Development and deployment of conversion technologies has occurred in Japan, Germany, and the United Kingdom, with more than 50 thermochemical facilities and more than 80 anaerobic digestion facilities that use unsorted MSW as feedstock.”

Additionally in June 2009, the University of California at Riverside, in coordination with the BioEnergy Producers Association, released a report entitled *Evaluation of Emissions from Thermal Conversion Technologies Processing Municipal Solid Waste* identifying 100 gasification/pyrolysis facilities operating around the world. Detailed emissions profiles of 16 facilities (four of which are operating in the United States) indicate that most of them already meet emissions standards in California, while meeting standards of their host country.

As such, we would recommend that the statement highlighted above be revised as follows (changes underlined/strikeout): “***While biomass gasification for power production is used effectively throughout the world ~~has been under development for some time, it has yet to reach commercial success~~ in the United States*”.**

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The Task Force looks forward to the opportunity to work with the Air Resources Board and ETAAC and other appropriate agencies to ensure an environmentally and economically viable integrated waste management system that is protective of public health and safety as well as the environment. Should 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
Mayor, City of Rosemead

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cc: Assembly Members Adams and Ma
Mary Nichols, California Air Resources Board Chair
Each Member of the ETAAC
Each Member of the California Energy Commission
Each Member of the California Integrated Waste Management Board
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor in the County of Los Angeles
South Bay Cities Council of Governments
San Gabriel Valley Council of Governments
Gateway Cities Counsel of Governments
Southern California Association of Governments
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each Member of the Task Force's Alternative Technology Advisory Subcommittee