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SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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July 25, 2012

Ms. Caroll Mortensen, Director
Department of Resources Recycling and Recovery (CalRecycle)
1001 I Street
PO Box 4025
Sacramento, CA 95812-4025

Dear Ms. Mortensen:

DEVELOPMENT OF CONVERSION TECHNOLOGIES IN CALIFORNIA

As you know, the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) is a strong supporter of alternatives to landfills such as conversion technologies. Conversion technologies are biological, thermal, and chemical processes capable of converting post-recycled (residual) solid waste into biofuels and other marketable products that would otherwise be landfilled. We consider these technologies as a viable and important option to aid local governments in our efforts to recover more materials and reduce our dependence on landfills.

Conversion technologies historically have had difficulty in being permitted in California due to a maze of complicated and contradictory State statutes and policies. Until recently, CalRecycle had supported correcting these confusing and scientifically inaccurate definitions, as evidenced by CalRecycle's support for Assembly Bill 222 in the 2009-2010 legislative sessions. CalRecycle also established a Conversion Technology Guidance Document to aid companies wishing to develop projects in the State and to assist companies in navigating the confusing statutes relating to certain technologies. CalRecycle indicated support for anaerobic digestion projects to be permitted as composting facilities and thermal conversion technologies to be permitted as gasification facilities provided the specific technology met the requirements of gasification under Public Resources Code Section 40117.

The Task Force was disappointed to learn of your decision on May 23, 2012 (copy enclosed), to rescind CalRecycle's previous legal determination of November 23, 2010, that Plasco Energy Group's project in Salinas Valley as gasification. Unfortunately, this widely publicized decision has had negative reverberations, causing alarm from conversion technology companies throughout the world regarding the business climate in California for novel technologies. This rescission, coming after a local solid waste authority and a private business have spent over 18 months investing in the development of a multi-million dollar project, sends a very negative message for companies thinking about developing a project in California and even for those that have begun efforts in the State.

Ms. Nancy McFadden's subsequent letter dated June 1, 2012 (enclosed), somewhat alleviated the concern by many groups. Ms. McFadden's letter goes on to state that the Governor is "fully supportive of CalRecycle's efforts to develop alternative policies regarding waste to energy in California, including developing a technology-neutral, feedstock-based performance standard

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that could eventually be used in place of the definition of gasification for determining Renewable Portfolio Standard eligibility.” However, many companies are waiting, and understandably so, to make sure the Governor comes through on his commitment to make progress on this issue before making any more investments in California.

We have consistently supported legislative efforts to revise Public Resources Code Section 40117, because of the scientifically inaccurate definition of gasification. However, we are concerned that developing a “technology-neutral, feedstock-based performance standard” could have adverse effects on the development of conversion technologies in California. If feedstock for conversion technologies is limited to only Material Recovery Facility residuals, for example, the feedstock would vary in content depending on the type of facility, size, geographic location, etc., and may not be well suited for conversion. It may also create an unintended additional cost for materials sent to conversion, thereby, incentivizing disposal of materials at landfills rather than through recovery/conversion facilities.

The Task Force has over a decade of experience in researching and evaluating conversion technologies, and we would welcome the opportunity to work with your team as you begin the process of developing a technology-neutral, feedstock-based performance standard.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 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 the 88 cities in 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.

Should you or a member of your staff have any question regarding this matter, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or (909) 592-1147.

Sincerely,



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

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Enc.

cc: Secretary Matt Rodriguez, Cal EPA
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each Member of the Alternative Technology Advisory Subcommittee