



SWANA[®]

SOLID WASTE ASSOCIATION
of North America

CALIFORNIA CHAPTERS

FOUNDING

SIERRA

GOLDRUSH

LEGISLATIVE TASK FORCE

www.swanacal-leg.org

LEGISLATIVE ADVOCATES

PAUL J. YODER

Shaw/Yoder/Antwih, inc.

1415 L Street, Suite 200

Sacramento, CA 95814

(916) 446-4656

FAX (916) 446-4316

paul@shawyoderantwih.com

CHAIR

WILLIAM MERRY, PE., BCEE

Monterey Regional
Waste Management District

14201 Del Monte Boulevard

P.O. Box 1670

Marina, CA 93933

(831) 384-5313

wmerry@mrwmd.org

VICE CHAIR

LISA WOOD

CITY OF SAN DIEGO

9601 Ridgehaven Court #210

San Diego, CA 92123

lwood@sandiego.gov

TREASURER

NANCY L. EWERT, PE.

KERN COUNTY

2700 M Street, Suite 500

Bakersfield, CA 93301

nancye@co.kern.ca.us

SECRETARY

MARK URQUHART, PE.

Senior Project Manager

HDR ENGINEERING, INC

2365 Iron Point Rd. #300

Folsom, CA 95630

(916) 817-4933

Mark.Urquhart@hdrinc.com

June 8, 2010

The Honorable Joe Simitian

California State Senate

State Capitol, Room 2080

Sacramento, CA 95814

Re: SB 722 (Simitian) Energy: renewable energy resources: generation and transmission – Oppose unless Amended

Dear Senator Simitian,

The Solid Waste Association of North America (SWANA) is composed of approximately 7000 public and private sector solid waste management professionals throughout North America dedicated to the development and enhancement of environmentally and economically sound practices and policies for the integrated management of municipal solid waste. There are approximately 900 members of SWANA in California, and on their behalf I am writing to **OPPOSE UNLESS AMENDED SB 722** (Simitian) regarding renewable energy resources.

SB 722 if enacted, would revise the Renewable Energy Resources Program to state the intent of the Legislature to increase the amount of electricity generated from eligible renewable energy resources per year, so that amount equals at least 33% of total retail sales of electricity in California per year by December 31, 2020.

While SWANA supports this legislation's goals of increasing the amount of renewable energy utilized in the State, we are very concerned that SB 722 would perpetuate a scientifically inaccurate definition, which has severely hampered the development of conversion technologies in the State. Conversion technologies are processes capable of converting post-recycled residual solid waste into useful products, green fuels, and clean renewable energy. Current California statutes impose impractical restrictions on conversion technologies such as requiring zero air emissions, **a standard required of no other energy generation technology or manufacturing process in the State** and that effectively precludes conversion technologies from qualifying for the State's renewable energy portfolio.

This issue has been raised by the California Air Resources Board, California Energy Commission, and California Department of Resources Recycling and Recovery in their recent joint letter in support of Assembly Bill 222 (copy enclosed). AB 222, if enacted, would correct the scientifically inaccurate definitions, which have hampered the development of conversion technologies within the State, and ensure a regulatory pathway for conversion technology projects consistent with the provisions of the American Clean Energy and Security Act of 2009, H.R. 2454, authored by Congressmen Henry Waxman and Ed Markey. Numerous California municipalities are considering conversion technologies to reduce their dependence on landfilling, create green collar jobs, and provide a way for us to shift to more sustainable solid waste management practices.

Additionally, the language defining "renewable electrical generation facility" needs further clarification to ensure eligibility of present and future landfill gas-to-energy projects for renewable energy credit. Landfill gas is a threat to human health and contributes to global warming. Combusting landfill gas to generate electricity and other renewable energy also serves to mitigate its public health and environmental impacts by destroying the majority of hazardous air pollutants in landfill gas. Furthermore, using landfill gas to produce electricity avoids the need to generate electricity at traditional

The Honorable Joe Simitian
SB 722, page 2
Oppose Unless Amended

power plants and thus displaces the air pollution and carbon emissions from these plants. As such, SWANA opposes the provisions of SB 722 that would remove renewable energy credits for future landfill gas-to-energy projects.

For these reasons, the California Chapters of SWANA is **OPPOSED UNLESS AMENDED** to SB 722 and urges your “no” vote when it is heard in your committee. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tressa Wallace', written in a cursive style.

Tressa Wallace
Legislative Advocate

CALIFORNIA ENERGY COMMISSION

1516 Ninth Street Sacramento, California 95814
Main website: www.energy.ca.gov

**AIR RESOURCES BOARD**

1001 I Street Sacramento, California 95814
Main website: www.arb.ca.gov

**DEPARTMENT OF RESOURCES RECYCLING
AND RECOVERY**

801 K Street, Sacramento, California 95814
Main website: www.calrecycle.ca.gov



April 15, 2010

The Honorable Joe Simitian
Chair, Senate Committee on Environmental Quality
State Capitol Building, Room 2205
Sacramento, CA 95814

Subject: Support for AB 222 Regarding Energy from Biogenic Waste

Dear Senator Simitian:

As members of the Bioenergy Interagency Working Group, the California Energy Commission, CalRecycle, and the California Air Resources Board, we write in support of AB 222. Enactment of AB 222 would assist California in meeting State renewable energy and low carbon fuel goals.

Since 2006, the Bioenergy Interagency Working Group has advocated in its Bioenergy Action Plan to *"Amend existing law to revise existing technology definitions and establish new ones, where needed. In particular, review the definitions of gasification, transformation, fermentation, pyrolysis, and manufacturing. Such statutory clarification would enable the utilization of biomass residues through combustion or non-combustion technology."* (Bioenergy Action Plan, July 2006, p.9).

AB 222 would allow new non-incineration technologies to be used in the production of renewable biofuels and electricity from biogenic material diverted from California's landfills. It would achieve this by removing current statutory restrictions that require thermal conversion projects to have zero emissions, a standard required of no other energy generation technology or manufacturing process in the State and one that effectively precludes any municipal solid waste (MSW) conversion technologies from qualifying for California's Renewables Portfolio Standard (RPS).

AB 222 would make it easier for electricity produced from the biogenic waste stream to qualify as renewable electricity under California's RPS. Increasing access to biogenic waste creates another option, thereby enhancing California's ability to meet its ambitious RPS goals while complementing the State's diverse portfolio of renewable energy resources including wind, solar, geothermal, and biomass.

The Honorable Joe Simitian
April 15, 2010
Page 2

New conversion technologies would assist California in developing local fuel sources as part of the Low Carbon Fuel Standard (LCFS) thereby making better use of resources and providing other benefits. As the LCFS is implemented, additional sources for producing low carbon fuel will be needed to meet the increasing demand. Utilization of MSW can help meet this increased demand and potentially reduce greenhouse gas (GHG) emissions as, on a life-cycle basis, GHG reductions are highest for conversion of local organic waste materials into fuels because they do not require the growing, harvesting, and transportation of cellulosic plant materials. Further, AB 222 would increase the likelihood that landfill methane would be better used in fuel production rather than being flared. It would also help to promote technology innovation and foster green jobs.

On February 4, 2010, the United States Environmental Protection Agency (EPA) released its final rule for the Renewable Fuels Standard (RFS2) allowing the biogenic portion of post-recycled MSW to qualify for the use in the production of advanced biofuels. The renewable fuel provisions of AB 222 would make California consistent with the EPA ruling.

AB 222 supports innovation and the introduction of a range of new technologies for production of biofuels and renewable energy from organic wastes that meets California's environmental standards. Additionally, because only post-recycled waste materials will be used, AB 222 would not weaken the State's policy on recycling. In 2008 alone, an estimated 39.7 million tons of municipal waste were deposited into California landfills when this material could instead be used for energy generation and low carbon fuel production.

We urge your support of this important legislation.

Sincerely,



James D. Boyd, Chair
Bioenergy Interagency Working Group
Commissioner and Vice Chair
California Energy Commission



Margo Reid Brown
Acting Director
Department of Resources Recycling
and Recovery



Mary D. Nichols
Chair
California Air Resources Board

cc: Members, Senate Environmental Quality Committee
The Honorable Anthony Adams
The Honorable Fiona Ma
Carol Mortensen, Consultant to Senate Environmental Quality Committee
Lance Christensen, Consultant, Senate Republican Caucus
John Moffatt, Office of the Governor
Chris Mowrer, Natural Resources Agency
Carolyn Baker, California Environmental Protection Agency