



June 7, 2012

Caroll Mortensen, Director
Department of Resources Recycling and Recovery (CalRecycle)
1001 I Street, P. O. Box 4025
Sacramento, California 95812-4025

RE: MAINTAINING DIVERSION TOOLS

CALIFORNIA CHAPTERS

FOUNDING

SIERRA

GOLDRUSH

LEGISLATIVE TASK FORCE

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Dear Caroll Mortensen:

Thank you again for meeting with the Solid Waste Association of North America (SWANA) Legislative Task Force (LTF) in March of this year. As we discussed, the LTF is interested in maintaining a broad array of "tools" for achieving increased waste diversion. CalRecycle's activities until recently, especially the workshops that have provided information on the benefits of conversion technologies, have seemed to support the provision of appropriate tools. However, a different approach was taken in CalRecycle's 75% Recycling Report. In addition, this narrowing of tools is also reflected in the May 23 letter rescinding CalRecycle's 2010 determination that the Plasco Salinas Valley Project (PSVP) fits the category of "gasification." Plasco, in cooperation with the Salinas Valley Solid Waste Authority, relied on CalRecycle's determination that the gasification project qualifies as a renewable energy project to make a significant investment. Additionally, it should be noted that the project received a letter of support from the State legislature on March 9, 2011.

The *Conversion Technologies Report to the Legislature* (CT Report) provides technical justification conversion technology projects. The research for the CT Report was conducted by the University of California, Riverside and RTI, International. The CT Report included a lifecycle analysis that found that for criteria air pollutants, the conversion technology scenario is superior to alternative management scenarios. In addition, from a climate change perspective, the conversion technology scenario is better than the alternative management scenarios. These analyses were subject to an external scientific peer review using an agreement between Cal/EPA and the University of California.

In addition, the Economic Analysis Unit of the California Air Resources Board and the Department of Toxic Substances Control also provided peer review. A Technical Advisory Committee (TAC) that consisted of representatives of the National Renewable Energy Laboratory, Electric Power Research Institute, Academia conducting research into similar technologies (Princeton University, Dartmouth College), California Air Resources Board, Department of Toxic Substances Control, local government representatives, and the solid waste industry also provided a peer review. Environmental organizations such as Californians Against Waste and Sierra Club were asked to participate but declined.

Pursuant to Public Resources Code §40117, "gasification" means a technology that uses a noncombustion thermal process to convert solid waste to a clean burning fuel for the purpose of generating electricity that produces "no discharges of air contaminants or emissions," and, to the maximum extent feasible, the technology removes recyclable materials and marketable green waste compostable materials from the solid waste stream prior to the conversion process. It seems reasonable that the legislature intended that it be possible for a well-engineered gasification facility to meet this standard. In a November 2010 legal determination, CalRecycle legal staff found the project to meet this standard.

While there is no single approach to solid waste management or energy generation that will provide a perfect solution, conversion technologies may be appropriate in some settings as recognized in the enclosed letter of June 1, 2012, from the Office of the Governor. Where projects have moved forward consistent with scientific, legal, and policy documents and public input supporting this approach, CalRecycle should not impose impossible standards. The LTF urges a careful and balanced reconsideration instead of actions that would reduce the tools available to accomplish diversion.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa F. Wood". The signature is written in a cursive, flowing style.

Lisa F. Wood
Chair, Legislative Task Force

cc: Nancy McFadden, Office of Governor Brown
John Laird, Secretary of Natural Resources
Matt Rodriguez, Secretary for Environmental Protection Agency

