

**Docket Optical System - Docket No. 06-BAP-1, Draft Bioenergy Action Plan**

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California Energy Commission Dockets Unit  
 1516 Ninth Street, MS-4  
 Sacramento, CA 95714-5512

Attn: Docket No. 06-BAP-1

Submitted via email to [dockets@energy.state.ca.us](mailto:dockets@energy.state.ca.us)

Dear California Energy Commission,

Thank you for the opportunity to give input to the Draft Bioenergy Action Plan. I am strongly committed to reducing dependence on fossil fuel sources and development of a Carbohydrate Economy. However, thermal disposal of mixed municipal solid waste (MSW) is simply not an acceptable alternative fuel or power source.

We urge the Bioenergy Interagency Working Group to amend its Draft Bioenergy Action Plan to not recommend mixed municipal solid waste (MSW) thermal disposal technologies (including gasification, pyrolysis and plasma) as fuel or power sources.

Thermal technologies that combust gases are considered incineration by the European Union Directive on Waste. Emissions from incineration (including gasification, pyrolysis and plasma) of mixed municipal wastes contain hazardous chemicals such as heavy metals, dioxins, brominated dioxins, volatile organic compounds, and other chemicals. Mixed municipal wastes also contain many products from non-renewable sources, such as plastics. The sparse data that does exist on gasification and pyrolysis indicates that they have toxic emissions equal to or greater than incineration and investments in them are investments in continued contamination and wasting.

Please don't make it easier to build new incinerators in California by advocating for state grants, waste diversion credits, loosened regulations, or other incentives for these technologies.

Some other key points of concern to environmental organizations are:

- Tiers - The different technologies should be classified into separate tiers: those that operate above biological temperatures (above ~200 degrees F.), and those operating below that (e.g., composting and anaerobic digestion). Separate tiers would enable the CEC to clearly identify those technologies it would support (e.g., biological systems), and those it would not (e.g., thermal technologies described above).
- Program/Long Term Impacts - There are major concerns that exist in the environmental community regarding thermal bioenergy technologies. The implication of the Bioenergy Action Plan could be the launching of major grassroots organizing campaigns throughout the state opposing specific projects because the CEC inappropriately did not provide clear guidance initially of what are acceptable and unacceptable technologies to be pursued in this state. This will result in significant time being required by both staff and multiple state and regional agencies to respond to the public outcry resulting from this action. All indications are that this will be as

significant as the battles fought over proposed incinerator projects in the early 1980s in California. The CEC should recognize that it could avoid much of those problems by omitting thermal technologies from consideration, proceeding cautiously, and only after the completion of scientific analyses that are generally accepted by both industry and environmental groups as being accurate.

- Environmental Impacts - Although the air quality management districts and regional water quality control boards will evaluate specific emissions, the Bioenergy Action Plan should call upon operators to provide detailed information to the CEC, CIWMB and those conducting environmental impact reports in California enough data to evaluate the overall benefits of particular projects and technologies relative to these emissions. The Bioenergy Action Plan should support holding operators responsible for using independent third parties to conduct continual monitoring programs (not just short-term testing a couple of times/year) and to report that information regularly to the CEC, CIWMB, other regulatory agencies and to post to local websites. Air emission flow rates and concentrations of pollutants in flow data should be obtained so that more risk assessment work can be done subsequently that would enable the CEC, CIWMB and other regulatory agencies to look at more local health and environmental impacts, particularly from the cumulative effect of multiple facilities. Environmental impacts should be monitored and reported for each of the different feedstocks used (including MRF residue and source-separated materials). Any environmental impacts that are not clearly understood should require operators to adjust their feedstocks or operations according to the Precautionary Principle.

Comments from this point forward refer only to biological-temperature systems and should NOT be construed as support for any higher temperature thermal technologies.

- Feedstocks - The Bioenergy Action Plan should assume that the primary feedstocks for bioenergy technologies should be materials from material recovery facilities (MRFs) that have been positively sorted to ensure that there are no contaminants, and individual materials that are problems to reuse, recycle or compost and are currently landfilled. As noted above, thermal technologies should NOT be used for mixed municipal solid waste (or any fraction of the mixed municipal solid waste stream) since they pollute, waste resources and undermine real solutions. The Bioenergy Action Plan should set clear limits for the maximum amounts of "clean" recyclables allowed to be processed. Those limits should be established by material types, as there are very different economic considerations involved for each of the materials. Compostable materials should only be allowed to be used as feedstock from communities that have already met their AB939 50% diversion goals This is needed so that bioenergy technologies do not negatively impact the composting programs put into place to meet AB939's goals.
- Diversion - A huge capital (and political) investment in bioenergy technologies could distract decision makers in government and industry from the primary task of designing packaging and products which can be reused, recycled and composted. For this reason, the Bioenergy Action Plan should provide that no diversion credit is given for bioenergy systems. The Bioenergy Action Plan should also require bioenergy technologies to remove recyclable materials and marketable compostable materials prior to conversion, and to certify that those materials will be recycled or composted. We urge the CEC to work with the CA Integrated Waste Management Board to focus on how to maximize reuse, recycling and composting with other tools (such as Extended Producer Responsibility, product retail bans and bans of materials and products from landfills) before support is provided for these "black box" end-of-pipelines technologies.
- Producer Responsibility - The Bioenergy Action Plan should recommend that permits for bioenergy projects that process currently difficult to recycle materials (e.g., plastics) should only be approved if project proponents can document that manufacturers of those designated products already pay for effective collection and processing infrastructure in the service area of the project that keep the majority of those materials from being landfilled.

- Flow control - The Bioenergy Action Plan should specify that bioenergy technologies should compete in an open market situation like biomass facilities within California without guaranteed municipal contracts to control the flow of materials to their facilities.

Thanks again for this opportunity to comment. If you would like to discuss these comments, please contact me at 916-652-7850 or [gary@garyliss.com](mailto:gary@garyliss.com).

Sincerely,

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