



Californians Against Waste

Conserving Resources. Preventing Pollution. Protecting the Environment.

September 10, 2010

California Energy Commission
Dockets Office, MS-4
Docket No. 03-RPS-1078 and Docket No. 02-REN-1038 RPS Proceeding
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET

03-RPS-1078

DATE SEP 10 2010

RECD. SEP 10 2010

Re: Municipal Solid Waste Eligibility in RPS Proceeding

Californians Against Waste appreciates the opportunity to comment on the proposed changes to the RPS Guidebook and Overall Guidebook. We are a statewide, membership-based environmental organization, representing over 5000 active members, and we have been actively involved in the development of statewide waste management policy over the last 33 years. We have significant concerns regarding the proposed changes to Municipal Solid Waste Conversion section of the guide and as well as the biomass feedstock discussion during the workshop. These major changes would contradict the statutory requirements and intent of the RPS and should not be adopted by the Commission

The proposed revision to the definition of MSW Conversion appears to arbitrarily separate the multiple parts of the conversion process, thereby lessening the strict environmental safeguards that must be met before these facilities are counted as eligible renewable resources. Electricity generation is clearly part of "municipal solid waste conversion," and the proposed change would narrow the application of the requirements in Public Resources Code Section 25741 to exclude this part of the process. As a result, a conversion facility that does not meet the statutory requirements for RPS eligibility (i.e. by producing discharges of air contaminants) might be allowed into the program because the part of the process that has greater emissions would be excluded. This change is unsupported by statute and should not be included.

The workshop materials also identified the possible inclusion of Municipal Solid Waste as an "Eligible Biomass Feedstock" in future revisions of the eligibility guidebook. This is very problematic and clearly not in-line with Public Utilities Code Section 399.12, which specifically states "a facility engaged in the combustion of municipal solid waste shall not be considered an eligible renewable resource unless it is located in Stanislaus County and was operational prior to September 26, 1996." The legislature clearly intended any new facilities that combust solid waste to not be eligible for the RPS program, and this change would attempt to classify solid waste combustion facilities as biomass plants.

The issue of RPS eligibility is clearly a contentious subject that has been the focus of much debate in the legislature and that is the appropriate venue for this discussion. As such, the RPS Guidebook should not be amended to expand the eligibility of waste-to-energy facilities beyond the narrow scenarios identified in statute.

Sincerely,

Scott Smithline
Director of Legal and Regulatory Affairs