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September 10, 2010

Ms. Sarah Michaels
C/O California Energy Commission
Dockets Office, MS-4
RPS Proceeding
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET

03-RPS-1078

DATE SEP 10 2010

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Dear Ms. Michaels:

**COMMENTS REGARDING PROPOSED CHANGES TO RPS GUIDEBOOK –
ELIGIBILITY OF MUNICIPAL SOLID WASTE AS AN ELIGIBLE BIOMASS
FEEDSTOCK (DOCKET NO. 03-RPS-1078 AND DOCKET NO. 02-REN-1038)**

On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force), I would like to thank the Energy Commission for the opportunity to comment on the proposed changes to the Renewables Portfolio Standard (RPS) Eligibility Guidebook and the Overall Program Guidebook for the Renewable Energy Program.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989, 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 and 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.

MSW as an Eligible Biomass Feedstock

We strongly support Staff's proposal to clarify that municipal solid waste (MSW) is an eligible biomass fuel within the RPS program. We agree that if MSW is processed and handled such that California Department of Resources Recovery and Recycling (Cal Recycle) makes a determination that the material is not solid waste, the Energy Commission should consider MSW as eligible biomass fuel for the RPS.

According to Cal Recycle, Californians dispose of almost 40 million of tons of MSW each year. Approximately 70 percent of this material consists of organic materials. This is currently a large untapped resource that could be used for beneficial purposes, such as renewable energy generation. Therefore, the Task Force and many jurisdictions in California maintain the position that the biogenic portion of organic waste materials be counted as RPS as well as the non-biogenic portion of organic waste materials that are source separated.

Non-incineration technologies, such as conversion technologies capable of converting MSW into renewable energy and biofuels, have made significant strides in development over the last decade. These technologies have been proven to complement recycling and composting activities. Conversion technology facilities are equipped with preprocessing and sorting equipment that removes the recyclable and inert material from the waste stream prior to conversion. It is likely, however, that a small fraction of materials originating from fossil-fuel sources will remain in the facility's feedstock. While technically feasible, limiting the eligible feedstock to the biogenic fraction of the waste stream would create additional burdens on facilities to measure and verify the fraction of the waste that is biogenic, which would require periodic waste characterization studies and a verification of the content of the materials processed by the facility. The Task Force supports designating all energy produced by conversion technology facilities as renewable.

With regard to the four questions listed on page 7 of Attachment B, we offer the following:

Question a) If MSW is processed and handled such that Cal Recycle makes a determination that it is not solid waste, should the Energy Commission reconsider the MSW as an eligible biomass fuel for the RPS?

Response: Yes.

Question b) If the answer to "a" above is "yes," should the material be limited to the organic fraction that remains after recyclables and compostables have been removed?

Response: Yes, as discussed in the previous paragraphs.

Question c) Is there a reasonable amount of fossil fuel fraction that can remain after recyclables and compostables have been removed from MSW such that 100 percent of the material can be considered renewable for purposes of the RPS?

Response: Yes. Given that every feasible attempt to remove the fossil fuel fraction of MSW has been made, a 10 percent fossil fuel fraction should be allowed, which is consistent with Cal Recycle's 3-part test.

Question d) Is the fossil fuel fraction remaining after processing measurable? If so, how? What is a reasonable amount of remaining material from fossil fuel that could render 100 percent of the material as an eligible biomass feedstock?

Response: Yes. This can be done consistent with Cal Recycle's and industry's practice in conducting periodic waste material characterization studies.

Extension of RPS Eligibility to Existing Waste-to-Energy Facilities

Electricity generation from facilities utilizing MSW as a fuel are eligible for RPS in two technology categories: solid waste combustion and solid waste conversion. Currently, there are three waste-to-energy facilities that have been in operation prior to 1996. One of these existing facilities is located in Stanislaus County and the other two in Los Angeles County. The facility in Stanislaus County is RPS eligible; however, for unknown reasons that are not technical, the other two are not. The Task Force requests that the RPS eligibility be extended to the other two existing waste-to-energy facilities in Los Angeles County.

Streamlined Regulations Needed in California to Promote Renewable Energy Development

The February 2010 edition of *BioCycle Magazine* reported that 17 European countries will be using conversion technologies to convert about 6 million tons of MSW into renewable energy. Numerous studies including those developed by the University of Riverside, the County of Los Angeles, and the former California Integrated Waste Management Board have confirmed the technical and environmental viability of these technologies. Further, studies such as the CIWMB's report created in accordance with AB 2707 (2002) have indicated that existing legislative criteria regarding gasification technologies is scientifically inaccurate, if not impractical, and has thus far suppressed development.

Cities and counties such as the Cities of Calabasas, Lancaster, Long Beach, Los Angeles, San Diego, San Jose, and Tulare and Counties of Los Angeles, Sacramento, San Bernardino, and Santa Barbara and the Salinas Valley Solid Waste Authority (joint powers agency comprised of the cities of Gonzales, Greenfield, King City, Salinas, and Soledad, and eastern Monterey County), among others, are in various stages of developing conversion technologies as part of their integrated waste management strategies. While these jurisdictions are attempting to move forward with successful projects, streamlined regulations and consistent definitions among state statutes will further incentivize the development of these innovative technologies.

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We are in full support of Staff's proposal to clarify municipal solid waste (MSW) as an eligible biomass fuel within the RPS program. It is very important to promote renewable energy generation at facilities located within California. This will not only assist us in meeting many of our environmental goals and mandates, but it will stimulate the economy by creating and supporting local, green-collar jobs. We look forward to working with you on this important issue. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,

Margaret Clark

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

TM:

cc: Each Member of the California Energy Commission
Margo Reid Brown, Cal Recycle
Los Angeles County Board of Supervisors
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each Member of the Alternative Technology Advisory Subcommittee