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Operator Experience with Permitting Emerging Technologies

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Sustainable Practices Have Reached Critical Mass

- Diversity, number and scale of alternative technology projects are steadily increasing
- Public demand and regulations remain key driving forces for change
- Zero waste is no longer just a rallying cry, it is becoming a planned reality
- A strong, functional partnership among all stakeholders is needed to make it happen

Waste Diversion, Recycling and Composting are “Infant Industries”

- Waste handling is highly regulated
- Diversion, recycling and composting are often marginally profitable vs. landfilling
- Private industry accepts substantial cost risks to advance emerging technologies
- Environmental/regulatory requirements can bring worthwhile, beneficial projects to a grinding halt
- Mutual understanding and “protective policies” are needed to support and encourage innovation

An Evolving State of Practice

- Many Bay Area communities and companies are investing in new technologies
- EBMUD – anaerobic digestion of food waste
- Grover – green and food waste composting
- Potrero Hills – gas products with DTE
- Recology Ostrom Road – gas to electricity
- Recology/JPO – green and food waste
- Waste Management – fuel products at Altamont
- Zanker Road – composts MSW at well-designed and operated facility

Conundrum #1: Money or Doing More for Less?

- Waste diversion costs money
- New containers and collection vehicles
- More truck passes on same and new routes
- Permitting
- Advertising/public education
- New facilities design and construction
- Existing facility upgrades
- Startup and testing
- New ongoing compliance requirements

Conundrum #2: Time Takes Time

- Operators want fast review and approvals
- Agencies are deliberative by mandate and thorough by nature
- Outer limits of regulatory timelines often become routine turnaround times
- Meanwhile ... meeting AB 939 diversion goals require that projects get approved and built
- As noted, long delays can halt good projects

Conundrum #3: Intra-industry Competition or Who's on First?

- Ecology of waste – competing for niche space
 - Not new waste, just more categories
- Current economy driving competition for lower waste volumes and demanding lower pricing
- No permit, no contract, no waste
- Siting new facilities, expanding existing ones, or changing technologies can take years

Industry's Part

Be prepared to:

- Back up LEA and CIWMB technically and logistically with facts and data
- Understand and hold its ground based on regulatory and permit entitlements
- Invest in research and development
- Communicate to agencies in a non-adversarial manner
- Mitigate impacts in a cost-effective way
- Find ways to keep making a profit on marginal ventures (after all, this is waste management)

Reality of Environmental Reviews

- Industry can't skirt environmental evaluations
- Despite desire to streamline approvals, agencies cannot and will not skirt them either
- Living with older environmental documents is problematic for all concerned
- A good faith effort must be made by all parties
- Need to address project opponent concerns
- Some folks won't be satisfied with any project

Meeting Legal Challenges

- This is a fact of life in this business
- Can have “chilling” effect on decision-making
- Project adversaries can delay decisions with threat or pursuit of lawsuits over details
- Agencies (and industry) need to:
 - Accept that legal challenges are routine
 - Build confidence one case at a time
 - Provide common sense answers to uninformed or provocative questions
 - Prepare to take the heat to break logjams
 - Live with well-founded decisions

Persistence is a Key

- Is there really any low hanging fruit?
- Agency cooperation is an oft stated goal; but approvals are not a given
- CEQA documents and community concerns can stifle agency approval processes
- Multiple rounds of comments covering new ground can delay projects
- But, persistence and cooperation can result in a stronger, more defensible project in long run

Cutting the Ring

- Working with agency staff is integral
- Providing access directly to technology providers demystifies processes
- Legal route by project proponents or opponents, even if successful, is:
 - Costly
 - Introduces acrimony
 - Causes delay
- Mutual trust is built one project at a time

Agencies Can Help

- Meet with applicants throughout process
- Interagency meetings to solve problems
- Limit each round of comments to new issues
- Recognize that:
 - Not all emerging technologies succeed from the get go
 - Success is an iterative process
 - Handling waste with minimal spillover effect can be challenging
- Know the sites (basic ground truth)
- Say “yes” but then monitor projects closely

Conclusions and Take-Away Thoughts

- Waste handling is a basic public health service
- We are all at the cutting edge
- Professionals may have legitimate differences of opinion
- Each party has unique perspective – even with common goals
- Communication, negotiation and cooperative problem-solving – even on tough issues – are essential to make these projects happen

