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SOLID WASTE ASSOCIATION  
of North America

**CALIFORNIA CHAPTERS**

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January 18, 2005

The Honorable Rosario Marin  
Chair, California Integrated Waste Management Board  
1001 I Street  
P.O. Box 4025, MS-15  
Sacramento, CA 95812-4025

**Subject: Draft Conversion Technologies Report to the Legislature, February 2005**

Dear Chairwoman Marin:

The Solid Waste Association of North America (Association) is composed of over 7000 public and private sector solid waste management professionals throughout North America dedicated to the development and enhancement of environmentally and economically sound practices and policies for the integrated management of municipal solid waste. The Association has approximately 900 members in California. ***The California Chapters of SWANA (SWANA) have some concerns with this draft report to the Legislature and therefore we respectfully request that your Board direct staff to address these comments as well as those by other stakeholders, and after providing adequate time for public review, bring the matter back to your Board for consideration.***

SWANA's concerns are all related to the issue that the report's findings and subsequent recommendations do not seem to be correlated. The report's findings substantiate the position of many stakeholders, including SWANA and local governments, that (1) conversion technologies are protective of public health & safety and environment subject to standards of performance set and/or to be established by Federal and State regulatory agencies; and (2) the State solid waste management hierarchy established by the Assembly Bill 939 in 1989 should be revised to promote the following waste management practices in order of priority: (A) Source Reduction; (B) Recycling, composting and other beneficial/recovery uses such as conversion technologies; and (C) Disposal by mean of incineration/combustion and landfilling. Yet a majority of the report's findings have been bypassed to ensure promotion of a pre-established philosophy, some of which are inconsistent with the CIWMB's policies—policies which have been developed in concert with stakeholders.

As a general recommendation for the CIWMB, SWANA believes that the report should include within it an identification of the stakeholders that it refers to.

More Specifically, SWANA would like to bring to your attention the following:

***Anaerobic Digestion (AD)*** – This process was specifically excluded by the CIWMB as a part of the conversion technologies (See CIWMB Resolution 2002-177 & related staff report). In addition, the AD process is currently eligible for 100% diversion credit. The latest draft of the CIWMB's proposed Conversion Technology regulations also reconfirms this policy. Unfortunately, the report's recommendations, without any facts or findings, subjects the AD process to the CIWMB Conversion Technology regulations with limited diversion credit provided that a jurisdiction which wants to receive such a credit has achieved at least 30 percent diversion through other means and all recyclable/compostable materials have been removed to the maximum extent feasible prior to being received at the AD facility. Again, this recommendation is not based on any facts or findings and must be opposed.

***CIWMB Resolution 2002-177*** – This resolution and the policy adopted provide for diversion credit for all Conversion Technology facilities, subject to meeting certain requirements. The report's recommendation without any justification and through a definition

specifies a zero diversion credit for thermochemical Conversion Technology. This is contrary to the report's findings and must be opposed.

***Positive Energy Impacts Ignored*** – Although the report's findings indicate the positive impact of Conversion Technology facilities in providing for a portion of the energy needs of California, this finding is all but ignored by the report when reviewing the recommendations.

***Excessive Studies Recommended:***

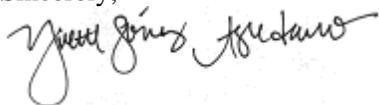
***Waste Materials Export Study*** – SWANA questions the recommendation made in the report to conduct studies on waste materials being diverted to China and the impact on the California recycling infrastructure. SWANA believes that the Life Cycle and Market Impact Assessment Report findings substantiate the positive impact of Conversion Technology on the California recycling infrastructure and so we do not see the rationale for recommending a study.

***Alternative Facilities*** – The report recommends further studies on Conversion Technology and yet fails to utilize existing data from facilities currently in operation in Japan and Europe. In addition, the report fails to recognize that any study of existing Conversion Technology facilities would have to take into account, in order to be at all effective, that Conversion Technology facilities in California must comply with all requirements of State regulatory agencies including the California Air Resources Board and local air pollution control districts or air quality management districts. In addition, it appears that the statutory/regulatory authority of the CIWMB is being recommended to encroach upon those belonging to the Air Resources Board and should be opposed.

In conclusion, SWANA highly suggest that the report's recommendations be rewritten to ensure consistency with the report's findings as well as the Governor's Energy Policy together with the changes to the AB 939 waste management hierarchy in regards to beneficial use of waste materials through the Conversion Technology process.

SWANA and the California Legislative Task Force appreciate the opportunity to comment on this issue and we would be happy to provide any further information requested. If you have any questions during the consideration of these comments, please feel free to contact me at (916) 446-4656.

Sincerely,



Yvette Gómez Agredano  
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SWANA, California Chapters

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