

Sustainability and Market Development Committee
California Integrated Waste Management Board
1001 I Street, P.O. Box 4025
Sacramento, CA 95812

1/11/2005

Dear Committee Chair Michael Paparian, Rosario Marin, and Rosalie Mulé of the Sustainability and Market Development Committee:

Below are comments on the draft Conversion Technologies Report to the Legislature which is item D of the January 11 Sustainability and Market Development Committee meeting. Please include these written comments in the record of this January 11, 2005 committee meeting.

The Zero Waste Task Force (ZWTF) of San Mateo, Santa Clara and San Benito Counties is a volunteer task force operating as a project Acterra. The ZWTF is dedicated to bringing individuals, organizations, businesses, colleges, universities, cities, counties, state agencies into alliance to define Zero Waste goals and implementation plans.

ZWTF) of San Mateo, Santa Clara and San Benito Counties strongly opposes the idea of tampering with the statutory definitions of transformation and gasification as recommended in the report to the legislators. These definitions are of great importance relative to the subsequent and associated rules and regulations that have been written using these words such as rules for diversion credits and transfer/processing tiers at the CIWMB. The ZWTF thinks that the historical definitions of transformation and gasification that are in place should not be monkey-ed with.

We encourage the CIWMB to request to the legislature that aside from the Transfer/Processing regulations in Chapter 3.0 and the Composting regulations in 3.1 that the CIWMB be given statutory authority to define a new Chapter 3.2 for a new set of regulations in Title 14 Division 7 for Thermochemical Processing to delineate solid waste processing employing elevated temperatures and processing using strong acids or bases (measured by pH) for purposes of producing a fuel or a chemical commodity. In this way stringent state minimum standards may be drafted to protect public health from the impacts of these potentially dangerous facilities that are currently otherwise ambiguously defined.

The term "biological conversion" has not yet been defined in the Division 30 Chapter 2 Definitions of the PRC and that there is latitude and opportunity to for the CIWMB to distinguish it. We believe that the legislature should seek to distinguish processes that have the principal intent to process organic portions of MSW into soil or soil amendment for agricultural or landscape resource use from those processes that convert mixtures of MSW into other fuels or chemical commodities.

PRC 40507.1 required interagency consultation in the study but the CIWMB should clearly report to the legislature that it has not worked with other Cal/EPA boards and

departments such as the ARB or the DTSC to study and gather essential information on the environmental impacts from conversion technologies air emissions and ash and char products.

The report to the legislature belittles the potential environmental risks in light of the LACK OF INFORMATION reported. Insufficient data were available to adequately assess the potential impacts and risks for conversion technology for emissions of dioxins, furans, and other HAPs relative to those of landfill or transformation.

The UC Evaluation report concluded that "Additional data should be collected on emissions from thermochemical and biochemical conversion technologies..." "emissions studies should include measurement of metals, dioxins and furans, other hazardous compounds, and fugitive gas and particulate matter emissions, in addition to criteria pollutants." And likewise the CIWMB Contractor Life Cycle Impact Assessment, (RTI LCIA report)¹ concluded that, "Finding #4: Insufficient data were available to adequately assess the potential for the hypothetical conversion technology scenario to produce emissions of dioxins, furans, and other HAPs relative to the alternative management scenarios." And " With respect to other pollutants of concern (dioxins and furans, toxics, and heavy metals), data were not available for all of the processes in each scenario to develop comparable results. In addition, test data were not available from the technology vendors to associate levels of these pollutants to specific waste constituents.

Local permitting processes are not equipped to address the complex, technical nature of CT facilities. It is of great concern that building such CT facilities will result in public health threats. Adequate State Minimum Standards must be developed quickly and carefully with interagency cooperation. City Council persons, and Planning Commissioners are not prepared or qualified to lead in review of environmental impacts or to conduct risk assessments or evaluate the complex nature of high temperature chemical processing facilities. It is frightening to envision these being co-located with our city's transfer stations where there are large populations of self haul visitors each day. The idea that air permits or solid waste permits as they are now would protect public health from these types of processing facilities is misinformed. Our transfer processing stations found across the state today are totally unlike these proposed conversion technology facilities and its apples and oranges to try to basket these facilities into the category that MSW combustors when MSW combustors are recognized in the Clean Air act provisions (MACT) while these CT facilities are not addressed under any federal MACT regulations that would provide similar protection.

Sincerely,

Antoinette Stein

Antoinette "Toni" Stein, PhD
Chair of the Zero Waste Task Force of San Mateo, Santa Clara and San Benito Counties

¹ See Life Cycle and Market Impact Assessment of Noncombustion Waste Conversion Technologies, Contractor's Report to the Board, Board Meeting September 21-22, 2004, Agenda item 17,