

CONVERTING THE SOLID WASTE STREAM TO ETHANOL

March 17, 2006

**MR. JIM BOYD - CHAIRMAN
BIOENERGY INTERAGENCY WORKING GROUP
C/O CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA**

RE: PUBLIC COMMENTS – WORKSHOP ON A DRAFT BIOENERGY ACTION PLAN

Dear Chairman Boyd:

Waste To Energy (WTE) and our partners (including Genahol, Inc.) represent one of the developers trying to establish Conversion Technology (CT) facilities in California. After five years, we now have a total of six Municipal Solid Waste (MSW) projects and one agricultural residual material project in California; as well as being one of two CT firms remaining in the 4 year old Santa Barbara County (SBC) bid. In Santa Barbara County, the CIWMB has provided them with \$400,000 to direct our firm to run "Source Tests" (air emissions testing on our technology) with SBC solid waste from their landfill as the final part of their bid process. This is obviously, a high-profile project and one that will also have a significant impact on CT developments in the State of California.

On behalf of myself and my partners, we would like to congratulate the Bioenergy Interagency Working Group and the Navigant Consulting group for putting together a very methodical and goal-oriented Bioenergy Action Plan. We fully support your efforts in this regard. Of special interest were the provisions mentioned in the workshop for the State of California to provide a "pool" for Efficiency Guarantees on new technologies. Although this idea is too late for our company, it is one of the most important barriers to get through for any new technology.

That said, however, there is a major obstacle blocking development of CTs in California! The current CA Codes have erroneously defined CTs as: 1) disposal, 2) less worthy than burning trash, and 3) acknowledges, when AB 939 was implemented – the act did not anticipate the development of advanced technologies to address fractions of the solid waste stream – and thus, there is no provision for CTs. The Waste Management Board must have a full set of tools to effectively implement and manage the biomass materials in the State of California – including CTs! The foundation must be set before the State can begin to think in terms of implementing the goals of the Bioenergy Action Plan; including a set of rules and regulations that are flexible enough for future technologies that we can not even imagine today!

For your reference, I am attaching to this letter, the language of AB 1090 (Matthews, 2005) (as well as a comparable version of AB 2118). **AB 1090 is the only realistic way of satisfying all stakeholders** in California (including all of the jurisdictions that have responsibility for management of the solid waste stream in California), the CT developers, environmental concerns and the citizens of California!

WASTE TO ENERGY

CONVERTING THE SOLID WASTE STREAM TO ETHANOL

AB 1090 was killed in the Assembly Natural Resources Committee (ANRC, Chaired by Assembly Member Loni Hancock) in January 2006. In place of AB 1090, Assembly Member Matthews was forced into a compromise position to support unsuitable language, now contained in AB 2118 (Matthews, 2006) This action was necessary in order to satisfy several special interest groups who want to protect landfilling California waste. In actuality, AB 2118 needs to be killed and the entire language of AB 1090 should be substituted instead. *(Please refer to letters written to Assembly Member Matthews and all interested parties within the State of California from the LA County Task Force – representing the County and 88 cities; as well as the letter from the Southern California League of Cities for more details on why they and others can not support AB 2118.)*

The State of California should also closely examine provisions of AB 727 (a 2005-2006 bill also killed in the ANRC). This bill would provide for the establishment of six (6) CT demonstration plants in California. By building these plants, all concerned parties would have actual facilities to measure positive or negative aspects of operations.

In addition, I am also attaching a Powerpoint Presentation that I gave following the Hurricane Katrina disaster last year. It provides you with a summary understanding of the implications of a loss of transportation fuels given one out of many "Pressure Points" of supply interruption, and the need for transportation fuels from biomass.

The hurricane season this year, is predicted to be similar to last year's record-breaking hurricane season. The destruction of Gulf Coast oil production WAS averted last year. Will we be as lucky this year? With petrochemical production and supplies under severe pressure throughout the Middle East, civil war in Nigeria, political unrest and potential loss of supplies from Venezuela and/or Mexico; and with increased demand from expanding economies in India and China ... will we be fortunate enough to have a steady supply of transportation fuels AT ANY COST!? Producing biofuels from abundant supplies of biomass is a logical and sensible way to protect the interests of the California economy!

Private industry is ready to invest and support the provisions of the Bioenergy Action Plan NOW! Our alternative is to develop CTs (along with jobs, taxes and other economic benefits) in neighboring states and export our products to California.

In our view, California MUST take reasonable and effective control of its own destiny NOW! California must pass the provisions of AB 1090 (to a letter) THIS YEAR and move forward on implementing the Bioenergy Action Plan!

If I or my company can be of any help, please do not hesitate to contact us.

Best Regards,
WASTE TO ENERGY



Greg Shipley
President and California Partner of Genahol, Inc.

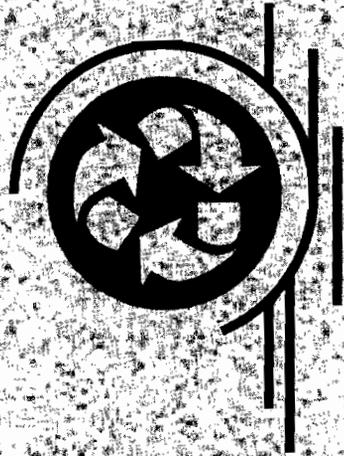
Attachments: Powerpoint Presentation, AB 1090 Bill, Letters regarding opposition to AB 2118

Cc: BPA, CIWMB, CEC, Assembly Member Hancock, Assembly Leader Nunez, Senator Leader Perata, Governor Schwarzenegger

Conversion Technologies

WASTE TO ENERGY - WASTE TO ENERGY - WASTE TO ENERGY - WASTE TO ENERGY - WASTE TO ENERGY

How WTE Conversion Technologies are Creating Beneficial Uses from Biomass



WTE Creates Transportation Fuels, Energy & Power, Electricity & Bio-Chemical Products from Biomass = Post-Recycled Materials from Solid Municipal, Commercial, Forest & Agricultural Waste Streams throughout the United States

Contact:

Greg Shipley
Waste To Energy
805-239-8714 - O
805-591-9652 - C

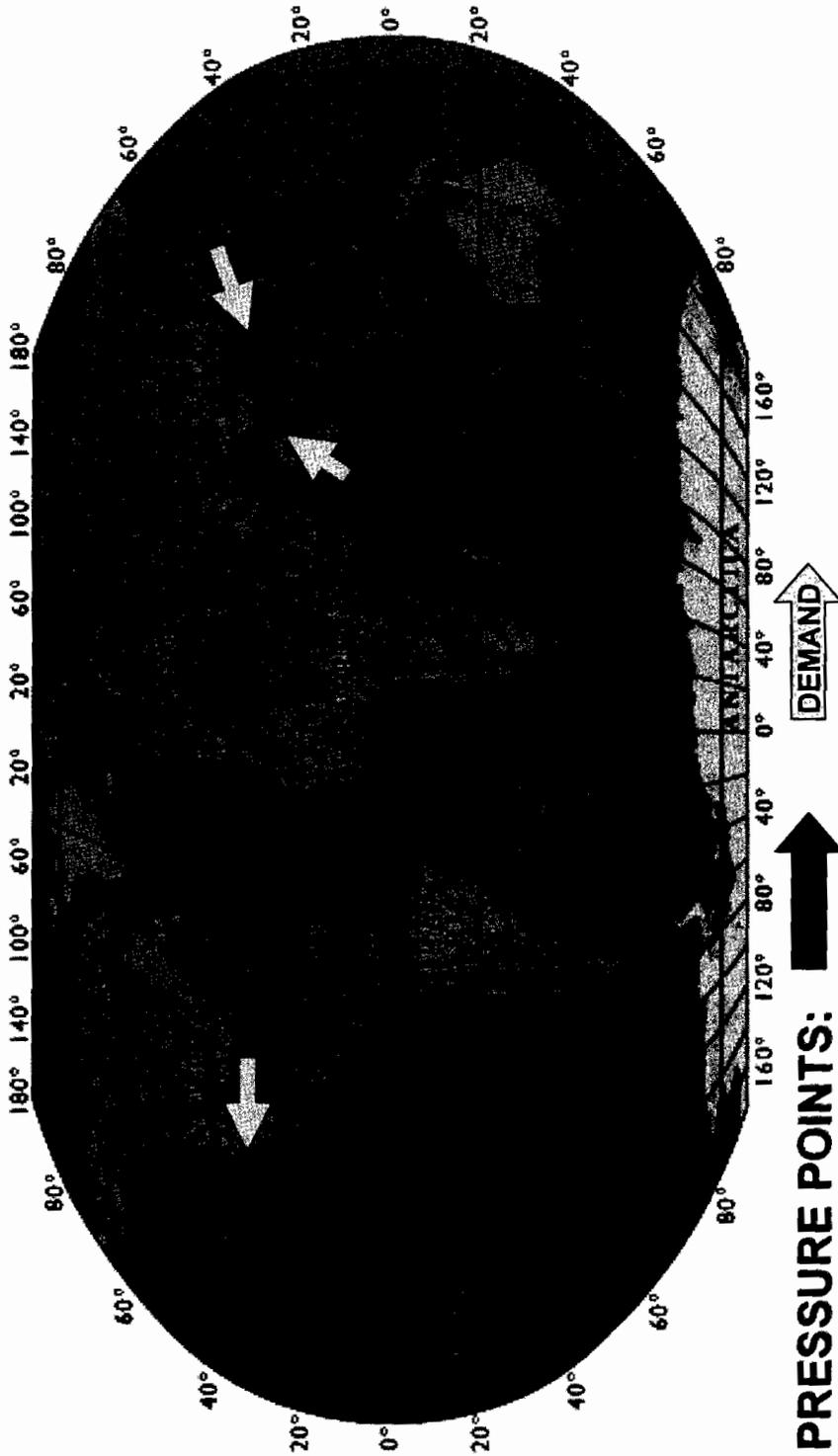


Energy Policy - Disasters

PRESSURE POINTS

CA ECONOMY IS AT THE MERCY OF UNCONTROLLABLE EVENTS

The World A GROWING GAP BETWEEN SUPPLY & DEMAND



- Islamic conflicts in the Middle East - Iraq/Iran/Saudi Arabia - Civil War in Nigeria - an Anti-American dictator in Venezuela - Hurricanes & Ecological Disasters in the Gulf & Pacific NW
- DEMAND: Supply routes to deliver ethanol from the Midwest/South America & Europe to CA - Growing economies in China and India put tremendous pressure on scarce supplies

Energy Policy - Disasters

25%+ of America's Oil & Gas Production And Refinery Capacity is AT RISK in the Gulf Coast

HURRICANE KATRINA CRIPPLES 95% OF GULF OIL

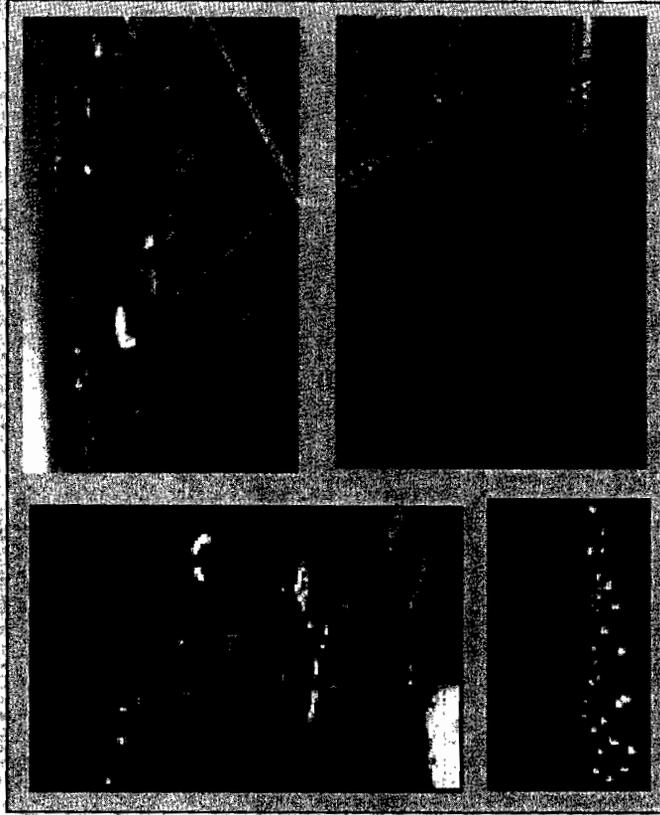
- 645 Platforms Evacuated – 79% of Gulf of Mexico Operations
- 90 Oil Rigs Evacuated – 67% of all Gulf of Mexico Operations
- US Oil Production Lost per Day = 1,427,969 (95.2%) Barrels
- US Gas Production Lost per Day = 8,798.54 Million CU Ft.

US Energy Information

- World petroleum demand growth for 2005-2006 is projected to average about 2.1 million barrels (88.2 million gallons) per day. (1 barrel = 42 US gallons)
- The world is currently using ~ 99% of its petroleum capacity. There has not been one new refinery built in California since 1973.
- US petroleum demand in 2005 is expected to average 20.9 million barrels per day – an estimated increase of 2% over 2004
- The US will import an estimated 12.07 million barrels per day in 2005, or 57.8% of its demand.

The US Needs to Rethink it's Energy Policy

Source: Department of Energy/Office of Energy Assurance/AP/USA Today



Hurricanes Katrina & Rita Devastated Oil
Production & Refineries in the Gulf Coast

Energy Policy - Disasters

KATRINA IS AN ECOLOGICAL DISASTER

In its rampage through Louisiana, Hurricane Katrina caused some 44 currently known oil spills that dumped more than 7.2 million gallons of oil onto land and into water, primarily the Mississippi River, according to reports from the US Coast Guard. That amount is equivalent to approximately 65% of the spill from the Exxon Valdez. Of the 7.2 million gallons, some 2 million gallons have been recovered, and approximately 3.4 million gallons are contained. Because the spills are dispersed over 44 sites (5 major, 4 medium and 35 minor) clean-up is going to be a slow process.



One of the spills in Louisiana

Major and Medium Oil Spills Resulting from Katrina

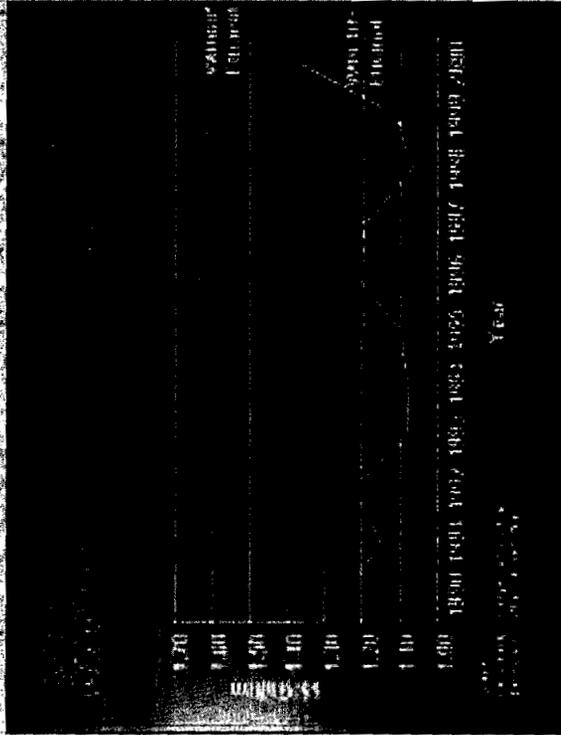
Company	Location	Spill (Gallons)
Bass Enterprises	Cox Bay, La	3,780,000
Shell	Pilot Town, La	1,051,000
Chevron	Empire, La.	991,000
Murphy Oil	Meraux, La.	819,000
Bass Enterprises	Point a la Hache, La.	461,000
Chevron	Port Fourchon, La.	53,000
Venice Energy Services	Venice, La.	25,000
Sundown Energy	West Potash, La.	13,000
Shell	Nairn, La.	13,000
	Total	7,206,000

Source: USCG Storm Watch

Energy Economics

August 31, 2005 Headlines

- Oil = \$70+/barrel **RECORD High**
- Jet Fuel Soars 22% in 2 Days
- Gasoline – Up 41.39 cents to an ave. \$2.4745/gal. **HIGHEST** since trading began in 1984.
- Heating Oil – Up 16.71 cents to \$2.0759/gal. – **A RECORD**
- Natural Gas – Up 52 cents to \$11.659/mill BTU. **HIGHEST** since natural gas contracts began in 1990



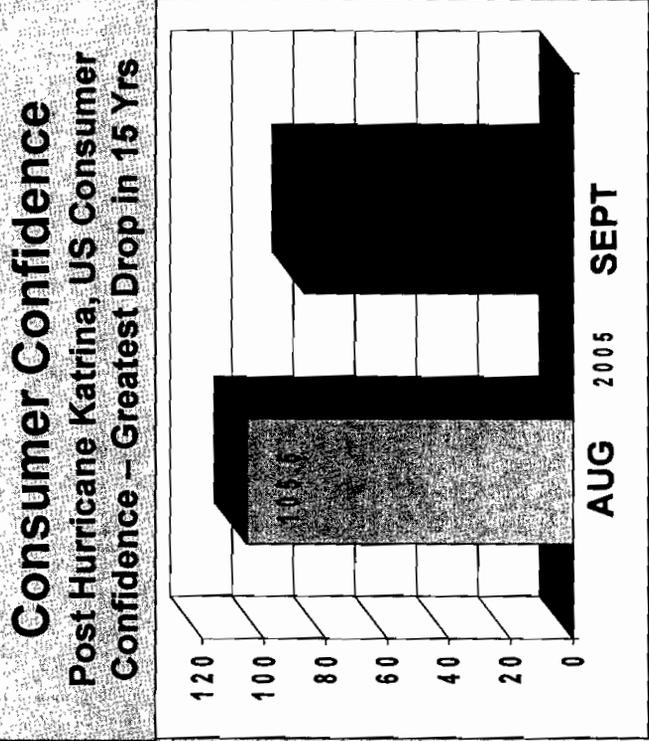
ETHANOL LOWERS COST

Prices reflect ethanol friendly states

E-85 = 85% Ethanol

Gas Station Sign Prior to Hurricane Katrina

HIGH GAS PRICES = LOW CONFIDENCE

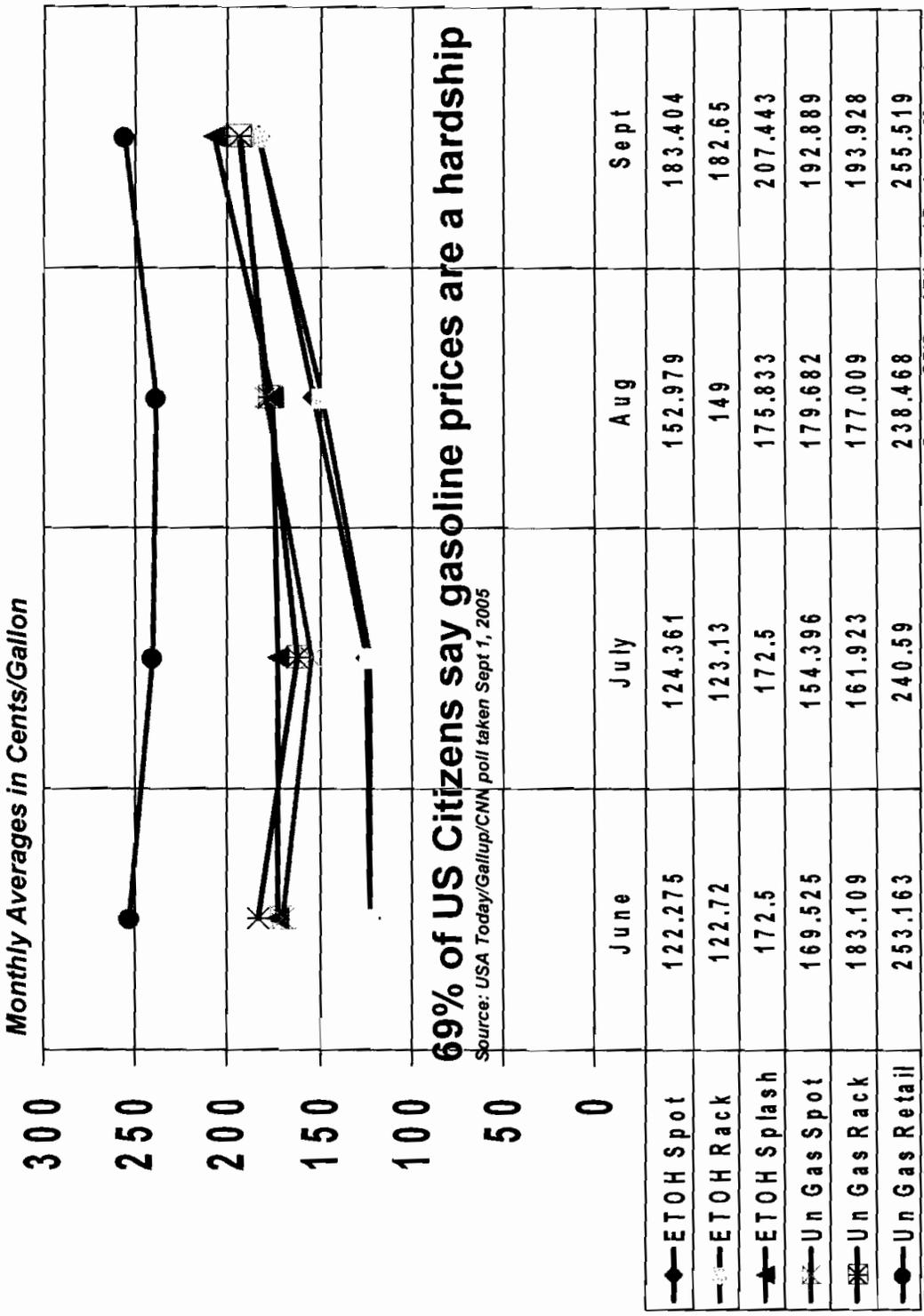


Source: Reuters/USA Today

Transportation Fuels

Ethanol 23-49% Cheaper than Gas

Reporting is Prior to Hurricane Katrina and Hurricane Rita
 2005 West Coast Prices for Ethanol vs Unleaded Gasoline



69% of US Citizens say gasoline prices are a hardship

Source: USA Today/Gallup/CNN poll taken Sept 1, 2005

Source: OPIS and Ethanol Producers Magazine

ETOH = Fuel Grade Ethanol

Ethanol Feedstock

Corn versus Biomass



Corn-Based Ethanol Data

- Concentrated in the Midwest
- Ethanol plants are large, processing between 80-200 million gallons/year
- Distribution system relies on rail or barge down the Mississippi River
 - Has same disadvantage as Hurricane-ravaged Gulf of Mexico Oil Production.
 - Supply disruptions cause price increases

Biomass-Based Ethanol Data

- New Technologies allow for small-medium sized plants to be co-located with any MRF Transfer Station or Landfill in the Country
- Solid Waste Stream is logistically located wherever the population is
- Also located near gasoline terminals, for splash-technique, to add ethanol to gasoline for delivery to local gas stations. JIT deliveries.
- Unlike corn or other commodity feedstocks, garbage is a growth industry that pays a "tipping fee" to ethanol producers. Therefore, earning revenue to obtain feedstock, instead of paying unknown prices for corn. Biomass is a long-term, stable commodity.



NO SUPPLY INTERRUPTIONS

Energy Solutions

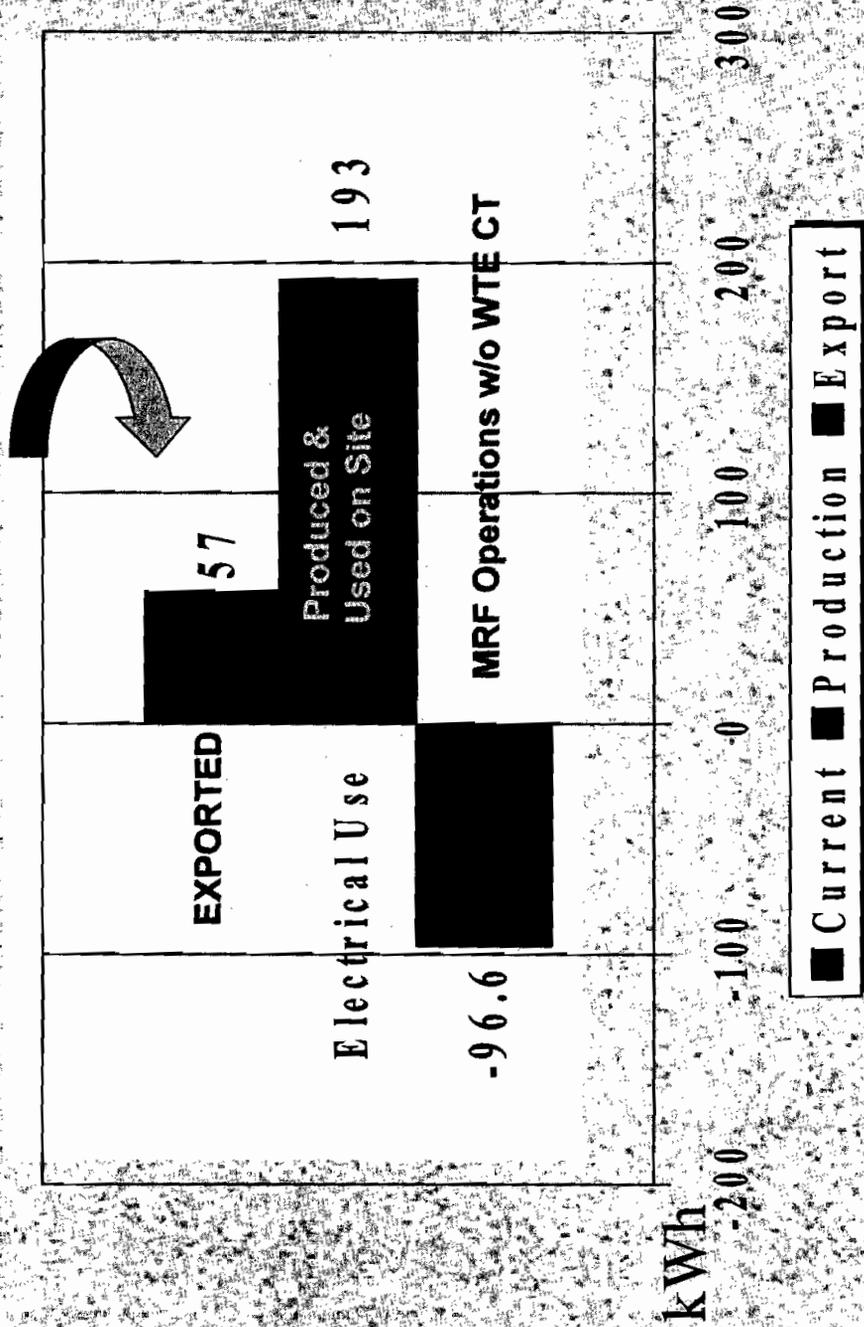
WTE Plant Energy Efficiencies

A Typical Transfer Station Using WTE Technology

Export of Excess Electricity

250 kW/day PRODUCED FROM ETHANOL RESIDUALS @ 4,000 TPD

Enough kWh to run 830 Homes/day



Energy Solutions

Ethanol's Environmental Benefits

Waste To Energy's
Use of Conversion Technologies to Process Biomass

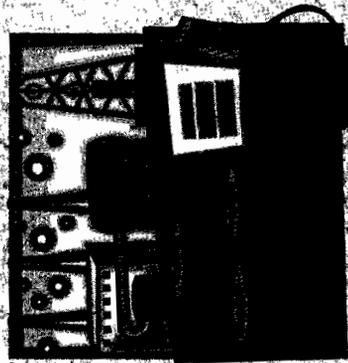
If WTE Technologies are Applied to the US Biomass Supply, each year the following beneficial uses would create:

12.3 Billion Gallons of Ethanol/yr

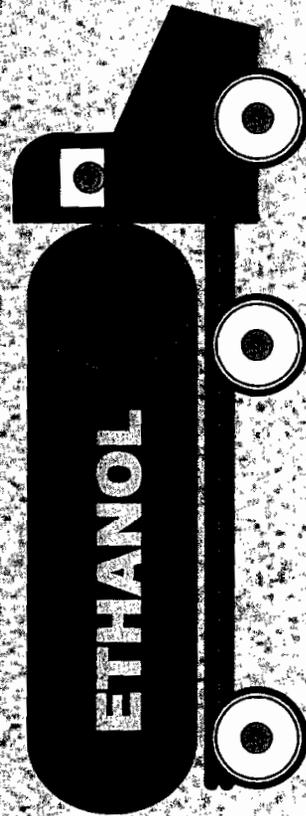
Expanding America's Refinery Capacity by 13%



Reduce traffic leaving Solid
Waste Facilities by 38%
*Reduced Air Emissions is
Good for the Environment*



Produce enough excess electricity to power
100 Thousand homes per year
*Our Closed-Loop Energy Efficient System
also powers our own facility*



CT Financial Rewards

Conversion Technology Financial Report

WTE Turns Waste Into Profit

Feedstock Sources:

- MSW – Post Recycling
- Green Waste
- Dirty Paper/Fiber
- C&D
- Agricultural Waste
 - Orange/Lemmon Peel
 - Grape & Winery Waste
 - Baby Carrots
- Forest & Paper Mill Residues
- Old Beverages
- And Many More Applications

1 Ton of Biomass

Produces:

- 60-75 Gal of Ethanol
- .06 kW of excess electricity
- \$112+ of Revenue
- \$60+ of Fed Tax Credit
- National Security

CALIFORNIA IS VIRTUALLY ALONE IN

THE US – BY DISCOURAGING CTs!

HOW CAN CA GENERATE VALUABLE TRANSPORTATION FUELS AND OTHER BENEFICIAL BIO-PRODUCTS?

- CA must recognize inaccurate & scientifically wrong regulations and laws
- CA must pass legislation with the exact same language as AB 1090. Establishing an instant infrastructure that would convert all of CA's biomass into bio-fuels, bio-chemicals & power.
- Instead of filling up landfills, CA would generate power, jobs, tax revenues AND stop the need to import products from outside of the state and the country!
- If CA can give diversion credits to a flow of recycled materials to China – why not CTs?!



DONALD L. WOLFE
CHAIRMAN

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyiswmtf.org

March 15, 2006

The Honorable Barbara S. Matthews
State Capitol Room 5155
Sacramento, CA 94249-2017

Dear Assembly Member Matthews:

**ASSEMBLY BILL 2118 (INTRODUCED FEBRUARY 17, 2006)
CONVERSION TECHNOLOGIES**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to submit the following comments regarding Assembly Bill 2118 (AB 2118), relating to conversion technologies.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and its 88 cities in Los Angeles County. Consistent with these responsibilities and to ensure a coordinated and cost-effective 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.

With the array of societal, economic, and environmental benefits that conversion technologies offer, we were bewildered to see the legislative language contained in AB 2118 contradict your previous legislation promoting conversion technologies (AB 1090, as introduced February 22, 2005) especially since AB 1090 was supported by a diverse coalition of stakeholders. This outpouring of support for AB 1090 is derived from the recognition that conversion technologies utilize modern scientific advances to convert waste that cannot be recycled into useful products and/or renewable clean energy rather than continuing to bury or burn it. As a result, conversion technologies reduce our dependence on landfilling, reduce green house gas emissions, reduce our dependence on foreign oil, creates local high-paying jobs, and brings us closer to achieving a 'zero waste' environment.

The Honorable Barbara S. Matthews
March 15, 2006
Page 2

On February 23, 2006, the Task Force voted to oppose AB 2118, which we believe would do more to hinder the development of conversion technologies than if the current statutes and regulations were to remain unchanged. On February 28, 2006, I spoke extensively with Jim Collin of your staff regarding our concerns. Although the Task Force voted to oppose AB 2118, we are hopeful that these concerns can be resolved and we appreciate the opportunity to dialogue with your staff. Specifically, our concerns are that AB 2118 would:

- Exclude conversion technology facilities from being considered as *nondisposal* facilities and classifies them as solid waste *disposal* facilities. This stifles the development of conversion technologies by having them comply with inappropriate regulations and siting/permitting requirements, resulting in unnecessary delays and higher costs. [Public Resources Code (PRC) 40151]
- Revise the definition of Transfer or Processing Station to exclude activities involving "converting" solid waste. [PRC 40200]
- Place conversion technology facilities that produce *electricity* or *energy* in the same category as incineration, undermining the benefits of conversion and creating public confusion. [PRC 40116.5 (a) & 40201]
- Expand the California Integrated Waste Management Board's (Waste Board) authority over "waste-derived materials." [PRC 40116.5 (a)]
- Require conversion technology facilities to be identified in the Countywide Siting Element. This *new* requirement would be a significant financial burden for conversion technology development in Los Angeles County since it is a 2-year process at a cost of \$500,000. [PRC 40501]
- Require conversion technology facilities to comply with the Waste Board's Disposal Reporting System, further burdening conversion technology facilities. [PRC 41821.5]
- Provide **no** diversion credit for conversion technologies, regardless of the process used or product produced. This in effect places incineration above conversion in the solid waste management hierarchy since jurisdictions currently receive 10% diversion credit for utilizing incinerators (such as biomass conversion facilities). [PRC 40116.5 (b) & 40201]

- Place extraordinary permitting requirements on conversion technology facilities that no other type of solid waste facility (nondisposal or disposal) in California is required to comply with. [PRC 44153]
- Require all jurisdictions (including out-of-State) to implement specific programs, potentially in violation of the Federal Interstate Commerce Clause. [PRC 44153 (c)]
- Require conversion technology facility operators along with the appropriate local enforcement agency (LEA) to become an agent of the Waste Board to verify that a jurisdiction utilizing the facility is implementing all diversion programs identified in its Source Reduction and Recycling Element. This encroaches into the authority of local governments to determine which solid waste facility they can or cannot use. [PRC 44153 (c)]
- Prohibit the Waste Board's LEA from issuing a new or revised Solid Waste Facility Permit to a conversion technology facility unless the proponent substantiates the facility (a) "maintains or enhances environmental benefits", and (b) "maintains or enhances the economic sustainability of the integrated waste management system." This requirement is not only unprecedented and exclusively applicable to conversion (and not other types of solid waste facilities), but it is difficult to achieve since it is ambiguous and too subjective. [PRC 44153(e)&(f)]

We are hopeful that the above provisions were unintended based on your history of supporting conversion technologies and leadership role in introducing and carrying out corresponding legislation. The Task Force recognizes that there remains some special interest opposition to the provisions of AB 1090 as originally introduced. However, we respectfully request reasonable and scientifically-supported provisions be incorporated into this legislative proposal that includes the following while addressing the above-listed concerns.

- Provides diversion credit for solid waste beneficially recovered through conversion technologies
- Identifies conversion technologies as beneficial use technologies
- Appropriately places conversion technology in the waste management hierarchy in relation to their environmental and societal benefits

The Honorable Barbara S. Matthews
March 15, 2006
Page 4

- Corrects technologically inaccurate definitions

With national attention focusing on the need to reduce our dependence on fossil fuels, and California's efforts to accomplish the 'zero waste' goal, a golden opportunity exists where both needs can be simultaneously met. This opportunity is through the development and utilization of conversion technologies. For the reasons stated, the Task Force **opposes** AB 2118. However, we look forward to working with your office, the Waste Board and other key stakeholders to revise AB 2118 to advance conversion technologies to address the environmental challenges of the 21st century.

Should you have any questions, please contact me at (626) 569-2100 or your staff may 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

VJ/CS:ro

P:\epub\Secfinal\Task Force\Letters\AB2118.doc

cc: Governor Schwarzenegger
Special Assistant to the Governor for Energy and Environmental Technologies
(Terry Tamminen)
Senate President Pro Tem Don Perata
Assembly Speaker Fabian Nuñez
Each Member of the Assembly Natural Resources Committee
Each Member of the Assembly Agricultural Committee
Each Member of the Los Angeles County State Legislative Delegation
Each Member of the Los Angeles County Federal Legislative Delegation
Secretary of the California Environmental Protection Agency (Alan C. Lloyd)
Secretary of California Department of Food and Agriculture (A.G. Kawamura)
Each Member of the California Integrated Waste Management Board
Each Member of the California Energy Commission
Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor in the County of Los Angeles
Federal Office of Science and Technology Policy
California State Association of Counties

The Honorable Barbara S. Matthews
March 15, 2006
Page 5

League of California Cities
League of California Cities, Los Angeles County Division
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Solid Waste Association of North America
Each Member of the City of Los Angeles' Ad Hoc RENEW LA Committee
County Sanitation Districts of Los Angeles County
University of California, Riverside
University of California, Davis
Each Member of the Los Angeles County Integrated Waste Management Task
Force

**Bill Killed Jan 2006 in the ANRC
Should be substituted for the current AB2118**

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1090

Introduced by Assembly Member Matthews

February 22, 2005

An act to amend Sections 40051 and 40201 of, to add Sections 40105.5, 40116.5, 40172.5, and 41781.3 to, and to repeal Section 40117 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1090, as introduced, Matthews. Solid waste: diversion: conversion.

The existing California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board and requires the board and local agencies to promote specified waste management practices, in order of priority. Under existing law, the act requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. The first and each subsequent revision of the element is required to divert 50% of the solid waste subject to the element, on and after January 1, 2000, through source reduction, recycling, and composting activities. except as specified.

The act defines the term "transformation" as meaning incineration, pyrolysis, distillation, or biological conversion other than composting. The act provides that "transformation" does not include composting, gasification, or biomass conversion.

This bill would revise the waste management practices that the board and local agencies are required to promote.

The bill would repeal the definition of the term "gasification" and would define the terms "conversion technology," "beneficial use," and

“recovery” for purposes of the act. The bill would revise the definition of the term “transformation” to exclude pyrolysis, distillation, or biological conversion other than composting from that definition and would specify that transformation does not include conversion technology.

The bill would allow the source reduction and recycling element to include, in the 50% of solid waste required to be diverted, solid waste that is subject to recovery through conversion technology, if specified conditions are met with regard to the conversion technology project and the board holds a public hearing and makes certain findings.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40051 of the Public Resources Code is
2 amended to read:

3 40051. In implementing this division, the board and local
4 agencies shall do both of the following:

5 (a) Promote the following waste management practices in
6 order of priority:

7 (1) Source reduction.

8 (2) ~~Recycling and composting~~ *Recovery, through recycling,*
9 *composting, conversion technology, or other beneficial use*
10 *technologies.*

11 (3) Environmentally safe transformation and environmentally
12 safe land disposal, at the discretion of the city or county.

13 (b) Maximize the use of all feasible source
14 reduction, ~~recycling, and composting~~ *and recovery* options in
15 order to reduce the amount of solid waste that must be disposed
16 of by transformation and land disposal. For wastes that cannot
17 feasibly be reduced at their source, ~~recycled, or composted,~~ *or*
18 *recovered for beneficial use*, the local agency may use
19 environmentally safe transformation or environmentally safe land
20 disposal, or both of those practices.

21 SEC. 2. Section 40105.5 is added to the Public Resources
22 Code, to read:

23 40105.5. “Beneficial use” means the point at which solid
24 waste is no longer a solid waste for purposes of this chapter and
25 reenters commerce as a market commodity or feedstock. For

1 purposes of this section, that point occurs when the solid waste is
2 used in a manufacturing process to make a product, used as an
3 effective substitute for a commercial product, or used as a fuel
4 for energy recovery.

5 SEC. 3. Section 40116.5 is added to the Public Resources
6 Code, to read:

7 40116.5. (a) "Conversion technology" means the processing,
8 through noncombustion thermal, chemical or biological
9 processes, other than composting, of solid waste, including, but
10 not limited to, organic materials such as paper, yard trimmings,
11 wood wastes, agricultural wastes, and plastics.

12 "Conversion Technology" includes, but is not limited to,
13 catalytic cracking, distillation, gasification, hydrolysis, and
14 pyrolysis.

15 (b) "Conversion Technology" does not include anaerobic
16 digestion, biomass conversion, aerobic or anaerobic composting,
17 or incineration.

18 (c) "Conversion technology facility" means a facility that
19 produces products, using conversion technology, including, but
20 not limited to, electricity, alternative fuels, chemicals, or other
21 products that meet quality standards for use in the marketplace.

22 SEC. 4. Section 40117 of the Public Resources Code is
23 repealed.

24 ~~40117. "Gasification" means a technology that uses a~~
25 ~~noncombustion thermal process to convert solid waste to a clean~~
26 ~~burning fuel for the purpose of generating electricity, and that, at~~
27 ~~minimum, meets all of the following criteria:~~

28 ~~(a) The technology does not use air or oxygen in the~~
29 ~~conversion process, except ambient air to maintain temperature~~
30 ~~control.~~

31 ~~(b) The technology produces no discharges of air contaminants~~
32 ~~or emissions, including greenhouse gases, as defined in~~
33 ~~subdivision (g) of Section 42801.1 of the Health and Safety~~
34 ~~Code.~~

35 ~~(c) The technology produces no discharges to surface or~~
36 ~~groundwaters of the state.~~

37 ~~(d) The technology produces no hazardous waste.~~

38 ~~(e) To the maximum extent feasible, the technology removes~~
39 ~~all recyclable materials and marketable green waste compostable~~
40 ~~materials from the solid waste stream prior to the conversion~~

1 ~~process and the owner or operator of the facility certifies that~~
2 ~~those materials will be recycled or composted.~~

3 ~~(f) The facility where the technology is used is in compliance~~
4 ~~with all applicable laws, regulations, and ordinances.~~

5 ~~(g) The facility certifies to the board that any local agency~~
6 ~~sending solid waste to the facility is in compliance with this~~
7 ~~division and has reduced, recycled, or composted solid waste to~~
8 ~~the maximum extent feasible, and the board makes a finding that~~
9 ~~the local agency has diverted at least 30 percent of all solid waste~~
10 ~~through source reduction, recycling, and composting.~~

11 SEC. 5. Section 40172.5 is added to the Public Resources
12 Code, to read:

13 40172.5. "Recovery" means the reuse, recycling, and
14 extraction of materials and energy from solid waste, including,
15 but not limited to, recycling, composting, and conversion
16 technology.

17 SEC. 6. Section 40201 of the Public Resources Code is
18 amended to read:

19 40201. "Transformation" means *the incineration, pyrolysis,*
20 ~~distillation, or biological conversion other than composting or~~
21 ~~combustion of solid waste in an oxygen-rich environment.~~
22 "Transformation" does not include composting, ~~gasification, or~~
23 biomass conversion, *or conversion technology.*

24 SEC. 7. Section 41781.3 is added to the Public Resources
25 Code, to read:

26 41781.3. For any city, county, or regional agency source
27 reduction and recycling element submitted to the board after
28 January 1, 1995, the element may include, in the 50 percent of
29 solid waste required to be diverted, as specified in paragraph (2)
30 of subdivision (a) of Section 41780, solid waste subject to
31 recovery through conversion technology, if all of the following
32 conditions are met:

33 (a) The conversion technology project is in compliance with
34 all applicable laws, regulations, and ordinances.

35 (b) The board holds a public hearing in the city, county, or
36 regional agency jurisdiction within which the conversion
37 technology project is proposed, and, after the public hearing, the
38 board makes all of the following findings, based upon substantial
39 evidence in the record:

1 (1) The jurisdiction will continue to implement the recycling
2 and diversion programs in the jurisdiction's source reduction and
3 recycling element or its modified annual report.

4 (2) The facility complements the existing recycling and
5 diversion infrastructure and is converting solid waste that was
6 previously disposed.

7 (3) The facility maintains or enhances environmental benefits.

8 (4) The facility maintains or enhances the economic
9 sustainability of the integrated waste management system.

O

DOCKET
06-BAP-1
DATE FEB 17 2006
RECD. MAR 17 2006

CALIFORNIA LEGISLATURE—2005-06 REGULAR SESSION

ASSEMBLY BILL

No. 2118

Introduced by Assembly Member Matthews

February 17, 2006

An act to amend Sections 40116, 40151, 40194, 40200, 40201, 41780, 41780.1, 41780.2, 41781, 41821.5, and 43020 of, to add Sections 40116.5 and 44153 to, and to repeal Section 40117 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2118, as introduced, Matthews. Solid waste: diversion: conversion.

(1) The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board and requires the board and local agencies to promote specified waste management practices, in order of priority. Under existing law, the act requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. The first and each subsequent revision of the element is required to divert 50% of the solid waste subject to the element, on and after January 1, 2000, through source reduction, recycling, and composting activities. except as specified.

The act defines the term "transformation" as meaning incineration, pyrolysis, distillation, or biological conversion other than composting. The act provides that "transformation" does not include composting, gasification, or biomass conversion. The act defines the term "solid waste facility" as including a gasification facility.

This bill would repeal the definition of the term "gasification" and would define the terms "composting operation," "composting

AB 2118
"Son of AB 1090"

Should be scrapped in favor of the exact language of AB 1090

AB 2118 is a hindrance to development of CTE

facility,” and “conversion technology,” for purposes of the act. The bill would revise the definition of the term “transformation” to exclude pyrolysis, distillation, or biological conversion other than composting from that definition and would specify that transformation means the incineration of solid waste or the processing of solid waste, using specified processes, but does not include conversion technology. The bill would revise the definition of the term “solid waste facility” to delete a gasification facility and would instead include a conversion technology facility as a solid waste facility. The bill would make conforming changes to the definitions of “nondisposal facility” and “transfer or processing station.” The bill would specify that 50 percent of that solid waste in the source reduction and recycling element is to be diverted from disposal and conversion technology and would revise the methods for determining the amount of solid waste required to be diverted to include conversion technology.

(2) Existing law requires disposal facility operators to submit to counties certain information from periodic tracking surveys on the disposal tonnages by jurisdiction or region of origin and also requires each county to submit periodic reports to the cities within the county, to the regional agencies, and to the board, on the amount of solid waste disposed of by jurisdiction or region of origin.

This bill would require a conversion technology facility operator to submit to a county the information from periodic tracking surveys on the tonnages converted at the facility, and would require a county to submit the information on the amounts of solid waste converted, as specified, thereby imposing a state-mandated local program by imposing new duties upon counties.

(3) Existing law requires the board to adopt and revise regulations that set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal, and to adopt regulations specifying standards for the design, operation, maintenance, and ultimate reuse of solid waste facilities.

This bill would require the board to also adopt regulations for minimum standards for conversion technology.

(4) Existing law requires a person operating a solid waste facility to obtain a solid waste facilities permit from the local enforcement agency. Existing law requires the solid waste facilities permit to contain specified terms and conditions for the operation of the facility that the enforcement agency determines to be appropriate for the operation of the facility.

The bill would prohibit an enforcement agency from issuing or revising a solid waste facilities permit for a project proposing to use conversion technology, unless the project meets specified requirements to regulate the handling of waste before the waste is subject to conversion and the handling of residual materials.

The bill would provide that it is not to be interpreted as authorizing the board or enforcement agencies to establish standards or permit terms and conditions over aspects of conversion technology processes that are within the jurisdiction of specified state and local agencies.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares both of the
2 following:

3 (a) It is not the intent of the Legislature in enacting this act to
4 modify the existing limitations on the extent of the authority or
5 jurisdiction of the California Integrated Waste Management
6 Board over matters that are within the authority and jurisdiction
7 of other state agencies. Therefore, this act shall not be interpreted
8 to provide the California Integrated Waste Management Board or
9 enforcement agencies that implement in their local jurisdiction
10 the California Integrated Waste Management Act of 1989
11 (Division 30 (commencing with Section 40000) of the Public
12 Resources Code with any authority or jurisdiction to establish
13 standards or permit terms and conditions over aspects of
14 conversion technology processes that are within the jurisdiction
15 of the State Air Resources Board, air pollution control districts,
16 and air quality management districts, for the prevention of air
17 pollution, or of the State Water Resources Control Board or
18 California regional water quality control boards, for the
19 prevention of water pollution.

1 (b) It is the intent of the Legislature that conversion
2 technology facilities shall be subject to applicable environmental
3 and health laws and regulations of a local government, or the
4 state or federal government.

5 SEC. 2. Section 40116 of the Public Resources Code is
6 amended to read:

7 40116. (a) "Compost" means the product resulting from the
8 controlled biological decomposition of organic wastes that are
9 source separated from the municipal solid waste stream, or which
10 are separated at a centralized facility. "Compost" includes
11 vegetable, yard, and wood wastes which are not hazardous waste.

12 (b) "*Composting operation*" or "*composting facility*" means
13 *an operation, facility, that produces compost, including an entity*
14 *that produces compost aerobically and nonaerobically and an*
15 *operation or facility that utilizes anaerobic digestion.*

16 SEC. 3. Section 40116.5 is added to the Public Resources
17 Code, to read:

18 40116.5. (a) "Conversion technology" means the processing
19 of solid waste or waste-derived material, through a
20 noncombustion thermal, chemical, or biological process, that
21 produces a physical product, including, but not limited to, an
22 alternative fuel, chemical, or other physical product that is used
23 in the marketplace.

24 (b) "Conversion technology" does not include anaerobic
25 digestion, biomass conversion, aerobic or anaerobic composting,
26 or the placement of solid waste in a solid waste landfill or
27 transformation.

28 (c) "Conversion technology operation or facility" means an
29 operation, facility, or location where conversion technology
30 occurs.

31 SEC. 4. Section 40117 of the Public Resources Code is
32 repealed.

33 ~~40117. "Gasification" means a technology that uses a~~
34 ~~noncombustion thermal process to convert solid waste to a clean~~
35 ~~burning fuel for the purpose of generating electricity, and that, at~~
36 ~~minimum, meets all of the following criteria:~~

37 ~~(a) The technology does not use air or oxygen in the~~
38 ~~conversion process, except ambient air to maintain temperature~~
39 ~~control.~~

1 ~~(b) The technology produces no discharges of air contaminants~~
2 ~~or emissions, including greenhouse gases, as defined in~~
3 ~~subdivision (g) of Section 42801.1 of the Health and Safety~~
4 ~~Code.~~

5 ~~(c) The technology produces no discharges to surface or~~
6 ~~groundwaters of the state.~~

7 ~~(d) The technology produces no hazardous waste.~~

8 ~~(e) To the maximum extent feasible, the technology removes~~
9 ~~all recyclable materials and marketable green waste compostable~~
10 ~~materials from the solid waste stream prior to the conversion~~
11 ~~process and the owner or operator of the facility certifies that~~
12 ~~those materials will be recycled or composted.~~

13 ~~(f) The facility where the technology is used is in compliance~~
14 ~~with all applicable laws, regulations, and ordinances.~~

15 ~~(g) The facility certifies to the board that any local agency~~
16 ~~sending solid waste to the facility is in compliance with this~~
17 ~~division and has reduced, recycled, or composted solid waste to~~
18 ~~the maximum extent feasible, and the board makes a finding that~~
19 ~~the local agency has diverted at least 30 percent of all solid waste~~
20 ~~through source reduction, recycling, and composting.~~

21 SEC. 5. Section 40151 of the Public Resources Code is
22 amended to read:

23 40151. "Nondisposal facility" means ~~any~~ a solid waste
24 facility required to obtain a permit pursuant to Article 1
25 (commencing with Section 44001) of Chapter 3 of Part 4, except
26 a disposal facility ~~or~~, a transformation facility, *or a conversion*
27 *technology facility.*

28 SEC. 6. Section 40194 of the Public Resources Code is
29 amended to read:

30 40194. "Solid waste facility" includes a solid waste transfer
31 or processing station, a composting facility, a ~~gasification~~
32 *conversion technology* facility, a transformation facility, and a
33 disposal facility.

34 SEC. 7. Section 40200 of the Public Resources Code is
35 amended to read:

36 40200. (a) "Transfer or processing station" or "station"
37 includes those facilities utilized to receive solid wastes,
38 temporarily store, separate, ~~convert~~, or otherwise process the
39 materials in the solid wastes, or to transfer the solid wastes

1 directly from smaller to larger vehicles for transport, and those
2 facilities utilized for transformation.

3 (b) “Transfer or processing station” or “station” does not
4 include any of the following:

5 (1) A facility, whose principal function is to receive, store,
6 separate, ~~convert~~, or otherwise process in accordance with state
7 minimum standards, manure.

8 (2) A facility, whose principal function is to receive, store,
9 ~~convert~~, or otherwise process wastes ~~which~~ *that* have already
10 been separated for reuse and are not intended for disposal.

11 (3) The operations premises of a duly licensed solid waste
12 handling operator who receives, stores, transfers, or otherwise
13 processes wastes as an activity incidental to the conduct of a
14 refuse collection and disposal business in accordance with
15 regulations adopted pursuant to Section 43309.

16 SEC. 8. Section 40201 of the Public Resources Code is
17 amended to read:

18 40201. “Transformation” means *the incineration, pyrolysis,*
19 ~~distillation, or biological conversion other than composting.~~ *of*
20 *solid waste or the processing of solid waste, through a*
21 *noncombustion thermal, chemical, or biological process, that*
22 *does not produce a physical product that is used in the*
23 *marketplace.* “Transformation” does not include composting,
24 ~~gasification~~ *conversion technology*, or biomass conversion.

25 SEC. 9. Section 41780 of the Public Resources Code is
26 amended to read:

27 41780. (a) Each city or county source reduction and
28 recycling element shall include an implementation schedule that
29 shows both of the following:

30 (1) For the initial element, the city or county shall divert 25
31 percent of all solid waste from landfill disposal or transformation
32 by January 1, 1995, through source reduction, recycling, and
33 composting activities.

34 (2) Except as provided in Sections 41783; *and* 41784, ~~and~~
35 ~~41785~~, for the first and each subsequent revision of the element,
36 the city or county shall divert 50 percent of all solid waste *from*
37 *disposal and conversion technology* on and after January 1, 2000,
38 through source reduction, recycling, and composting activities.

1 (b) Nothing in this part prohibits a city or county from
2 implementing source reduction, recycling, and composting
3 activities designed to exceed these requirements.

4 SEC. 10. Section 41780.1 of the Public Resources Code is
5 amended to read:

6 41780.1. (a) Notwithstanding any other requirement of this
7 part, for the purposes of determining the amount of solid waste
8 that a regional agency is required to divert from disposal ~~or~~
9 ~~transformation and conversion technology~~ through source
10 reduction, recycling, and composting to meet the diversion
11 requirements of Section 41780, the regional agency shall use the
12 solid waste disposal projections in the source reduction and
13 recycling elements of the regional agency's member agencies.
14 The method prescribed in Section 41780.2 shall be used to
15 determine the maximum amount of disposal *and conversion*
16 *technology* allowable to meet the diversion requirements of
17 Section 41780.

18 (b) Notwithstanding any other requirement of this part, for the
19 purposes of determining the amount of solid waste that a city or
20 county is required to divert from disposal ~~or transformation and~~
21 ~~conversion technology~~ through source reduction, recycling, and
22 composting to meet the diversion requirements of Section 41780,
23 the city or county shall use the solid waste disposal projections in
24 the source reduction and recycling elements of the city or county.
25 The method prescribed in Section 41780.2 shall be used to
26 determine the maximum amount of disposal *and conversion*
27 *technology* allowable to meet the diversion requirements of
28 Section 41780.

29 (c) To determine achievement of the diversion requirements of
30 Section 41780 in 1995 and in the year 2000, projections of
31 disposal amounts from the source reduction and recycling
32 elements shall be adjusted to reflect annual increases or decreases
33 in population and other factors affecting the waste stream, as
34 determined by the board. By January 1, 1994, the board shall
35 study the factors ~~which~~ *that* affect the generation and disposal of
36 solid waste and shall develop a standard methodology and
37 guidelines to be used by cities, counties, and regional agencies in
38 adjusting disposal projections as required by this section.

39 (d) The amount of additional diversion required to be achieved
40 by a regional agency to meet the diversion requirements of

1 Section 41780 shall be equal to the sum of the diversion
2 requirements of its member agencies. To determine the
3 maximum amount of disposal *and conversion technology*
4 allowable for the regional agency to meet the diversion
5 requirements of Section 41780, the maximum amount of disposal
6 *and conversion technology* allowable for each member agency
7 shall be added together to yield the agency disposable *and*
8 *conversion technology* maximum.

9 SEC. 11. Section 41780.2 of the Public Resources Code is
10 amended to read:

11 41780.2. (a) Each city, county, or member agency of a
12 regional agency shall determine the amount of reduction in solid
13 waste disposal *and conversion technology* and the amount of
14 additional diversion required from the base-year amounts by
15 using the methods set forth in this section.

16 (b) The city, county, or member agency of a regional agency
17 shall multiply the total amount of base-year solid waste
18 generation, as adjusted using the methods described in
19 subdivision (c) of Section 41780.1, by 0.75 to determine the
20 maximum amount of total disposal allowable in 1995 to meet the
21 diversion requirements of Section 41780.

22 (c) The city, county, or member agency of a regional agency
23 shall multiply the total amount of base-year solid waste
24 generation, as adjusted using the methods described in
25 subdivision (c) of Section 41780.1, by 0.50 to determine the
26 maximum amount of total disposal *and conversion technology*
27 allowable in the year 2000 to meet the diversion requirements of
28 Section 41780.

29 (d) The city, county, or member agency of a regional agency
30 shall multiply the total amount of base-year solid waste
31 generation, as adjusted using the methods described in
32 subdivision (c) of Section 41780.1, by 0.25 to determine the
33 minimum amount of total diversion needed in the year 1995 to
34 meet the diversion requirements of Section 41780.

35 (e) The city, county, or member agency of a regional agency
36 shall multiply the total amount of base-year solid waste
37 generation, as adjusted using the methods described in
38 subdivision (c) of Section 41780.1, by 0.50 to determine the
39 minimum amount of total diversion needed in the year 2000 to
40 meet the diversion requirements of Section 41780.

1 (f) The city, county, or member agency of a regional agency
2 shall subtract the total amount of base-year existing diversion
3 from the minimum total diversion required as determined in
4 subdivision (d) or (e) to determine the amount of additional
5 diversion needed to meet the diversion requirements of Section
6 41780. This amount of additional diversion shall be equal to the
7 minimum amount of additional reduction in disposal *and*
8 *conversion technology* amounts ~~which~~ *that* is needed to comply
9 with Section 41780.

10 SEC. 12. Section 41781 of the Public Resources Code is
11 amended to read:

12 41781. (a) Except as provided in Sections 41781.1; and
13 41781.2, for the purpose of determining the base rate of solid
14 waste from which diversion requirements shall be calculated,
15 “solid waste” includes only the following:

16 (1) The amount of solid waste generated within a local
17 agency’s jurisdiction, the types and quantities of ~~which~~ *that* were
18 disposed of at a permitted disposal *or conversion technology*
19 facility as of January 1, 1990. Nothing in this section requires
20 local agencies to perform waste characterization in addition to
21 the waste characterization requirements established under
22 Sections 41030, 41031, 41330, 41331, and 41332.

23 (2) The amount of solid waste diverted from a disposal ~~facility~~
24 ~~or transformation~~ *or conversion technology* facility through
25 source reduction, recycling, or composting.

26 (b) For the purposes of this section, “solid waste” does not
27 include any solid waste which would not normally be disposed of
28 at a disposal *or sent to a conversion technology* facility.

29 (c) For the purposes of this chapter, the amount of solid waste
30 from which the required reductions are measured shall be the
31 amount of solid waste existing on January 1, 1990, with future
32 adjustments for increases or decreases in the quantity of waste
33 caused only by changes in population or changes in the number
34 or size of governmental, industrial, or commercial operations in
35 the jurisdiction.

36 SEC. 13. Section 41821.5 of the Public Resources Code is
37 amended to read:

38 41821.5. (a) Disposal *and conversion technology* facility
39 operators shall submit to counties information from periodic
40 tracking surveys on the ~~disposal~~ tonnages by jurisdiction or

1 region of origin that are disposed of *or converted* at each disposal
2 facility. To enable disposal facility operators to provide that
3 information, solid waste handlers and transfer station operators
4 shall provide information to disposal *and conversion technology*
5 facility operators on the origin of the solid waste that they deliver
6 to the disposal *and conversion technology* facility.

7 (b) Recycling and composting facilities shall submit periodic
8 information to counties on the types and quantities of materials
9 that are disposed of, sold to end users, or that are sold to
10 exporters or transporters for sale outside of the state, by county
11 of origin. When materials are sold or transferred by one recycling
12 or composting facility to another, for other than an end use of the
13 material or for export, the seller or ~~transferor~~ *transferor* of the
14 material shall inform the buyer or transferee of the county of
15 origin of the materials. The reporting requirements of this
16 subdivision do not apply to entities that sell the byproducts of a
17 manufacturing process.

18 (c) Each county shall submit periodic reports to the cities
19 within the county, to any regional agency of which it is a member
20 agency, and to the board, on the amounts of solid waste disposed
21 *or converted* by jurisdiction or region of origin, as specified in
22 subdivision (a), and on the categories and amounts of solid waste
23 diverted to recycling and composting facilities within the county
24 or region, as specified in subdivision (b).

25 (d) The board may adopt regulations pursuant to this section
26 requiring practices and procedures that are reasonable and
27 necessary to perform the periodic tracking surveys required by
28 this section, and that provide a representative accounting of solid
29 wastes that are handled, processed, or disposed. Those
30 regulations or periodic tracking surveys approved by the board
31 shall not impose an unreasonable burden on waste handling,
32 processing, *conversion technology*, or disposal operations or
33 otherwise interfere with the safe handling, processing, and
34 disposal of solid waste. *Until the effective date of the regulations*
35 *adopted by the board to implement the changes made by the act*
36 *amending this section at the 2005–06 Regular Legislative*
37 *Session, a conversion technology facility shall comply with the*
38 *regulations adopted to implement this section that apply to a*
39 *disposal facility.*

1 (e) On or before January 1, 2002, the board shall submit a
2 report to the Legislature that evaluates the implementation of this
3 section. The report shall include, but not be limited to, all of the
4 following:

5 (1) An evaluation of the accuracy of the disposal reporting
6 system under differing circumstances.

7 (2) The status of implementation of the disposal reporting
8 system at the local level by waste haulers, landfills, transfer
9 station and material recovery operators, and local agencies.

10 (3) The need for modification of the disposal reporting system
11 to improve accuracy.

12 (4) Recommendations for regulatory and statutory changes
13 needed to address deficiencies in the disposal reporting system.

14 (5) Recommendations to improve implementation and to
15 streamline the reporting system, including ways to assist agencies
16 to meet the reporting and tracking requirements.

17 (f) The board shall convene a working group composed of
18 representatives of stakeholder groups, including, but not limited
19 to, cities, counties, regional agencies, the solid waste industry,
20 recyclers, and environmental organizations, to assist the board in
21 preparing the report required pursuant to subdivision (e).

22 SEC. 14. Section 43020 of the Public Resources Code is
23 amended to read:

24 43020. The board shall adopt and revise regulations ~~which~~
25 *that* set forth minimum standards for solid waste handling,
26 transfer, composting, transformation, *conversion technology*, and
27 disposal, in accordance with this division, and Section 117590 of,
28 and Chapter 6.5 (commencing with Section 25100) of Division
29 20 of, the Health and Safety Code. The board shall not include
30 any requirements that are already under the authority of the State
31 Air Resources Board for the prevention of air pollution or of the
32 state water board for the prevention of water pollution.

33 SEC. 15. Section 44153 is added to the Public Resources
34 Code, to read:

35 44153. The enforcement agency shall not issue or revise a
36 solid waste facilities permit for a proposed project that proposes
37 to use conversion technology, as defined in Section 40116.5,
38 unless the project complies with all of the following conditions:

39 (a) The proposed project is consistent with state solid waste
40 management policy as set forth in Section 40051.

1 (b) The proposed conversion technology facility, and any
2 contracts or commitments the proposed conversion technology
3 facility has entered into for the provision of waste, uses front-end
4 recycling methods or programs to remove all recyclable materials
5 from the waste stream prior to conversion technology to the
6 maximum extent feasible.

7 (c) The jurisdiction continues to implement the recycling and
8 diversion programs in the jurisdiction's source reduction and
9 recycling element or its modified annual report.

10 (d) The facility complements the existing recycling and
11 diversion infrastructure and is converting solid waste that was
12 previously disposed.

13 (e) The facility maintains or enhances environmental benefits.

14 (f) The facility maintains or enhances the economic
15 sustainability of the integrated waste management system.

16 (g) The ash or other residue generated from the conversion
17 technology facility is routinely tested at least once a month and,
18 if hazardous wastes are present, the ash or residue is sent to a
19 Class 1 hazardous waste disposal facility.

20 SEC. 16. No reimbursement is required by this act pursuant
21 to Section 6 of Article XIII B of the California Constitution
22 because a local agency or school district has the authority to levy
23 service charges, fees, or assessments sufficient to pay for the
24 program or level of service mandated by this act, within the
25 meaning of Section 17556 of the Government Code.