



BioEnergy Producers Association
Clean Technology for Renewable Energy

CAW Misrepresents Renewable Energy Bill (AB 222)

Californians Against Waste (CAW) was formed in 1977 to pursue resource conservation through the promotion of waste reduction and recycling.

Although it has done a great deal of good in this field, CAW has become a major negative voice against the beneficial use of the 40 million tons of post-recycled municipal waste that are being placed in California's landfills each year. In particular, CAW has repeatedly attempted to discredit or thwart legislative and regulatory initiatives that would make possible the production of advanced biofuels and green power from these resources--a pathway to energy independence and an improved environment, which they dismiss as being beyond the traditional hierarchy of source reduction, recycling, and composting.

AB 222 (Adams & Ma), which passed the Assembly by a vote of 54-13 after 11-0 bipartisan approval in the Utilities & Commerce Committee, will make available to local governments a wide range of clean 21st century technologies for the production of renewable energy. CAW strongly opposes this bill—and in so doing, has taken the liberty of misrepresenting its content and impact.

The following myths are taken directly from statements to be found on their website, www.cawrecycles.org:

CAW Myth #1: The bill changes the law to allow waste materials processed at biorefineries to count as recycling under AB 939.

FACT: Section 41786.5 of the bill clearly states that a jurisdiction may not count solid waste sent to a biorefinery as disposal reduction for purposes of meeting the AB 939 50% diversion mandate. The bill also provides that if future changes in the law require diversion levels above 50%, waste sent to a biorefinery may be counted as disposal reduction only if the jurisdiction, to the maximum extent feasible, has first removed all recyclable materials from the diverted waste--and then, only for the portion of the waste above 50%. This is a strong mandate that protects the current recycling infrastructure in perpetuity from any threat of competition from biorefineries.

CAW Myth #2: The bill would create a mandate for biorefineries, and thereby undermine California's waste reduction and recycling efforts.

FACT: AB 222 creates no new mandates. Since biorefineries that utilize urban waste feedstocks will only be allowed to process the post-recycled portion of the stream, which would otherwise be destined for landfills, they will not undermine existing recycling efforts. On the contrary, independent studies conducted by the California Integrated Waste Management Board have concluded that the pre-processing of incoming residual wastes by a biorefinery will actually result in a 7-

13% net increase in the recovery of glass, metal, and plastics. AB 222 fully protects the traditional recycling industry, which CAW represents, and upon which jurisdictions must rely in meeting their mandate for 50% recycling.

CAW Myth #3: Biorefineries “destroy” resources rather than “recycle” them.

FACT: The materials targeted for conversion are residual and organic wastes, which are lost to society once placed in landfills. By converting into marketable products materials that will otherwise rest for eternity in landfills or decompose into methane gas—biorefineries create rather than destroy resources. And by producing products that displace the need for fossil fuels, biorefineries help to preserve scarce resources as well.

Moreover, there has never been any systematic governmental or industry tracking of the use or reuse of California’s recovered materials, the bulk of which are shipped to Pacific Rim countries where they may or may not be recycled into new products—nor has there ever been a life-cycle study of the global environmental impacts of these practices.

CAW Myth #4: The bill would eliminate existing environmental protections in statute that prohibit a solid waste conversion facility from emitting air and water pollution.

FACT: Section 25741 of the bill clearly states that biorefineries, as defined, must meet or exceed all standards set by the State Air Resources Board, local air pollution control districts, or local air quality management districts regarding air contaminants or emissions (including greenhouse gases); and meet or exceed standards set by the State Water Resources Control Board or regional water quality control boards regarding discharges to surface or ground waters of the state. What AB 222 does eliminate is a scientifically inaccurate definition of “gasification,” consistent with the unanimous recommendations of the California Bioenergy Action Plan and independent studies conducted by the California Integrated Waste Management Board, the University of California, and the Energy Commission’s California Biomass Collaborative.

CAW Myth #5: The bill would undercut planned greenhouse gas reductions from the state’s renewable energy efforts.

FACT: The California Air Resources Board has identified abatement of landfill methane emissions as a primary greenhouse gas reduction strategy for the waste management sector. The EPA reports that landfills accounted for 23% of total U.S. anthropogenic methane emissions in 2007, making them the second largest source of such emissions in the country. Biorefinery development presents an unprecedented opportunity for the upstream diversion of these materials to green power and fuel production.

Biorefineries would also reduce greenhouse gas emissions by displacing fossil fuels. California Air Resources Board’s Economic and Technology Advancement Advisory Committee (ETAAC) has reported that by conservative estimates, conversion technologies have the potential to reduce annual GHG emissions by approximately five million metric tons of CO₂ equivalent in California, just from the displacement of fossil fuels based on our current energy mix. Coupled with the reductions in the landfilling of waste and the transportation of this waste to remote disposal facilities, the greenhouse gas benefits resulting from the

commercialization of new bioindustries become geometric in effect. Studies conducted by the Air Resources Board in California's Low Carbon Fuel Standard have indicated that ethanol, when produced from organic wastes could reduce CO₂ emissions from automobiles by 90% or more, as compared to an energy-equivalent amount of gasoline.

CAW Myth #6: The bill would...harm the development of solar and wind energy.

California's plan for energy independence relies upon the parallel development and commercialization of diverse industries, including biomass, wind, solar, and wave technologies. Currently, only 13.5% of California's electricity is generated from renewable resources, with only 2.2% coming from biomass. There is a tremendous need to expand development of a diverse array of renewable energy sources simply to meet California's Renewable Portfolio Standard.

CAW Myth #6: "Californians continue to dispose of more than 40 million tons of waste, much of it recyclable or compostable."

At what environmental and economic cost? Recycling is not only a physical process, it is a function of what is economically feasible. It is generally agreed that the vast majority of all materials that can be economically recycled are already being removed from the waste stream.

In 1989, the year AB 939 was passed, California placed 40 million tons of municipal waste in landfills, the same amount that is being disposed today. The progress in recycling has been almost totally offset by California's growing population.

Currently, the traditional recycling industry is in economic disarray. Recyclables are being stacked in warehouses and it is uncertain whether the export markets for these materials will ever return to their former levels.

In summary, it is folly to believe that we can reach zero waste in this state through source reduction, traditional means of recycling and composting alone.

California's population is expected to grow by some 10 million people over the next 25 years. Unless more flexible legislative and regulatory policies are put in place, enabling the use of its waste resources for energy production, the state will landfill **more than one billion tons of municipal solid waste** (that's **one billion**) during that time--and a major opportunity to advance energy independence, reduce GHG emissions and advance the production of Low Carbon Fuels will have been lost.

Please join us in helping to move this important legislation forward.

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