CALIFORNIA ENERGY COMMISSION
1516 Ninth Street Sacramento, California 95814
Main website: www.energy.ca.gov

AIR RESOURCES BOARD
1001 I Street Sacramento, California 95814
Main website: www.arb.ca.gov.

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
801 K Street, Sacramento, California 95814
Main website: www.calrecycle.ca.gov

April 15, 2010

The Honorable Joe Simitian
Chair, Senate Committee on Environmental Quality
State Capitol Building, Room 2205
Sacramento, CA 95814

Subject: Support for AB 222 Regarding Energy from Biogenic Waste

Dear Senator Simitian:

As members of the Bioenergy Interagency Working Group, the California Energy Commission, CalRecycle, and the California Air Resources Board, we write in support of AB 222. Enactment of AB 222 would assist California in meeting State renewable energy and low carbon fuel goals.

Since 2006, the Bioenergy Interagency Working Group has advocated in its Bioenergy Action Plan to *"Amend existing law to revise existing technology definitions and establish new ones, where needed. In particular, review the definitions of gasification, transformation, fermentation, pyrolysis, and manufacturing. Such statutory clarification would enable the utilization of biomass residues through combustion or non-combustion technology."* (Bioenergy Action Plan, July 2006, p.9).

AB 222 would allow new non-incineration technologies to be used in the production of renewable biofuels and electricity from biogenic material diverted from California's landfills. It would achieve this by removing current statutory restrictions that require thermal conversion projects to have zero emissions, a standard required of no other energy generation technology or manufacturing process in the State and one that effectively precludes any municipal solid waste (MSW) conversion technologies from qualifying for California's Renewables Portfolio Standard (RPS).

AB 222 would make it easier for electricity produced from the biogenic waste stream to qualify as renewable electricity under California's RPS. Increasing access to biogenic waste creates another option, thereby enhancing California's ability to meet its ambitious RPS goals while complementing the State's diverse portfolio of renewable energy resources including wind, solar, geothermal, and biomass.

New conversion technologies would assist California in developing local fuel sources as part of the Low Carbon Fuel Standard (LCFS) thereby making better use of resources and providing other benefits. As the LCFS is implemented, additional sources for producing low carbon fuel will be needed to meet the increasing demand. Utilization of MSW can help meet this increased demand and potentially reduce greenhouse gas (GHG) emissions as, on a life-cycle basis, GHG reductions are highest for conversion of local organic waste materials into fuels because they do not require the growing, harvesting, and transportation of cellulosic plant materials. Further, AB 222 would increase the likelihood that landfill methane would be better used in fuel production rather than being flared. It would also help to promote technology innovation and foster green jobs.

On February 4, 2010, the United States Environmental Protection Agency (EPA) released its final rule for the Renewable Fuels Standard (RFS2) allowing the biogenic portion of post-recycled MSW to qualify for the use in the production of advanced biofuels. The renewable fuel provisions of AB 222 would make California consistent with the EPA ruling.

AB 222 supports innovation and the introduction of a range of new technologies for production of biofuels and renewable energy from organic wastes that meets California's environmental standards. Additionally, because only post-recycled waste materials will be used, AB 222 would not weaken the State's policy on recycling. In 2008 alone, an estimated 39.7 million tons of municipal waste were deposited into California landfills when this material could instead be used for energy generation and low carbon fuel production.

We urge your support of this important legislation.

Sincerely,

James D. Boyd, Chair
Bioenergy Interagency Working Group
Commissioner and Vice Chair
California Energy Commission

Margo Reid Brown
Acting Director
Department of Resources Recycling and Recovery

Mary D. Nichols
Chair
California Air Resources Board

cc: Members, Senate Environmental Quality Committee
The Honorable Anthony Adams
The Honorable Fiona Ma
Carol Mortensen, Consultant to Senate Environmental Quality Committee
Lance Christensen, Consultant, Senate Republican Caucus
John Moffatt, Office of the Governor
Chris Mowrer, Natural Resources Agency
Carolyn Baker, California Environmental Protection Agency