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A Note to CalRecycle

By: [Trotti, John Comments](#)

MSW Management's involvement with Conversion Technology (CT), particularly in conjunction with its California Regulatory aspects, goes back to 1996 when its then companion publication, *Remediation Management*, blew the whistle on Methyl Tertiary Butyl Ether (MTBE), a distillate added to gasoline to reduce air pollution. While it was not until 1999 that California took action to seek MTBE's elimination and potential replacement, *MSW Management* had immediately proposed its replacement through the conversion of waste to ethanol.

A meeting in Santa Barbara, CA, on December 2–3, 1999, jointly hosted by the Wendy P. McCaw Foundation and *MSW Management*, explored certain fundamental questions relating to sustainable materials management in the 21st century and the potential role of new CTs in processing portions of the solid waste stream into renewable and environmentally benign fuels, chemicals, and sources of clean energy. Of particular concern was how government policies and functions may need to change to anticipate, catalyze, and respond to these future developments, while ensuring and enhancing environmental protection, resource conversion and recovery, economic development, and other related public policy goals.

One of the participants was CalRecycle's predecessor, the California Integrated Waste Management Board, who, at the meeting's conclusion announced its determination to pursue the effort under its own banner. Despite sporadic efforts on the part of the State's elected and bureaucratic bodies, the subject has largely been ignored or swept under the table for reasons that fly in the face of both common sense and science, and it's time for those groups to pay attention to their responsibilities to the public rather than to the special interest groups that seem to guide their actions.

Thus the following:

CalRecycle's emerging regulations should enable the highest and best available science-based technologies for the treatment and reconstitution of post-recycled materials in the manner best fitted to a free market economy that encourage innovation for the benefit of the State's most valuable resources; its environment, economy, and societal well-being.

In pursuit of this with regard to CTs, CalRecycle should:

Provide a clear regulatory pathway for permitting CTs, through the removal of ambiguities and technically incorrect definitions, regulations, and statutes

Provide safeguards that are consistent with what would be required of any recycling and/or solid waste management facility and operations

Provide the flexibility for emerging CTs to address and process a wide range of materials that hold greater economic potential as new products that meet the quality standards necessary to be used in the marketplace

Provide full diversion credit to CTs for diverting post-recycled residual materials from landfilling without limitations as to organic content or the percentage of moisture in these residuals

Affirm that mixed-waste processing facilities should not be required to bear the cost of, or additional reporting in order to meet pre-determined standards for the composition of post-recycled materials that are destined for treatment by CTs

Recognize that conversion technology should be preferential to landfill disposal, consistent with EPA-integrated waste management hierarchy.

Recognize that CTs clearly meet the statutory definition of recycling. It is unequivocal that conversion technologies...“treat, and reconstitute materials that would otherwise become solid waste, and return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products that meet the quality standards necessary to be used in the marketplace.”

Recognize that products such as electricity, liquid fuels, and bio-based chemicals contribute to national security, energy independence, a strengthened economy, and a better environment

Recognize that CTs, by diverting post-recycled residuals from landfill, can potentially result in lower net non-biogenic greenhouse gas emissions

Recognize that it is not the role of governmental entities in a free society to replace science and common sense with politically or economically founded agenda, and

Require full accounting of the fate of all materials outsourced as recyclables, whether to local, regional, or global markets, assuring that the same health and safety standards and regulations apply to all practices throughout the chain as would apply within the State.