



JOINT STATE OFFICE

August 31, 2009

Send by email to regview@ciwmb.ca.gov

CIWMB
Attention: Ken Decio
1001 I Street
P.O. Box 4025
Sacramento, CA 95812

Re: Comments regarding the Draft White Paper on How Anaerobic Digestion Fits current Regulatory Structure

Dear Mr. Decio:

The California Refuse Recycling Council (CRRC) is a statewide non-profit trade association comprised of over 120 companies involved in the collection and processing of organic and waste wood products that also operate approximately 20 composting facilities, 50 material recovery facilities (MRFs), 25 construction and demolition (C&D) debris processing facilities, and over 12 landfills statewide. Our industry, in partnership with local government, has been instrumental in our state's efforts to attain the recycling mandate of 50% waste diversion from landfills, required by the California Integrated Waste Management Act of 1989 (AB 939), and will remain critical to the attainment of future sustainable goals.

The purpose of this correspondence is to provide comments on the above-referenced project draft White Paper specific to the permitting of anaerobic digestion (AD) operations.

The adopted AB 32 Scoping Plan Reduction Measure has estimated that 2.0 million metric tons of CO₂e reductions should occur by 2020 using AD. This information should be added to the White Paper to provide context and estimate the number of AD facilities and potential organic feedstock to be diverted. Previous CIWMB slides on AD had estimated that 19 AD facilities would be needed to meet this AB 32 Scoping Plan Reduction Measure. What assumptions we made on feedstock types, and what size of facilities are being considered given that CARB's **Recycling and Waste Management**

Sector Summary of August 28, 2008, does not provide that information. . The size and type of feedstock would guide the efforts on considering the needed regulatory structure.

CRRC supports that AD facilities that use organic material from the municipal solid waste (MSW) stream will need to be permitted following the Title 14 tiered permitting structure since the material is putrescible and fails the three-part test. The permitted activity under Title 14 would where the process to produce the MSW-derived organic material into an AD feedstock. If the AD operations are co-located at a MRF, the solid waste facility permit (SWFP) would include the feedstock processing at the MRF as well as the AD activity. Should the processed MSW-derived organic feedstock be taken to a POTW, the POTW AD operations would only need to be regulated with an Enforcement Agency (EA) Notification tier regarding storage and transferring of the AD feedstock into the POTW where storage is limited to under 12,500 cubic yards or less. Should MSW-derived organic feedstock not be pre-processed at the POTW, and only transferred into the POTW facility, the permitting aspects are limited to storage and feeding the POTW digester.

The CIWMB White Paper mentions the Transfer/Processing regulations for the handling of organic waste, where the permit should take place where the processing of MSW-derived feedstock is occurring. CRRC envisions the following tiered permitting structure for AD facilities and where the MSW-derived organic feedstock in pre-processed if not located at a MRF to POTW:

Operations	Exempt	EA Notification	Full SWFP
Pre-processing MSW-derived material for transfer to off-site AD	Non-MSW, such as manures and biosolids	Less than 15 TPD or 60 CYD	Greater than 100 TPD
Pre-processing MSW-derived material on-site with on-site AD	Non-MSW, such as manures and biosolids	Less than 15 TPD or 60 CYD	Greater than 100 TPD
POTW with processing MSW-derived material at the POTW	Non-MSW, such as manures and biosolids	Less than 15 TPD or 60 CYD	Greater than 100 TPD
POTW without pre-processing MSW-derived material delivered and stored to feed AD	60 CYD storage	5,000 CYD or Demo	Greater than 5,000 CYD storage of pre-processed MSW-derived feedstock to be transferred into AD

Should pre-processing of MSW-derived feedstock occur at a Full SWFP MRF or Transfer Station, the pre-processing of material into an AD feedstock can occur with a

RFI Amendment if conducted indoors within the SWFP permitted area at the MRF or Transfer Station with adequate room and proper equipment as shown on with a Site Map Amendment.

Should you have any questions, please contact me at (916) 739-1200.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan W.R. Edgar". The signature is stylized and cursive.

Evan W.R. Edgar
For the California Refuse Recycling Council

A handwritten signature in black ink, appearing to read "Evan Edgar for George Eowan". The signature is stylized and cursive.

Evan Edgar for
George Eowan
For the California Refuse Recycling Council