



September 24, 2018

David Mallory, Manager, CARB Climate Change Policy Section  
Dr. Crystal Reul-Chen, Senior Environmental Scientist, CalRecycle Statewide Technical Assistance Branch  
Alan Abbs, Executive Director, CAPCOA  
Via [compost@calrecycle.ca.gov](mailto:compost@calrecycle.ca.gov)

**RE: Composting Air Quality Permitting and Regulatory Issues Workshops and Discussion Paper, August 2018**

Dear Mr. Mallory, Dr. Reul-Chen, and Mr. Abbs:

On behalf of the California Chapters of the Solid Waste Association of North America's (SWANA) Legislative Task Force (LTF), I write to convey our feedback regarding the Composting Air Quality Permitting and Regulatory Issues Workshops and Discussion Paper.

SWANA is the world's largest association of solid waste professionals (10,000 members). SWANA's three California chapters represent more than 900 of those members. SWANA represents much of the publicly-owned and –operated solid waste management infrastructure in the state and the local governments responsible for implementing waste diversion and recycling programs. The LTF is responsible for representing the California Chapters on legislative and regulatory issues. SWANA is committed to advancing the practice of environmentally- and economically-sound management of municipal solid waste.

First, we want to thank CARB, CalRecycle, and CAPCOA for releasing a discussion paper and hosting workshops in August 2018 to discuss the many issues related to new and expanded compost facilities as locals make efforts to meet the ambitious goals established by SB 1383 (Ch. 395, Statutes of 2016). The workshops acknowledged the need for roughly 90 additional compost facilities processing approximately 60,000 tons per year of organic waste to meet the SB 1383 diversion goal. However, significant funding, permitting, and regulatory challenges serve as barriers to achieving this goal. Below, we provide feedback on several key issues addressed during the workshops and in the discussion paper.

#### **Co-location of Compost Facilities at Landfills**

We support the option of co-locating compost facilities at landfills, as there is available land that has already gone through the EIR process. We would also urge the State to consider locating compost facilities at landfills that have closed down. We support the further exploration of co-location of compost facilities at landfills and encourage the inclusion of research into locating compost facilities at closed landfills.

#### **Air Quality Permitting Process – New Source Review**

Under New Source Review, new facilities must install best available control technology (BACT). It would be helpful if the State released standard practices for installing BACT so that facilities know what this means and are able to successfully comply with this requirement. In addition, the permitting process usually results in permit conditions for emissions testing on a periodic basis. Currently emissions testing is performed by flux chambers, a test that is extremely expensive to conduct. It is strongly suggested that CARB, working with CAPCOA, develop affordable testing or surrogates that can be utilized in place of the flux chamber test. This group should also explore the use of emission factors of specified compost procedures are followed.

LEGISLATIVE ADVOCATES

Jason Schmelzer and Melissa Immel

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**Essential Public Service Designation**

The workshops noted that 21 of 35 air districts have essential public services (EPS) designations for certain facilities. We support encouraging all air districts to expand EPS designations to include compost facilities as well as anaerobic digesters utilizing organics as a feedstock or co-feedstock (e.g., with biosolids), as they are critical to public health and safety, and are essential under SB 1383. We support the State’s effort to evaluate the possibility of EPS designation for composting facilities in air districts, along with the development of a guidance document on how to set up EPS rules for composting facilities. An important component of the EPS designation is to also provide necessary NSR offsets through a priority reserve bank. Funding this bank, especially in non-attainment areas, can be difficult. To this end, CAPCOA can work with local districts to ensure an accounting system that carefully tracks reducing emissions at closed landfills, as well as reduced emissions at active landfills as organics are increasingly diverted from these sites. To be clear, we are not suggesting that these reductions be used to develop emission reduction credits (ERCs), but rather directly be used to fund the priority reserve banks. It is suggested that a workgroup be formed to evaluate the procedures that would be needed to adopt this strategy.

**Determine Further Research Needs**

In addition to the research needs noted above, there are other areas that warrant further exploration. To meet the goals of SB 1383, it will be critical to site and permit compost facilities that process food waste in addition to other organic waste. Table 1 on Page 28 of the Discussion Paper notes that in 2014, food waste in California amounted to 5,591,179 wet tons, much more than any other organic waste material type. While such facilities are more expensive and undergo greater scrutiny, food waste is an enormous portion of the waste stream; thus, it will be necessary to have facilities that can process this waste if the State is to meet the goals of SB 1383.

Table 1 on Page 28 notes that roughly 4 million tons per year of food waste will be managed by anaerobic digestion or composting. We would encourage the State to further explore easing the permitting and regulatory pathways for anaerobic digestion operations, in addition to researching ways to ensure the inclusion of food waste at most composting facilities.

Also, we think there needs to be further discussion about the integration of manure at composting facilities.

Finally, while we appreciate processes that provide some easement to allow rural jurisdictions to site facilities, the vast majority of the waste tonnage is in urban areas; all areas of the state need substantial help via funding and siting and permitting processes to make real progress towards the goals of SB 1383.

We would like to emphasize the urgency of these needs. SB 1383 establishes a 50% organic waste diversion goal by 2020, and a 75% reduction by 2025. Statewide, we are far from the needed capacity to meet these quickly approaching targets. We look forward to continuing these critical conversations as we work as collaborative partners to make every effort to comply with these aggressive goals.

Sincerely,



Melissa Immel  
Legislative Advocate  
Shaw / Yoder / Antwih, Inc.

