RURAL COUNTY REPRESENTATIVES OF CALIFORNIA

September 13, 2019

California Department of Resources
Recycling and Recovery
Attn: Marcus Santillano
P.O. Box 4025
Sacramento, CA 95812-4025

Transmittal Via E-mail: SLCP.Organics@calrecycle.ca.gov

RE: Comments on the Draft Programmatic Environmental Impact Report for the SB 1383 Regulations Short-Lived Climate Pollutants: Organic Waste Methane Emission Reduction

Dear Mr. Santillano:

On behalf of the Rural County Representatives of California (RCRC), I am writing to provide comments on the Draft Programmatic Environmental Impact Report (PEIR) for the SB 1383 Regulations Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emission Reduction.

RCRC is an association of thirty-seven rural California counties, and the RCRC Board of Directors is comprised of an elected supervisor from each of those member counties. In addition, twenty-four member counties have formed the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) to provide assistance to solid waste managers in rural counties. These solid waste managers have been charged with ensuring that their respective counties meet state-imposed requirements to reduce waste being disposed in landfills and increase recycling/re-use efforts for certain products. Our counties' solid waste managers are dedicated to providing meaningful, environmentally conscious, and cost-effective solid waste services to their residents and businesses.

RCRC understands there are many environmental issues that cannot be addressed in this PEIR since the authority to review site-specific, project-level impacts and require project- level mitigation lies primarily with local land use and/or permitting agencies for individual projects. However, there are several impacts resulting from the proposed regulations that were not addressed adequately in the draft PEIR. The key issues of concern are listed below with more detailed explanations and include Biological resources, air quality, traffic, and alternatives.

Potential New and/or Expanded Composting and Anaerobic Digester Facilities

The Project Description is inaccurate. There are currently more than 160 permitted compost facilities and over a dozen anaerobic digesters throughout the state.[1] Under the Project Description, the draft PEIR anticipates 108 new and/or expanded compost facilities and 61 new and/or expanded anaerobic digesters, with all but six anticipated to be built by 2025. This is not a realistic expectation. The draft PEIR should include a review of what can reasonably be expected to be built in the next five years and a timeframe for buildout, given permitting and economic challenges.

Additionally, Table 2.3 estimates the potential new and/or expanded composting and anaerobic digester facilities by air basin, with over half allotted to the South Coast and San Francisco Bay air basins. That number jumps to 83 percent of the compost facilities when adding in the San Joaquin, San Diego and Sacramento Valley air basins. With so few expected new facilities in the remainder of the state in the low-density areas, how viable and feasible would implementation of the proposed regulation be for those areas? Considering the distances to access these few facilities serving vast territories and the amount of organic waste generated in these low-density areas, it warrants evaluation of alternative feasible programs.

Biological Resources Analysis

Implementation of the proposed regulation has the potential to create a significant negative impact on wildlife, particularly the black bear. The draft PEIR fails to address the potential disruption of normal black bear behavior patterns by the residential collection of food waste. While the proposed regulation includes an exemption for residential food waste collection at elevations above 4,500 feet, there are bear populations well below 4,500 feet and there is not a provision to allow a jurisdiction to request an exemption for those areas. In one foothill county, the USDA trapper indicated that the primary cause of human-bear conflicts is improper storage of human food and garbage. By separating and concentrating food waste and food soiled paper, a potential bear feeding station is being created in the middle of populated areas. Habituated and food conditioned bears can do a considerable amount of property damage and tend to spread garbage while feeding. This can also lead to habituation of other animals, such as coyotes, raccoons, and skunks. Bears have the potential to become threats to public safety, which can lead to the destruction of the bear.

Air Quality Analysis

While landfills account for one-fifth of statewide methane emissions[2], according to the 2017 Climate Change Scoping Plan the waste management sector emitted 8.85

[1] California Air Resources. SB 1383 Infrastructure and Market Analysis (Contractor's Report Produced Under Contract by: Integrated Waste Management Consulting, LLC Nevada City, California, 2017) pp 1

[2] California Air Resources Board. Short-Lived Climate Pollutant Reduction Strategy (California Environmental

MMTCO2e in 2014, comprising approximately 2 percent of the State's GHG emissions.[3] Since landfill emissions account for 94 percent of the emissions in this sector, landfills emitted approximately 8.32 MMTCO2e in 2014, comprising approximately 1.88 percent of the State's GHG emissions. The draft PEIR does not analyze the air quality impacts in context with statewide emissions, especially as it pertains to rural areas.

The draft PEIR states that because of the uncertainty surrounding operation-related emissions, the levels of mobile-source criteria air pollutants and precursor emissions associated with activities covered under the proposed regulation are not quantified in the draft PEIR. Yet, the traffic analysis concludes that the proposed regulation would have an increase in vehicle miles traveled (VMT). It lacks any modeling for GHG emissions and does not include an Air Quality Appendix with data to support the conclusion that there is an air quality net benefit.

RCRC believes a life-cycle analysis detailing the modeling and data needs to be included to substantiate the statement. Subsequently, the net benefit needs to be viewed in context of statewide emissions and goals.

Traffic Analysis

RCRC agrees with the statement in the draft PEIR that the post-recovery activities would be reasonably expected to increase vehicle trips within the state and, therefore, vehicle miles traveled (VMT). However, we disagree that collection modifications and delivery to recovery facilities would not substantially change the amount of travel needed. Under the proposed regulation, there will be increased VMT as a result of collection modifications and increased monitoring requirements both from the increased volume of vehicles needed to haul organics away, route audits, and additional staff needed for the gray cart characterizations at transfer/processing and landfills. In addition, while the amount of organic waste delivered to landfills would be reduced, the materials would instead be transported to a compost facility, AD facility, a recycling center, a biomass conversion facility, or a food recovery center, thus also increasing VMT. The draft Programmatic EIR lacks any modeling of the reasonably anticipated changes in traffic patterns and VMT as a result of the proposed regulation.

The draft PEIR states that "the influence of the proposed regulation on changes to transportation would vary across the state, depending on the nature of new and existing disposal reduction programs and the location of new or expanded organic waste recovery facilities relative to their current route of travel." But there is no evaluation or comparison of the impacts of implementing the regulation uniformly throughout the state relative to urban versus rural areas of the state. The draft PEIR could evaluate reasonably expected ranges or examples in the different areas of the state.

Protection Agency, Sacramento, 2017) pp 56

[3] California Air Resources. California's 2017 Climate Change Scoping Plan: The strategy for achieving California's 2030 Greenhouse Gas Target (California Environmental Protection Agency, Sacramento, 2017) pp 88

While recognizing the expectation of increased travel, the traffic analysis in the draft PEIR does not attempt to quantify the VMT increase due to the uncertainty of the location of new and expanded organic waste recovery facilities and the locations of where rescued food and finished compost and renewable fuels would be distributed. However, the report then dismisses the associated increase in mobile source emissions associated with the projected VMT increases compared to emissions reduction benefits associated with the reduction in disposal of organic waste. It further states the "anticipated reductions reasonably expected from the proposed regulation would be much greater than the increment of increased emissions from local travel increases." Yet, there is no data to substantiate this conclusion.

Adequacy of Alternatives

RCRC believes that the alternatives analysis in the draft PEIR is inadequate. First, it rejected certain alternatives from further evaluation that could be considered as part of an alternative proposal without adequate justification. Second, we believe that a viable alternative not considered or discussed in this document could be a more flexible program allowing jurisdictions the ability to select programs suitable to their area that recognize the economic and logistical challenges of organic waste recycling. As stated in the draft PEIR, "State CEQA Guidelines Section 15126.6(c) states that the range of potential alternatives for the project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects."

Two of the rejected alternatives could be considered as part of a new alternative: the use of undersink disposers and more efficient landfill gas collection systems. However, instead of being requirements, these could be added to a suite of programs a jurisdiction could choose from to achieve the state's GHG emission reduction goals.

The undersink disposer was rejected as an alternative for several reasons, including that not all wastewater treatment systems have capacity for handling additional undersink disposers and that although food waste makes up a substantial portion of the organic waste stream, reducing food waste disposal is not the sole objective of the statute. However, the SB 1383 Infrastructure and Market Analysis indicates there is excess capacity in WWTPs, and this is included in part of the four million tons of current excess capacity available for use. The draft PEIR points out that the use of undersink disposers takes advantage of existing wastewater infrastructure and treatment capabilities to transport and treat food waste, could reduce transportation costs and related statewide vehicle miles traveled (VMT) associated with the proposed regulation, would reduce the number of new or expanded organic waste recovery facilities that would be needed and the associated impacts on the state's natural landscape, and would also be expected to reduce the potential for additional people to be exposed to odors related to new facility development. This alternative does not have to be a stand-alone option and should be considered in combination with other programs; each jurisdiction should be able to review feasible options that fit their needs and existing infrastructure.

Similarly, the more efficient landfill gas collection system is not appropriate as a stand- alone alternative. Not all jurisdictions have a landfill, and those that do may already have landfill gas collection systems in place. But that is not to say that there could be landfill gas collection system improvements that some jurisdictions could employ that would effectively reduce the GHG emissions from the landfills. A jurisdiction should be able to review feasible options that fit their needs and existing infrastructure.

RCRC recommends a new alternative be considered that provides flexibility with a suite of options of various programs a jurisdiction could select from that are tailored to the needs and infrastructure available to the jurisdiction. The intent of the new alternative is to provide jurisdictions the incentive to engage communities to implement robust organic waste programs to minimize organic waste being landfilled.

Thank you for the opportunity to provide comments. Please contact Staci Heaton at (916) 447-4806 or at sheaton@rcrcnet.org if you have any questions.

Sincerely,

STACI HEATON
Senior Regulatory Affairs Advocate

cc: Scott Smithline, Director, CalRecycle
Hank Brady, Staff Services Manager II, CalRecycle
Caroline Godkin, Deputy Secretary for Environmental Policy and Emergency Management, California Environmental Protection Agency