



Californians Against Waste

Conserving Resources. Preventing Pollution. Protecting the Environment.

September 14, 2009

Syd Partridge
Climate Action Reserve
523 W. Sixth Street, Suite 428
Los Angeles, CA 90014

Re: Organic Waste Digestion Protocol

Syd,

Californians Against Waste appreciates the Climate Action Reserve's efforts in undertaking the development of an Organic Waste Digestion protocol, and we believe this effort will result in a significant incentive to divert organic materials from landfills. In the comments below, we have responded to the two items that were identified as areas for additional public feedback and to several other key elements of the protocol.

Local Ordinances

We support proposal 5 ("local mandates do not impact the regulatory test for eligibility"), as this option would maximize the amount of greenhouse gas benefits of this protocol. While we are very cognizant of the Reserve's concerns regarding maintaining the integrity of its protocols by being conservative and strictly enforcing additionality, we are concerned that the other options would be counterproductive to the goals of this protocol. The baseline situation is that the vast majority of food waste is currently being disposed in landfills, and 20+ years of local and statewide waste diversion efforts have not put a major dent in this. Any local efforts to make organic diversion projects more feasible should be encouraged, and proposal 5 is the only choice that doesn't create an incentive for local governments to avoid adopting diversion policies.

Given that the Reserve has indicated a preference for Proposal 4, we would urge you to consider the following two considerations:

- The 12-month timeframe does not take into account the fact that it might take longer to actually get a project in place. A project that would not be viable without a local government ordinance would likely not be able to start the permitting and financing process until after the ordinance is passed and there is more certainty as to the availability of feedstocks. A year would likely not be enough to go through the siting, permitting, and environmental review required to open a new digester. It seems unreasonable to require projects to be operational less than three years after the passage of an ordinance.
- Some projects might have originally been started as a pilot-scale facility prior to a full commercial-scale roll out. In fact, this will likely be the approach taken by many project proponents (i.e. the East Bay MUD pilot project), and a requirement for the project to have started within a year of the ordinance would preclude these projects. At the recent workshop, the Reserve indicated that it was considering removing this requirement, and we would support this decision.

We have significant concerns about all the other proposals considered for handling local food diversion ordinances. The approaches outlined in options 1, 2 and 3 would significantly deter local action designed to support the projects that this protocol is intended to promote.

Forward Crediting

We support the Registry's plan to offer limited forward crediting for Organic Waste Digestion projects. Unlike project types that face significant risk of reversal (i.e. forestry projects, dairy lagoons, and others), there is no chance of reversal with waste diversion because waste that has been digested has been permanently diverted from landfill disposal. Also, given the limited 10-year crediting period, there is a high degree of certainty that the credited methane emissions would have occurred in the absence of the project. Conversely, not summing GHG reductions upfront would significantly limit the applicability of this protocol. This would not allow projects to be financed based on offset value, and smaller project developers who do not have access to capital would likely be unable to participate in the protocol.

Other Issues

- **Collection Efficiency:** We are concerned that the Reserve has chosen an inappropriately high average landfill collection efficiency given the fact that there is significant regional variation in terms of collection efficiency, and, in some parts of the country, landfills with any gas collection system are rare. Project proponents should have the flexibility to demonstrate that, due to regional practices, the material being digested would not have gone to a landfill with a gas collection system. In this scenario, no gas collection efficiency should be applied.
- **Eligible Materials:** In an attempt to be conservative, the Reserve has chosen an overly restrictive list of eligible materials. It is clear that the majority of organic waste digesters will be diverting more than just post-consumer food waste from landfills. It is premature to exclude all other feedstocks, and proponents should be allowed an opportunity to demonstrate on a case-by-case basis that a given feedstock is being diverted from a landfill or other methane-generating practice.
- **Model Inputs:** We believe there is a risk of undercounting the emission reductions from this protocol because some of the model parameters may have been chosen incorrectly. Specifically, it appears that the DOC_F value that is used in the protocol is the default for mixed MSW not food waste, and a food-specific value would be more appropriate.
- **Greenhouse Gas Assessment Boundary:** We are concerned that the greenhouse gas assessment boundary has been drawn to include emissions from off-site treatment of digestate, but not the subsequent greenhouse gas benefits of the use of this material. This does not represent a realistic analysis of the greenhouse gas impacts of these projects and understates the emission reductions.

We look forward to working with the Registry and workgroup members to resolve these issues, and we are confident that the final version of this protocol will be a strong tool in the state's efforts to divert methane-generating organics from landfills, develop renewable energy and build a sustainable agricultural system.

Sincerely,

Nick Lapis
Policy Associate