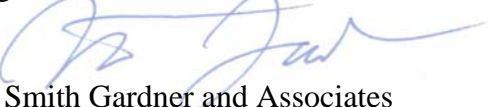




## MEMORANDUM

Date: September 9, 2009

To: Syd Partridge, Climate Action Reserve

From: Matt Lamb   
Richardson Smith Gardner and Associates

RE: Comments on the Climate Action Reserve Organic Waste Diversion Reporting Protocol

The Climate Action Reserve (CAR) Organic Waste Diversion (OWD) Reporting Protocol was reviewed and evaluated based on RSG's experience in the solid waste industry in, and verification of projects under the Chicago Climate Exchange (CCX) Guidance for Methane Avoidance Projects through Co-composting. Comments are referenced by section numbers.

### 2.1 Project Definition

Projects that thermally process or digest biosolids (e.g., from municipal waste treatment facilities) are not included in the project definition. If it can be demonstrated that these materials would be disposed in a landfill, may they be included?

Similarly, avoided methane from aerobic composting operations is not included in this protocol. Does CAR plan to include these projects under a separate protocol?

#### 2.2.1 Ownership of indirect emissions reductions

Legal agreements addressing GHG rights are not typically executed between waste suppliers and digester operators. Can ownership be addressed by attestation?

### 3.4.1 The Performance Standard

Some materials may be co-mingled with food waste MSW, even at facilities that perform source separation. For example, cardboard and paper products used to prepare or serve food (pizza boxes, napkins, etc.) may not typically be eligible for recycling. In this case, may these products be included in the eligible waste stream?

#### 3.4.2.1 Solid Organic Waste Regulations

This section erroneously states that North Carolina has a diversion target similar to AB 939 that requires 50% diversion. Correspondence with State regulators (**Attached**) confirms that, while general goals are in place, no mandatory diversion targets are in force in North Carolina.

### **3.4.2 Environmental Compliance**

This section states that projects that are in non-compliance with applicable regulations are not eligible to register reductions during periods of non-compliance. This wording is vague, and broad. Suggested revisions could clarify that non-compliance refers to violations that result in unmitigated damage to the environment. Further, periods of non-compliance are not well defined. Some violations may result in consent orders, schedules of compliance, and corrective action plans that may take one (1) or more years to fully implement. Suggested revisions could define the period of non-compliance as starting on the date specified in the notice of violation (NOV) received from the regulatory agency, and ending on the date of response by the permittee to the NOV.

### **6.1.2 & 6.1.3 COD Monitoring**

COD monitoring of Agro-industrial wastewater and digester effluent prior to entering the digester and prior to mixing with other effluent streams may not be required under many facility's permits. Typically, monitoring is performed on treated effluent prior to discharge to a receiving stream or municipal wastewater treatment system. A suggested revision would require projects to demonstrate compliance with permitted monitoring requirements for historic periods, and compliance with COD monitoring requirements in the protocol for periods going forward.

**Subject:** RE: State Diversion "targets" vs. "goals"

**From:** "Little, Geof" <geof.little@ncdenr.gov>

**Date:** Tue, 18 Aug 2009 14:59:17 -0400

**To:** Matt Lamb <matt@rsgengineers.com>

**CC:** Stacey Smith <stacey@rsgengineers.com>, "Lorscheider, Ellen" <ellen.lorscheider@ncdenr.gov>, "Brown, Ethan" <ethan.brown@ncdenr.gov>, "Mussler, Ed" <ed.mussler@ncdenr.gov>

Hi Matt,

As you note below, NC has targeted specific constituents in the waste stream for recovery (oyster shells, oil filters, plastic bottles, aluminum, pallets, electronics, white goods, others), but does not currently have mandatory waste diversion rates.

Where did you see the reference you reference below?

A brief history: NC's SWMA of 1989 (SB 111) began targeting items for diversion and promoted reduction goals (25% of waste stream recycled by 1993). The Act was amended in 1991 (HB 1109) to include a goal of 40% by 2001.

Thanks,

Geof

Geoffrey H. Little  
Solid Waste Section  
NC-DENR DWM

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-----Original Message-----

From: Matt Lamb [<mailto:matt@rsgengineers.com>]  
Sent: Tuesday, August 18, 2009 1:29 PM  
To: [geof.little@ncmail.net](mailto:geof.little@ncmail.net); Stacey Smith  
Subject: State Diversion "targets" vs. "goals"

Geof:

I'm reviewing a program to credit carbon emission reductions from organic waste digestion. In it, it states that California AB939 requires all local jurisdictions to divert 50% of generated solid waste (by weight) from landfills. The protocol goes on to state that other States, including North Carolina, have similar diversion targets. I was aware that diversion goals have been established, as well as ban on recyclables and yard wastes, but I am not aware of any mandatory targets.

Can you help clarify? Feel free to call with questions.

Thanks

--

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