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**SUBJECT: *Submission of Written Comments –  
Draft Statewide Program Environmental Impact Report for Anaerobic  
Digester Facilities for the Treatment of Municipal Organic Solid Waste***

The California Department of Resources Recycling and Recovery (CalRecycle) released a Draft Program Environmental Impact Report (PEIR) for Statewide Anaerobic Digester Facilities for the Treatment of Municipal Organic Solid Waste (SCH No. 2010042100). The Draft PEIR addresses potential impacts from the development of anaerobic digestion (AD) facilities in California, and is available online. We are pleased to submit our written comments to CalRecycle on the draft AD PEIR.

We recognize that a Program or “Programmatic” Environmental Impact Report under the California Environmental Quality Act (CEQA) becomes an over-arching guidebook for subsequent environmental assessments as a new project’s CEQA compliance can “tier” off of the existing document. A PEIR is therefore intended to provide a comprehensive review of pertinent regulations, policies and social and environmental background conditions. Identification and sensitivity of “receptors” (those living in any area that might be directly impacted by a project) is addressed. A PEIR tacitly becomes a documentation of Best Management Practices (BMPs), suggesting methods for reducing or eliminating negative impacts associated the Project as defined. The test of effectiveness of any PEIR thus is whether it provides a reliable platform for subsequent project development.

This efficacy test hinges upon the clarity of the description and thoroughness of exploration of the identified “Project”, in this case, a state-wide program termed the AD Initiative designed to encourage and facilitate the development and broad deployment of in-vessel anaerobic digestion systems for the conversion of the organic, biodegradable portion of mixed municipal solid waste (MSW). AD facility development is a targeted effort for CalRecycle under the Assembly Bill 32 (AB 32) Climate Change Scoping Plan. The Plan estimated methane emissions from landfills that could be avoided by sending the putrescible organics through the alternative processing pathway of AD. CalRecycle has developed a comprehensive program to foster the development of AD facilities.

This CEQA Project is therefore the AD Initiative as a policy outline combined with a series of discrete actions to implement the policy. This outline and its attendant actions are presented in the PEIR.

**Comments:**

(1) As a general comment, we feel that more attention should be paid to clearly defining the Project at the start of the CEQA document, given the importance of that definition to the understanding, function and effectiveness of the CEQA document.

(2) Once more clarity is provided for the Project definition, a re-examination of the Alternatives seems appropriate. The analysis of Alternatives as presented in the Draft exhibits circular logic: the Objectives in part specify anaerobic digestion; therefore any other option that does not utilize AD does not meet those Objectives. If the Project is an Outline and a set of proposed AD promotion and implementation measures, an Alternative might describe a different outline that requires an altogether different approach to implementation, with consideration as to whether the alternative approach meets defined Objectives better or worse than the Project as defined. As an example, an alternative Outline might consider what *type* of anaerobic digestion is best suited for what suite of feedstock types, and for production of what desired products. The comparison then would need to focus on whether a “one size fits all” approach to promoting AD, as is the Project approach, is better than proposing a closer match between technology and feedstock.

(3) Conversely, if the Draft appropriately recognizes as Alternatives a suite of technologic approaches that *do not* involve anaerobic digestion, perhaps the Project definition must also be more inclusive, asking instead what type of technologic process might best be promoted for the conversion of the types of feedstock identified as CalRecycle’s target. The need for similar, parallel, and equally weighted Projects could be identified by assessing other potential forms of Waste Conversion for Resource Recovery, while the focus of this Draft could then by definition be restricted to only an examination of forms of anaerobic digestion. Given the burgeoning diversity of Conversion Technologies, an emphasis could then be developed addressing the need for additional PEIRs assessing other pathways.

(4) Similarly, Objectives that address broader needs should become metrics for comparison of this AD Initiative project against an entirely different suite of Alternatives that are not restricted to anaerobic digestion. CalRecycle Strategic Directive 6.1: Reduce the amount of organics in the waste stream by 50 percent by 2020 certainly is not restrictive to any one technologic approach, and the final PEIR should be very clear in stating just which sub-set of this Objective is being specifically addressed.

(5) The staff recommendation (discussed March 15, 2011) for a local agency guidance document as a follow-up to the PEIR is excellent, but should be presented as one stage in implementing the Project, the AD Initiative, if approved. Recognizing in the final PEIR document that additional implementation stages are needed would strengthen the overall stance and utility as a CEQA tiering mechanism.

(6) Another future element that the PEIR should identify as an implementation mechanism for the AD Initiative is development of a Best Practices Manual for AD in California. The PEIR already describes many BMPs; place these in a separate Appendix or document to facilitate future updating. Every technology, certainly every integrated waste management program, can be designed and run well, or poorly. Matching technology type to feedstock is a critical and difficult decision, becoming more bewildering as the diversity of available tools increases. The AD Initiative could, and should, become a resource for tracking and understanding the available options, the appropriate selection criteria, and how to operate the chosen system cleanly and efficiently.

We thank you for the opportunity to comment on the proposed 2011 Bioenergy Action Plan, and on the proposed actions by state agencies. We are available for further discussion should staff find this useful. Please contact me at (530) 823-7300 or (530) 613-1712 (mobile) if you have any questions.

Sincerely,

**JDMT, Inc**

A handwritten signature in black ink that reads "Michael Theroux". The signature is written in a cursive style with a large, sweeping initial 'M'.

Michael Theroux  
Vice President

cc: Sarah Michael – CEC  
Howard Levenson – Cal Recycle