



December 9, 2011

Teri Wion  
CalRecycle  
1001 I Street  
PO Box 4025  
Sacramento, CA 95812-4025

Dear Ms Wion,

Thank you for the opportunity to comment on the Proposed Regulation for Mandatory Commercial Recycling Rulemaking package. Harvest Power is encouraged by language including the organic portion of the commercial recyclables. Not only will this more rapidly decrease GHG emissions, it will also encourage the development of infrastructure in California to recycle this organic material to create energy and soil amendments.

**About Harvest Power**

Through innovative technologies and unparalleled industry experience, Harvest Power, Inc. (dba in California as Harvest Organics, Inc.) is ushering in a new era of organic waste recycling. We develop, build, own and operate state-of-the-art facilities that produce renewable energy and soil enhancement products from discarded organic materials. By harvesting these valuable resources, we enable communities and businesses to increase their energy independence, reduce their environmental impact and reliably manage their organic waste. In California, Harvest owns and operates Tulare County Compost and Biomass, Inc. and will be developing additional composting facilities and anaerobic digesters to divert organic materials statewide.

**Comments on Proposed Regulations**

Harvest appreciates the consistent leadership of CalRecycle on the use of composting and anaerobic digestion to handle diverted organic materials. We support the regulatory package and can provide outlets for the separated organics portion of the diverted materials. Anaerobic digestion facilities, coupled with composting, are an effective method of processing commercial organic materials and the most efficient method for reducing greenhouse gas emissions. When organic materials are landfilled, even where landfill gas capture systems are in place, there are still considerable methane emissions during the first four or five years of operations of a cell, and the capture systems never capture 100% of the LFG. By contrast, anaerobic digesters can capture all the methane from decomposition of organic materials in just 14 to 28 days.

Given the important and effective role anaerobic digestion can play in achieving AB 341 goals, we respectfully suggest that as CalRecycle moves through the regulatory process, anaerobic digestion, as well as composting, is called out as an accepted and recommended diversion method. The language of the proposed §18837(a) does not specifically name anaerobic digestion as a potential avenue for compliance, but would appear to allow it under the catchall requirement that a business "otherwise divert commercial solid waste from disposal." It would be helpful if anaerobic digestion could be added to the list of acceptable



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alternatives: "reuse, recycle, compost, anaerobically digest, or otherwise divert ...." At a minimum, CalRecycle should clarify the acceptability of anaerobic digestion when it issues the final regulatory package.

CalRecycle should also encourage communities to implement a mandatory commercial *organics* recycling ordinance, in addition to other recyclables. This will better enable communities and the state to meet, and exceed, the 75% diversion rate with appropriate technologies and processes.

Finally, we note that proposed §18837(a)(2) specifically authorizes diversion through mixed waste processing, IF the process "alone or in combination with other programs, activities or processes. . . [yields] diversion results comparable to source separation." We observe that that separation of organics from a totally un-sorted MSW stream will yield highly contaminated organics that may not be suitable for digestion or composting and must therefore be landfilled. Therefore, whatever the merits of mixed waste processing for improving diversion rates on conventional recyclables (glass, plastics, metals, and paper), it is much less effective for organics and therefore undercuts AB 341 and other California policy objectives around maximizing landfill diversion and reducing GHGs. Source separation of organics creates greater assurance that a higher percentage of the material is diverted and the resulting product is marketable as an organic soil amendment. In providing direction to local agencies on enforcement and compliance with §18837(a)(2), CalRecycle should encourage attention to the superior diversion results achievable with source separation of organics.

Harvest Power looks forward to working with CalRecycle to develop the final regulatory package, and provide anaerobic and composting facilities to assist California to meeting the diversion goals.

If you have any questions, please do not hesitate to contact me at 510-847-0038.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Novick".

Linda Novick  
Project Manager