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Executive Director (ex officio)

December 12, 2012

Teri Wion  
California Department of Resources Recycling and Recovery  
P.O. Box 4025, MS-13A  
Sacramento, CA 95812-4025

Re: **Proposed Regulations: Mandatory Commercial Recycling**

Dear Ms Wion:

The American Biogas Council (ABC) represents 144 companies dedicated to the development of the anaerobic digestion and biogas industry. Our member companies include biogas project developers, landowners, anaerobic digestion providers, waste water companies, utilities and the entire biogas supply chain.

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

The ABC appreciates the consistent leadership of CalRecycle on the use of composting and anaerobic digestion to handle diverted organic 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 from the organic portion of the municipal solid waste (MSW) stream. As CalRecycle knows, such emissions consist predominantly of methane, which is 20-21 times more potent as a GHG than carbon dioxide. Organic materials processed in anaerobic digesters can avoid all the GHG emissions normally associated with the decomposition of organic materials in landfills and reduce the odor and ammonia emissions with composting, while also producing usable biogas that can further reduce GHG emissions by substituting for fossil fuels.

Given the important and effective role anaerobic digestion can play in achieving both AB 341 and AB 32 goals, as CalRecycle moves through the regulatory process, we respectfully suggest that

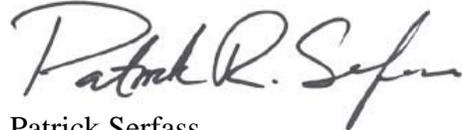
anaerobic digestion, as well as composting, be specifically called out as an accepted and recommended diversion method. The language of the proposed §18837(a) does not specifically name anaerobic digestion as a potential avenue for compliance with AB 341, but does appear to allow it under the catchall 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 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 as 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 separation of organics from a totally un-presorted MSW stream could, if not done with the proper pre- or post-treatment, yield highly contaminated organics that may not be suitable for digestion or result in saleable composting and must therefore be landfilled. Compared to other recyclables, separation of organics in MRF operations is much less effective for organics and therefore undercuts AB 341 and other California policy objectives around maximizing landfill diversion and reducing GHGs. European results over the last 20 years show that source separation of organics has resulted in a higher percentage of diverted material 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.

Thank you again for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Patrick R. Serfass". The signature is written in a cursive, flowing style.

Patrick Serfass  
Executive Director