



September 3, 2021

Ms. Rajinder Sahota
Deputy Director of Climate Change & Research
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Comments on 2022 Climate Change Scoping Plan Scenarios

Submitted online via: https://www.arb.ca.gov/lispub/comm2/bcsubform.php?listname=sp22-concepts-ws&comm_period=1

Dear Ms. Sahota:

The California Association of Sanitation Agencies (CASA) appreciates the opportunity to provide comments on the Climate Change Scoping Plan scenarios presented on August 17th. We comment today on two specific aspects of the Scoping Plan scenarios but look forward to working with you on all aspects of the Scoping Plan moving forward.

CASA is an association of local public agencies, engaged in advancing the recycling of wastewater into usable water, as well as the generation and use of renewable energy, the beneficial use of biosolids, and other valuable resources. Through these efforts we help create a clean and sustainable environment for Californians. Our members are focused on helping the state achieve carbon neutrality, including the 2030 greenhouse gas (GHG) emissions reduction goals, which include:

- Reducing short-lived climate pollutant (SLCP) emissions.
- Effectively diverting organic waste from landfills.
- Providing 60 percent of the state's energy needs from clean and renewable sources.
- Reducing carbon intensity of transportation fuel used in the state.
- Increasing soil carbon and carbon sequestration under the Healthy Soils Initiative, Forest Carbon Plan, and Natural and Working Lands Climate Change Implementation Plan.

Specific comments are as follow:

1. SB 1383 Implementation: SLCP Reduction

The scenarios for implementation of SB 1383 completely ignore the invaluable role which the public wastewater sector can and will play in achieving the mandates for the diversion of organic waste from landfills by 2025. The [SWRCB](#) quantified the excess capacity in anaerobic digesters which is available as existing infrastructure at publicly owned treatment works (POTWs). POTWs can accept diverted food waste for co-digestion using their available digester capacity and are in fact seen as a key partner with the state to do so. For this to be a viable option, however, there has to be assurance of it being cost neutral and for markets to exist for the products of digestion, biogas and biosolids. CalRecycle included in the SB 1383 implementation regulations measures to



ensure markets exist by including procurement requirements for every jurisdiction diverting organic waste in the regulations adopted to implement SB 1383. Eligible products for procurement include all beneficial uses of biogas produced from co-digestion of diverted organic waste, along with biosolids compost. For the scenario to completely ignore this reality, by only recognizing landfills and dairies, is contrary to overall state objectives. POTWs provide an essential public health service and renewable biogas from our digestion is unavoidable and beneficial in mitigating climate change and should be included in scoping plan scenarios.

2. Vehicle Fleet Electrification

Markets must exist for the biogas produced via co-digestion at POTWs. Low carbon transportation fuel is one such option which must remain viable. In order for transportation fuel to continue to be viable, the Scoping Plan scenarios need to include the use of wastewater biogas in near-zero emission vehicles (i.e., not hybrids) as renewable transportation fuel. As noted, this biogas is a necessary, unavoidable and beneficial product of the treatment of sewage sludge and diverted organic waste occurring as a result of providing an essential public health service. To exclude POTW derived natural gas (RNG) N-ZEV vehicles will eliminate this option, making achievement of the methane reduction requirements of SB 1383 much more difficult while simultaneously incentivizing the continued use of diesel trucks.

In air districts such as the South Coast and San Joaquin Valley, both of which are in severe non-attainment for ozone, our members have already been required to invest in RNG fueled vehicles and infrastructure by various regulatory requirements (e.g., [SCAQMD Rule 1196](#)). When RNG is used in near-zero emission vehicles powered by Cummins Westport engines, nitrogen oxide (NO_x) emissions are lowered by 90 percent. However, these clean vehicles will soon become stranded assets under the proposed clean fleet regulations, which will also impede these regions' ability to comply with Clean Air Act requirements set for 2023 and 2031. If the 2023 deadline for NO_x reduction is not achieved, Clean Air Act Sections [179](#) and [185](#) allow the USEPA to impose the following sanctions: withhold federal highway funding, increase offsetting requirements, and impose an annual penalty on major stationary sources. Some agencies have estimated their potential penalty for not complying to exceed \$1,000,000 per year. However, the Governor's [Executive Order N-79-20](#) denotes that the resulting regulations must be "... consistent with state and federal law..." and be implemented "...where feasible...". The question of feasibility is critical and we note that heavy duty electric vehicles are not commercially available and will not be for some years, nor will they provide the level of service and reliability of existing near-zero biogas fueled vehicles. These issues, if not addressed will also incentivize the continued use of diesel trucks.

In conclusion, it is critically important that CARB allow biogas to be used as a low NO_x vehicle fuel. CARB should recognize and plan for scenarios that include the continued generation and use of POTW derived biogas, both in the form of biomethane and renewable natural gas. These products provide low and reduced carbon alternatives to fossil fuel sources of energy and contribute to strategies already underway to reduce SLCP emissions from major sources. We fear the laudable objectives of SB 1383 will otherwise be in jeopardy.



CALIFORNIA ASSOCIATION of SANITATION AGENCIES

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Please contact me with any questions at gkester@casaweb.org or at 916-844-5262. We look forward to collaboratively working with you on this critical issue.

Sincerely,

A handwritten signature in black ink that reads "Greg Kester". The signature is written in a cursive, slightly slanted style.

Greg Kester
Director of Renewable Resource Programs

cc: Liane Randolph – Chair, CARB
Richard Corey – Executive Officer, CARB
Jared Blumenfeld – Secretary, CalEPA
Anil Prabhu – CARB
Tony Brasil – CARB
Craig Duehring – CARB
Ashley Yee – CalRecycle
Mark de Bie – CalRecycle
Chris Hyun – SWRCB
Adam Link – Executive Director, CASA
Sarah Deslauriers – Climate Change Program Manager, CASA