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August 27, 2024

Matthew Botill
California Air Resources Board
1001 I Street
Sacramento, California 95814

Submitted via [online comment portal](#)

Re: WM Comments on Low Carbon Fuel Standard 15-Day Amendments

Dear Mr. Botill,

WM respectfully submits these comments to the California Air Resources Board (CARB) in response to the August 12, 2024 Notice of Public Availability of Modified Text and Availability of Additional Documents and/or Information for the Proposed Low Carbon Fuel Standard (LCFS) Amendments (15-Day Package). WM provides waste and recycling collection and processing services for local jurisdictions, state agencies, and other entities throughout the country, including many communities throughout California. Since the passage of SB 1383 (Lara, Chapter 395, Statutes of 2016), WM has worked with the local jurisdictions and other regulated entities we serve in California to provide services compliant with CalRecycle's Short-lived Climate Pollutants (SLCP): Organic Waste Reductions Regulations. The organics diversion programs we are implementing on behalf of our customers are designed to maximize the volume and quality of organic waste that can be recovered and diverted to beneficial uses, including the production of low carbon fuels. To that end, we have the following comments on the definitions of "***food scraps***" and "***recovered organics***" to ensure clarity between regulatory programs and to fully capture the potential benefits of organic waste diversion projects:

To ensure all California-generated organic waste is an eligible feedstock, the definition of *food scraps* in the 15-Day Package should recognize inedible or post-consumer food collected from all generators, including commercial and industrial businesses (which would include sources such as restaurants and apartment complexes).

"Food scraps" is the portion of municipal solid waste (MSW) that consists of inedible or post-consumer food collected from locations which include, but are not limited to, residences, ***commercial and industrial enterprises***, hospitality facilities, institutions and grocery stores.

Similarly, food processing operations generate both 1) materials that are considered recoverable organics (and so should be included in a definition of organic waste, whether *food scraps* or *recovered organics*), as well as 2) byproducts that are source-separated from other waste to become animal feed pursuant to state law (which would properly be exempted from the definition of *food scraps*). We recommend the following definition:

Feedstocks that are ***source separated at the point of generation and that are*** not typically landfilled do not qualify as Food Scraps, which include: fats, oils, or greases



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(FOG), liquids at the point of collection, and materials from industrial food manufacturing and distribution facilities *that can be used as animal feed, as set forth in Chapter 6 of Food and Agricultural Code (FAC), commencing with Section 14901 et. seq and Title 3, Division 4, Chapter 2, Subchapter 2 commencing with Article 1, Section 2675 of the Code of California Regulations.*¹

In addition, the 15-Day Package includes a definition for *recovered organics*; however, the term does not seem to be used elsewhere in the Regulation. We ask that CARB clarifies how and where that term is proposed to be used in the Regulation; for example, are *recovered organics* a subset of organic waste? The following definition would more accurately represent the manner in which organic wastes are recovered from the remainder of the waste stream:²

“Recovered Organics” is the organic fraction of ~~mixed~~³ municipal solid waste that is *source separated at the point of generation or otherwise* manually or mechanically separated from the waste stream, typically at a materials recovery facility, *anaerobic digestion facility, compost facility*, or transfer station.

Please refer to comments from the Coalition for Renewable Natural Gas, the California Renewable Transportation Alliance, and The Transport Project for additional comments on the 15-Day Package. Thank you for your work on this critical program and for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'C Wolfe'.

Christine Wolfe
Director of Government Affairs, California, Hawaii, and Nevada
WM

¹ California Code of Regulations Title 14, Division 7, Section 18983.1(b)(7)

² California Code of Regulations Title 14, Division 7, Chapter 12, Articles 2 and 3

³ “Mixed” waste typically refers to a waste stream that combines some or all of MSW, recyclables, and organics; it is sufficient to say the organic portion of MSW.