

Organic Residuals Concept Paper: Addressing Cross-Media Regulatory Conflicts

Impediments to Achieving Greenhouse Gas
Reductions and Watershed Restoration Goals



Pacific Southwest Organic Residuals
Symposium

September 14, 2010

Past Stakeholder Concerns

- No one agency responsible or accountability
- “Silo” thinking and “interpretations”
- Net environmental benefits / public health
- Effectively address or resolve cross-media issues
- Obtaining needed permits
- New and innovative technology
- Transparent process or forum



PORS Planning Committee

- The 2010 PORS focus on the complex issue of cross-media coordination
- Developed Concept Paper and Potential Solutions
- Outreach to legislators and staff, and regulatory agencies (Sacramento)—panel discussions
- Goal: a rational and transparent regulatory structure; more efficient, expedient, user-friendly; and improves agency cooperation, collaboration and coordination
- Do not advocate relaxation of standards or regulations.

Existing Regulations

- Existing regulations are effective for each individual media (e.g. water).
- Enforced by agencies responsible for only one
- Deficiencies evident when the regulations are viewed holistically.



Existing Regulations (Con't.)



- Other significant barriers:
 - Watershed restoration
 - On-farm restoration
 - Disposal of animal carcasses (e.g., dairy cows)
 - Reuse of biosolids
 - Composting
- “Inconvenient truth”: the complicated regulatory maze:
 - Work at cross purposes
 - Fragmented
 - Counterproductive
 - Pose an undue burden

Concurrent Efforts

California Roundtable for Agriculture and the Environment:

- July 2010 draft White Paper “Building Regulatory Support for Environmental Enhancement on California Farms” on-farm environmental restoration and watershed enhancement projects

California Agricultural Vision 2030:

- The primary purpose to help farmers and regulatory agencies avoid duplication of effort, reconcile conflicting mandates and requirements, reduce paperwork and cut compliance costs where feasible, without compromising environmental quality standards and compliance.
- Ombudsman alternative

UCLA and UC Berkeley’s Law Schools:

- “ROOM TO GROW—How California Agriculture Can Help Reduce Greenhouse Gas Emissions.” Published March 2010
- Identifies barriers and solutions for reducing GHG emissions

Concurrent Efforts, Con't

Fort Baker Leadership Summit/Spring 2009:

- Re-imagining California *A Sustainable Future for the Golden State:*
 - Obstacles stem from a lack of integrated thinking about interrelated issues.
 - Fragmentation, complexity, and lack of common vision and guiding principles.
 - Water, waste, pollution, climate change, energy, and economic growth, though interrelated, lack integrated planning and management.



Concurrent Efforts, Con't

Biosolids Cross Media Roundtable, May 2008:

- CalEPA convened a roundtable forum to discuss and work toward solutions to cross media issues. The California Association of Sanitation Agencies and other partners organized the forum which was attended by a broad cross section of state and federal officials.
 - Participants “acknowledged that a silo approach is still the norm, which is in part necessitated by the constraints of both federal and state law.
 - Recognized need to view issues holistically
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- One issue cited was the difficulty in identifying all potential impacts and affected parties as rules are being crafted.

Success Story:

Marin Coastal Watersheds Permit Coordination Program

- In 2004, the Marin Resource Conservation District (RCD) established the first Permit Coordination Program to increase landowners' willingness to cooperate in voluntary conservation projects by providing streamlined and expedited permitting and programmatic compliance with the California Environmental Quality Act (CEQA).
- The PCP consists of 16 restoration practices to control soil erosion, restore riparian habitat, protect and improve water quality, provide education and outreach, to conserve rangeland, cropland, and forest.
- Without this program, private landowners would need to navigate a complicated and lengthy process with individual permitting authorities to obtain the necessary permits required to implement a restoration project.



Case Studies

- Albert Straus Dairy
 - The interconnection issue is one of the biggest barriers to wider adoption of dairy digesters. Interconnection is linking the generator to electrical lines (i.e., “hook up”)



Case Studies, Con't

- Synagro
 - Life Cycle Assessment/Energy Balance on Biosolids End-Uses: Regulations do not take into account life cycle of biosolids and what end-uses result in the least overall environmental impact, often resulting in conflict between biosolids end-use practices and regulations.



Potential Solutions

- Examples of cross-media conflict:
 - Disposal of manure from dairy operations
 - Biogas power production
 - Green waste and biosolids composting
 - Dairy manure composting



Technological, Administrative & Legislative Solutions

- Technology-based solutions
 - Effective utilization of manure from dairies
 - Biogas power production
 - Green waste and biosolids composting and dairy manure composting
 - Challenges to implementation

Administrative Solutions

- Executive Order to require agency-to-agency coordination
- Each agency responsible for “environmental outcome”
- Change “silo” culture

Solutions at State and Federal Level

- CalEPA: new authority to manage cross-media
- EPA, Region 9 “pilot program” to modify pollution control measures across media
- “Super Agencies” which integrate air and water programs (e.g., Massachusetts)

Summary

- Environmental standards for one media can create conflict or impacts to another
- Agencies have little choice but to implement and enforce
- Need an effective means to mitigate issues of cross-media compliance
- Identifying and carrying out solutions depends on us all