

US EPA ARCHIVE DOCUMENT

Notes from 2009 PORS: "Cross-Media Coordination"

The following notes and ideas are from Karl Longley and Jovita Pajarillo:

Background

For the past three years, the annual PORS has included a discussion and dissection of problems associated with cross-media coordination, especially regarding obtaining necessary permits from various state agencies to operate projects that create renewable energy and thereby reduce greenhouse gases (e.g., dairy digesters) and manage organic residuals.

The 2009 PORS once again held a session on cross-media coordination with representatives from the Integrated Waste Management Board, Air Resources Board and the Central Valley Regional Water Board. It was soon apparent that the issues remain seemingly unchanged.

Core issues involve:

- No one agency has primary or special responsibility for oversight and accountability of coordinating cross-media issues;
- Alternative energy projects are being stifled by agencies' silo thinking and "interpretations" of regulations;
- No consideration or weighing of a project's net environmental benefit;
- Effectively addressing multi-media issues;
- Reducing or eliminating the lengthy times (measured in years) needed to bring new and innovative technology on-line. It is also recognized that the time required to obtain even routine permit approval can take a considerable amount of time;
- Obtaining needed permits also can be quite costly or even impossibly expensive for small operators; and
- Obtaining funding for essential basic research is challenging.

Proposed Strategy for Action

1. Convene a facilitated forum with invited decision makers, including legislators, the Governor's Office, and other key stakeholders to address these issues. This could resemble a "blue ribbon panel" as was done to address Bay/Delta concerns. The theme should focus on promoting organics management and its beneficial reuse, alternative renewable energy, reducing greenhouse gases, and AB32. Other issues that require improved cross-media coordination could be folded in as well, such as composting, watershed permitting,

greenwaste composting, others(?). (one time forum?
Ongoing dialogue?)

2. Establish a "core group" or "task force" to organize and plan such a forum. This group would also be responsible for developing a "white paper" on the issue which analyzes and summarizes the predicament, identifies the regulatory drivers, considers environmental performance goals, defines "regulatory death" and presents the individual perspectives of involved agencies as being incapable of flexibility or even consider a project's net environmental benefits. Compelling case studies such as Russ Lester, Dixon Ridge Farms, and his experience with his gasification project, should be presented as an example of this regulatory gridlock and exorbitant costs. We should be emphatic that our goal is not to undermine or compromise public health or the environment but rather to find a "win/win" solution. Members should include (by name):
 - Allen Dusault, Sustainable Conservation
 - Karl Longley, Chair, Central Valley Regional Water Board
 - Luana Kiger, Natural Resources Conservation Service
 - Jovita Pajarillo, USEPA, Region 9 (Kerry Drake?)
 - Paul Martin, Western United Dairymen
 - Rick Moss, CalEPA: State Water Board/IWMB Liaison
 - CDFA
 - IWMB?
 - ARB?
 - SJVAPCD?
 - Enviro?
 - Industry (other than WUD)?
 - Agriculture
 - Others? (Boalt? UCLA?)
3. Provide a rationale or clear path for the legislature by presenting clear ideas, incentives, motivation, science, and a new paradigm, for a possible legislative fix to the cross media dilemma.
4. Determine the need to establish subcommittees to more deeply and thoroughly address the multi-facets of the issues and possible solutions/recommendations.
5. Recommend that the 2010 PORS convene a special session in downtown Sacramento and invite key legislators and staff interested in this subject and finding solutions. We could target legislators such as Lois Wolk (and others) who provided

assistance to Russ Lester to obtain needed permits for his gasification project.

6. Create a timeline for action.
7. Other thoughts?