

Issue 5 – Regulatory Coordination of Publicly Owned Treatment Works (POTWs)  
Accepting Food Waste, Fats, Oils and Grease (FOG)

9/12/2012

California Code of Regulations  
Title 14. Natural Resources  
Division 7. California Integrated Waste Management Board

***DRAFT LANGUAGE FOR DISCUSSION*** – Exclude POTW facilities that receive specific types of organic solid waste for co-digestion with POTW wastewater from CalRecycle transfer/processing and in-vessel digestion regulations.

Managers of POTWs increasingly are considering the addition of organic material such as food waste, fats, oils and grease into their anaerobic digesters to increase the volume of methane and other biogases for energy production. Regional Water Quality Control Board (RWQCB) regulatory oversight of POTWs may adequately address the receipt, handling, anaerobic digestion and residual solids management of specific types of organic material for co-digestion with wastewater that historically have only been accepted in limited volume through an enclosed sewer system.

CalRecycle proposes to exclude from its solid waste transfer/ processing and in-vessel digestion regulations POTW facilities that receive specific types of organic solid waste for co-digestion with POTW wastewater.

Proposed language:

**Chapter 3: Minimum Standards for Solid Waste Handling and Disposal**

**Article 6.0 Transfer/Processing Operations and Facilities Regulatory Requirements**

**§17403.1. Excluded Operations.**

(a) The following operations do not constitute transfer operations or facilities for the purposes of these Articles and are not required to meet the requirements set forth herein:

...

(8) A Publicly Owned Treatment Works Treatment Plant that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW wastewater in accordance with Section 17896.5(a)(1).

**Chapter 3.2 In-Vessel Digestion Operations and Facilities Regulatory Requirements**

**Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements**

**§ 17896.5 Excluded Activities.**

(a) The following activities do not constitute in-vessel digestion operations and facilities (Title 14, Division 7, Chapter 3.2) for the purpose of this Chapter and are not required to meet the requirements set forth herein:

(1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.39(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an

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anaerobically digestible material for the purpose of anaerobic co-digestion with POTW wastewater, under the following conditions:

(A) The POTW Treatment Plant is in compliance with the POTW Treatment Plant Waste Discharge Requirements or NPDES Standard Provision in accordance with the State Water Resources Control Board and their Regional Water Quality Control Board.

(B) For the purpose of this exclusion, “anaerobically digestible material” means: inedible kitchen grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title 14, CCR, Chapter 3.1, Article 1, Section 17582(a) (2) and vegetative food material as defined in Title 14, CCR, Chapter 3.1, Article 1, Section 17582(A).

(C) For the purpose of this exclusion, CalRecycle, in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, will on a case-by-case basis, review and consider approval of additional types of organic materials as potential “anaerobically digestible material” beyond those specified in section 17896.5(B) in accordance with the following:

1. Receipt of a written request to CalRecycle from the General Manager or designee of a POTW Treatment Plant.

a. The written request must contain the following information:

i. The purpose of the request.

ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the organic waste material with the POTW wastewater.

iii. Types of organic material requested for classification as an anaerobically digestible material.

iv. The source(s) of the waste material.

v. A description of how the waste material will be handled, processed, stored and transported (before and after receipt at the POTW Treatment Plant).

vi. A map identifying all proposed physical changes proposed at the POTW to accommodate the new waste materials.

vii. Available laboratory test results, engineering reports, pilot study results to support the request.

viii. Data and/or reports if this waste material has been used without incident at a different POTW Treatment Plant.

ix. The name, addresses and phone numbers for the General Manager and designee of the POTW Treatment Plant.

b. Upon receipt of the written request, CalRecycle will communicate and coordinate the request with and between the State Water Resources Control Board and the California Department of Food and Agriculture and will complete the following actions:

i. Within XX days of receipt, send written confirmation to the General Manager and designee of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate CalRecycle staff, as well as to the State Water Resources Control Board and California Department of Food and Agriculture staff contacts for review;

ii. Within XX days of receipt of the letter, schedule a meeting with State Water Resources Control Board and California Department of Food and Agriculture staff contacts;

iii. Prior to the meeting, CalRecycle staff will review the letter and identify questions and/or issues with the request and make a list of recommendations;

iv. Within XX days of receipt of the letter, conduct a meeting on the request. If an agency representative does not attend the meeting, comments will be accepted by CalRecycle up to close of business on day XX of the review process;

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v. Within XX days of receipt of the letter, CalRecycle will provide a written decision to the General Manager and designee of the POTW Treatment Plant stating one of the following:

I. The waste type has or has not been determined to be an anaerobically digestible material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory Requirements (pursuant to Section 17896.5(a)(1)) and the Transfer/Processing Operations and Facility Regulatory Requirements (pursuant to Section 17403.1(a)(8));

II. The agencies, based on the information provided, were unable to reach a determination and additional information is required before a determination can be made; or

III. The agencies have determined that a pilot study will need to be conducted and the results analyzed prior to a determination made by the agencies.

IV. If additional information or if pilot study is necessary, CalRecycle will consult with the General Manager or designee of the POTW, the State Water Resources Control Board and California Department of Food and Agriculture contacts, for the purpose of developing a timeline for either reviewing the additional information or for reviewing a proposed scope of work and timeline for a pilot study.

2. For the purpose of this exclusion, if an organic waste material is determined by CalRecycle to be an anaerobically digestible material for the purpose of co-digestion with the POTW wastewater, the POTW Treatment Plant must comply with 17896.5 (a)(1)(A) prior to receipt of the material at the POTW.