



December 4, 2014

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VIA ELECTRONIC MAIL

Subject: Comments on Proposed Revisions to Title 14 and Title 27 of the California Code of Regulations

Dear Mr. Decio:

Thank you for providing Synagro Technologies, Inc. (Synagro) with the opportunity to comment on CalRecycle's September 2014 version of the Proposed Regulation Text Revisions to Title 14 and Title 27 of the California Code of Regulations. Synagro is the nation's largest recycler of organic by-products by providing essential environmental recycling solutions to over 600 public and private water/wastewater treatment facilities in the municipal and industrial sectors, as well as providing California municipalities with green waste recycling benefits.

Synagro owns and operates two biosolids and green waste composting facilities in the Central Valley of California. Synagro takes pride in consistently producing Class A/Exceptional Quality compost at these facilities, thus providing important infrastructure to help achieve CalRecycle's goal of 75% recycling of California's waste stream. Without the service of such biosolids compost facilities, California's municipalities would have extreme difficulty meeting their recycling mandate.

Synagro has reviewed the draft changes to Title 14 Compost regulations and has the following comments:

1. Synagro supports the requirement that digestate be composted at a permitted operation or facility, unless otherwise allowed an alternative use by a state agency (like the Department of Food and Agriculture).
2. Section 17582(a) 24.5 – Synagro understands that the language in this section is intended only to apply to "Compostable Material". CalRecycle defines "Compostable Material" as *"any organic material that when accumulated will become active compost as defined in section 17852(a)(1)."* As such, Synagro understands that Section 24.5 applies only to such organic material that has not gone through a treatment process to be considered "Stabilized Compost". "Stabilized Compost" is defined by CalRecycle as *any organic material that has undergone the Process to Further Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced biological*

activity as indicated by reduced temperature and rate of respiration below that of active compost. The land application of “Stabilized Compost” products containing biosolids are already regulated by the State Water Resource Control Board’s Biosolids General Order requirements ([General Order No. 2000-10-DWQ](#)) and individual WDRs. Such intent to only regulate “Compostable Materials” should be clearly distinguished from this section being misinterpreted to apply to “Finished Compost”.

Synagro is aware that a note is included at the end of this section stating that biosolids compost is excluded from this section. It is unclear why the language is included as a note but we recommend it be included directly in the rule language. Furthermore, it should be expanded to explicitly state that biosolids and all finished products that contain biosolids as a feedstock are regulated elsewhere under federal and state law.

3. This comment is only being made *if* the proposed language in Section 17582(a) 24.5 is intended by CalRecycle to limit land application of “**Stabilized Compost**”. Please note that Synagro does not believe that it is the intent of CalRecycle to have Section 17582(a) 24.5 apply to “Stabilized Compost”. If Section 17582(a) 24.5 applies to “Stabilized Compost”, restricting its use on a site to **once in a 12 month period**; and requires CDFA approval of all land application activities, it will have an unintended chilling effect on the continued recycling of compost products in California in direct contradiction of the State’s policy to encourage such recycling activities. The proposed CalRecycle regulation also appears to be inconsistent with many provisions found in the existing federal, SWRCB, and in some cases local regulations governing the treatment, management, and use of biosolids compost that adequately limit application to the agronomic nitrogen needs of the crop to be grown, and since more than one crop can be grown on a site in California per calendar year, this limit should be deleted in this Section and modified to: *“application of biosolids based finished compost shall be limited to the nitrogen needs of the crop to be grown based on the crop year.”* Section 17582(a) 24.5 should only apply to “Compostable Materials” as defined in the proposed text.
4. Proposed language in Sections 17868.1, 17868.2(a), and section 17868.3(a) all require sample results for metals and pathogens be received **prior** to any compost leaving the site. Some compost and many chip and grind facility permits limit storage of post screened compost and products to seven (7) days thus making it very difficult, if not impossible to obtain analytical results prior to the need to market the compost. Flexibility is provided for this requirement in the proposed rule for all other compost feedstocks except biosolids.

With the consistency of biosolids as a compost feedstock being evidenced by EPA’s allowance for wastewater municipalities to land apply Class B biosolids long before the metals test results are received, flexibility should be allowed as with other feedstocks and as outlined below. All municipalities in California have aggressive pretreatment programs that have resulted in the consistent production of biosolids that meet the 503 Table 1 metal concentration limits, with the vast majority producing Table 3 metal compliant Class B biosolids.

The EPA-approved process to further reduce pathogens (PFRP) of time and temperature to create a Class A biosolids for compost products also has numerous years of consistent and proven reliability. Composting reduces bacterial and viral pathogens to non-detectable levels when the temperature of the compost is maintained at greater than 55 C for 15 days or more. Compost facilities have strict regulatory requirements to ensure that the compost temperatures are monitored and maintained.

Synagro raised this point at last year's Sacramento workshop and CalRecycle appeared amenable to discussing the concept of added flexibility. As such, Synagro suggest modifying the language in this Section to be as follows: *"should it not be possible to obtain analytical results prior to it being necessary to move bulk biosolids based compost off-site, the permittee may do so, but assumes all liability for site evaluation and remediation if necessary, should the results show non-compliance with any limits."* This would assure CalRecycle that the permittee has enough confidence in its operational experience at the facility to assure that results will be in compliance with all applicable limits in the rule, and the commitment to mitigate appropriately in the extremely unlikely situation of non-compliance. Such language would preserve millions of tons of the State's extremely limited recycling capacity while ensuring environmental protection. Synagro acknowledges and welcomes language in both sections 17868.2(d) and 17868.3(d) that allows for alternative compliance methods to be implemented but only at the discretion of the EA and encourages that such language remains in the final rule. The suggested language above provides certainty for facilities continued recycling operations and eliminates the potential for EA discretion ambiguity.

5. Section 17868.3.1 requires compost to contain less than 0.1% physical contaminants on a dry weight basis. This is exceedingly difficult to achieve, especially if curbside green waste is used as a feedstock. With state objectives to remove green waste from landfills, this requirement will be contradictory with those objectives. A 1.0% physical contaminant level is far more pragmatic and achievable and is therefore recommended as an alternative.
6. Section 17896.8(c) states that at the conclusion of a research project the operator shall conduct site restoration as the only alternative. Options to continue operation under an appropriate permit or exclusion should also be provided. Demonstration projects can be at full scale so should be allowed to continue operating if successful.

Thank you again for opportunity to comment. Synagro appreciates the open, honest and transparent process that CalRecycle staff has used throughout this rulemaking process. Please let me know if you have questions or need further clarification on these comments. Synagro looks forward to continued work toward safely maintaining the viability of our State's limited organics recycling infrastructure.

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