



# CALIFORNIA ASSOCIATION of SANITATION AGENCIES

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VIA ELECTRONIC MAIL

December 5, 2014

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**SUBJECT: Comments on Proposed Revisions to Title 14 and Title 27 of the California Code of Regulations (CCR)**

To Whom It May Concern:

The California Association of Sanitation Agencies (CASA) is pleased to submit comments on the proposed regulations for in-vessel digestion and composting. CASA is a statewide association of municipalities, special districts, and joint powers agencies that represent more than ninety percent (90%) of the sewered population of California. CASA has long been a proactive leader on wastewater treatment, recycled water, air quality, biosolids management, renewable energy, and climate change mitigation issues. CASA has appreciated working with CalRecycle these past four years to resolve this regulatory jurisdiction issue and generally concurs with the recommended approach. The acceptance of hauled-in organic waste such as Fats, Oils, and Grease (FOG), food waste (source separated, etc.), vegetative food waste (cannery, food processing etc.), and others for anaerobic digestion at POTWs is a steadily increasing practice, and an important management option for this valuable waste stream. Moving forward, this practice will be an integral component of, and POTWs a key partner in, achieving at least four significant state objectives by 2020: (1) to provide 33% of the state's energy needs from renewable sources; (2) to recycle 75% of the solid waste generated in the state; (3) to achieve 1990 levels of carbon dioxide equivalent emissions; and (4) to reduce the carbon intensity of transportation fuel by 10%.

CASA strongly recommends adoption of the proposed language in section 17896.6, with minor modifications, establishing an exclusion for POTWs accepting vehicle-transported anaerobically digestible material, provided they are in compliance with relevant provisions of their National Pollutant Discharge Elimination System (NPDES) permit or their Waste Discharge Requirements (WDR), as applicable. CASA notes that this regulatory approach is consistent with the recommendation of State Water Resources Control Board (SWRCB) Executive Director Tom Howard and CalRecycle Director Carroll Mortensen as articulated in a joint meeting on February 20, 2013. CASA also believes the exclusion is warranted, and consistent with various Public Resource Codes, so as to avoid duplicative regulatory requirements and unnecessary jurisdictional overlap among agencies. CASA commends CalRecycle for its action on this matter.

CASA would like to reiterate that, in accordance with standard SWRCB permit language, all such waste received at POTWs will be kept in tanks, either pumped or slurried, and never placed on the ground or moved via bobcats or end loaders. Some use of screening, rock traps, grinder pumps, pulpers, and the like may be employed prior to introduction to digestion in order to ensure the integrity of treatment. However, this material handling will be no different than what is already done at pump stations, the plant headworks, and through grit removal. POTWs have always effectively managed such solid waste and will continue to do so. Standard operating procedures, as required by the SWRCB, will ensure proper handling of this waste.

1. Section 17896.6(a)(1)(A) on page 31 beginning on line 5 - In order to address various concerns regarding the types of materials that will be processed at POTWs subject to this exclusion, CASA recommends the following paragraph, including minor changes, replace existing section 17896.6 (a)(1)(A):

(A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant. Once on site, the anaerobically digestible material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated to enhance the anaerobic digestion process or operation prior to anaerobic digestion, but must be processed and conveyed in a contained system. Any separated material at the POTW that is not suitable for anaerobic digestion and has no beneficial use shall be further managed as a solid waste.

CASA also recommends that the regulation provide a means to apply for the exclusion for anaerobic digesters at a POTW which are dedicated to solely accepting hauled-in anaerobically digestible materials and which do not co-digest sewage sludge, as long as they are similarly regulated through the NPDES permit or WDR. The following paragraph is recommended to replace section 17896.6 (a)(4):

(4) Other discrete handling activities that are already subject to equally stringent handling requirements under Federal or State law, as determined by the Department in consultation with the EA and other state agencies as appropriate, are excluded. Furthermore, POTWs with dedicated digesters receiving only hauled-in anaerobically digestible materials without co-digesting with wastewater at POTWs, can submit a request for exclusion in accordance with sub (a)(1)(D).

Such facilities are not currently in operation, but are likely to be in the future as POTWs explore additional options for energy production and waste recycling and thus a placeholder should be adopted now.

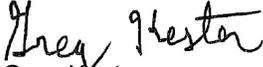
Additional comments are below:

1. Section 17852 (a) 24.5 – page 10 beginning on line 31. 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.
2. Section 17868.1 - page 22 beginning on line 57 and section 17868.2(a) page 23 beginning on line 35 and section 17868.3(a) page 24 beginning on line 18. These sections all require sample results for metals and pathogens be received prior to any compost leaving the site. Some permits limit storage of post screened compost to 7 days or less making it very difficult or impossible to obtain analytical results prior to the need to move compost. Flexibility is provided for this requirement for all other compost feedstocks except biosolids. CASA recommends modifying the language as follows: “should it not be possible to obtain analytical results prior to it being necessary to move 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 assume the permittee has enough operational experience at the facility to assume results will be in compliance with all applicable limits. Sections 17868.2(b) and 17868.3(d) allow alternatives but only at the discretion of the EA. The suggested language above provides certainty for facilities and eliminates ambiguity.

3. Section 17868.3.1(a) page 25 beginning on line 11 - requires compost to contain less than 0.1% physical contaminants on a dry weight basis. This will be 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 0.5% physical contaminant level is far more pragmatic and appears achievable and is therefore recommended as an alternative. Further research to confirm its achievability would also be supported.
4. Section 17896.8(c) page 33 beginning on line 10 – 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 for this opportunity to comment. CASA appreciates the progress made on this issue through collaborative efforts. Please let me know if you have questions or need further clarification on any of CASA's comments. We look forward to continuing to work with CalRecycle on resolving these important jurisdictional and waste management issues.

Sincerely,



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