

August 19, 2009

California Integrated Waste Management Board  
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Sacramento, CA 95814-2828  
Submitted via email to: [regreview@ciwmb.gov](mailto:regreview@ciwmb.gov)

RE: Comments on Draft Anaerobic Digestion Guidance Document

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the draft Guidance Document on How Anaerobic Digestion (AD) Fits Current Board Regulatory Structure (draft guidance). As the IWMB is aware, EBMUD is currently anaerobically digesting compostable material (e.g., food waste and other organic wastes) along with biosolids. Consistent with the draft guidance, EBMUD has been working with our Local Enforcement Agency to meet Notification Tier requirements for biosolids composting.

**Regulation of a Segregated System at a POTW**

Under our current operations, compostable material is co-digested with biosolids. The resulting digested and dewatered solids, per 40 CFR Part 503, are reused as alternative daily cover at landfills as or are land applied. However, using this material as a compost feedstock could be a higher and better use but would require that the material be digested and dewatered separately from biosolids. Per the current regulatory structure, for activities where AD of compostable materials is completely separate from biosolids treatment, the activity may be subject to the requirements for a compostable materials handling activity or transfer station permit.

The main purpose of a publicly owned treatment works (POTW) is to protect public health. As such, POTWs are highly regulated (e.g. effluent standards – NPDES Permit, air standards - Title V Air Permit, and biosolids standards – 40 CFR Part 503, along with federal pre-treatment standards and others). Per the draft guidance, if EBMUD were to digest and dewater the compostable materials separately from biosolids, EBMUD may be required to obtain a compost facility or transfer station permit. An additional facility permit, on top of existing requirements, would be overly burdensome and could discourage EBMUD from pursuing this potentially beneficial alternative.

EBMUD recommends that segregated AD of compostable material at a POTW be exempt from the requirement for a full compost materials handling activity or transfer station permit. EBMUD asks that the IWMB consider a comparable level of regulatory oversight as is required for our current operations (e.g. under notification or registration tier requirements).

We thank you for this opportunity to provide comments. As EBMUD continues to develop programs to digest compostable materials, we hope that the IWMB will continue to be supportive of our efforts to create renewable energy, reduce greenhouse gas emissions, and reduce the disposal of organic waste to landfills.

Sincerely,



SOPHIA D. SKODA  
Resource Recovery Program Manager