May 16, 2018

Via electronic mail to CalRecycle Docket

To Whom It May Concern:

The California Association of Sanitation Agencies (CASA) appreciates the opportunity to comment on the most recently proposed regulatory language developed by CalRecycle for the implementation of SB 1383.

CASA is an association of local agencies, engaged in advancing the recycling of wastewater into usable water, as well as the generation and reuse of renewable energy, biosolids, and other valuable resources. Through these efforts, we help create a clean and sustainable environment for Californians. CASA is pleased that CalRecycle recognizes the wastewater sector as part of the solution for organics diversion, and we have greatly appreciated the collaborative and productive relationship we have developed with CalRecycle. We also are very appreciative of how responsive CalRecycle has been through this process which is reflected in the current draft regulations. Our members are focused on helping the State achieve its 2030 mandates and goals (also referred to as the Governor’s Five Pillars), which include:

- Reducing short-lived climate pollutant (SLCP) emissions
- Effectively diverting organic waste from landfills
- Providing 50 percent of the State’s energy needs from renewable sources
- Reducing carbon intensity of transportation fuel used in the State
- Increasing soil carbon and carbon sequestration under the Healthy Soils Initiative and Forest Carbon Plan

Wastewater plants can utilize existing infrastructure in the form of anaerobic digesters to co-digest food waste and other organic waste, thereby diverting it from landfills. Significant increases in renewable energy production result from co-digestion at much lower costs than building new infrastructure.

**General Comments:** CASA is extremely pleased that many of our comments submitted on the first draft of regulatory language have been addressed in the latest draft.

**Specific Comments and Recommendations:**

1. Article 2 Section 20.1(b)(6)(B)(1) – This section delineates activities which are deemed to be “recovery” and thus a reduction in landfill disposal. This section includes biosolids land application and references Appendix B of the federal part 503 regulations which stipulate technology and other standards for both Class B and Class A pathogen reduction necessary for land application. The language in this section of the draft regulatory text however, specifies anaerobic digestion and compost only, as recovery
activities. Appendix B provides detail on a suite of Class B and Class A pathogen reduction technologies, which includes far more options for each Class, which are all deemed equivalent to anaerobic digestion or composting. None of the treatment processes delineated in Appendix B would generate methane. The greenhouse gas reduction value of land application rather than landfiling is universally equal regardless of the technology employed to meet the pathogen reduction and vector attraction reduction criteria. While it is true that most biosolids in California undergo either anaerobic digestion and/or composting, other technologies are also utilized and should not be penalized for doing so. The methane reduction is realized in the avoidance of landfiling, not by the process utilized to treat the biosolids. CASA strongly urges CalRecycle to replace the words “…. anaerobic digestion or composting….” With “….. one of the processes, …. “.

2. Article 6 Section 6.2(a)(1) – This requires all biosolids produced at any wastewater treatment plant to be treated via anaerobic digestion and/or composting and sent for land application. In addition to other treatment technologies as mentioned in comment 1 above, there are also other end uses employed which would be disallowed under this requirement. California has two incinerators and roughly 5 surface disposal sites located at POTWs. None of the sludge produced at those facilities would ever be transported off-site and would neither be landfilled or land applied and thus would seem beyond the purview of these regulations. It would be cost prohibitive to require these facilities to change technology and management practices. Likewise, it is imperative that all treatment options in 40 CFR 503 Appendix B be allowed and viewed as “recovery”. If the intent is to disallow all landfill use, that is problematic. At a minimum, we believe that our other recommendations, particularly those in comments 3 and 4 below, are critical or there will be no assurances of the availability of biosolids management options that can comply with these regulations. However, our understanding was that CalRecycle does not have the authority or intent to ban any organic waste stream from landfills and that future use was to be negotiated between a wastewater plant and their jurisdiction of origin, and we request that these regulations be revised to reflect that approach. This could be accomplished by the following changes in the wording:

Section 6.2. Biosolids and Sewage Sludge Handling at a POTW

(a) Biosolids generated at a POTW shall be considered a reduction of landfill disposal if:

1. Managed using one of the recovery processes, activities, and or facilities, either on-site or off-site, as specified in Section 20.1(b) of this Division;

2. Notwithstanding subdivision (a)(1), sewage sludge and biosolids not suitable for additional processing or recovery may be sent for disposal to a permitted facility that can receive that sewage sludge and biosolids and has obtained the applicable approvals by the regional, state, and federal agencies having appropriate jurisdiction.
3. Article 9 Section 90.1(a) seems to supersede language in 90.1(b) as they appear in direct conflict with each other. We strongly recommend adding the words below in *italics* to frame sub (a) as: **Nothing in this chapter is intended to limit the authority of a local jurisdiction to adopt standards that are more stringent than the requirements of this chapter, except as provided in sub (b) of this section.** Without the phrase in italics, this section seems to undermine what we believe was the intent of the Agency.

4. Similarly, Section 90.1(c)(3) poses the same conflict as above. We recommend adding the words in *italics* to this section: “..... of a jurisdiction taking action consistent with this Article, including.....”.

5. Article 12 Section 12.1(f)(1) establishes a procurement requirement for jurisdictions for Compost. We assume this includes biosolids compost but request confirmation of that.

6. Article 12 Section 12.1(f)(2) establishes a procurement requirement by jurisdictions for Renewable Natural Gas transportation fuel. While we support the intent of this requirement to help create end markets, we question the definition of Renewable Natural Gas Transportation Fuel in Article 1 Section 1(a)(62) which requires the gas be derived “...from organic waste diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by Title 14 to recycle organic waste.” Does this exclude renewable natural gas transportation fuel which is derived from sewage sludge anaerobic digestion alone without co-digestion? We sincerely trust that is not the intent, since anaerobically digesting sewage sludge, land applying the resultant biosolids, and producing low carbon transportation fuel, is certainly consistent with the requirements of SB 1383 and these regulations. We respectfully request this definition be amended to read: “....gas derived from organic waste processed in an in-vessel digestion facility that is permitted or otherwise authorized by Title 14 or Title 23.”

7. Article 12 Section 12.1(f)(2) – we also request that other uses of methane be allowed to qualify as fulfilling the procurement obligations. We recognize that CalRecycle cannot require an Investor (or Publicly) Owned Utility to accept biomethane for pipeline injection. However when they do so, that should qualify under the procurement requirement. Likewise, when electricity produced from renewable natural gas, is exported from a POTW to the grid or used on-site, that too should be eligible to satisfy the procurement requirement.

8. 2014 Waste Characterization Table – Please confirm that this Table has been updated to include biosolids data from 2014 since this serves as the baseline upon which compliance with the draft regulations is based. We understand that it has been updated but are unsure where to obtain an updated version.

Please feel free to contact me at 916-844-5262 or via email at gkester@casaweb.org for further information or clarification. We sincerely applaud your efforts in developing these important and exhaustive regulations.
Sincerely,

[Signature]

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