July 21, 2017

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 CalRecycle draft concepts 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 agrees with CalRecycle that the wastewater sector is part of the solution and indeed, 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 digestion 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. The digestion process also greatly enhances volatile solids reduction of organic waste so the solids volumes can be reduced by as much as 90%.

The draft definition of “organic waste” includes biosolids and sludges, but it is unclear whether all material covered under that definition will be included in organics diversion requirements.

CASA offers two comments on the draft concepts and provides rationale for them below:

1. If it is the intent of CalRecycle to include biosolids in landfill diversion mandates, then alternative options must be secured and ensured for the effective management of them. Biosolids are a non-discretionary waste stream which will only increase in volume as population increases and must be managed on a daily basis.
2. The Waste Characterization table (WCT) for the 2014 baseline must be updated to include biosolids. In 2014: 113,000 dry metric tons (DMT)/567,000 wet US Tons were used as Alternate Daily or Intermediate Cover (ADC/AIC) and 60,000 DMT/300,000 wet US Tons were disposed of at landfills.

California currently sends roughly 30% of the biosolids produced each year to landfills, with 20% beneficially used as ADC or AIC. Biosolids are used as ADC/AIC in much of the state for several reasons. Such use has been explicitly recognized as a beneficial use under AB 939 for many years. Many Bay Area agencies utilize this option in the winter months because area counties disallow the land application of biosolids during what is “normally” the rainy season. Other locations in the state utilize their biosolids as ADC based on long term management agreements with local landfills and have structured their technology accordingly. These include Monterey, San Diego, and Ventura Counties.

Any proposal to include biosolids as part of a diversion plan should comprehensively consider what alternatives exist. While the wastewater sector recognizes the inherent value of biosolids as a soil amendment or fertilizer and uses this management option for 62% of its produced biosolids, local jurisdictions have taken steps to limit this use. Many county ordinances restrict or limit land application either through more expensive and energy intense treatment technology, because of the afore-mentioned rainy season (set by dates not by actual weather) or because of rural/urban conflicts. This is despite state and federal regulations that promote and value the benefits of land application, based on decades of scientific research. In fact, a recent court ruling in Kern County concluded that banning the land application of biosolids violated both the Integrated Waste Management Act and local police powers.

Since there are a limited number of viable options for the management of biosolids (land application, landfill disposal or ADC/AIC, and potential alternatives through innovative technology), it is imperative that the state view biosolids management holistically, and clearly articulate and actively support whatever options it ultimately deems viable. If diversion requirements for biosolids from landfills are advanced, then unwavering support for land application will be a necessity in working with local jurisdictions to remove legal barriers. Solutions must be sought for in-state management of biosolids. Currently 13% of California biosolids are transported long distances across state lines to Arizona and Nevada. Care should be taken to ensure viable management options remain within California.

Furthermore, some landfill utilization must always be preserved for emergency situations. While the wastewater sector diligently treats its solids to comply with regulations, there are
occasional treatment upsets or failures. If such a failure occurs and treatment to the level required for beneficial use cannot be achieved, then landfilling as an emergency option must be utilized to protect public health and the environment.

Wastewater treatment plants require long horizons to plan, fund, permit, construct, and operate new technology. Adequate time for such actions must be considered as any regulation is developed.

Given that the draft definition of "organic waste" includes biosolids and sludges, we are disappointed that the 2014 WCT does not include any data on landfill use for biosolids nor are they included in the list of material types.

CASA has previously provided CalRecycle with USEPA gathered data on biosolids used in California landfills in 2014 (see my email dated March 14, 2017), which we believe should be included in the 2014 WCT. Since 2014 is the baseline for verifying compliance with SB 1383, it is critical that biosolids be included. This significant quantity of biosolids taken to landfills is relevant to an accurate waste characterization assessment. We are concerned that if biosolids are not included in the baseline, any diversion of biosolids away from landfills in the future will not be properly credited or taken into account. Locating and including this data should not be difficult, as wastewater agencies in California report the data to USEPA each year, and USEPA in turn provides the data to the State Water Board.

Please feel free to contact me at gkester@casaweb.org or at 916-844-5262 with any questions or for further clarification.

Sincerely,

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