May 6, 2015

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

To Whom It May Concern:

The California Association of Sanitation Agencies (CASA) is pleased to submit comments on the revised 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 years to resolve this regulatory jurisdiction issue and generally concurs with the recommended approach and revisions made since the release of the October 10, 2014 draft regulations. 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 five 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; (4) to reduce the carbon intensity of transportation fuel by 10%; and, (5) the Governor’s Healthy Soils initiative.

Comments submitted on December 5, 2014 are still applicable and we appreciate CalRecycle accommodating many of them in the new revisions. Comments on the new draft revisions are below:

1. Page 23 – 17868.1 (&2&3) - 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.
2. Page 24 – 17868.2(a) – Recommend adding molybdenum with a limit of 75 mg/kg to the list of metals for testing. This will allow compost to be in compliance with the risk based federal biosolids standards.

3. Page 26 – 17868.3.1(a & b & c ) CASA appreciates the change in the physical contaminant level in the revised regulations and the delay of their implementation until January 1, 2018. Please confirm that our understanding is correct that CalRecycle plans to work with the industry to develop methods to assess the contaminant level, which the operator can perform in the field. Furthermore, the only time a sample would be sent to a lab is if the EA upon inspection had reason to doubt the operators finding. It is also our understanding that CalRecycle will work to ensure there are analytical methods in the lab, which can reliably calculate the contaminant level. Should it not be possible to develop both field and lab methods to determine compliance in time for the 2018 implementation date, we request that the implementation date be delayed until such time as they are available.

4. Page 26 – 17868.3.1(b) - We request that the monitoring frequency for this requirement be the same as for metals and pathogens as specified in sub 17868.1(a)(1 & 2). This would make the monitoring frequency for biosolids composting consistent with federal and state requirements for metals, pathogens, and vector attraction reduction and would be appropriate for physical contaminant levels in biosolids.

5. Page 34 – 17896.6(a)(6) – We request a change in this section to read as follows: “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).

Thank you again for the significant changes already made and for your consideration of these additional comments. Please don’t hesitate to contact me with any questions or comments.

Sincerely,

Greg Kester
Director of Renewable Resource Programs