March 14, 2018

Jane Mantey, Ph.D.
Policy Development and Analysis Office
California Department of Resources, Recycling and Recovery (CalRecycle)
801 K Street, 17th Floor, MS 17-01
Sacramento, CA  95814

Dear Ms. Mantey:

The California Association of Sanitation Agencies (CASA) appreciates the opportunity to provide comments on the draft regulations intended to implement AB 901. 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 supports the efforts of CalRecycle to better understand the flow of solid waste generated in California and its importance in meeting state objectives and mandates. However, we have serious concern that the current draft regulation is confusing with respect to the wastewater sector and the renewable resources we produce. We offer comments below but would also welcome the opportunity to meet to further explain and clarify the concerns.

General Comment: Numerous definitions as referenced below are vague and result in uncertainty with respect to how biosolids, biogas, and the wastewater sector generally is impacted by these regulations. Biogas and biofuels are referenced in several sections of the draft regulations but only in vague nuances. Biogas is produced in the anaerobic digestion process and converted to renewable energy in a variety of ways. Is this intended to be considered a solid waste and tracked in these regulations? If they are to be tracked and included in these regulations, much more specificity is necessary. Similarly, it is unclear how biosolids are to be reported and by whom. We strongly recommend a separate section be developed for biosolids since they are distinctly different from typical “solid waste” streams.

Specific comments follow:

1. Section 18815.2(a)(3) – Beneficial reuse appears to apply at landfills only based on the citation of Sec. 20686 Title 27 CCR. Is this the intended narrow scope of this definition? Is recycling not also a beneficial reuse?

2. Section 18815.2(a)(10) – Includes in-vessel digestion in the definition of “composting operation” and “composting facility”. As included in earlier comments, we strongly recommend bifurcating digestion and composting as two distinct technologies. A separate definition should be added for in-vessel digestion consistent with Section 17896 PRC. Nothing about the anaerobic
digestion process resembles composting and they should not be considered the same.

3. **Section 18815.2(a)(19)(D)** – Would biosolids transferred to a compost or other facility for further processing be considered an End Product under this section? Or would they only be an end product if they were directly land applied as implied here?

4. **Section 18815.2(a)(25)** – Generator – It remains very unclear whether a wastewater treatment plant generating sewage sludge and/or biosolids are included in this definition. Is the generation of sludge in the treatment process considered “the initial creation of solid waste, organics, or recyclable material”? This is a critically important definition and needs clarity. Under the Clean Water Act, wastewater plants, or others treating biosolids are generally considered generators.

5. **Section 18815.2(a)(33)** – Organics – biofuels and biogas are included in this definition but to what end is extremely vague. Are they to be reported when used for renewable energy and if so, in what context, and in what units? Much more specificity is necessary to understand what is intended and required for these products of anaerobic digestion.

6. **Section 18815.2(a)(38)** – Recyclable Material – Do we understand correctly that biosolids are not included in this definition?

7. **Section 18815.2(a)(39)(B)** – Recycle or recycling – includes organics which are not composted, including…. Wastewater treatment. It is very unclear what component of wastewater treatment is meant by recycling? Clarity and purpose is necessary here.

8. **Section 18815.2(41)** – Recycling facility or operation – references section 17402.5(d) of the PRC which references both compost and compost feedstock in sub (6)(I) and sewage sludge in sub (6)(J). Are we correct in assuming this then applies to all biosolids produced in wastewater treatment?

9. **Section 18815.2(43)** – Reporting Entity – Are all producers of biosolids and biosolids products (e.g. compost) covered under sub (C)? Clarity is requested and whether such entities are ever considered to be a hauler, transporter, or other reporting entity.

10. **Section 18815.2(48)** – Self Hauler – applies to haulers of organics or recyclable material they have “generated”. Do biosolids fall under this definition? We assume not but it depends on how Generator is defined. Please clarify.

11. **Section 18815.2(54)** – Ton – It remains unclear whether this needs to be reported on a dry or a wet (as is) basis. We recommend reporting in dry metric tons since that is how all other reporting for biosolids is done.

12. **Section 18815.2(56)** - Transformation Facility – references section 40201 of the PRC which includes pyrolysis. Does this extend to such systems at wastewater plants used to convert biosolids to biochar? If so, how does that impact reporting requirements.

13. **Section 18815.2(57)** - Transporter – Would a party contracted by a wastewater treatment plant to haul biosolids to either an end user or a recycling facility or operation be the reporting entity if they assume legal ownership for the period during which they possess biosolids? What of the wastewater treatment plant?
In some cases the ownership is only for the duration of the transport. We assume only one entity should report this but which one is unclear?

14. Section 18815.3(b)(2) – How does this section impact one excluded in sub (E) through PRC sections 17855 or 17896.6, but included in sub (C) or (F) in this section?

15. Section 18815.3(b)(2)(F) – This states that all wastewater treatment plants shall register as a reporting entity. Not all wastewater treatment plants manage solids on-site. Some transfer sewage sludge or biosolids by pumping through pipes to other treatment facilities. It should be clarified that wastewater plants only are reporting entities if they manage biosolids to an end product.

16. Section 18815.9(g)(2)(E) – references end products which are “liquids or gases” which are to be reported using conversion factors to estimate “tons”. What end products are targeted in this section? Biogas produced in anaerobic digestion should be explicitly excluded in this section.

CASA would be glad to meet with CalRecycle to clarify our comments and concerns and to offer solutions. Please contact me at gkester@casaweb.org or at 916-844-5262. Thank you again for the opportunity to provide comment and we look forward to proactively working with you on solutions.

Sincerely,

Greg Kester
Director of Renewable Resource Programs