



July 14, 2015

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VIA ELECTRONIC MAIL

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

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Dear Mr. Decio:

Thank you for providing Synagro Technologies, Inc. (Synagro) with the opportunity to comment on CalRecycle's April 21, 2015 version of the Consolidated Draft Regulation Text. Synagro is the largest recycler of organic by-products in the United States, providing sustainable resource recovery solutions to over 600 public and private water and wastewater treatment facilities in the municipal and industrial sectors. Synagro owns and operates two biosolids and green waste composting facilities in the Central Valley of California that provide recycling services to numerous wastewater municipalities in California.

Synagro takes pride in consistently producing and marketing over 200,000 tons per year of Class A/Exceptional Quality compost at these facilities, thus providing important infrastructure to help recycle California's waste streams. We appreciate the efforts by CalRecycle to meet the challenge of updating its regulations to allow for the beneficial and safe expansion of composting and the beneficial use of compost while supporting the mandate of increasing organics diversion to achieve the state's 75% recycling and AB 32 air quality goals. Without the service of such compost facilities, California's wastewater agencies would have extreme difficulty in meeting their recycling mandate.

Synagro's comments submitted on April 29, 2014 and May 6, 2015 are revised as follows in acknowledgement of CalRecycle's revisions to the draft text. We appreciate CalRecycle accommodating comments in the new text revisions. The following are Synagro's comments on the revisions found in the April 21, 2015 version of the Consolidated Draft Regulation text:

1. General - Synagro supports the requirement that digestate be composted at a permitted operation or facility, unless otherwise allowed as an alternative use by a state agency (like the California Department of Food and Agriculture).
2. **Section 17852**, under Definitions: **Sub-section 12** does not reflect biosolids material composting operation. Biosolids facilities should be reflective as a "compostable materials handling operation" and biosolids are **not** included in the definitions of those listed. Please consider making the following changes bold and italicized to the wording as shown below: (12) "Compostable Materials Handling Operation" or "Facility" means an operation or facility that processes, transfers, or stores compostable material. Handling of compostable materials results in controlled biological decomposition. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstocks, and chipped and ground materials. "Compostable Materials Handling Operation or Facility" does not include activities excluded from regulation in section

17855. “Compostable Materials Handling Operation or Facility” **also** includes, **but is not limited to**:

- a. agricultural material composting operations;
- b. green material composting operations and facilities;
- c. vegetative food material composting facilities;
- d. research composting operations; ~~and~~,
- e. chipping and grinding operations and facilities; **and**
- f. **biosolids composting operations**.

3. **Section 17852**, under Definitions **Sub-section 24**: Please consider adding chipped wood to the definition on Insulating Materials: (24) “Insulating Material” means material used for the purpose of minimizing the loss of heat from a compost pile undergoing the “Process to Further Reduce Pathogens” (PFRP), as described in section 17868.3. Insulating material includes, but is not limited to, soil, *chipped wood*, and stabilized compost.
4. **Section 17852(a) 24.5** should not apply to “finished compost”. Synagro understands that the language in this section is intended only to apply to “Compostable Material”. CalRecycle defines “Compostable Material” as “any organic material that when accumulated will become active compost as defined in section 17852(a)(1).” As such, Synagro understands that Section 24.5 applies only to such organic material that has not gone through a treatment process to be considered “Stabilized Compost”. “Stabilized Compost” is defined by CalRecycle as *any organic material that has undergone the Process to Further Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced biological activity as indicated by reduced temperature and rate of respiration below that of active compost*. Land application of “Stabilized Compost” products containing biosolids are already regulated by the SWRCB’s Biosolids General Order requirements (General Order No. 2000-10-DWQ). Such intent to only regulate “Compostable Materials” should be clearly distinguished from this section being misinterpreted to apply to “Finished Compost”.
5. **Section 17868.1 Sampling requirements**: Synagro appreciates CalRecycle’s change to allow for the sampling of the compost “*prior to*” the point where compost is removed from the site. Synagro’s understanding is that this change was made to allow for representative samples to be taken in a manner to allow for adequate time to obtain sample prior to any compost leaving the site. As commented before, some compost facility permits limit storage of post screened compost to seven (7) days thus making it very difficult, if not impossible to obtain analytical results prior the previous rule language that required the sampling of the compost at the point “*where compost is sold and removed*”..
6. **Section 17868.2(a)**: Synagro supports CalRecycle’s requirement for metals testing for all compost. Pursuant to the Federal 40 CFR Part 503 requirements, biosolids composting operations are required to meet vector attraction reduction (VAR) requirements. We 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. We are curious as to CalRecycle’s rationale for not requiring other non-biosolids composters to meet VAR.

7. **Section 17868.3.1.** Physical Contamination Limits, Sub-section (b). Not knowing the complexity of the testing protocol, the requirement to test for physical contamination every 5,000 cubic yards of finished compost will likely add significant additional costs to composting facilities. CalRecycle should include language that increases the volume limitation to a monthly test if the operator employs equipment to reduce contaminants during screening (e.g., an air lift separator). A field testing methodology needs development (along with guidance and/or training) for LEAs to assure field testing conducted produces results which are standardized and repeatable. Synagro suggest that CalRecycle develop such a standardized and repeatable **on-site** testing protocol in combination with a reasonable containment target level of 1% in a manner that will ensure that health and environmental goals of the regulation are met and the testing can be achievable by the compost industry. In the alternative, physical contamination testing frequency pursuant to section 17867.1(a)(1) is recommended.
  
8. **Section 17896.3.(a)** Pre-Existing Permits and Notifications. This section allows digestion facilities to continue “to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations, sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA makes such a determination, the operator shall comply with this Chapter within two years of that determination.” CalRecycle struck the pre-existing operations section for composters, however CalRecycle included the above mentioned language for digestion operations with pre-existing permits. Synagro request that CalRecycle include similar language for composters. As written, the regulation will provide undue impacts, both financial and operational, to composters as well as the local LEA’s that have to review and approve revised OIMP’s, etc.

Thank you again for this opportunity to comment. Synagro appreciates the progress made on this issue through CalRecycle’s ongoing collaborative efforts. Please let me know if you have questions or need further clarification on these comments. Synagro looks forward to continued work toward jurisdictional resolution of this important recyclable material management issue.

A handwritten signature in black ink that reads "Layne Baroldi". The signature is written in a cursive, flowing style.

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