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VIA ELECTRONIC MAIL

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

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 are still applicable and 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. Synagro recommends that CalRecycle include an express definition in this rule for "stabilized compost" as there is no definition specifically expressed in this proposed rule revision. Please note that under the proposed rule's section for digesters that digestate is being considered "compost". There is a definition for "digestate" that should be used throughout the digester section of this proposed rule instead of "compost". These products are not interchangeable nor the same. Synagro proposed that CalRecycle include in Section 17852 the following definition of "Stabilized Compost": "Stabilized Compost" means 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."

3. **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***.
4. **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.
5. **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”.
6. This comment (#3) is only being made if the proposed language in **Section 17582(a) 24.5** is intended by CalRecycle to limit land application of “Stabilized Compost”. Please note that Synagro does not believe that it is the intent of CalRecycle to have Section 17582(a) 24.5 apply to “Stabilized Compost”. If Section 17582(a) 24.5 applies to “Stabilized Compost” and restricts its use on a site to once in a 12 month period; and requires CDFA approval of all land application activities, it will have an unintended chilling effect on the continued recycling of compost products in California in direct contradiction of the State’s policy to encourage such recycling activities. The proposed CalRecycle regulation appears to be in direct conflict with many provisions

found in the existing federal, SWRCB, and in some cases local regulations governing the treatment, management, and use of biosolids compost already adequately limits application to the agronomic nitrogen needs of the crop to be grown, and since more than one crop can be grown on a site in California per calendar year, this limit should be deleted in this Section and modified to: “application of biosolids based finished compost shall be limited to the nitrogen needs of the crop to be grown based on the crop year.” Section 17582(a) 24.5 should only apply to “Compostable Materials” as defined in the proposed text.

7. **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.
8. **Section 17868.1** requires that sample results for metals and pathogens be obtained **prior to** any compost leaving the site. 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 to the need to market the compost. Flexibility is provided for this requirement in the proposed rule for all other compost feedstocks except biosolids. With the consistency of biosolids as a compost feedstock evidenced by EPA’s allowance for wastewater municipalities to land apply Class B biosolids long before the metals test results are received, flexibility should be allowed as with other feedstocks and as outlined below. All municipalities in California have aggressive pretreatment programs that have resulted in the consistent production of biosolids that meet the 503 Table 1 concentration limits, with the vast majority producing Table 3 compliant Class B biosolids. The EPA-approved process to further reduce pathogens (PFRP) of time and temperature to create a Class A biosolids compost products also has **decades of consistent and proven reliability**. Both Synagro and CASA raised this point at the Sacramento workshop and CalRecycle appeared amenable to discussing the concept of added flexibility. The regulations should be clear that biosolids composting facilities can land apply compost immediately for beneficial use so long as the composting technology meets temperature and residence time requirements for pathogen destruction. Synagro suggest modifying the language in this Section to be 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 assure CalRecycle that the permittee has enough confidence in its operational experience at the facility and the financial commitment to assume results will be in compliance with all applicable limits in the rule. 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.
9. **Section 17868.2** Maximum Metal Concentrations. Biosolids feedstocks are tested for metals prior to the shipment to the composting facilities. As such, the bulk of the feedstock already meets the proposed metal testing limits. The proposed requirement to have all sample results received **prior to** material leaving the site is impractical. Synagro recommends changing the language to: “*Sample results collected at the frequency prescribed in section 17867.1(a)(1) and must be available for review by EA at the composting site.*”

10. **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 may add significant additional costs to composting facilities. CalRecycle should include language that increases the volume limitation to a monthly test if the operator employs a contaminate prescreening program AND 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.
11. **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.



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