

December 5, 2014

CalRecycle
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VIA ELECTRONIC MAIL

Ken Decio
Waste Permitting, Compliance, and Mitigation Division
CalRecycle
P.O. Box 4025
Sacramento, CA 95812

Dear Mr. Decio:

RE: EBMUD Comments on the Proposed Revisions to Title 14 of the California Code of Regulations

The East Bay Municipal Utility District (EBMUD) appreciates this opportunity to provide comments on the proposed revisions to Title 14 of the California Code of Regulations. EBMUD has been a national leader in recycling trucked-in organics with anaerobic digestion at a Publicly-owned treatment works (POTW). EBMUD has successfully received and anaerobically digested solid food wastes, grease trap wastes, and a variety of other anaerobically digestible organics for more than 11 years. EBMUD started working closely with CalRecycle long before receiving any organic trucked-in wastes, to ensure a safe and environmentally protective anaerobic digestion operation. It has been a long and collaborative partnership.

EBMUD's organics digestion operation is a very clean and efficient way to recycle digestible organics locally to where these wastes are generated. Along with being a leader in anaerobically digesting trucked-in organic wastes, EBMUD has been a leader in the water and wastewater treatment industry for 90 years and 63 years, respectively—with regulatory compliance always being a primary objective. EBMUD applauds CalRecycle's collaborative approach in reviewing its current regulations, discussing options for revision, and then implementing positive changes that further promote waste recycling while protecting public and environmental health.

California is pursuing 75% diversion of materials from disposal. POTWs are in a unique position to provide local recycling of anaerobically digestible organics, a significant portion of the waste still going to landfills and usually generated in close proximity to a POTW. POTW's have been regulated primarily by the State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (RWQCB) for many years. EBMUD supports the proposed revisions, which prevent regulatory overlap for the receiving, handling, and anaerobically digesting pre-sorted, pre-processed, and trucked-in solid organic waste at a POTW.

EBMUD, however, has three suggested changes to the proposed regulations:

Page 32, lines 21-23 (§ 17896.8) would preclude POTW's from conducting any research that includes anaerobically digesting unprocessed mammalian tissue, even if demonstrated to be safe and the best alternative for recycling this material. EBMUD has worked closely with the California Department of Food and Agriculture (CDFA) to first carefully test at bench-scale and then safely feed animal blood to our full-scale wastewater treatment plant digesters, slowly ramping up the amount of animal blood fed, without incident for over 11 years. EBMUD has safely converted this blood waste, which has few alternatives for recycling (and those are high power consumers), into renewable energy and soil amendment. This prohibition unnecessarily removes a best option for recycling this material. Please consider adding: "unless approved by CDFA and the State Water Resources Control Board (SWRCB) or the Regional Water Quality Control Board (RWQCB) as appropriate."

EBMUD also recommends that the regulation provide a means to apply for the exclusion for anaerobic digesters at a POTW that are dedicated to solely accepting hauled-in anaerobically digestible materials and which do not co-digest sewage sludge, as long as they are similarly regulated through the NPDES permit or WDR. The following paragraph is recommended to replace section 17896.6 (a)(4):

(4) 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).

Such facilities are not currently in operation, but are likely to be in the future as POTWs explore additional options for energy production and waste recycling and thus a placeholder should be adopted now.

The proposed regulations will also impose a 0.1% by weight contaminant restriction on compost being land applied on agricultural fields. Not meeting this restriction would designate the practice "disposal" rather than "recycling," which has significant implications to cities and other jurisdictions under AB929 regulations. CalRecycle's supporting documents (i.e., "Agricultural Land Application of Compostable Materials—White Paper, February 2010," and CalRecycle's "Initial Statement of Reasons, September 2014"—in support of these proposed regulations) only state that the 0.1% contaminant restriction protects public health, without any supporting studies or facts demonstrating the efficacy of the 0.1% number. This contaminant restriction will not impact EBMUD at this time, but we are concerned that as EBMUD and other wastewater agencies look to take in a larger variety of organic wastes, some recycling opportunities might not be pursued because of the 0.1% contamination restriction. We recommend that this limit

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receive more study to select an appropriate contamination limit, before this part of the proposed regulations take effect.

We would like to express our sincere appreciation for the long and productive partnership EBMUD has had with CalRecycle over the many years we have worked on these issues together, and we look forward to our future collaborations.

Sincerely,



DONALD GRAY
East Bay Municipal Utility District

cc: Mark de Bie, CalRecycle
Bob Holmes, CalRecycle
Johnny Gonzales, State Water Resources Control Board
Dr. Douglas Hepper
Greg Kester, CASA