



CALIFORNIA ASSOCIATION of SANITATION AGENCIES

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COMMENTS ON AB 901 DRAFT REGULATIONS

The California Association of California Agencies (CASA) appreciates the opportunity to provide comment on the draft regulations intended to implement AB 901. For 60 years, CASA has been the leading voice for public wastewater agencies on regulatory, legislative, and legal issues. We are an association of local agencies, engaged in advancing the recycling of wastewater into usable water, high quality biosolids, generation of renewable energy, 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 within California and understands its importance in meeting state objectives and mandates. However, we have serious concerns that the current draft regulation is confusing and not applicable to the wastewater sectors management of biosolids or renewable energy. We offer comments below but would welcome the opportunity to meet with CalRecycle to explain in greater detail our concerns and possible solutions.

General Comments:

1. The nomenclature used in the draft regulations is unconventional for wastewater treatment and the products we produce and reuse. It may help clarify requirements if a separate section were included for the wastewater sector outlining specific reporting requirements for this sector.
2. Nomenclature is especially problematic and confusing with respect to biosolids and the wastewater sector, when defining terms such as: Bioproducts, Chipping and grinding facility or operation, Composting operation or facility, Contract hauled, Disposal and Disposal facility, End product, End user, Generator, Hauler, Jurisdiction of origin, Land application, Organics, Recycle or recycling, Reporting entity, Reuse, Self-hauler, Ton, Transfer/processor, Transporter, and Waste-derived material.
3. In general it is very difficult to determine where biosolids and the wastewater sector fit in these definitions and regulations. Neither the "reporting entity" nor the "end user" designations fit wastewater treatment plants, biosolids, or bioenergy produced therein. Therefore clarification specific to the wastewater sector is requested.
4. It remains very unclear how diversion credits will be determined and allocated. While all reporting entities will be assigned a "Diversion and disposal reporting system number", it is unclear how credits are assigned and how "jurisdictions of origin" are determined. This is especially critical for wastewater plants, many of whom are sanitation districts or Joint Powers Authorities serving multiple jurisdictions.
5. It is recommended that references to other regulations and legislation be deleted and replaced with actual language and specifications.
6. Reporting is indicated that it should be in "tons" but it is unclear if that is meant to be dry tons or wet (as is) tons. Also biosolids are typically reported in Dry Metric Tons (DMT) and it is requested that format be retained. With respect to energy, "tons" is not an applicable unit so clarity is requested on what and how to report energy units.

Specific comments are as follows:

1. Section 18815.2(a)(5) add a definition of biosolids: Biosolids means sewage sludge that has been treated to meet the land application standards for metal concentrations, pathogen and vector control as specified in Chapter 40 of the Code of Federal Regulations part 503.



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2. Sec. 18815.2(a)(5) Broker – Does “legal ownership” in this definition include contractually obligated? Wastewater plants often hire contractors to be a transport hauler (service provider) and to land apply or otherwise directly manage their biosolids but it is unclear whether they would be a “broker” under this definition.
3. Sec. 18815.2(a)(11) Composting operation or composting facility should not include in-vessel digestion. If digestion and digestate are necessary to include then they should be defined and used separately based upon the definitions in section 17862.2(a)(6 & 7) of Title 14 of the CCR.
4. Sec. 18815.2(a)(18) Disposal – the following language should be added:but does not include land application of compostable materials, compost, or biosolids.
5. Sec. 18815.2(a)(23) End User – The following language should be added: Means a person who recycles, uses,.....
6. Sec. 18815.2(a)(23)(B) – Energy consumers – this definition is confusing. Does it mean that an Investor Owned Utility (IOU) must report the amount of biomethane injected into their pipeline from a wastewater plant, dairy digester, or landfill? What of Publicly owned utilities? And how does one report, and who is responsible for reporting, the amount of CNG which may be produced from biomethane? What if it is used by the generators own fleet? And what does a wastewater plant, dairy digester, or landfill report if they are generating their own energy on-site from the biomethane produced? NOTE: it appears end users are exempt from reporting under section 18815.3 but it is unclear why they are then defined? Same for comment 7 below.
7. Sec. 18815.2(a)(23)(E) – the following language should be added: (e.g. Compostable material or biosolids)....
8. Sec. 18815.2(a)(32) – the following language should be added: Land application means..... of the CCR, or biosolids applied under the purview of USEPA and/or the Statewide General Order, individual Waste Discharge Requirements issued by a Regional Water Board.
9. Sec. 18815.2(a)(35) – Organics – biofuels and biogas should not be included in this definition of organics but should be defined and referenced separately.
10. Sec. 18815.2(a)(41) – Recycle or Recycling – Should include “reuse” and should include the land application of, or reclamation with, biosolids.
11. Sec. 18815.2(a)(48) Reuse – this definition is too narrow in scope. Reuse is commonly used to describe the recycling of biosolids to land but this definition would not describe that practice.
12. Sec. 18815.2(a)(55) Ton – Dry Metric Ton (DMT) should also be defined since all reports based on biosolids would use that unit for all reporting.
13. Section 18815.3(a) – appears to exempt those who are (1) an end user and (3) a person that generates, processes, and uses material all on the same site. Can CalRecycle confirm that under (1) all farmers, direct land applicators, and final users of biosolids products are exempt from reporting? And likewise confirm that under (3) wastewater plants who solely use their biosolids on-site are also exempt (e.g. incinerators, surface disposal units, etc.)?
14. Section 18815.3(b)(1) – specifies who must report but does not include beneficial use and recycling as options. Recommend adding the following language: The person sells, transfers, processes, beneficially uses, recycles, or disposes....
15. Section 18815.3(i)(2)(B)(ii) This section requires reporting of all material derived for energy or fuel sent to an energy end user. More specifics are requested for this requirement. Does a wastewater plant report all biomethane sent for pipeline injection, for use as a transportation fuel, electricity generated on-site and sent to an IOU or POU, or used on-site. In what units?



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16. Sec. 18815.3(i)(2)(B)(iii) – Material consumers – this covers end users **picking up** material but what of compost, which is delivered to consumers be they farmers or others?
17. Sec. 18815.3(i)(2)(B)(v) – Fill and land application – again a question is whether this is material **picked up** or delivered? Also strongly recommend that Fill and land application be bifurcated since they bear no resemblance to each other and it is very confusing why they are joined together.
18. Sec. 18815.4(b)(1) sets requirements for haulers of "organics" but in sub (A and B) assume that hauling will be only to transfer/processors or disposal facilities. What of direct land application for beneficial reuse and what if it is hauled to a third party who further treats it (e.g. compost facility, or other biosolids technology)?
19. Sec. 18815.5(a) sets requirement for transfer/Processors for tons "accepted" but sub (2) requires reporting of tons "sent" to recycling, composting, or other end use. This seems inconsistent and it is also unclear as to what type of material is being handled?
20. Sec. 18815.6(b) sets requirements for disposal facilities sending material off site. Sub (2) specifies materials sent off site from a disposal facility to recycling or compost. It is unclear what type of material would be sent from a disposal facility to such a facility?
21. Sec. 18815.7(a)(2) sets requirements for recycling and composting facilities to report the amount of material sent to another recycling or composting facility. It is unclear why a composter would send compost to another composter?

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 comments and we look forward to proactively working with you on solutions.

Sincerely,

A handwritten signature in black ink that reads "Greg Kester".

Greg Kester
Director of Renewable Resource Programs