

AB 967

WHAT YOU SHOULD KNOW Licensure/Permitting Requirements for Commercial Biocremation Facilities

About AB 967

AB 967 (Gloria) was signed by Governor Brown in 2017 and becomes law on January 1, 2018 (*Chapter 846, Statutes of 2017*). The bill authorizes the practice of liquid cremation of human remains. Provisions of the law address the disposal of the alkaline hydrolysis effluent (hydrolysate), which may be hauled-in to a wastewater treatment plant for co-digestion. The bill also alternatively prescribes the conditions for permitting a licensed hydrolysis facility to discharge hydrolysate into the sewer system.

The provisions relating to disposal of hydrolysate, which specifically impact wastewater agencies, are included in the California Business and Professions Code, Section 4. Article 2.7 (commencing with Section 7639).

Accepting Hydrolysate as Hauled-In Waste For Direct Injection to an Anaerobic Digester

Acceptance of hydrolysate is voluntary. The decision to accept it as hauled-in waste is at the discretion of each individual wastewater agency. If your agency decides to accept hydrolysate as hauled-in waste, the following conditions must be met:

- A licensed hydrolysis facility (LHF) must ensure that hydrolysate is transported to the wastewater treatment plant by a state-licensed biomaterials handler.
- A LHF must ensure that hydrolysate is transported to a POTW, licensed industrial anaerobic digestion facility, waste-to-energy, or biomass facility for the beneficial use or disposal of the hydrolysate (via anaerobic digestion).
- If a licensed industrial digestion facility, waste-to-energy, or biomass facility agrees to accept hauled-in hydrolysate from a LHF, and they have an industrial process sewer connection, they must obtain permission to accept the material from the POTW (control agency) who services the disposal facility.

Acceptance of Hydrolysate Discharges Through the Sewer System

AB 967 gives explicit discretion to wastewater agencies to either prohibit or allow disposal of hydrolysate via the sewer system based on their community's needs.

- The acceptance of hydrolysate discharges into the sewer system is voluntary and discretionary. Each agency can determine the appropriateness of these discharges into their systems as they see fit.
- Agencies can prohibit hydrolysate discharges for any reason, including for public perception reasons or other issues outside of the scope of pretreatment program requirements.





If an agency chooses to authorize this type of discharge, hydrolysate may be disposed of in the sewer system by a LHF if all of the following conditions are met:

- The entity that provides wastewater treatment and disposal (control agency) to the LHF expressly authorizes the disposal of hydrolysate into the sewer collection system.
- In the case that the LHF is serviced by a collection system that issues discharge permits, authorization from both the collection system and control agency is required.
- A LHF that has secured the necessary permits must comply with all local ordinances, pretreatment requirements, permitting requirements, waste discharge requirements, and all other applicable federal, state, and local laws, ordinances and regulations governing the protection of water quality and public health, the promotion of water recycling, and discharge into the sewer system.
- The LHF must demonstrate compliance as determined by the authorizing agency. At a minimum, the bill requires the LHF to be subject to annual water quality compliance testing. Specific compliance requirements are to be determined by the authorizing agency.

Considerations for Your Pretreatment Program

While AB 967 was being considered by the Legislature, the funeral industry estimated that between 10-15 commercial biocremation facilities will apply for licensure in 2018. All of these facilities will be seeking authorization to use one of the two available disposal methods.

- Agencies may wish to review their pretreatment ordinances to address requirements for hydrolysate disposal in their systems.
- Agencies that decide to prohibit these types of discharges into their systems may wish to review and/or revise their pretreatment ordinances to reflect that determination.

