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*Handout*

*Agenda Item* 2D

*Date* February 28, 2019

March 1, 2019

Via electronic mail to CalRecycle Docket

To Whom It May Concern:

Las Gallinas Valley Sanitary District (LGVSD) appreciates the opportunity to comment on the recently proposed organics reduction regulatory language developed by CalRecycle for the implementation of SB 1383.

LGVSD provides sanitary sewage collection and treatment service to approximately 30,000 residents in North San Rafael and has extensive treatment plant infrastructure and property in the adjacent unincorporated area in the County of Marin. LGVSD is pleased that CalRecycle recognizes the wastewater sector as part of the solution for organics diversion, and we greatly value the collaborative and productive relationship we have developed with CalRecycle. We also appreciate how responsive Hank Brady and his entire team have been through this process, which is reflected in the current draft regulations.

We are focused on helping the State achieve the mandates of SB 1383. Wastewater treatment plants can utilize existing infrastructure in the form of anaerobic digesters to co-digest food waste and other organic waste, thereby diverting it from landfills. Significant increases in biogas production, and in turn renewable energy production, result from co-digestion at much lower costs than building new infrastructure. For this to be viable, we need assurance of markets for the products of digestion, including both biosolids and biogas. While CalRecycle took positive steps toward assuring those markets exist, we request several clarifications below to expand those options.

Overall, LGVSD is extremely pleased that many of CASA's comments submitted during the informal development of regulatory language have been addressed in this first draft of formal regulatory text.

Specific Comments and Recommendations:

1. Article 2 Section 18983.1(b)(6)(B)(1) – This section delineates activities which are deemed to be “recovery” and thus a reduction in landfill disposal. This section includes biosolids land application and references Appendix B of the federal part 503 regulations, which stipulate technology and other standards for both Class B and Class A pathogen reduction necessary for land application. The language in

B and Class A pathogen reduction technologies, including far more options for achieving each Class, all of which are deemed equivalent to anaerobic digestion or composting.

None of the treatment processes delineated in Appendix B would generate methane. The greenhouse gas reduction achieved via land application rather than landfilling is the same regardless of the technology employed to meet the pathogen reduction and vector attraction reduction criteria. The methane reduction is realized in the avoidance of landfilling not by the process utilized to treat the biosolids. While it is true that most biosolids in California undergo either anaerobic digestion and/or composting, other compliant technologies are also utilized and entities should not be penalized for using them.

LGVSD strongly urges CalRecycle to replace the words “.... anaerobic digestion or composting....” With “..... one of the processes, ....”. In support of this argument, please refer to the BEAM model at this link: <https://casaweb.org/wp-content/uploads/2015/12/1-BrownetalEST-GHGCalculator10.pdf> which has been adopted by the Canadian Ministries of the Environment as a means to quantify the climate change mitigation benefits of biosolids land application.

2. Article 2 section 18983.1(c) – Includes “...or any other disposal of waste as defined by Section 40192(c) of the Public Resources Code.”, in the definition of Landfill. This is a very broad definition and seems to limit the disposition to organic waste deposited on land. We believe this is an overly restrictive definition, and will create confusion because of the inclusion of technologies other than landfilling in the definition of landfill (by virtue of the cross-reference to PRC Section 40192(c)). We request that CalRecycle clarify the scope of this definition. (see comment 3 below as well).
3. Article 6 Section 18987.2(a)(1) – The language requires all biosolids produced at any wastewater treatment plant to be treated via anaerobic digestion and/or composting and sent for land application. In addition to other treatment technologies as mentioned in comment 1 above, there are also other end uses employed which would be disallowed under this requirement. California has two incinerators and roughly five surface disposal sites located at wastewater treatment plants. None of the sludge produced at those facilities would ever be transported off-site and would neither be landfilled or land applied and thus would seem beyond the purview of these regulations. It would be cost prohibitive to require these facilities to change technology and management practices.

Similarly, it is imperative that all treatment options in 40 CFR part 503 Appendix B (Class A and Class B) be allowed and viewed as “recovery” (not just anaerobic digestion and composting). Treatment technologies are themselves dynamic and emerging resulting in alternative treatment and final disposition of biosolids. For



example, thermal processes can produce energy and biochar. These technologies should be encouraged, not excluded as the language in this section appears to do. Dried biosolids have long been used effectively as alternative fuel at cement kilns in place of fossil-based fuels. We recommend all treatment technologies specified in Appendix B of 40 CFR part 503 which result in land application or land reclamation should be counted as a reduction in landfill disposal. Existing biosolids management practices whereby biosolids do not leave the site should be excluded from these regulations. And emerging technology which may result in energy production (thermal) or avoid fossil-based fuels (cement kilns), but which do not send any biosolids to a landfill should be encouraged.

Additionally, our understanding is that CalRecycle does not intend (and lacks the authority) to ban any organic waste stream from landfills. Rather, future use was to be negotiated between a wastewater plant and their jurisdiction of origin. We request that these regulations be revised to explicitly articulate that approach.

We recommend the following revisions to this section:

#### Section 18987.2. Biosolids and Sewage Sludge Handling at a POTW

(a) Biosolids generated at a POTW shall be:

(1) Treated and managed in accordance with the Land Application, Incineration, or Surface Disposal requirements specified in 40 CFR part 503,

(2) Transported to a solid waste facility or operation for additional processing, composting, in-vessel digestion, or other recovery as specified in Section 18983.1(b) of this division,

(3) Notwithstanding subdivision (a)(1), sewage sludge and biosolids when it is not possible for them to be adequately treated and sent for additional processing or recovery may be sent for disposal to a permitted facility that can receive that sewage sludge and biosolids and has obtained the applicable approvals by the regional, state, and federal agencies having appropriate jurisdiction, or;

(4) Be treated and managed in other approved manners.

4. Article 9 Section 18990.1(c)(3) seems inconsistent with the language added to s. 18990.1(a & b) which restricts local ordinances such that they may not impede organics recycling. Sub (c)(3) seems to supersede that restriction. Clarity or revision of this language is requested to ensure an open market across California for organics recycling.

5. Article 12 Section 18993.1(f) defines eligible recovered organic waste products which satisfy the procurement requirements of s. 18993.1(e).

*a.* Sub (f)(1) stipulates that compost is an eligible product. We assume this includes biosolids compost but request explicit confirmation of that. Furthermore, there are many other biosolids products which

should be considered as eligible recovered organic waste products. A jurisdiction should be given broad latitude in meeting this requirement and all biosolids products meeting the land application requirements of 40 CFR part 503 should be eligible.

- b.* Sub (f)(2) stipulates that renewable transportation fuel is also an eligible recovered organic waste product. While we support the intent of this requirement to help create end markets, we question the definition of Renewable Transportation Fuel in Article 1 18982(a)(62), which requires the fuel be derived "...from organic waste diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by Title 14 to recycle organic waste." Does this exclude renewable transportation fuel which is derived from sewage sludge anaerobic digestion alone, without co-digestion? We trust that is not the intent,

Las Gallinas Valley Sanitary District

Re: SB 1383

since anaerobically digesting sewage sludge, land applying the resultant biosolids, and producing low carbon transportation fuel is certainly consistent with the requirements of SB 1383 and these regulations. All sewage sludge which is anaerobically digested could be considered to be diverted from landfills. Please clarify whether the intent of the language is to include all sewage sludge and co-digested materials under this eligibility requirement. Alternatively, we respectfully request this definition be amended to read: "...gas derived from organic waste processed in an in-vessel digestion facility that is permitted or otherwise authorized by Title 14 or Title 23."

- c.* Sub(f)(2) – We also request that any other beneficial uses of methane be deemed eligible to qualify as fulfilling the procurement obligations. This includes pipeline injection, on-site power production and exported electricity, as well as the production of renewable transportation fuel. All should be deemed to be recovered organic waste products and eligible to satisfy the procurement requirements.

6. 2014 Waste Characterization Table – Please confirm that this Table has been updated to include biosolids data from 2014, since this serves as the baseline upon which compliance with the draft regulations is based.

We applaud your efforts in developing these important and exhaustive regulations.

Sincerely,

Mike Prinz  
General Manager

cc: Howard Levenson – CalRecycle  
Mark de Bie – CalRecycle  
Hank Brady – CalRecycle  
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