

May 6, 2015

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 about 13 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 91 years and 64 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 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 presorted, preprocessed, and trucked-in solid organic waste at a POTW.

EBMUD, however, has suggested changes to specific sections of the proposed regulations:

Pages 34-35, lines 56-58 and lines 1-8 respectively, the current language under Section 17896.7 "Prohibitions" reads:

"The following activities are prohibited at all in-vessel digester operations and facilities and at all sites where in-vessel digestion activities that are excluded from regulation under this Chapter occur:

(a) The in-vessel digestion of processed mammalian tissue, including but not limited to, flesh, organs, hide, blood and marrow, except when received:

(3) from a source approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture."

EBMUD recommends the following changes to Section 17896.7(a)(3):

(3) from a source and processed by a facility approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, on a case-by-case basis ."

EBMUD believes that more important than the "source" of blood (etc.) **an AD facility operation** (which would include the source of animal blood) should be approved to treat animal blood by CalRecycle, in consultation with SWRCB and CDFA, since EBMUD believes that there is a minimum level of knowledge and expertise, as well as adequate facilities, that must be achieved to safely handle animal blood. EBMUD expects that if only the source of animal blood needs approval, this would exclude the slaughterhouse blood waste that EBMUD has safely been anaerobically digesting for more than 13 years, since any AD facility would not be able to handle it without the thorough testing and analysis that EBMUD has conducted.

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 changes to 17896.6(a)(6) are recommended:

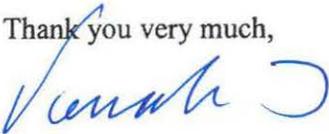
Other discrete handling activities that are already subject to more equally stringent handling requirements under Federal or State law, as determined by the EA in consultation with the Department, are excluded. Furthermore, POTWs with dedicated digesters receiving only hauled-in anaerobically digestible materials without co-digesting with wastewater at POTWs, can submit a request for exclusion in accordance with Section 17896.6(a)(1)(D).

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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.

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.

Thank you very much,



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