

November 10, 2014

Ken Decio
Waste Permitting, Compliance and Mitigation Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812-4025

Reference: Comments to Proposed Rulemaking - California Department of Resources Recycling and Recovery (Department) proposes to amend California Code of Regulations, Title 14, Division 7, Chapters 1, 3, 3.1 and 5 and create Chapter 3.2

Dear Mr. Decio,

I appreciate the efforts of CalRecycle to allow an exemption for POTW's to receive and digest "hailed in organics" and provide regulatory certainty with respect to permitting for this activity. POTW's offer a tremendous opportunity to facilitate organics infrastructure in California as we strive for achieving the goals of AB 341 and AB 1826. There is one section regarding preprocessing that is somewhat subjective in what entails waste preprocessing vs. what entails wastewater preprocessing. The section I am referring to is shown below with bold highlighting the section requiring further clarification:

17896.6(a)(1)(A) {pp 31, line 5}

(A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant. Once on site, the anaerobically digestible material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. ***The pumped material may be screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and conveyed in a contained system. Any separated material at the POTW that is not suitable for anaerobic digestion and has no beneficial use shall be further managed as a solid waste.***

There are substantial specifications regarding contamination associated with digestate/compost use, however there is no specification as to how much contaminants are allowable for the "hailed in organics." Further the above clause does indicate the level to which a POTW has the discretion to "screen, otherwise separated or treated prior to anaerobic digestion." In traditional wastewater treatment operations, the head works of the plant typically has fine screening to remove rags, plastics, and other contaminants

followed by grit settling prior to other wastewater treatment operations. Both of these activities create waste streams in traditional POTW's that must be disposed of properly. With the proposed regulations, there is no limit on the amount of contaminants that can be received by a POTW. We believe the intent of this exemption is to ensure that a significant proportion of any waste preprocessing take place offsite in a solid waste permitted facility or in an onsite solid waste permitted facility, but there should be some sort of specification such as not to exceed 5% contaminants greater than 4 mm. In addition, this specification needs to be normalized based on the total solids of the organic waste received. Total solids content typically correlates with the amount of dilution water added or not added to the organic material prior to arrival at the POTW. If a contaminant specification is simply stated as a percent of the total weight without consideration for total solids, it would encourage the use in water to dilute contaminants prior to delivery.

Considering the State's current drought conditions, the best offsite waste preprocessing would be encouraged not to add water in its processes and conserve this valuable resource. Therefore, we would highly recommend that a specification on the amount of contaminants allowed for this exemption be based on a dry basis which considered the total solids in the hauled in organic fraction.

Adopting the regulations with these specifications will eliminate concern amongst the POTW's as to what processes are allowed and already employed in wastewater treatment plants as far as screening and grit removal and eliminate ambiguity on the interpretation by the Local Enforcement Agents. Finally, POTW's will also not be faced with a decision as to whether to further process hauled in organics similar to how they currently treat wastewater as opposed to digesting contaminants at higher cost and with higher risk associated with the digestate management due to high levels of contaminants.

Thank you for the opportunity to comment of the proposed regulation and if you have any further questions, please do not hesitate to contact me.

Sincere Regards,



David Schneider
Vice President of Business Development
(310) 994-0272
david.schneider@anaergia.com
www.anaergia.com