



October 10, 2012

CalRecycle

compost.transfer.regs@calrecycle.ca.gov VIA ELECTRONIC MAIL

Subject: Comments on Proposed Revisions to Title 14 Division 7 of the California Code of Regulations

Dear Sirs:

The Southern California Alliance of Publicly Owned Treatment Works (SCAP) is pleased to submit comments on the proposed regulatory approach for **Issue 5: Regulatory Coordination of Publicly Owned Treatment Works (POTWs) Accepting Hauled in Anaerobically Digestible Waste**, currently under consideration.

SCAP represents 85 public agencies that provide essential water and wastewater treatment services to nearly nineteen million people in Los Angeles, Orange, San Diego, Santa Barbara, Riverside, San Bernardino and Ventura counties. We provide environmentally sound, cost-effective management of more than two billion gallons of wastewater each day and, in the process, convert wastes into resources such as reclaimed water and renewable energy.

SCAP has been working closely with the California Association of Sanitation Districts (CASA) on this issue and fully support its efforts to resolve this regulatory jurisdiction issue with CalRecycle.

The acceptance of hauled-in organic waste such as Fats, Oils, and Grease (FOG), food waste (source separated, etc.), vegetative food waste (cannery, food processing etc.), and others for anaerobic digestion at POTWs is a common practice and one which is steadily increasing as a management option for this valuable waste stream. Moving forward this practice will be an integral component of, and POTWs a key partner in, achieving the dual state objectives to provide 33% of the state's energy needs from renewable sources, and to recycle 75% of the solid waste generated in the state, both by 2020.

SCAP fully supports CASA's recommended adoption of the draft language establishing an exclusion for POTWs accepting vehicle-transported, anaerobically digestible material, provided they are in compliance with relevant provisions of their individual National Pollutant Discharge Elimination System (NPDES) permit or of their Waste Discharge Requirements (WDR), as applicable. It is our understanding that this regulatory approach is consistent with the

P.O. Box 231565

Encinitas, CA 92024-1565

Fax: 760-479-4881 Tel: 760-479-4880 Website: www.scap1.org Email: info@scap1.org

recommendation of State Water Resources Control Board (SWRCB) Executive Director Tom Howard, as stated in his December 6, 2011 memo to CalRecycle's Director Carroll Mortensen.

SCAP further believes the proposed exclusion is consistent with various Public Resource Codes, and will avoid unnecessary duplicative regulatory requirements from multiple jurisdictions.

SCAP acknowledges that, in accordance with SWRCB permit language, all such waste received will be kept in tanks and either pumped or slurried, and never placed on the ground or moved via bobcats or end loaders. Some use of screening, rock traps, grinder pumps, and the like will be employed prior to introduction to digestion in order to ensure the integrity of treatment. However, this material handling will be no different than what is already done at pump stations, the plant headworks, and through grit removal. POTWs have always effectively managed such solid waste and standard operating procedures, as required by the SWRCB, will ensure proper handling of this waste.

We recommend that the regulation also exclude anaerobic digesters at a POTW which 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. Such facilities are not currently in operation but are likely to be, as POTWs explore additional options for energy production and waste recycling. SCAP further concurs with the recommendation that POTWs with anaerobic digestion remain in the excluded tier for Issue 7: Anaerobic Digestion Facility Permitting.

SCAP appreciates the opportunity to provide comments on this important issue. Please let me know if you have questions on this matter.

Sincerely,

A handwritten signature in black ink that reads "John Pastore". The signature is written in a cursive, flowing style with a large initial "J" and "P".

John Pastore, Executive Director

Cc: Enrique Zaldivar, President