



January 25, 2007

Ms. Sandra Lowe-Leseth
San Joaquin Valley Air Pollution Control District
1990 East Gettysburg Ave.
Fresno, CA 93726

Subject: Draft New Rule 4565 Comments

Dear Ms. Lowe-Leseth

The California Association of Sanitation Agencies (CASA), Tri-TAC, and the Central Valley Clean Water Association (CVCWA) appreciate this opportunity to provide comments on Proposed Rule 4565. CASA and Tri-TAC are statewide organizations comprised of members from public agencies and other professionals responsible for wastewater treatment. Tri-TAC is a technical advisory committee for the California Water Environment Association, CASA, and for the League of California Cities. The constituency base of CASA and Tri-TAC collects, treats, and reclaims more than two billion gallons of wastewater everyday and serves most of the sewered population of California.

The Central Valley Clean Water Association (CVCWA) is an organization of 57 local public agencies located within the Central Valley region that provide wastewater collection, treatment and water recycling services to millions of Central Valley residents and business.

MAJOR CONCERNS

We have reviewed Proposed Rule 4565 and we understand the need for improved air quality in the San Joaquin Valley, but we have two major concerns with the proposed rule. These concerns are that the rule as proposed will:

1. Eliminate the option of using organics as landfill alternative daily cover (ADC) in the SJVAPCD and potentially other air districts in the future. With other options for use of biosolids being eliminated and with the CIWMB promoting the beneficial use of biosolids as ADC to reduce landfilling and promote reuse, the recent proposed revisions to PR 4565 will essentially preclude the use of biosolids as ADC. As a result, the proposed rule will have a significant adverse impact on the overall statewide environmental goal of diverting recyclable solid wastes from taking up valuable landfill space.
2. Result in regular violations where land application is practiced, because it is virtually impossible and sometimes unsafe to land apply and incorporate within three hours of receipt under all conditions, such as in inclement weather or at night. Traditionally several loads of biosolids are delivered to a site and incorporated after sufficient volumes are received. If

incorporation of each load within 3 hours of receipt is required, this will subject land appliers to regular non-compliance and will result in an enforcement nightmare for the SJVUAPCD. Further, incorporation during bad weather and nighttime hours, as well as rapid incorporation during deliveries, could cause safety problems on site.

SCIENTIFIC BASIS

It appears that the justification for the need to rapidly cover these organic materials is primarily based on odor studies at animal feed lots in Iowa. We first question the correlation of odors to VOC emissions with no scientific evidence to substantiate this. Second, we question the correlation between raw animal feedlot wastes with treated and tested sewage sludge or biosolids, again without any scientific justification. Finally, even if there were a correlation, the negative environmental impact of these regulations from a solid waste beneficial use standpoint, would more than offset any possible small benefit from requiring rapid incorporation and elimination of the potential to use biosolids as ADC. Environmental impacts of the proposed restrictions include expanded use of valuable landfill space for recyclables, increased emissions from truck traffic as options are further reduced and biosolids are shipped to more distant locations, and increased use of chemical fertilizers, with the restrictions on biosolids as a beneficial soil amendment.

It is our understanding that the emissions estimates used by the SJVAPCD to determine the impact of PR 4565 are based on composting emissions as a surrogate emission source for land application. Technical and scientific support for the use of composting emissions data as a surrogate emission source for land application of biosolids or use of biosolids as ADC does not exist. Biosolids composting typically involves the use of green waste or wood waste, elevated temperatures, and turning that result in VOC emissions in excess of that from biosolids use in land application or as ADC.

While the original draft requiring incorporation within 24 hours will cause some difficulties, in the interest of improving air quality, we are willing to support this restriction. However, land appliers cannot comply and we cannot support the regulations as proposed, which require incorporation within 3 hours.

DISCUSSION

The SJVAPCD should allow landfill operators some flexibility in the use of biosolids as ADC. Even though no landfills in Kern County, past or present, have used biosolids as ADC, some municipal and private landfills in the Central Valley occasionally receive for disposal, dried biosolids from local POTW's. The alternative use of dried biosolids as ADC would allow for an efficient beneficial use at these facilities. Also, during an emergency, or shut down of local POTW's, biosolids compost or transformation facilities, it may become necessary to divert dried biosolids to landfill disposal sites. Technologies for processing biosolids include pelletization, drying, and composting. If agricultural uses of these processed forms are further restricted, as proposed by Kern County, the need for disposal options will become critical. Ultimately, the use of ADC derived from dried biosolids vs. direct disposal may simplify permit issues for the CIWMB and CVRWQCB.

SUGGESTED CHANGES

As a result, we request the following revisions to this proposed rule:

For ADC:

- Add a new definition "3.2 ADC - Alternative Daily Cover - material conforming to the CIWMB requirements for landfill cover."

- Change definition of Landfill (landfilling) to exclude ADC by adding "or ADC" after "... soil" in the last line.
- Require that ADC be in its final form within 24 hours of receipt on the landfill site. This could be done by adding a new paragraph 5.1.2 and moving current paragraph 5.1.2 to 5.1.3 The new paragraph 5.1.2 would read "Complete the development of the ADC material as required to meet CIWMB requirements."

For Land Application:

- Change the requirement to require incorporation within 24 hours. This could be accomplished by changing item 2 on Table 1 from "...three (3)..." to "...twenty four (24)..." Alternatively, if you scientifically determine that the VOCs emitted from biosolids are different from the other organic materials as we suspect, biosolids could be deleted from item 2. In that case, a new item 5 could be added as follows "5 Land incorporate biosolids within twenty four (24) hours of receipt at the facility or movement from the point of generation, whichever is greater."

Thank you for this opportunity to comment on Proposed Rule 4565. Please do not hesitate to contact Layne Baroldi at 714-593-7456, or Bob Gillette at 916-565-4888 if you have any questions regarding this letter of our organizations.



Layne Baroldi,
Co-Chair,
Tri-TAC Land Committee



Charles V. Weir
Chair,
Tri-TAC



Robert A. Gillette
Biosolids Program Manager
CASA



Warren F. Tellefson
Executive Officer
CVCWA