



Clean Water Summit Partners
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Summit Partners:
- Bay Area Clean Water Agencies (BACWA)
- California Association of Sanitation Agencies (CASA)
- Central Valley Clean Water Association (CVCWA)
- California Water Environment Association (CWEA)
- Southern California Alliance of Publicly Owned Treatment Works (SCAP)

August 26, 2010

Margo Reid Brown, Director
Department of Resources Recycling and Recovery
1001 I Street
Sacramento, CA 95814

Subject: Unnecessary Transfer Station/Process Facility Permits at publicly owned wastewater treatment plants

Dear Director Brown;

The Clean Water Summit Partners are writing to seek your assistance in resolving a cross media dilemma resulting from policy decisions made by your staff. If allowed to stand, the decisions will allow Local Enforcement Authorities (LEAs), at their discretion, to require publicly owned wastewater treatment works (POTWs) to obtain a Process Facility/Transfer Station permit (PF/TS) for an activity which is already heavily regulated under federal and state water and air permits. The Clean Water Summit Partners collectively represent almost all of the sewered population of California and the POTWs who serve them. The Clean Water Summit consists of the California Association of Sanitation Agencies (CASA), the Bay Area Clean Water Agencies (BACWA), the Southern California Alliance of POTWs (SCAP), the Central Valley Clean Water Association (CVCWA), and the California Water Environment Association (CWEA), all of whom have worked for years for proactive solutions on wastewater treatment, recycled water, and biosolids management.

Specifically, we are concerned that if CalRecycle allows permit issuance and requirements to remain within the discretion of individual LEAs, it will serve as a disincentive for POTWs to accept and treat fats, oils, and grease (FOG), septage, and food waste. An additional unnecessary permitting process will inhibit state initiatives, which promote both renewable energy production and the diversion of organic material from landfills. In addition, the policy conflicts with the intent of Title 27, which was adopted to avoid jurisdictional overlap whenever feasible. Therefore, the Clean Water Summit Partners offer several alternative solutions to resolve this matter in a way that will maximize the amount of FOG and Food Waste accepted at POTWs. These are:

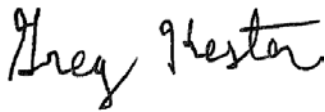
1. CalRecycle could implement a blanket exemption under S 17403.1(a)(7)(G) from TS/PF permits for all POTWs receiving hauled in waste as they are already at least as stringently regulated under federal and state water permits.

2. If CalRecycle is concerned that permits issued by the water boards are not sufficient to address solid waste issues, CalRecycle should communicate with the water boards the additional information or requirements they believe should be included in permits to ensure public health and environmental protection. For example, POTWs could be required to provide a description of how waste is received, what waste is received, how much is received, and how it is processed.

3. CalRecycle should reconsider its decision to define compostable materials by temperature rather than by process. Simply because an anaerobic digester may operate at high temperatures does not make it a compost operation and to consider it as such is inappropriate. Moreover, for CalRecycle to assume jurisdiction for these digesters in addition to the Water Boards is duplicative and unnecessary.

We appreciate your immediate attention to this issue, as receiving station projects are currently on hold across the state, and existing facilities are contemplating closure, due to this uncertainty. I look forward to hearing from you regarding resolution of this issue. We would be pleased to work with you to develop any of the options outlined above.

Thank you very much.



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