

Texas Natural Resource Conservation Commission

INTEROFFICE MEMORANDUM

To: Commissioners **Date:** August 24, 2001

Thru: LaDonna Castañuela
Chief Clerk

From: Randolph Wood, Deputy Director
Office of Environmental Policy, Analysis, and Assessment

Subject: Petitions for Composting Grit Trap Waste

Caption: Docket No. 2001-0989-RUL. Consideration of petitions for rulemaking filed by Foster and Malish, L.L.P., on behalf of Roy Eugene Donaldson (dba Texas Organic Recovery) requesting that grit trap waste be added to the list of wastes that can be composted under 30 TAC §332.3(b) and §332.31(a) and that facilities currently registered to compost grease trap waste or septage receive automatic authorization to compost grit trap waste also.

The proposed amendments would allow grit trap waste to be treated like certain organic wastes when treated through composting. This change would allow grit trap waste to be recycled rather than being disposed of as a solid waste. Staff recommendation is that the petition be denied because grit trap waste is an inert material that will not compost, which conflicts with the definition of “composting” in the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Chapter 361. (Joseph Thomas) (Rule Log No. 2001-097-PET-WS)

Who Submitted the Petition:

On July 16, 2001, Foster and Malish, L.L.P, submitted two petitions on the behalf of Roy Eugene Donaldson, doing business as Texas Organic Recovery. Each petition asked that “or grit trap waste” be added to 30 TAC Chapter 332, Composting, specifically 30 TAC §332.3(b)(4) and §332.31(a)(4). On August 3, 2001, two amended petitions were received. Each petition added a clause to grandfather facilities that are registered as of September 1, 2001, for composting grease trap waste or septage, such that those facilities would not need to amend their registrations to begin using grit trap waste.

What the Proposed Rule Would Do:

The requested change would allow grit trap waste to be “composted” (since this material is an inert inorganic material, there would be no decomposition through the normal composting process, but the material might serve as a filler material to increase the amount of compost product produced). This change would allow an additional disposal option for and recycling of grit trap waste, but

Re: Docket No. 2001-0989-RUL

there may be a legal conflict with statute and contamination problem for compost produced with this material.

Applicable Law:

Composting is regulated under the Texas Solid Waste Disposal Act (SWDA), Texas Health and Safety Code (THSC), Chapter 361. Texas Health and Safety Code, §361.428 mandates that the commission adopt rules establishing minimum standards and guidelines for the issuance of permits for processes or facilities that produce compost. Texas Health and Safety Code, §361.003(6) defines “Composting” as “the controlled biological decomposition of organic solid waste under aerobic conditions.” Texas Health and Safety Code, §361.422 requires that the commission establish rules through which the progress towards achieving established source reduction and recycling goals can be measured.

Grit trap waste is the heavy particles that settle out of wastewater within interceptors in sewer lines. Although not specifically mentioned in the SWDA, it is currently regulated as a special waste under 30 TAC Chapter 330, Municipal Solid Waste. The material from some grit traps is considered to be a liquid waste, and its transportation is covered by 30 TAC Chapter 312, Subchapter G, Transporters and Temporary Storage Provisions.

Reason Rules Are Needed:

The petitions state that the current requirements for the disposal of grit trap waste are inequitable since the material is not authorized for recycling, as is true for certain organic wastes.

Potential Problems With Request:

There is a possible conflict with THSC, Chapter 361 since the use of this material does not appear to be consistent with the statutory definition of “composting” because it is not an organic waste.

Grit trap wastes cannot be effectively composted because of the absence of any significant amount of organic materials. Although the material may be effectively treated to reduce pathogens if limited amounts are used in mixtures of organic wastes being composted, there is still a risk of contamination of the finished compost product from heavy metal or asphaltic materials that may be in grit trap waste. To maintain control over the levels of pathogens and contaminants present in the finished product, staff recommends that there be requirements for testing of the grit trap waste or the finished product if rulemaking is done. Storage requirements for the facilities using this material should also be included in any rulemaking to protect against spread of the contaminants.

Additionally, to maintain the aeration of compost piles, staff recommends that the amount of grit trap waste that can be mixed be limited so that compression of the materials in the compost piles

Commissioners
Page 3
August 24, 2001

Re: Docket No. 2001-0989-RUL

does not occur. As written, the petition does not require that this material be mixed with organic materials for composting. Without such mixing, composting is not possible.

Affected Public:

Owners and operators of facilities with grit traps, including car washes, service stations, commercial laundries and municipal sewage treatment plants.

Owners and operators of composting facilities.

The general public using compost produced or consuming crops grown with such compost.

Affected Agency Programs:

Waste Permits Division runs the permitting program for composting operations. Additional oversight of registrations allowing the use of this material would be needed.

Registration, Review & Reporting Division oversees registrations for transporters of liquid wastes under Chapter 312. All registered transporters serving the composting facilities would need to amend their registrations to add those sites as authorized disposal sites.

Agency Contacts:

Joseph Thomas, Office of Environmental Policy, Analysis, and Assessment, 239-4580
Ada Lichaa, Waste Permits Division, 239-6728
Scott Settemeyer, Waste Permits Division, 239-3419
John Scott, Waste Permits Division, 239-1189
Brian Noble, Small Business and Environmental Assistance Division, 239-6780
Scott McCoy, Small Business and Environmental Assistance Division, 239-6774
Ray Pizarro, Small Business and Environmental Assistance Division, 239- 2588
Anthony Tatu, Environmental Law Division, 239-5778
Patricia Durón, Texas Register/Administrative Support, 239-6087

cc:

7 copies to the Chief Clerk for distribution