

Composting 2019 Advisory Committee

Composting Pathogen Reduction 2019 Advisory Committee

Meeting Minutes

Monday, April 1, 2019, 1:00 p.m. – 3:30 p.m.
DEQ Salem Administrative Office, Conference Room 201
4026 Fairview Industrial Drive
Salem, Oregon 97302

List of attendees:

Advisory Committee Members

- Tim Bielenberg, Oak Lea Dairy
- Tammy Dennee, Oregon Dairy Farmers Association
- Kristan Mitchell, Oregon Refuse and Recycling Association
- Ray Monroe, Tillamook County Soil and Water Conservation District
- Rob Russell, Tillamook Bay Watershed Council (by phone)

DEQ and other state agency staff

- Bob Barrows, Oregon Department of Environmental Quality
- Eric Clanton, Oregon Department of Environmental Quality
- Jeremy Fleming, Oregon Department of Environmental Quality
- York Johnson, Oregon Department of Environmental Quality
- Michael Lee, Oregon Department of Environmental Quality
- Wym Matthews, Oregon Department of Agriculture
- Audrey O'Brien, Oregon Department of Environmental Quality
- Jonathan Rivin, Oregon Department of Environmental Quality (by phone)

List of handouts and presentation notes:

- Proposed permanent rule language (same as temporary rules adopted by EQC on February 25, 2019)
- Compost Pathogen Reduction Rule Change (Powerpoint Presentation)
- DEQ Staff Report to Oregon Environmental Quality Commission on Composting Special Pathogen Reduction Temporary Rule 2019 (February 25, 2019)
- Fiscal impact statement

Time Topic

1:00 p.m.	Meeting begins
1:05 p.m.	Overview of today's meeting <ul style="list-style-type: none">• Meeting purpose• How this fits into the rulemaking process• Opportunities for public input
1:15 p.m.	Committee member introductions
1:30 p.m.	Presentation on proposed rule and draft fiscal impact statement
2:00 p.m.	Committee comments on draft fiscal impact statement
3:30 p.m.	Adjourn meeting



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Oregon's air, land and
water.*

Meeting Notes

Audrey O'Brien facilitated the meeting. She welcomed the committee members, summarized the purpose of the meeting, reviewed logistics, asked everyone to introduce themselves and reviewed the agenda.

Michael Lee provided an overview of DEQ's rulemaking process; the purpose of the rulemaking and DEQ's regulatory authority; the purpose of the advisory committee (to review the fiscal impact statement); and the public involvement process DEQ is using. Advisory committee members did not have questions for Michael.

Bob Barrows presented to the committee on the proposed pathogen reduction rule change. He explained what the proposed rule language change is; defined terms; explained why the rule change is needed; and explained questions that the Environmental Quality Commission had for DEQ during the temporary rulemaking and DEQ's answers and explanations to those questions.

Committee members asked two clarifying questions: (1) what does it mean that land application at agronomic rates and in accordance with federal biosolids requirements is considered safe "when the public is not around" and (2) a question about temperature and time at which digester facilities have to operate to meet the pathogen limit. On the first question, DEQ explained that the pathogen limit is to ensure that if the public comes into contact with digestate that the digestate is at safe levels for people to handle or be near the digestate. On the second question, DEQ explained that digesters work at different temperatures but would have to run their facilities at a hotter temperature or treat for a longer period of time to meet the pathogen limit.

Michael Lee reviewed the draft fiscal impact statement with the committee. Because the proposed permanent rule is the same as the temporary rule currently in place, there is technically no fiscal impact. However, for the sake of being more informative, the draft fiscal impact statement proceeds to address the fiscal impact that would be created by the proposed rule change compared to the rule as it was in effect before the February 25, 2019 temporary rule adoption.

Since the proposed rule would exempt some digestate from pathogen reduction standards, DEQ anticipates the result to be that anaerobic digesters subject to this rule could have a savings in energy and labor costs. This is because they may not have to operate their digester facilities for as long of a time or as high of a temperature, or both, in producing digestate for land application at agronomic rates and in compliance with federal biosolids requirements. This means DEQ does not expect an adverse impact on small businesses. DEQ evaluated economic impacts on two anaerobic digesters not located on agricultural operations—one a large business and one a small business. For both, DEQ identified that the digesters would incur a lower cost of compliance as these digesters would not have to meet the high pathogen reduction standard of OAR 340-096-140(2) in producing digestate for land application at agronomic rates and in compliance with federal biosolids requirements.

Following the explanation, Audrey O'Brien asked if the committee members had questions or comments. The committee members had no questions and noted that DEQ provided thorough information to the advisory committee.

Michael Lee then asked if the committee members agreed with the draft fiscal impact statement and with DEQ's analysis, as set out in the draft fiscal impact statement, of

- Whether the rule will have a fiscal impact
- What the extent of that impact will be
- Whether the rule will have a significant adverse impact on small businesses
- What DEQ can do to reduce the adverse impact on small businesses

In particular, the statement indicates that the proposed rule would not have a fiscal impact compared to the temporary rule in place but that, as compared to the rule in effect prior to the temporary rule's adoption, the proposed rule may potentially lower the cost of compliance for anaerobic digesters not considered agricultural operations. As such, the rule likely would not have a significant adverse impact on small businesses. The committee members agreed with this analysis and with the fiscal impact statement.

Audrey O'Brien, Michael Lee and Bob Barrows asked for any further questions or clarification to the committee members about the information presented. Committee members asked about the next steps for the rulemaking regarding the public comment period and the public hearing date. Audrey clarified that DEQ is planning to have a public comment period from April 15 to May 17 and to hold a public hearing is scheduled on May 15.

With no further questions or comments from the committee, Audrey O'Brien adjourned the meeting.

Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.