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July 6, 2020

Ksenija Janjic
Resource Conservation and Sustainability Division
Office of Resource Conservation and Recovery
Mail Code 5306P
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Submitted via: regulations.gov

Re: Existing Comprehensive Procurement Guideline Designations and Recovered Materials Advisory Notice Recommendations: Request for Comments (EPA-HQ-OLEM-2019-0589)

Dear Ms. Janjic:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to provide input on EPA's request for comment on the Existing Comprehensive Procurement Guideline Designations (CPG) and Recovered Materials Advisory Notice (RMAN) Recommendations.¹

NACWA represents the interests of more than 330 publicly owned treatment works (POTWs) across the country that are responsible for managing and treating billions of gallons of the nation's municipal wastewater each day to ensure the continued protection of human health and the environment. As significant generators of sewage sludge, or biosolids (once treated and tested to meet federal standards), our members are committed to environmentally sound practices of managing millions of tons of biosolids each year.

This is not the first instance that NACWA has commented on EPA's guidelines for procuring agencies to buy products with recycled content. NACWA, then operating as the Association of Municipal Sewerage Agencies (AMSA), submitted comments (see attached) to the Agency when CPG V and RMAN V were first proposed in 2003.² We strongly supported EPA's inclusion of biosolids containing compost and fertilizer in the CPG then, and we continue today to advocate that biosolids remain as a designated item for procurement agencies to consider.

¹ 85 Fed. Reg. 19,473 (Apr. 7, 2020).

² See AMSA Comments on EPA's Comprehensive Procurement Guideline V (January 30, 2004).

EPA is seeking comment on the existing five CPGs and their respective RMANs and specifically whether the right items are designated. EPA is also seeking comments on whether the recommended recovered content levels or ranges are appropriate. NACWA believes biosolids are correctly designated and the recovered content levels/ranges are appropriate.

POTWs generate a significant quantity of treated sewage sludge each year that can be beneficially applied to land as a soil amendment. EPA itself has continued to affirm that the Clean Water Act statutory obligations and correlating regulations³ governing the management of biosolids ensure the protection of public health and the environment. EPA continues to support land application as a safe, viable and sustainably-sound biosolids management option. The designation of biosolids helps to support this ongoing practice.

Land application of treated biosolids has been a long-standing and effective means for promoting soil health by recycling nutrients and minimizing synthetic fertilizer and pesticide use, meeting sustainability goals by restoring vitality to certain landscapes, and mitigating consequential climate change impacts through sequestering carbon among other benefits. NACWA applauds EPA in its original CPG V designation for biosolids and does not recommend EPA make any revisions at this time.

NACWA appreciates the opportunity to provide input on EPA's notice and request for comment. Please contact me by phone at 202/533-1839 or by email at eremmel@nacwa.org if there are any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Remmel". The signature is fluid and cursive, with a large loop at the end.

Emily Remmel
Director, Regulatory Affairs

³ 33 U.S.C. § 1345 (1987) and 40 C.F.R. § 503 (1993).



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Sewerage Agencies

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January 30, 2004

Attention Docket ID No. RCRA-2003-0005
OSWER Docket
EPA Docket Center, MC 5305T
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: *Comprehensive Procurement Guideline V for Procurement of Products
Containing Recovered Materials*; 68 *Fed. Reg.* 68813 (December 10, 2003)

Dear Sir or Madam:

The Association of Metropolitan Sewerage Agencies (AMSA) is pleased to provide comments on the U.S. Environmental Protection Agency's (EPA's) *Comprehensive Procurement Guideline V* and *Recovered Materials Advisory Notice V*. Founded in 1970, AMSA represents the interests of nearly 300 of the nation's publicly owned wastewater utilities (POTWs). AMSA members serve the majority of the sewered population in the United States and collectively treat and reclaim over 18 billion gallons of wastewater every day. As generators of treated sewage sludge, or biosolids, AMSA's members are responsible for finding environmentally safe and cost effective ways to manage millions of tons of biosolids every year. The use of biosolids as compost or fertilizer continues to be one of the most viable and environmentally sound management options for many communities in the United States.

AMSA commends EPA for proposing to revise its current compost designation to include composts made from manure or biosolids and for designating fertilizers containing recovered organic materials, which may include biosolids, as an item whose procurement will carry out the objectives of section 6002 of the Resource Conservation and Recovery Act or RCRA. As you know, section 6002 of RCRA and Executive Order 13101, which establishes the procedures EPA must follow when implementing RCRA section 6002, leverage the purchasing power of the

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federal government to further encourage the use and production of products containing recovered materials. AMSA strongly supports EPA's inclusion of biosolids containing compost and fertilizer in the Agency's Comprehensive Procurement Guidelines, as it will not only serve to increase the demand for these recovered material products, but will also provide further support for the long-standing practice of biosolids land application.

As stated in the December 10, 2003 *Federal Register* notice announcing the revisions, the nation's 16,000 POTWs generate approximately 7 million tons of sewage sludge annually. The practice of applying these biosolids to land as a fertilizer or soil amendment has been proven both safe and beneficial. In fact, the National Research Council recently concluded that there is no scientific evidence that the Part 503 regulations governing the management of biosolids have failed to protect human health and EPA's Office of Water reaffirmed December 31, 2003 (68 *Fed. Reg.* 75531), that "the land application of sewage sludge in compliance with EPA's regulations is an appropriate choice for communities." The use of biosolids on farm land produces a significant improvement in crop growth and yield and reduces the need for chemical fertilizers. Increased biosolids recycling enables local governments to further market biosolids products, providing farmers with a viable, cost effective alternative, and helping to offset the costs of ensuring clean water for their citizens. The inclusion of biosolids used as compost or fertilizer in the Agency's Comprehensive Procurement Guidelines expands the market for these recovered materials and further improves the long-term viability of this environmentally beneficial practice.

We appreciate the opportunity to comment on the proposed revisions to the Comprehensive Procurement Guidelines. If you have any questions please do not hesitate to contact Chris Hornback, AMSA's Director of Regulatory Affairs at 202/833-9106 or via email at chornback@amsa-cleanwater.org.

Sincerely,

A handwritten signature in black ink, appearing to read "K Kirk". The signature is written in a cursive, somewhat stylized font.

Ken Kirk
Executive Director