



Independent coverage of composting, wood recycling and organics management



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Draconian PFAS regulations unnecessary, lawyer says

By Ken McEntee

Per- and polyfluoroalkyl substances (PFAS), which can contaminate compost—mainly through biosolids—are being phased out globally and should be manageable without overbearing regulations, attorney Jimmy Slaughter told attendees of Compost2024, the annual convention of the U.S. Composting Council, held February 5-9, in Daytona Beach, Florida.

“We should be able to convince the public—maybe most importantly, the regulators—that this does not require the draconian responses that are on the table,” said Slaughter, of Beveridge &

(See Draconian, page 5)



Long Beach approves organics recycling facility

The City of Long Beach, California has entered into exclusive negotiations with Bioenergy Devco, Annapolis, Maryland, the North American division of BTS Bioenergy, to construct an organics recycling facility that will recycle food waste, converting it to an organic soil amendment and renewable natural gas. The facility will help Long Beach advance its sustainability goals and reduce greenhouse gas emissions, the city said.



The facility will use anaerobic digestion technology to generate biogas from organic waste streams, then clean and condition the gas to pipeline quality renewable natural gas. Once complete, Long Beach's facility will process up to 314,000 tons of organic material per year. The new facility will be constructed on the Southeast Resource Recovery Facility (SERRF) site that previously was operated by Covanta. The SERRF is slated to be decommissioned and demolished by the city later this year.

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Opinion: Big agriculture's protectionism targets the Amish

By David Brady Jr.

The raid on an Amish family farm is the direct result of government protectionism of big agriculture through needless and cumbersome regulations.

Amos Miller is an Amish farmer in Pennsylvania who has become a thorn in the side of the state of Pennsylvania and the federal government for his selling of raw milk and other unregulated products. Miller first came to the

attention of the U.S. Food and Drug Administration (FDA) in 2016 when FDA claimed his milk was linked to several cases of listeria bacteria causing

(See Amish, page 15)

Highlights

- USCC calls for protection for PFAS passive receivers
- Compost tax credit introduced in California

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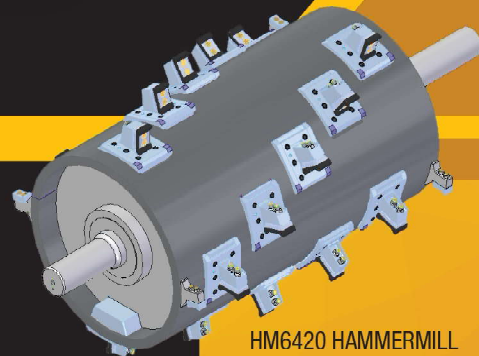
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Legislation

USCC calls for protection for PFAS passive receivers

The U.S. Composting Council (USCC), Raleigh, North Carolina, called for protection for passive receivers of per- and polyfluoroalkyl substances (PFAS) in written testimony to the Senate Environment and Public Works Committee. The committee this month held a hearing to examine PFAS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

“As the [committee] continues to work on legislation to address the harmful impacts of PFAS, [USCC] would like to strongly encourage that language be

included that provides passive receivers with protections from [CERCLA] liability, wrote Frank Franciosi, the council’s executive director. “Without these protections, composting facilities across the country will be severely impacted.”

USCC noted that it members “are not responsible for putting any PFAS into the feedstocks that we receive. However, unfortunately, the manufacturers of PFAS add these materials to products that end up in our piles. Additionally, compost generally has very low readings for PFAS in comparison with common household products. Superfund is one of the nation’s most far-reaching environmental laws because it allows for strict and retroactive liability for any party found to have contributed to a site covered by the statute. It was designed to hold those who pollute responsible for cleanup--and compost facilities are certainly not the generators of the

(See PFAS, page 4)



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Legislation/Regulation

PFAS

From page 3

pollution. CERCLA is very broad and those covered under it can be held liable for complete cleanups even if their contribution to the contaminated site was minimal. This is what the compost industry—providing not only soil health and climate mitigating benefits but good jobs in the green economy—faces if the CERCLA proposal as written has no exemptions for compost facilities. Failure to include an exemption would put many facilities providing beneficial public services at risk of closure due to the heavy financial toll this would place on composters.”

The letter concluded that the protections will ensure that the composting industry can continue to do business without the threat of Superfund liability.

Sen. Shelley Moore Capito (R-West Virginia), ranking member of the committee, submitted into the Congressional Record letters from more than 250 impacted entities—including USCC—that urged that any legislation to address PFAS contamination cleanup also include liability protections for passive receivers.

The Midwest Biosolids Association, Springfield, Illinois, wrote that it is concerned that EPA’s proposed designation of PFOA and PFOS as hazardous substances under CERCLA will cause water systems and ratepayers—rather than polluters—to incur environmental cleanup liability that should be faced by the entities responsible for the pollution.

“We therefore ask you to support a statutory protection for water systems from liability under CERCLA for PFAS to help ensure polluters, not the public, pay for PFAS cleanup,” the association said, adding that CERCLA liability will be an additional burden on top of the significant treatment costs utilities will incur to meet Safe Drinking Water Act and Clean Water Act PFAS regulations.

Upper Valley Disposal & Recycling

Compost Facility, Calistoga, California, wrote that without recognizing compost facilities as passive receivers of PFAS designating certain PFAS as CERCLA hazardous substances would shift the burden of compliance and cleanup onto ratepayers and the public, contrary to the “polluter pays” principle.

“This litigation would impose significant costs on lawful operations, ultimately leading to increased expenses for essential public services and the communities they serve,” the company wrote. “Upper Valley Disposal, Recycling and Compost Facility provides critical services unrelated to PFAS manufacture or use, yet we passively receive PFAS through various media, including water and waste streams. Designating PFAS as hazardous substances under CERCLA, without relief, would disrupt this interdependence and hinder our ability to manage waste streams effectively, potentially impacting public health and the environment. While we recognize our responsibility in addressing PFAS management and holding accountable primary contaminators, any legislation designating PFAS compounds as hazardous substances must ensure relief for passive receiver facilities.”

Highlights of the committee hearing, as reported by Sen. Tom Carper (D-Delaware), committee chairman, included:

On the scale of the problem:

Carper: “Every one of our colleagues in the U.S. Senate is dealing with the lasting effects of PFAS in their states and their communities, as well. The lasting effect of PFAS contamination is having a major impact not only on our public health, but also on our livelihoods.”

Sen. Alex Padilla (D-California): “This is a complex issue that deserves nuance and careful deliberation. Ultimately, I think we can all agree that we want to hold polluters responsible and accountable for their contamination, and we need to develop a plan to remove PFAS from our water systems.”

Scott Faber, senior vice president of government affairs, Environmental Working Group, Washington, D.C.: “We shouldn’t be making this problem bigger

... we shouldn’t be allowing manufacturers and users of these chemicals to continue to discharge these chemicals with no limits at all.”

Kate Bowers, legislative attorney, American Law Division, Congressional Research Service: “CERCLA identifies different categories of potentially responsible parties. It does not identify a manufacturer as potentially liable merely because it manufactured a product.”

On the challenge that PFAS chemicals pose:

Carper: “Thanks to modern chemistry, Americans have welcomed the use of PFAS in many other forms from non-stick pans and waterproof jackets to stain-proof furniture fabric and even as part of our heart-valve replacements. Frankly, PFAS chemicals have made — in many instances — life easier, but this has come at a significant cost.”

Faber: “Unfortunately, we’ve learned that millions of people are drinking too much PFAS in their tap water and I think all of us agree that we should quickly finalize a drinking water standard.”

On potential paths forward:

James Kenney, secretary, New Mexico Department of Environment: “PFAS is best addressed under RCRA (the Resource Conservation and Recovery Act) as a starting point, either through direct congressional action or continued U.S. EPA creation of and finalizing rules ... Congress should also modify CERCLA and the Defense Environmental Restoration program so that U.S. EPA is the sole responsible implementing agency, not the Department of Defense. In doing so, we’ll create a strong program that is focused on both the polluter, and giving states the ability to address the passive receivers with discretion.”

Michael D. Witt, general counsel, Passaic Valley Sewerage Commission, Newark, New Jersey: “Everything we do, every time we operate, is under the Clean Water Act. We already have the Safe [Drinking] Water Act to provide those standards for us. And that’s where the focus should be, on enforcement [of regulations] and on helping these communities to address PFAS—is through modification of our treatment

systems. Let us put our money where it counts, not into lawsuits.”

Compost tax credit introduced in California

California Sen. Monique Limón (D-Santa Barbara) has introduced SB1135 to establish the California Compost Tax Credit Fund. The legislation seeks to incentivize sustainable agricultural practices undertaken by winegrape growers and other agricultural producers by offering a tax credit for the utilization of compost to enhance carbon sequestration efforts.

The legislation is cosponsored by the California Association of Winegrape Growers (CAWG).

“I am proud to author SB 1135 to establish a tax credit for California

farmers, ranchers and landowners who maximize carbon sequestration through the use of compost on natural and working lands,” Limón said. “This legislation will help incentivize the utilization of compost to aid in natural carbon sequestration while also aiding the effort of the state to meet its greenhouse gas reduction goals.”

Natalie Collins, CAWG president said the commitment of winegrape growers to sustainability is evident through the enrollment of more than 60% of the state's winegrape acreage in certification programs.

“Sustainable winegrowing prioritizes practices to enhance soil health, such as planting cover crops and composting, which facilitate carbon sequestration,” Collins said. “While these practices can entail significant investment for growers, they yield invaluable environmental benefits for the state, the nation and the planet at large.”

CAWG said California, which produces 80 percent of the nation’s wine, is home to the world’s most widely adopted sustainable winegrowing programs in terms of both winegrape acreage and case production.

Draconian

From page 1

Diamond PC, Washington, D.C.

The biggest issue for the composting industry is whether they are going to face Superfund liability for a compost site from years ago that “we don't even have on our record books that somehow gets traced back to our compost,” he said. “I think that the prospect of a lot of Superfund liability for compost and biosolids is very limited. If we continue to take the best management steps that we have been taking and do out the field,

(See Draconian, page 7)



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National Compost Prices

The prices listed below are intended to indicate the value of mature compost products sold by compost producers and retailers in noted regions. Prices listed are based on surveys and publicly posted prices. Your input on published prices is encouraged. Contact Ken McEntee, editor, at (440) 238-6603. Fax: (440) 238-6712. EMail: ken@compostingnews.com.

Address: 9815 Hazelwood Avenue, Cleveland, OH 44149. Notes on listings.

• Each listing includes a high price obtained, a low price obtained and an average of all prices obtained within a particular market.

• Market areas: Thirteen market areas have been targeted to provide a cross section of compost product markets in the U.S. Where regions are not identified by a specific city, "Chesapeake" refers to the region stretching between Norfolk, Va. to Baltimore, Md. "Texas" incorporates several major cities in the state. "Northwest" represents the Seattle and Portland, Ore areas. "SF-Bay" refers to the San Francisco Bay area. SoCal is Southern California, including the Los Angeles and San Diego areas. Denver includes Colorado, Wyoming and Montana. • "Food waste" compost: This category refers to compost products that include food waste, regional

specialities and other feedstocks not specifically covered in other categories.

• Manures: Chicken manures may include other poultry manures, such as turkey and duck manure. Cow manures may include manures marketed as steer and dairy manure. Horse manure is included in this category as well. • Absence of a regional listing within a given category indicates not enough information for a valid listing. Additional data will be added as more information is obtained. • Bulk retail prices do not include municipal operations that give compost away for free.

Bulk Retail (yard)

| Yard waste compost | Average | High | Low |
|--------------------|----------|----------|----------|
| NE | \$ 32.55 | \$ 77.00 | \$ 17.50 |
| Chesapeake | \$ 24.50 | \$ 30.00 | \$ 17.00 |
| SE | \$ 21.88 | \$ 29.95 | \$ 16.00 |
| Florida | \$ 16.42 | \$ 26.00 | \$ 10.50 |
| Cleveland | \$ 19.90 | \$ 28.00 | \$ 12.50 |
| Iowa | \$ 21.57 | \$ 53.00 | \$ 7.50 |
| Minneapolis | \$ 17.09 | \$ 28.00 | \$ 8.00 |
| Texas | \$ 29.71 | \$ 40.00 | \$ 15.00 |
| Denver | \$ 20.31 | \$ 31.00 | \$ 12.00 |
| Northwest | \$ 24.05 | \$ 55.00 | \$ 10.00 |
| SF-Bay | \$ 21.92 | \$ 30.00 | \$ 10.00 |
| SoCal | \$ 14.75 | \$ 24.00 | \$ 8.00 |

| Food waste compost | Average | High | Low |
|--------------------|----------|----------|----------|
| NE | \$ 39.12 | \$ 64.00 | \$ 17.50 |
| Chesapeake | \$ 23.00 | \$ 30.00 | \$ 15.00 |
| SE | \$ 28.11 | \$ 35.00 | \$ 24.00 |
| Florida | \$ 17.50 | \$ 22.00 | \$ 13.00 |
| Iowa | \$ 25.00 | \$ 65.00 | \$ 15.00 |
| Minneapolis | \$ 12.33 | \$ 16.00 | \$ 9.00 |
| Texas | \$ 30.21 | \$ 48.95 | \$ 15.00 |
| Denver | \$ 15.00 | \$ 15.00 | \$ 15.00 |
| Northwest | \$ 20.55 | \$ 30.00 | \$ 15.00 |
| SF-Bay | \$ 23.61 | \$ 38.00 | \$ 14.00 |
| SoCal | \$ 30.50 | \$ 45.00 | \$ 16.00 |

| Leaf humus | Average | High | Low |
|------------|----------|----------|----------|
| NE | \$ 24.98 | \$ 30.00 | \$ 19.95 |
| Chesapeake | \$ 27.49 | \$ 30.00 | \$ 23.95 |
| Cleveland | \$ 19.27 | \$ 26.00 | \$ 8.00 |

| Composted biosolids | Average | High | Low |
|---------------------|----------|----------|----------|
| NE | \$ 30.00 | \$ 40.00 | \$ 20.00 |
| Chesapeake | \$ 24.98 | \$ 35.00 | \$ 12.00 |
| SE | \$ 12.14 | \$ 28.00 | \$ 4.00 |
| Florida | \$ 13.14 | \$ 22.00 | \$ 8.00 |
| Cleveland | \$ 24.77 | \$ 30.00 | \$ 19.50 |
| Iowa | \$ 12.67 | \$ 21.00 | \$ 8.00 |
| Texas | \$ 21.28 | \$ 30.00 | \$ 10.00 |
| Denver | \$ 9.00 | \$ 10.00 | \$ 7.00 |
| Northwest | \$ 17.91 | \$ 26.00 | \$ 7.00 |
| SoCal | \$ 13.36 | \$ 22.00 | \$ 3.50 |

| Composted chicken manure | Average | High | Low |
|--------------------------|----------|----------|----------|
| NE | \$ 45.00 | \$ 50.00 | \$ 40.00 |
| Chesapeake | \$ 25.00 | \$ 25.00 | \$ 25.00 |
| SE | \$ 42.00 | \$ 42.00 | \$ 42.00 |
| Minneapolis | \$ 17.00 | \$ 17.00 | \$ 17.00 |
| Texas | \$ 37.23 | \$ 47.50 | \$ 26.95 |
| Denver | \$ 25.65 | \$ 28.00 | \$ 24.00 |
| SF-Bay | \$ 16.00 | \$ 16.00 | \$ 16.00 |
| SoCal | \$ 44.00 | \$ 75.00 | \$ 27.00 |

| Composted cow manure | Average | High | Low |
|----------------------|----------|----------|----------|
| NE | \$ 45.50 | \$ 46.00 | \$ 45.00 |
| SE | \$ 31.33 | \$ 45.00 | \$ 12.00 |
| Cleveland | \$ 24.00 | \$ 24.00 | \$ 24.00 |
| Iowa | \$ 42.00 | \$ 60.00 | \$ 16.00 |
| Minneapolis | \$ 29.33 | \$ 32.00 | \$ 26.00 |
| Texas | \$ 29.33 | \$ 47.50 | \$ 15.00 |
| Denver | \$ 21.71 | \$ 30.00 | \$ 12.00 |
| Phoenix | \$ 20.00 | \$ 20.00 | \$ 20.00 |
| Northwest | \$ 23.85 | \$ 33.75 | \$ 17.45 |
| SF-Bay | \$ 26.00 | \$ 26.00 | \$ 26.00 |
| SoCal | \$ 17.25 | \$ 24.00 | \$ 12.00 |

| Wood waste mulch | Average | High | Low |
|------------------|----------|----------|----------|
| NE | \$ 21.35 | \$ 38.00 | \$ 12.50 |
| Chesapeake | \$ 21.13 | \$ 28.00 | \$ 12.00 |
| SE | \$ 18.78 | \$ 34.95 | \$ 12.00 |
| Florida | \$ 17.50 | \$ 18.00 | \$ 17.00 |
| Cleveland | \$ 25.56 | \$ 36.25 | \$ 14.00 |
| Iowa | \$ 32.50 | \$ 40.00 | \$ 25.00 |
| Minneapolis | \$ 26.00 | \$ 35.00 | \$ 20.00 |
| Texas | \$ 16.19 | \$ 27.00 | \$ 9.00 |
| Denver | \$ 18.74 | \$ 25.00 | \$ 12.48 |
| Phoenix | \$ 17.61 | \$ 22.95 | \$ 10.00 |
| Northwest | \$ 19.00 | \$ 35.00 | \$ 7.50 |
| SF-Bay | \$ 18.14 | \$ 30.00 | \$ 8.00 |
| SoCal | \$ 20.50 | \$ 50.00 | \$ 6.00 |

| Colored wood mulch | Average | High | Low |
|--------------------|----------|----------|----------|
| NE | \$ 28.00 | \$ 28.00 | \$ 28.00 |
| Chesapeake | \$ 28.67 | \$ 33.00 | \$ 25.00 |
| SE | \$ 27.13 | \$ 42.00 | \$ 15.00 |
| Florida | \$ 20.33 | \$ 22.00 | \$ 19.00 |
| Cleveland | \$ 24.87 | \$ 28.99 | \$ 21.95 |
| Iowa | \$ 30.00 | \$ 30.00 | \$ 30.00 |
| Minneapolis | \$ 36.80 | \$ 49.00 | \$ 30.00 |
| Texas | \$ 26.08 | \$ 32.50 | \$ 18.00 |
| Denver | \$ 33.28 | \$ 33.28 | \$ 33.28 |
| Northwest | \$ 35.00 | \$ 35.00 | \$ 35.00 |
| SF-Bay | \$ 34.00 | \$ 36.00 | \$ 28.00 |
| SoCal | \$ 32.50 | \$ 35.00 | \$ 30.00 |

Bulk wholesale (yard)

| Yard waste compost | Average | High | Low |
|--------------------|----------|----------|----------|
| NE | \$ 21.50 | \$ 48.00 | \$ 11.00 |
| Chesapeake | \$ 13.39 | \$ 16.00 | \$ 8.00 |
| SE | \$ 16.66 | \$ 25.00 | \$ 8.65 |
| Florida | \$ 9.75 | \$ 13.00 | \$ 8.00 |
| Cleveland | \$ 12.50 | \$ 15.00 | \$ 10.00 |
| Iowa | \$ 14.00 | \$ 19.00 | \$ 8.00 |
| Minneapolis | \$ 12.00 | \$ 17.00 | \$ 7.00 |
| Texas | \$ 17.25 | \$ 24.00 | \$ 9.00 |
| Denver | \$ 13.05 | \$ 14.10 | \$ 12.00 |
| Northwest | \$ 14.79 | \$ 35.00 | \$ 7.50 |
| SF-Bay | \$ 13.71 | \$ 22.00 | \$ 7.00 |
| SoCal | \$ 7.33 | \$ 10.00 | \$ 6.00 |

| Food waste compost | Average | High | Low |
|--------------------|----------|----------|----------|
| NE | \$ 25.79 | \$ 48.00 | \$ 11.00 |
| Chesapeake | \$ 10.50 | \$ 15.00 | \$ 8.00 |
| SE | \$ 20.65 | \$ 30.00 | \$ 15.00 |
| Florida | \$ 10.50 | \$ 13.00 | \$ 8.00 |
| Iowa | \$ 13.40 | \$ 20.00 | \$ 10.00 |
| Minneapolis | \$ 12.00 | \$ 12.00 | \$ 12.00 |
| Texas | \$ 17.50 | \$ 24.00 | \$ 8.50 |
| Denver | \$ 11.33 | \$ 15.00 | \$ 7.00 |
| Northwest | \$ 17.25 | \$ 20.00 | \$ 15.00 |
| SF-Bay | \$ 12.67 | \$ 26.00 | \$ 5.00 |

| Composted biosolids | Average | High | Low |
|---------------------|----------|----------|----------|
| NE | \$ 15.33 | \$ 20.00 | \$ 10.00 |
| Chesapeake | \$ 9.31 | \$ 15.00 | \$ 5.00 |
| SE | \$ 10.93 | \$ 15.00 | \$ 5.00 |
| Florida | \$ 10.50 | \$ 13.00 | \$ 8.00 |
| Texas | \$ 15.99 | \$ 20.00 | \$ 9.00 |
| Denver | \$ 13.00 | \$ 13.00 | \$ 13.00 |
| Northwest | \$ 16.75 | \$ 21.00 | \$ 12.00 |
| SoCal | \$ 10.50 | \$ 17.00 | \$ 3.00 |

| Composted cow manure | Average | High | Low |
|----------------------|----------|----------|----------|
| NE | \$ 36.00 | \$ 36.00 | \$ 36.00 |
| SE | \$ 21.38 | \$ 31.50 | \$ 7.00 |
| Iowa | \$ 35.00 | \$ 35.00 | \$ 35.00 |
| Texas | \$ 25.00 | \$ 25.00 | \$ 25.00 |
| Denver | \$ 12.05 | \$ 14.10 | \$ 10.00 |
| Northwest | \$ 22.00 | \$ 22.00 | \$ 22.00 |
| SF-Bay | \$ 34.25 | \$ 34.50 | \$ 34.00 |
| SoCal | \$ 5.00 | \$ 6.00 | \$ 4.00 |

| Wood waste mulch | Average | High | Low |
|------------------|----------|----------|----------|
| NE | \$ 15.75 | \$ 33.00 | \$ 8.00 |
| Chesapeake | \$ 15.80 | \$ 17.00 | \$ 13.00 |
| SE | \$ 14.60 | \$ 24.95 | \$ 5.00 |
| Florida | \$ 14.00 | \$ 15.00 | \$ 13.00 |
| Iowa | \$ 30.00 | \$ 40.00 | \$ 20.00 |
| Minneapolis | \$ 18.50 | \$ 20.00 | \$ 17.00 |
| Texas | \$ 10.83 | \$ 14.00 | \$ 8.00 |
| Denver | \$ 7.66 | \$ 8.32 | \$ 7.00 |
| Northwest | \$ 15.00 | \$ 15.00 | \$ 15.00 |
| SF-Bay | \$ 12.33 | \$ 14.00 | \$ 9.00 |
| SoCal | \$ 9.25 | \$ 15.00 | \$ 5.00 |

| Colored wood mulch | Average | High | Low |
|--------------------|----------|----------|----------|
| NE | \$ 22.00 | \$ 22.00 | \$ 22.00 |
| Chesapeake | \$ 20.50 | \$ 22.00 | \$ 19.00 |
| SE | \$ 19.00 | \$ 25.00 | \$ 15.00 |
| Florida | \$ 16.00 | \$ 16.00 | \$ 16.00 |
| Iowa | \$ 25.00 | \$ 25.00 | \$ 25.00 |
| Minneapolis | \$ 27.00 | \$ 35.00 | \$ 19.00 |
| Texas | \$ 20.67 | \$ 24.00 | \$ 18.00 |
| Denver | \$ 17.66 | \$ 21.32 | \$ 14.00 |
| Northwest | \$ 22.00 | \$ 22.00 | \$ 22.00 |
| SF-Bay | \$ 21.00 | \$ 22.00 | \$ 19.00 |
| SoCal | \$ 22.50 | \$ 25.00 | \$ 20.00 |

Bag Retail

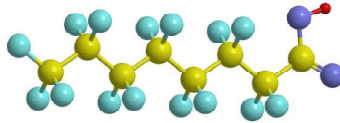
| Compost (40# bag) | Average | High | Low |
|-------------------|---------|---------|---------|
| NE | \$ 6.87 | \$ 8.00 | \$ 4.50 |
| Chesapeake | \$ 3.73 | \$ 5.49 | \$ 2.15 |
| SE | \$ 4.00 | \$ 4.00 | \$ 4.00 |
| Iowa | \$ 1.99 | \$ 1.99 | \$ 1.99 |
| Cleveland | \$ 2.45 | \$ 2.99 | \$ 2.10 |
| Iowa | \$ 3.12 | \$ 7.99 | \$ 1.50 |
| Texas | \$ 4.25 | \$ 6.99 | \$ 1.99 |
| Denver | \$ 3.59 | \$ 4.75 | \$ 1.73 |
| Phoenix | \$ 4.71 | \$ 5.99 | \$ 2.77 |
| Northwest | \$ 4.29 | \$ 5.99 | \$ 2.99 |
| SoCal | \$ 5.39 | \$ 6.25 | \$ 3.90 |

| Composted cow manure (40# bag) | Average | High | Low |
|--------------------------------|---------|---------|---------|
| NE | \$ 6.53 | \$ 9.87 | \$ 3.85 |
| Chesapeake | \$ 5.97 | \$ 7.95 | \$ 3.99 |
| SE | \$ 5.16 | \$ 6.97 | \$ 3.34 |
| Florida | \$ 1.98 | \$ 1.99 | \$ 1.97 |
| Cleveland | \$ 3.27 | \$ 3.99 | \$ 2.49 |
| Iowa | \$ 2.18 | \$ 2.49 | \$ 1.75 |
| Minneapolis | \$ 3.70 | \$ 7.00 | \$ 1.99 |
| Texas | \$ 4.59 | \$ 6.99 | \$ 1.99 |
| Phoenix | \$ 2.99 | \$ 3.99 | \$ 2.49 |
| Northwest | \$ 3.99 | \$ 3.99 | \$ 3.99 |
| SF-Bay | \$ 7.00 | \$ 7.00 | \$ 7.00 |

Legislation/Regulation

Draconian

From page 5



then we should be able to keep those risks even smaller.”

Another federal issue is the Safe Drinking Water Act and the maximum contaminant level that EPA has proposed for PFAS in drinking water.

“It’s been set essentially non-detect, so we’re going to have implications from that federal action over into other regulatory actions by the states that we have to keep an eye on,” Slaughter said. “But no one is drinking compost or biosolids, so we should be able to compartmentalize some of those risks. There is a process underway—a risk assessment being conducted for PFAS and other trace contaminants that’s working its way through the [U.S. EPA Part 503 Biosolids Rule] process, but we probably won’t see a proposed amendment to the part 503 rules for a

number of years to come. So Superfund [the Comprehensive Environmental Response, Compensation and Liability Act] or CERCLA is the national law for a cleanup of hazardous waste sites. It does have a very broad net that if a site meets certain health risk criteria for whatever reason, it’s designated as a Superfund site and then parties are designated for cleanup—they can sue other parties for those cleanups and they can be very expensive. EPA has said that they don’t want to carve out in Superfund liability for passive receivers of PFAS because they’ll exercise their enforcement discretion. Municipalities, biosolids contractors and a lot of folks who are passive receivers say that’s not enough. And they’re probably not right, because once you have multiple private parties or government parties at a Superfund site

forced to clean it up, they can sue other private parties without EPA approval. And so everybody is in mix for the cleanup.”

Slaughter said a legislative effort is underway to get an exemption for passive receivers, which would include compost producers.

“But as you all know, getting anything through the U.S. Congress, particularly environmental legislation, is very difficult,” he said. “So I don’t think we should bank on that. The designation of PFAS as a hazardous substance under the Superfund law will be challenged in court that will drag on for several years, but that won’t stop PFAS being a hazardous substance under Superfund from going into effect. I think our ace in the hole is that biosolids compost is going to qualify as a fertilizer and be exempt from CERCLA liability. If it’s a biosolids amended compost, then it has a federally permitted release because it’s part of the

(See Draconian, page 8)



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Legislation/Regulation

Draconian

From page 7

Clean Water Act Part 503, allowing it to be applied to land. There are other parts of CERCLA, like if you are selling your compost to an end user or there's some sort of economic transaction, you could say it's a useful product that you transferred and that you as the seller of the compost were not involved in disposing of a CERCLA hazardous substance. We do have a problem with state analogs to CERCLA now. They usually include the fertilizer exemption and the useful product exemption, I think we'll have the same set of exemptions there, but you can be more effective on the state level in talking to your regulators about getting an exemption for passive receivers of PFAS in your product."

Most federal action on PFAS regulation is focused on safe drinking water through the Safe Drinking Water Act.

"EPA says that it can't detect low four parts per trillion of PFAS in water, so that's going to be the presumptive limit for PFAS in drinking water," Slaughter said. "To the extent that there are concerns about PFAS toxicity, we are such a remote source for any of those exposures of humans to PFAS and the related chemicals that is perhaps the beginning and the ending point of defending compost. It's something that's applied to the ground. It's not put into the water. Water is the main source of PFAS toxicity, and we're careful about where we put our compost. We don't put it near drinking water wells. We follow best management practices. As we continue to follow that, we should be fine. I've spent a lot of my career defending biosolids, and not all compost is going to be amended with biosolids, but a lot is. And there we have a lot of help in the laws. It's structured now the part 503 program for land application under the Clean Water Act, and that gives your compost that's amended with biosolids some significant legal protections."

Litigation

Public employee group threatens suit over PFAS

The U.S. EPA is neglecting its legal obligation to regulate toxic per- and polyfluoroalkyl substances (PFAS) in biosolid fertilizers, according to a 60-day notice of intent to sue filed by Public Employees for Environmental Responsibility (PEER), Silver Spring, Maryland, and injured individuals. Vast amounts of PFAS-laden fertilizers are applied annually onto agricultural lands where they contaminate farmland, plants, livestock, wild animals and water supplies, PEER said.

PEER's filing said biosolids biosolids carry a variety of persistent and toxic pollutants, such as PFAS, which then enter the water and food supply. PFAS in biosolids leach into the soil or ground water and are then taken up by plants, which are subsequently consumed by humans, livestock and wildlife, PEER said.

Because they do not break down in the environment, PFAS accumulate in humans, leading to an array of harmful health effects. EPA's proposed drinking water levels, which will be finalized any day, say there is no safe level in drinking water of at least two PFAS found in biosolids.

"EPA has not just dropped the ball, it has left the stadium when it comes to protecting our health and environment from PFAS in biosolids," said Kyla Bennett, PEER's science policy director. "Through its thorough dereliction of duty, EPA is allowing these toxic chemicals to contaminate our nation's food and water supply."

Under a Clean Water Act provision enacted in 1987, EPA must biennially identify toxic pollutants in biosolids and adopt regulations to prevent harm to human health or the environment. In the 35 years it has been examining biosolids for emerging threats, EPA has identified more than 250 pollutants, yet

has promulgated only nine sewage sludge regulations for land application, PEER said. PEER's notice points EPA to at least 18 PFAS known to be present in biosolids that the agency failed to list in its biennial report. PEER's notice also points out that of the PFAS in biosolids that EPA has listed in recent years, at least 12 of them have sufficient scientific information to require EPA to regulate them to protect the public.

PEER's filing points to a growing number of studies on the dangers of PFAS in biosolids. Moreover, each subsequent application of biosolids increases the PFAS levels in soils and waters, thereby exacerbating existing problems.

"Because there are no standards, farmers, ranchers and gardeners have no warning that they are potentially poisoning their soil, water, livestock, and pets with these biosolid fertilizer products," said Laura Dumais PEER staff counsel, pointing to the recent criminal investigation and product liability lawsuit flowing from biosolid fertilizer PFAS contamination of Texas ranches and farms. "Prompt, responsible regulatory action by EPA would prevent untold damage and heartache."

PEER said it is putting EPA on notice that it will file suit in federal district court if EPA fails to take immediate steps to address its statutory non-compliance within 60 days of its filing.

Acquisitions

Viridi acquires Maine biosolids digester

Viridi Energy, New York, a renewable natural gas (RNG) platform, has acquired a legacy biosolids digester plant in Brunswick, Maine, with plans to transform the site into a waste-to-RNG facility. The facility will generate renewable energy and help power the local community, offer a

(See Viridi, page 13)

Product/Equipment and Services Guide



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Replacement Parts



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Wood Shredders



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Acquisitions

Viridi

From page 9

sustainable and cost-effective solution for managing biosolids and support compliance with local regulations aimed at mitigating per- and polyfluoroalkyl substance (PFAS) contamination in the region.

In connection with the acquisition, Casella Waste Systems, Rutland, Vermont, will manage feedstock collection and delivery logistics for an estimated 85,000 tons of biosolids per year collected from a network of wastewater treatment plants. At Viridi's overhauled Brunswick facility, the biosolids will be transformed, via anaerobic digestion, into enough energy to heat more than 3,000 homes for a year. The facility also will supply electricity directly to Brunswick Landing, a 3,300-acre campus featuring more than 1.6 million square feet of commercial, industrial, and professional office space that is home to both the Brunswick facility and more than 160 other companies.

With Maine laws now prohibiting the practice of land-applying biosolids digestate in agricultural settings because of PFAS concerns, wastewater treatment facilities are facing the choice between two less sustainable alternatives: trucking the material long distances or landfilling it, where it requires stabilization and takes up large volumes of space—a strategy that is especially problematic in landfill-constrained Maine, Viridi said.

“Casella has been at the forefront of finding a sustainable solution to this issue since the [Maine] law prohibiting land application of biosolids was enacted and has played a significant role in bringing this vital piece of infrastructure online,” said Dan Crouse, CEO of Viridi.

In addition to fulfilling growing demand for RNG, Viridi said the project will yield numerous environmental benefits across Maine. Once completed, the facility will offer a solution for managing waste that complies with Maine's PFAS regulations while allowing

Casella to once again put the material to a higher and better use for its customers rather than send it directly to disposal.

The anaerobic digestion solution offered at Viridi's Brunswick facility is expected to reduce the volume of the biosolids by nearly 90 percent, from 85,000 wet tons down to 10,000 tons once the material has been digested and dried, the company said. Once processed, Casella will transport this more stable, post-process digestate to landfill in a form that preserves landfill capacity, lessens the need for stabilization material and reduces transportation distances.

Viridi is currently conducting siting, permitting and environmental due diligence at the Brunswick site. Retrofit construction of the Brunswick facility is expected to be complete by the second half of 2025, with full operations slated to commence in 2026.

Viridi's Brunswick acquisition marks the firm's fourth high-profile deal announcement in the past year.

In March 2023, Viridi announced its partnership with Marathon County, Wisconsin, to convert the county's landfill emissions into clean RNG, equal to more than three million gallons of gasoline annually.

In May 2023, the firm announced a partnership with Baldwin County, Alabama, to develop a waste-to-RNG project at that county's landfill, and in June 2023, it announced it was partnering with American Organic Energy to develop one of the largest food waste-to-RNG projects in the U.S., to be located in Yaphank, New York.

materials composting facility, composting about 60,000 cubic yards of yard waste, culled fruit and manure annually from Mesa County residents and businesses.

The facility could compost other organic wastes, such as biosolids and food waste, but it would require a substantial infrastructure investment. The county said the community has expressed a desire to compost feedstocks such as food waste and biosolids at the facility since the closest facility with those capabilities is 45 miles away.

Currently, wastewater treatment plants throughout Mesa County dispose of more than 12,000 tons of biosolids at the Mesa County Landfill every year, and according to a 2018 waste audit conducted at the landfill, about 1/3 of the waste going to the landfill is compostable food and yard waste.

In 2022, the Colorado Department of Public Health and Environment developed a statewide Organics Management Plan. As a result of the plan, the state is assessing a landfill ban on yard waste, which could take effect in 2026.

The assessment will help inform Solid Waste Management's decision on whether or not to expand the facility and invest in its infrastructure through a business-case evaluation of the existing composting program and expansion options. The city of Grand Junction, Colorado agreed to pay 50% of the assessment.

In 2022 and 2023, Grand Junction operated a food waste and biosolids composting program with the assistance of Mesa County Solid Waste Management and a third-party composter. The program's success has demonstrated the wish to develop the Mesa County facility to process biosolids and food waste, the county said.

To help inform the county's decision on whether or not to expand the compost facility, the division plans to hire Carollo Engineering Inc., Broomfield, Colorado, to provide a business-case evaluation of the existing composting program and expansion.

Facilities

Colorado county to assess facility expansion

Mesa County, Colorado commissioners this month approved a \$139,185 contract for an assessment of whether to expand its compost facility. Mesa County Solid Waste Management operates an organic

Applications

Rhode Island considers human composting

Rhode Island considers human composting after hearing from numerous constituents interested in reducing their impact on the planet in perpetuity, Rhode Island legislator Rep. Michelle McGaw (D-71) introduced legislation to allow natural organic reduction—sometimes referred to as “human composting”—as an alternative to cremation or burial.

“Not everyone is comfortable with the impact of burial, which occupies land, or cremation, which emits a significant amount of carbon,” McGaw said. “Natural organic reduction is a greener alternative that may be preferable for those concerned about how their final wishes affect the planet. I have constituents who would like to have this option available, so I introduced this bill to start the conversation about whether and how to offer this possibility in Rhode Island.”

Natural organic reduction is performed indoors in specialized facilities equipped with vessels in which deceased bodies are placed along with organic matter that helps speed the natural decomposition process. The chambers keep the vessels warm, between 130 to 160 degrees F, and the contents are “blended” regularly over the course of four to seven weeks. The result is about a cubic yard of nutrient-dense soil.

Washington state legalized the practice in 2019 and five more states followed suit since then.

McGaw’s legislation—2023-H 6045—establishes laws for the creation and operation of natural organic reduction facilities in Rhode Island. The facilities would be licensed and regulated by the Department of Health, which would be responsible for enforcing all applicable

health and safety regulations.

Under the bill as written, once the process is complete, the resulting material would need to be scattered in a cemetery in a designated garden or area there; placed in a grave, crypt or niche; or retrieved by the family of the deceased.

The process is designed to reduce the impact on the earth, compared to burial or cremation. Burial involves occupying land and uses resources involved in caskets, grave liners and gravestones. Cremation requires the burning of fossil fuel and results in average of 534 pounds of carbon in the atmosphere per cremation – the equivalent of driving a car 500 miles.

McGaw said she expects the bill would undergo changes during the legislative process, and that she introduced it as a start to the conversation – albeit one that, like many matters concerning death, may make some people uncomfortable. But others will find comfort in the prospect of going to their final resting place as part of the earth, helping to support life in the future.

“For people who have respected the earth and tried to lighten their impact on it in life, it makes sense to also want to take the greenest, most environmentally beneficial route in death,” McGaw said. “This is an option that we should work to make available here in Rhode Island, for our people and for our planet.”

Agriculture

Texas offers organic ag grants

Sid Miller, Texas’ agriculture commissioner, said the state will receive nearly \$200,000 in USDA grant funding over the next three years to assist the Texas Department of Agriculture’s (TDA) promotional efforts for organic producers. Projects funded by the Organic Market Development Grants (OMDG) will encompass a wide range of promotional and educational activities that showcase the diversity of

the organic agriculture industry in the Lone Star State, Miller said.

The OMDG program supports the development of new and expanded organic markets to help increase the consumption of domestic organic agricultural commodities. The program focuses on building and expanding capacity for certified organic production, aggregation, processing, manufacturing, storing, transporting, wholesaling, distribution and development of consumer markets.

Several Texas industries including organic produce, grains, fiber and dairy will be featured. TDA anticipates assisting these producers through an array of programs. The initiatives bolster the Texas agriculture industry’s visibility and facilitate access to essential resources.

“The certification of organic products signifies a level of quality that consumers trust,” Miller said. “Championing Texas producers in marketing their organic products is vital to their economic success.”

Food waste

Long Beach

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Bioenergy Devco’s anaerobic digestion technology provides a solution for recycling organic waste. The technology prevents food scraps and other organics from being disposed of in landfills, mitigating the release of potent methane gas, a significant contributor to climate change. With their expertise in tailored facilities, Bioenergy Devco leads the charge in helping communities across the country meet their sustainability goals by turning waste into renewable energy, reducing greenhouse gasses, and advancing environmental stewardship.

Bioenergy Devco’s said its public-private collaboration with the city of Long Beach marks a significant advancement in sustainable waste management practices and an example of environmental responsibility. By utilizing anaerobic digestion technology to recycle organic waste into renewable natural gas and soil amendments, the

project will reduce greenhouse emissions, create local jobs, and drive economic growth for Long Beach, the company said.

Bioenergy Devco said it has built more than 250 facilities and currently manages more than 150 organics recycling and clean energy generation facilities worldwide.

Opinion

Amish

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listeriosis in individuals who drank raw milk.

Their dispute continued until 2023, when Miller was forced to pay out \$30,000 and continue to pay out \$305,000 in fees levied by a judge following federal lawsuits.

Conflict has resumed as Pennsylvania Attorney General Michelle Henry announced she would be suing Miller to halt his production. She claims that Miller has continually refused to submit to the health standards levied by not only the state but also the federal government. She claims that Miller continues to endanger public health, even as Miller claims he is only serving a small private group of buyers.

Not wishing to offer an uninformed legal opinion on this matter, it is worth noting that this is part of a growing trend.

Since the 1930s there has been continual decline in the number of farms in the U.S. The acreage total has only slightly declined. This might be because of the greater productivity of larger farms, especially with improved fertilizing methods, but it could also be due to regulation.

In the 1930s, President Franklin Roosevelt passed the first of the famed “Farm Bills.”

This bill continues to be passed every five years, benefiting large lobbyists who get subsidies and special regulations.

Regulation, like that being levied against Miller, usually has its roots in cronyism rather than legitimate public interest.

[Economist] Murray Rothbard famously tackled this in reference to the



“beef trusts” that are cited in the early 1900s. These trusts faced competition from smaller competitors, and after “The Jungle” [by Upton Sinclair] was published, they jumped on the bandwagon of regulation to quash competitors.

Rothbard wrote:

“Shortly after *The Jungle* came out, J. Ogden Armour, owner of one of the biggest packing firms, wrote an article in the *Saturday Evening Post* defending government inspection of meat and insisting that the large packers had always favored and pushed for inspection. Armour wrote: ‘Attempt to evade it [government inspection] would be, from the purely commercial viewpoint, suicidal. No packer can do an interstate or export business without government inspection. Self-interest forces him to make use of it. Self-interest likewise demands that he shall not receive meats or by-products from any small packer, either for export or other use, unless that small packer’s plant is also official—that is, under United States government inspection. This government inspection thus becomes an important adjunct of the packer’s business from two viewpoints. It puts the stamp of legitimacy and honesty upon the packer’s product and so is to him a necessity. To the public it is insurance against the sale of diseased meats. Government meat inspection which also lures the public into always thinking the food is safe and reduces competitive pressures to improve meat quality.’”

Rothbard added later:

“The large meat packers were enthusiastically in favor of the bill, designed as it was to bring the small packers under federal inspection. The American Meat Producers’ Association endorsed the bill. At the hearings of the House Committee of Agriculture on the

bill, Thomas E. Wilson, representing the large Chicago packers, put their support succinctly: ‘We are now and have always been in favor of the extension of the inspection, also to the adoption of the sanitary regulations that will insure the very best possible conditions. ... We have always felt that government inspection, under proper regulations, was an advantage to the livestock and agricultural interests and to the consumer.’ One advantage to imposing uniform sanitary conditions on all meatpackers is that the burden of the increased costs would fall more heavily on the smaller than on the bigger plants, thereby crippling the smaller competitors even further.”

Regulation is a mighty tool for larger lobbyists to wield against their competitors. It is not unlikely that large milk producers would favor many of these burdensome regulations because they would harm their competitors. Forcing smaller farms like that of Miller to comply with the regulations imposed by a bureaucratic institution is an easy way to increase costs and force them from the market.

Health is very much still a concern in the marketplace, but with properly applied tort law it will work itself out. If one’s product hurts a consumer, they can be held liable for it. This makes businesses take extra care with their products.

They further get insurance for cases of extreme accidents. Those insurance companies apply restrictions and codes that must be followed, while at the same time providing coverage.

If the state of Pennsylvania cared for public health, they would deregulate the insurance markets and halt harassing farmers. Apply tort law properly and the market will find a way.

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