

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
§17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris Regulatory Requirements.						
(d)(2)	453L02	County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency	KariLyn	Merlos	The County of San Diego LEA believes 90 days is too short a storage limit for this type of material and recommends either maintaining the one year limit or providing for additional LEA discretion to extend the storage time.	CalRecycle will not consider lengthening the storage limit from 90 days to one year. Existing regulation (§17384) authorizes an LEA to approve alternative storage time limits if 90 days is insufficient.
	453L03				In addition, the LEA notes that no changes are proposed for storage times of processed debris/materials at Small Volume, Medium Volume or Large Volume CDI/Inert Debris Processing Operations/Facilities. Processed material at these operations and facilities may remain onsite for up to one year pursuant to current regulations. This discrepancy presents an issue with consistency of application of standards.	CalRecycle will not consider lengthening the storage limit from 90 days to one year. Existing regulation (§17384) authorizes an LEA to approve alternative storage time limits if 90 days is insufficient.
§17403.1. Excluded Operations						
(a)(8)	45D02	Sacramento County LEA	Lea	Gibson	14 CCR 17403.1 would exclude co-digestion of anaerobically digestible materials and wastewater at Publicly Owned Treatment Works. The Sacramento County LEA concurs with the proposed exclusion, as these facilities are currently regulated by the Regional Water Quality Control Board.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	45S01	Hydros Agritech	Patrick	McLafferty	Section 17403.1. (a) (8) of the proposed regulation largely, if not completely, exempts publically owned water treatment facilities (POTWs). Hydros’s systems appear to meet or exceed a higher tier of requirements, being under the requirements of the regional water quality control boards, than those proposed. Hydros suggests that privately owned water treatment systems that treat water from agricultural sources to Title 22 standards be exempted. Rigorous permitting, sampling, inspection, record keeping and reporting, are inherent in the NPDES process and offer necessary and appropriate levels of control and oversight to protect the public.	CalRecycle will not include an explicit exemption for private waste water treatment plants. However, such activities may qualify for the exclusion listed in §17896.6(a)(4).
	453D05	SF Environmental	Jack	Macy	We generally support the other proposed changes to the regulations as well as the ability to utilizing existing WWTP anaerobic digester capacity under existing WWTP permits.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
§17852. Definitions						
Also: §17850(c); §17852(a) (13.5); §17852(a) (26)	45B01	Los Angeles County Solid Waste Management Committee	Margaret	Clark	There is a clear need for CalRecycle to define the terms “organic”, “organic material,” “nonorganics” and “non-compostable organic”.	It is not necessary to define the terms “organic”, “organic material”, and “non-organics” since these terms are commonly used in statute and regulation and are generally understood within the context of the authority and scope of these regulations (see §17850 and §17896.1), which refer to biological decomposition of waste through composting and digestion. The term “non-compostable organic” is not used in the proposed regulations.
Also: §17862.4.1; §17896.30	45D05	Sacramento County LEA	Lea	Gibson	14 CCR 17862.4.1 and 17896.30 establish the requirements for an Odor Best Management Practice Feasibility Report. The Sacramento County LEA supports the addition of the proposed regulatory sections, which will provide Operators and LEAs with guidance to address chronic odor violations.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
	451R08	California League of Food Processors	Rob	Neenan	If CalRecycle chooses to define food processing byproducts for the purpose of CLFP's proposed exemption, we recommend the following definition: <i>Food processing byproducts include solid or semi-solid materials from fruit, nut, and vegetable processing facilities such as stems, leaves, seeds, nut hulls and shells, peels, and off-grade or over-ripe or under-ripe produce that could not be used in the finished products. The byproducts may have incidental amounts of residual soil but do not include packaging material, trash, metal, glass, or toxic materials other than in de minimis amounts. Food processing solid byproducts do not include wastewater.</i>	CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
	452P17 453C16	IEUA CR&R	Jeff Clarke	Ziegenbein Pauley	Add to section 17853 (17852?) Definitions: New Definition (and perhaps new sub-section elsewhere in the code): "California Compost Standards Working Group" is a working committee formed by CalRecycle that is comprised of 5-9 representatives from the composting and waste management industry, experts in the academic and scientific community, and members of the regulatory community. The function of the working group is to advise CalRecycle on the industry perspective of the phasing and implementation of Title 14 and 27 standards that are both scientifically based and economically feasible. The working group will advise CalRecycle on topics including but not limited to expanded industry economic impact analysis, development of effective, standardized testing methods, and recommendations on revisions to Title 14 and 27.	CalRecycle had a fairly extensive informal rulemaking development period and received input from stakeholders including the academic, scientific, and regulatory community. The physical contamination limit will become operative on January 1, 2018. CalRecycle has complied with the requirements to prepare a Standardized Regulatory Impact Assessment and Economic and Fiscal Impact Statement. CalRecycle will allow for stakeholder input on the development of the sampling and analysis methodology used to determine the percentage of physical contamination in compostable material, digestate, and compost.
	452Z04	Western Agricultural Processors Association	Chris	McGlothlin	After reviewing the language, we also seek clarification as to which category the tree nut processing falls into. We hope that the practice falls into the Agricultural Material definition...However, we believe that Food Material may be used as a definition for the practice of tree nut processing, specifically the blanching of almonds and walnuts.	CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4. CalRecycle also revised the definition of agricultural material to include material generated during nut or grain hulling, shelling, and processing.
	PHH02	Del Monte Foods	Tim	Ruby	We are particularly concerned with the definitions of agricultural materials and land application and imposed role in that these definitions reclassify our plant food processing byproduct as solid waste now subject to your department's jurisdiction.	Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq. Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further, CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
	PHJ02	California League of Food Processors	Rob	Neenan	If a peach grower sends a truck of peaches to a cannery and some of those peaches are bruised, they're too green, there may be leaves mixed in with them, rather than send that material to a landfill, a food processor -- whether it's peaches or tomatoes or whatever. We're mostly talking about fruit, vegetable, and nut products here -- will take that material to a farm. It could be their own farm. It could be one of their growers. It's spread thin and mixed in	Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq. Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further,

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					and used as a replacement for conventional fertilizer. It is an activity that is already regulated, as was mentioned by Stanislaus County at least in passing. If you're land applying significant quantities of agricultural material or food processing fruit and vegetable byproducts or nut byproducts, you may be required by the appropriate Regional Water Board to get, what they call, a Waste Discharge Requirement, a permit, to do that.	CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
	PHM01	LA County Task Force	Mike	Mohajer	LA County has been very specific asking CalRecycle and also the former Californian Waste Management Board to define as far as the terminology of what it means by organic waste, compostable waste, non-compostable waste, plastic materials.	It is not necessary to define the terms “organic waste,” “compostable waste,” and “non-compostable waste,” and “plastic materials” since these terms are commonly used in statute and regulation and are generally understood within the context of the authority and scope of these regulations (see §17850 and §17896.1), which refer to biological decomposition of waste through composting and digestion.
(a)	45A01	Self	Kathleen	Housel	Add to Definitions (Title 14, Division 7, 1, Article 6, Section 17402) a quantification for “Minimize” with respect to “Odor Minimization.”	It is difficult to develop a quantifiable odor minimization standard since the perception of odor is subjective. CalRecycle staff have developed a statewide framework for minimizing odors generated at compost and in-vessel digestion operations and facilities by: 1) requiring odor impacts to be minimized so as not to cause a nuisance [§17867 (a)(2) and §17896.32]; 2) specifying how the Enforcement Agency will conduct an odor complaint investigation to help identify and verify odors at an operation or facility and at the complainant’s location [§18302(d)]; 3) requiring compost and in-vessel digestion operations and facilities to prepare, implement, and maintain an Odor Impact Minimization Plan [§17863.4 and §17896.30]; and 4) providing the Enforcement Agency with discretion to require an operator to prepare an Odor Best Management Practice Feasibility Report and employ additional and feasible measures to minimize odors if the Odor Impact Minimization Plan is being followed but odor impacts are still occurring [§17863.4.1 and §17896.31]. CalRecycle staff believe this approach is more feasible than developing a quantifiable odor minimization standard.
(a)	452D01	Almond Hullers & Processors Association	Kelly	Covello	Define almond hulling, shelling and processing, for purposes of an exclusion, as an activity where an on-farm or off-site facility receives almonds from the field, removes and separates the hulls, shells, and kernels from one another and stores and distributes them for beneficial uses that include but are not limited to animal feed, animal bedding, biomass feedstock, and biofuel feedstock	Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.
(a)	452W05	Dairy Cares	JP	Cativiela	Agency staff indicated it generally should not include trimmings from vegetables, though the definition is not clearly worded in this regard.	CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
(a)	453I04	West Marin Compost	Jeffrey A.	Creque	This series of definitions (Ag, Food, and Vegetative Food materials) places the same items in several different regulatory categories...Please rewrite these definitions to include, within the Agricultural Materials definition, unprocessed and minimally processed, fruit and vegetables, edible flowers and plants, outdated and spoiled produce, and coffee grounds.	Unprocessed and minimally processed, fruit and vegetables, edible flowers and plants, outdated and spoiled produce, and coffee grounds clearly fall within the definition of vegetative food material.
(a)(1)	452Q06	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...Paramount is concerned that CalRecycle will now interpret this to mean any organic material that has the potential to turn into compost regardless of the intended purpose of the material. We agree with AHPA and other industry groups, that this interpretation would unnecessarily lump the storing and holding of some types of agricultural and food processing by-product material (such as stockpiles waiting to be used as animal feed, animal bedding or	Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					biofuel feedstocks) as "compostable material" causing them to be subject to the regulation regardless of risk. We seek clarification on this aspect of the proposed Compostable Materials Regulation and ask that CalRecycle consider narrowing the definition of "compostable material" as to exclude agricultural and food-processing material intended for beneficial uses from "active compost."	
(a)(1)	452W04	Dairy Cares	JP	Cativiela	Based on this language [under section 17852(a)(1)], material that is (1) not accumulated; or (2) or that does not begin to compost and reach temperatures of 122 (or release CO2 at a high rate) degrees should not be considered a "compostable material." On the other hand manure due to its character would likely fall into the active compost category without regard to its eventual use. If it is not "compostable material," it is not subject to the regulations. This suggests that clarifying the definition could help exclude any materials that do not need to be regulated.	CalRecycle is not revising the existing definitions for "compostable material" and "active compost." Pursuant to §17855 (a)(1), an activity is excluded if it handles agricultural material. Further, any compostable material handling operation or facility may accept manure.
(a)(5)	451S01	City of San Diego, Local Enforcement Agency	William E.	Prinz	The insertion of the word "waste" in this definition seems to be in conflict with viewing composting feedstock as materials or resources. A waste is something deemed to have no further value or use. CalRecycle should consider removing the term "waste" to be consistent with policy objectives and with the Initial Statement of Reasons (ISOR).	Public Resources Code §43020 provides CalRecycle with the authority to adopt regulations of the management of solid waste. Per Public Resources Code §40116, "Compost" means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility. "Compost" includes vegetable, yard, and wood wastes which are not hazardous waste."
(a)(5)	452D03	Almond Hullers & Processors Association	Kelly	Covello	AHPA recommends that the Department, for the purposes of uniform application of the agricultural material definition, define almond processing by- product specifically as an "agricultural material" when the almond processing by- products are not being handled or stored as an excluded material (e.g. animal feed, animal bedding, biomass feedstock or biofuel feedstock).	Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.
(a)(5)	452I02	Horizon Nut Company	Andrew	Howe	Horizon supports retaining the existing language in the definition of Agricultural Material [Section 17855 (a)(5)] that includes agricultural production and processing material and expanding the definition to explicitly include material generated during the post-harvest preparation of crops for market or further processing. Further, Horizon supports striking the proposed addition of the term "waste." Agricultural Material is defined as waste material, yet the term "waste" is not defined. Including salable feed, bedding and biomass commodities under the definition of "waste" is an overreach of this regulation.	The text in the definition of Agricultural Material referring to "from production and processing of farm, ranch, ..." is replaced with the term "from the conduct of." This term "from the conduct of" is preferred because it more clearly describes that agricultural material directly results from the activities specified, not from a separate production or processing activity. It is appropriate for CalRecycle to use the term "waste," because Public Resources Code §43020 provides CalRecycle with the authority to adopt regulations of the management of solid waste. Also, pursuant to Public Resources Code §40116, "Compost" means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility. "Compost" includes vegetable, yard, and wood wastes which are not hazardous waste."
(a)(5)	452Q02	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	We are concerned that the proposed amendments to section 17852(a)(5), "agricultural material," will be interpreted to exclude primary harvesting and food processing activities that are essential agricultural activities which do not pose a risk of becoming compostable material. By removing the inclusion of "processing" from the agricultural materials definition, raw agricultural by-products, such as almond and pistachio hulls and shells removed prior to	CalRecycle revised the definition of agricultural material to specify material generated during nut or grain hulling, shelling, and processing is considered agricultural material. The text in the definition of agricultural material referring to "from production and processing of farm, ranch, ..." is replaced with the term "from the conduct of." This term "from the conduct of" is

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					further processing, would no longer be considered an agricultural material. The act of hulling and shelling for example, does not alter the inherent nature of the product and therefore should still be considered an agricultural material for the sake of these regulations.	preferred because it more clearly describes that agricultural material directly results from the activities specified, not from a separate production or processing activity.
(a)(5)	452Q03	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...we suggest that CalRecycle reconsider referring to raw agricultural by-products as "waste" material, as most of the separated material is further used for beneficial purposes such as animal feed and bedding, land applied, biomass feedstock, or another approved method and is not considered unusable trash.	Public Resources Code §43020 provides CalRecycle with the authority to adopt regulations of the management of solid waste. Per Public Resources Code §40116, "Compost" means the product resulting from the controlled biological decomposition of organic <u>wastes that are source separated from the municipal solid waste stream</u> , or which are separated at a centralized facility. "Compost" includes vegetable, yard, and wood wastes which are not hazardous waste." CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
(a)(5)	452R02	Santa Barbara County Environmental Health Services	Lisa	Sloan	The definition of Agricultural Material should be expanded to include manure derived from the boarding and training of animals that may not be used as a food source. Otherwise, such manure would not be eligible to be composted except at the level of a full compostable materials handling facility permit, even though the handling of horse manure, for example, may not impose the level of environmental nuisance as other materials needed to be processed under a full compostable materials handling facility permit. Suggested language follows: (5) "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture , vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products , which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as "food material" or "vegetative food material" is not agricultural material. Agricultural material includes, including but is not limited to, <u>horse and other</u> animal manures, orchard and vineyard prunings, grape pomace, and crop residues.	The existing definition of manure includes herbivore and avian excrement. Per §17852(a)(22), a green material composting operation may also handle manure and paper products; they also qualify for one or more exclusions depending on the size.
(a)(5)	452X03	Agricultural Council of California	Emily	Rooney	We support the comments made by the Almond Hullers & Processors Association (AHPA) and Paramount Farming Company that the byproducts of tree nut harvesting are not in their nature "odorous," do not have a high likelihood to cause public nuisances nor do they pose a risk to the public	CalRecycle revised the definition of agricultural material to specify material generated during nut or grain hulling, shelling, and processing is considered agricultural material.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					health and the environment.... Organic material such as sticks, leaves, hulls and shells should be included in the agricultural material definition.	CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
(a)(5)	453103	West Marin Compost	Jeffrey A.	Creque	Why is grape pomace singled out here? What about other fruit pomaces, such as olive or apple? <i>A broader exception for minimally processed agricultural material should be included here.</i>	CalRecycle has historically viewed grape pomace as an agricultural material. CalRecycle revised the regulations and included the text “but is not limited to” indicating other agricultural material along with grape pomace could meet this definition.
(a)(6)	452103	Horizon Nut Company	Andrew	Howe	This definition references compost, which is not defined elsewhere in the regulation and falls short of clearly identifying who is subject to this definition. Initially, this definition reads as though it is only applicable to operations intentionally producing compost, however, it is our understanding that CalRecycle intends for this definition to apply to any operation that could produce compost. Clarification is requested.	Per Public Resources Code §40116, "Compost" means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility. "Compost" includes vegetable, yard, and wood wastes which are not hazardous waste. Per §17850, “Biological decomposition of organic material can be either a naturally occurring or artificially controlled process. This Chapter establishes standards and regulatory requirements for <u>intentional and inadvertent</u> composting resulting from the handling of compostable materials, including but not limited to feedstock, compost, or chipped and ground materials as defined in §17852.”
(a)(9)	451Y01	County Sanitation Districts of Los Angeles County	Paul	Prestia	We request the following change to the biosolid definition in Section 17852: <i>“Biosolids” means solids, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and scum or solids removed from primary, secondary, or advanced wastewater treatment processes. Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works. For the purposes of this regulation, biosolids includes sewage sludge co-digested with other anaerobically digestible material in the same digester, which may undergo thickening, dewatering or drying, transfer and temporary storage at a POTW.”</i>	CalRecycle revised the definition of “biosolids” to include the residue solids resulting from the co-digestion of anaerobically digestible material with sewage sludge.
(a)(10)	452104	Horizon Nut Company	Andrew	Howe	Please clarify that agricultural material such as leaves, sticks, hull and shell that is generated during pre-cleaning activities at food processing operations are not a chipping and grinding operation or facility.	This is existing regulation and CalRecycle is not proposing a revision to this definition. Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations. CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
(a)(10)(C)	452Q07	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...Paramount also asks that CalRecycle expound upon section 17852(a)(10)(C), the definition of "chipping and grinding operations and facilities." We are principally concerned that the time limit associated with this subsection is not practical for material that is stockpiled on-site and waiting immediate removal. For instance, it is often the case that biofuel purchasers are limited	This is existing regulation and CalRecycle is not proposing a revision to this definition. Storage time limits are provided to protect public health and safety and the environment.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					to accepting a certain amount of material a day, which can lead to some piles remaining on-site for longer than the allotted 48 hour time limit. Since these materials are destined for a beneficial reuse purpose, remaining on site for a few extra hours should not classify the stockpiles as "compostable material."	Per §17852 (a)(10)(A)2, each load of green material shall be removed from the site within 48 hours of receipt. The EA may allow a site to keep green material on-site for up to 7 days if the EA determines that the additional time does not increase the potential for violations of this Chapter. Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.
(a)(11)	452105	Horizon Nut Company	Andrew	Howe	It is our understanding that CalRecycle intends for "Compostable Material" to include any organic material that when accumulated could become active compost. Stored food processing byproducts exposed to ambient summer temperatures in the Central Valley could near or exceed the temperature threshold of 122 degrees Fahrenheit as referenced in the definition of active compost and, therefore, might be considered active compost by virtue of ambient temperatures. Please clarify, as we do not believe food processing byproducts awaiting shipment to beneficial reuses to threaten the public health or environment that this regulation is intended to protect.	Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations. For material that is received from off-site sources: Per §17855(a)(5)(J) an activity is excluded if the materials that are handled in such a way to preclude their reaching temperatures at or above 122 degrees Fahrenheit as determined by the EA. Per §17852(a)(1), organic material is considered active compost when it is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition. If ambient temperatures are believed to be contributing to the temperature of the material, the carbon dioxide release rate of at least 15 milligrams per gram of compost per day, or the equivalent of oxygen uptake, can be used.
(a)(12)	45B03	Los Angeles County Solid Waste Management Committee	Margaret	Clark	The proposed expansion of "compostable materials handling operation or facility" definition to include "vegetative food material composting facilities" may not be allowable since it expands the requirements of AB 1826.	These regulations set forth minimum standards and permitting requirements for compostable material handling operations and facilities for the protection of public health and safety and the environment. Vegetative food material is that fraction of food material that may be composted under a Registration permit. These regulations are not intended to be the implementing regulations for AB 1826.
(a)(13.5)	45W01	Synagro	Layne	Baroldi	Synagro supports the requirement that digestate be composted at a permitted operation or facility, unless otherwise allowed as an alternative use by a state agency (like the Department of Food and Agriculture).	These regulations only specify what type of permit is required to compost digestate; they do not restrict other possible alternative use.
(a)(13.5)	452P02	IEUA	Jeff	Ziegenbein	Recommend: "Digestate" means the solid and/or liquid <i>product</i> remaining after organic material has been processed in an in-vessel digester, as defined in section 17896.2(a)...	Digestate may or may not become a product therefore CalRecycle prefers the phrase "residual material."
	453C02	CR&R	Clarke	Pauley		
(a)(13.5)	453B02	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	Please explain why the digestate may only be handled at a facility that has obtained a Compostable Materials Handling Facility Permit and why the digestate cannot be handled at a Compostable Handling Operation sites such as Green Material Composting Operation or Biosolids Composting Operations at POTW.	A compostable material handling facility permit is required for facilities that receive and handle digestate because the characteristics of the digestate may vary greatly due to feedstock type, moisture content, retention time, technology used, etc. Furthermore, it is anticipated that feedstock for In-vessel Digester facilities will have similar characteristics as food material and/or mixed materials, which, if composted, is required to be sent to a facility that has a compostable material handling facility permit. Digestate from a POTW co-digester is biosolids so the biosolids handling rules apply. It may be the exception to the rule that all digestate that is composted needs to go to a fully permitted site.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(a)(15) Also: 17855(a)(9)	452Q04	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...Paramount believes that the beneficial uses of agricultural and food processing by-products, which include the use of the material as slope stabilizers and weed suppression as originally included in the exemption under section 17855(a)(9), should continue to be included as an exempted activity in the final Compostable Materials Regulation.	Slope stabilization and weed suppression constitutes application of compostable materials onto land. By removing §17855(a)(9), CalRecycle is indicating that the reason for the material being land applied is not a factor as long as it meets the requirement of §17852(a)(24.5).
(a)(15)	452W06	Dairy Cares	JP	Cativiela	These are fairly low numbers [referring to subsection (2) and (3)], implying that many dairies would not be excluded from regulation by this section.	Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations. This section sets for the definition of disposal; it does not pertain to exclusions. If a dairy, presumed to be sited on land zone for agricultural use, received from off-site sources, it would be subject to the requirements of §17852(a)(15)(A)(3), which, per existing regulations, allows for material to be stored for up to 12 months unless the EA, in consultation with RWQCB, makes a written finding that material can be stored longer.
(a)(15)	452X04	Agricultural Council of California	Emily	Rooney	We share AHPA's comments that, "Storage of almond processing byproducts at a facility or site where they are handled in the manufacture and distribution of animal feed, animal bedding, biomass feedstock or biofuel feedstock should not be held to any of volume and time based storage restrictions in Section 17852(a)(15) of the proposed regulations."	Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.
(a)(15)	452X05	Agricultural Council of California	Emily	Rooney	California's dairy industry is among the most regulated industry in agriculture, so we respectfully request CalRecycle to consider the state and federal regulations undertaken by dairy, prior to adding another set of potentially conflicting rules.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary. CalRecycle is not allowed to duplicate other existing state or federal regulations. Furthermore, CalRecycle is charged with protecting the public health and safety, and the environment, as it pertains to the handling of compostable materials.
(a)(15)(A)	451S02	City of San Diego, Local Enforcement Agency	William E.	Prinz	Does this definition apply only to permitted facilities and operations or does it also apply to illegal dumping at unpermitted locations such as vacant property or agricultural land?	This definition is applicable to any activity that falls within this subdivision, whether it is a permitted or unpermitted facility. It is not necessary to make a change to the existing definition because there are excluded activities in 17855 that involve final deposition of compostable material to land.
(a)(15)(D)	453H03	Sonoma County Dept. of Health Services	Jennifer	Lyle	Biosolids require additional feed stocks and handling to meet the definition of active compost. As defined in the regulations, permits would not be required for biosolids field spreading activities. Biosolids are often stored at locations other than POTWs in accordance with land use regulation. The regulations are not clear concerning storage of biosolids at a non-Publicly Owned Treatment Plant site. We suggest that 17855 Excluded Activities (a) (5) (B) be revised to add language" ...or other sites as approved by land use planning."	Land spreading of biosolids is subject to Part 503, Title 40 of the Code of Federal Regulations, State Water Resources Control Board General Order No. 2004-0012-DWQ, site-specific Waste Discharge Requirements or other issued requirements from the State Water Resources Control Board or a Regional Water Quality Control Board having jurisdiction. §17852(a)(15)(A) contains storage requirements for compostable materials. In addition, as specified in §17850(d), nothing in these standards shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all authorizations and complying with all requirements of other regulatory agencies, including but not limited to, local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.
(a)(20)	452E06	Integrated Waste Management Consulting, LLC	Matthew	Cotton	I would suggest removing the new, proposed (20)(A) definition and keeping the current definition of food material. CalRecycle has presented no evidence that allowing food material at a lower tier composting facility increases the risk to the public health, safety, and the environment. There is no scientific basis to suggest that food material cannot be handled, nuisance-free at any scale (The impacts of compost facilities, particularly odor, are subjective and	It is not our intention to act as a barrier to the expansion of organic diversion programs. Food waste can be a source of odors, vectors, and other nuisances, which poses a greater risk to public health, safety, and the environment. Vegetative Food Material Composting Facilities qualify for the Registration tier.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					probably have significantly more to do with surrounding land use than feedstocks or scale). CalRecycle has a robust infrastructure for approving and enforcing the existing Title 14 and Title 27 regulations. If we are to meet the goals and intent of AB 1826, as well as the larger 75% recycling goal, jurisdictions must have as many possible avenues for recycling or composting food scraps as possible.	
(a)(20)	452106	Horizon Nut Company	Andrew	Howe	Horizon supports clarifying the definition of food material to include commercial or institutional prepared food waste and specifically exclude post-harvest, pre-manufacturing food processing byproducts.	Commercial and institutional prepared food material is included in the existing food material definition. CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
(a)(20)	452Z01	Western Agricultural Processors Association	Chris	McGlothlin	This section needs to be modified to be made clear that byproducts from nut hulling, shelling and processing are not regulated materials, unless they are being handled in a deliberate manner for composting. This material would include, but is not limited to sticks, leaves, hulls and shells.	Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations. CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
(a)(20)	453A02	California Cotton Ginners and Growers Association	Chris	McGlothlin	This section needs to be modified to be made clear that byproducts from ginning cotton are not regulated materials, unless they are being handled in a deliberate manner for composting. This material would include, but is not limited to sticks, leaves, seeds and lint.	Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations. CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
(a)(20)(A)	451S08	City of San Diego, Local Enforcement Agency	William E.	Prinz	For example does this preclude spoiled green salad with dressing (fats or oils) added from being a Vegetative Food Material?	Spoiled green salad with dressing (fats or oils) would not meet the proposed definition of vegetative food material. CalRecycle did not allow for “de minimus” or “incidental” amount of prohibited material in the definition because these terms are ambiguous, not measurable, and difficult to enforce. The definition can be applied through routine compliance inspections and follow up enforcement action, as needed.
(a)(20)(A)	453G11	Californians Against Waste	Nick	Lapis	The definition of vegetative food material is unnecessarily restrictive.	Food waste can be a source of odors, vectors, and other nuisances, which poses a greater risk to public health, safety, and the environment. Food material would not be adequately regulated in the lower tiers. Vegetative Food Material Composting Facilities qualify for the Registration tier.
(a)(20)(A)	453G12	Californians Against Waste	Nick	Lapis	These regulations should at least address de minimus quantities of other materials that might inadvertently end up with the vegetative food material.	CalRecycle recognizes that unauthorized material (e.g. fats, oils) may be inadvertently mixed with vegetative food material, however, we did not allow for “de minimis” or “incidental” amount of prohibited material in the definition because these terms are ambiguous, not measurable, and difficult to enforce. The definition can be applied through routine compliance inspections and follow up enforcement action, as needed.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(a)(20)(A)	453G13	Californians Against Waste	Nick	Lapis	A composter handling residential materials might only ask for vegetative materials, but they might inadvertently receive small quantities of materials that do not meet the very narrow definition in the regulation. Even salad dressing, tossed in along with the remnants of a salad, would be a violation.	CalRecycle recognizes that unauthorized material (e.g. fats, oils) may be inadvertently mixed with vegetative food material, however, we did not allow for “de minimis” or “incidental” amount of prohibited material in the definition because these terms are ambiguous, not measurable, and difficult to enforce. The definition can be applied through routine compliance inspections and follow up enforcement action, as needed.
(a)(20)(A)	453H04	Sonoma County Dept. of Health Services	Jennifer	Lyle	This definition states: "...no salts, preservatives, fats, or oils or adulterants shall be added." Additional testing methodology is needed for the EA to assess levels of salts, preservatives, fats in incoming vegetative food material feedstock.	The presence of salts, preservative, fats or oils, or adulterants is more easily discernable through visual investigation rather than sampling and analysis, therefore additional testing methodology is not needed.
(a)(21)	451M04	Sonoma Compost	Will	Bakx	Not currently earmarked for revision is the 1% contamination limit for clean green facilities. In order to maximize diversion of organics in the State we recommend that this will be revised to read 1% after contaminant removal processes at the compost facility before the material is being processed (ground).	Green Material containing greater than 1.0% physical contaminants is defined in existing regulations as “Mixed Solid Waste Material.” This material can only be composted at a facility with a Compostable Materials Handling Facility Permit. The EA Notification tier is designed for low-risk, low-impact operations protective of public health, safety, and the environment.
	451N04	Napa Recycling & Waste Services	Tim	Dewey-Mattia		
	451W04	Northern Recycling & Waste Services, LLC	Jennifer	Arbuckle		
	452A04	Sonoma County Waste Management Agency	Henry J.	Mikus		
	451K04	CT Bioenergy	Chris	Trott		
(a)(21)	451Z03	Recology	Erin	Merrill	Finally, the existing regulations propose a 1.0% contamination limit for green material. Recology recommends that both green material and food material to be used as compost feedstock be held to a 3.0% contamination limit.	The 1.0% physical contaminant limit for green material comes from existing regulation (17852(a)(21)). Material containing greater than 1.0% physical contaminants is defined in existing regulations as “Mixed Solid Waste Material.” This material can only be composted at a facility with a Compostable Materials Handling Facility Permit.
(a)(21)	453B03	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	We recommend paper products be removed as a feedstock. It will be very difficult for the LEA to quantify and determine the 1% contamination by weight. Please define the term “paper products” if it will be handled as a feedstock.	Paper is not considered a physical contaminant as defined in §17852(a)(32). Most paper products will decompose during the composting process.
(a)(24.5) Also: (a)(10)(A)(2)	45D03	Sacramento County LEA	Lea	Gibson	Require the generator of the material to complete the testing prior to sending the material offsite for land application. 14 CCR 17852(a)(10)(A)(2) could also be altered to allow the LEA to grant storage extensions beyond seven days for material awaiting lab results at chip and grind facilities. It would be the Operator’s responsibility to demonstrate to the LEA that the material could be stored and managed to prevent nuisance conditions and comply with the State Minimum Standards.	Per §17862.1(d), a chipping and grinding operation or facility must sample every 5,000 cubic yards of chipped and ground material and determine the percentage of physical contaminants in the material. Per §17869(f), the operator must keep records of these determinations. Per §17862.1(e), a chipping and grinding operation or facility is not subject to the provisions of §17868.1 (sampling), §17868.2 (maximum metal concentrations), or §17868.3 (pathogen reduction). However, if compostable material from the chipping and grinding operation is land applied, it must meet requirements of §17852(a)(24.5). Per §17852(a)(24.5)(A)5., verification of compliance with the land application requirements must be provided to the EA upon request. This verification may come from any source.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
						Not all material produced at a chipping and grinding operation or facility is applied to land. If material produced at a chipping and grinding operation or facility will be land applied, the material must meet the requirements specified in §17852(a)(24.5)(A).
(a)(24.5)	45W02	Synagro	Layne	Baroldi	The land application of “Stabilized Compost” products containing biosolids are already regulated by the State Water Resource Control Board’s Biosolids General Order requirements (General Order No. 2000-10-DWQ) and individual WDRs. Such intent to only regulate “Compostable Materials” should be clearly distinguished from this section being misinterpreted to apply to “Finished Compost”.	Per §17852(a)(24.5)(B)1., this subdivision does not apply to compost produced in compliance with Article 3.1 and/or 3.2 of this Division.
(a)(24.5)	45W05	Synagro	Layne	Baroldi	This comment is only being made if the proposed language in Section 17582(a) 24.5 is intended by CalRecycle to limit land application of “ Stabilized Compost ”. Please note that Synagro does not believe that it is the intent of CalRecycle to have Section 17582(a) 24.5 apply to “Stabilized Compost”. If Section 17582(a) 24.5 applies to “Stabilized Compost”, restricting its use on a site to once in a 12 month period ; and requires CDFR approval of all land application activities, it will have an unintended chilling effect on the continued recycling of compost products in California in direct contradiction of the State’s policy to encourage such recycling activities.	Per §17852(a)(24.5)(B)1., this subdivision does not apply to the use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division.
(a)(24.5)	45W06	Synagro	Layne	Baroldi	The proposed CalRecycle regulation also appears to be inconsistent with many provisions found in the existing federal, SWRCB, and in some cases local regulations governing the treatment, management, and use of biosolids compost that adequately limit application to the agronomic nitrogen needs of the crop to be grown, and since more than one crop can be grown on a site in California per calendar year, this limit should be deleted in this Section and modified to: “ <i>application of biosolids based finished compost shall be limited to the nitrogen needs of the crop to be grown based on the crop year.</i> ” Section 17582(a) 24.5 should only apply to “Compostable Materials” as defined in the proposed text.	Per §17852(a)(24.5)(B)6., the beneficial reuse of biosolids pursuant to Part 503, Title 40 of the Code of Federal Regulations and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-specific Waste Discharge Requirements or other issued requirements from the State Water Resources Control Board or a Regional Water Quality Control Board having jurisdiction, are not subject to the requirements of this subdivision. As specified in §17850(d), nothing in these standards shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all authorizations and complying with all requirements of other regulatory agencies, including but not limited to, local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.
(a)(24.5)	451A01	IEDA	Kelly	Astor	As several industry representatives have repeatedly and consistently stated during the informal process of vetting these regulatory changes, such a standard [.1%] is not attainable. Unless it is replaced with a contamination level that is achievable, it will mean the end of land application of compostable materials.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land.
(a)(24.5)	451A02	IEDA	Kelly	Astor	We respectfully urge that the draft regulation be amended to incorporate a 1% contamination limit for land application.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land.
(a)(24.5)	451C01	California Farm Bureau Federation	Cynthia	Cory	Add a subdivision C: <u>(C) A person engaged in a line of agricultural business as described in Sector 11, Codes 111 to 113, inclusive of the North American Industry Classification System (NAICS) who file Schedule F, Profit or Loss from Farming, can apply alternative application frequencies and depths of compostable material to their agricultural operations, but shall not exceed an average of 12 inches in total, accumulated depth per year. The compostable material must meet the physical contaminant, maximum metal concentrations and pathogen density</u>	CalRecycle added additional flexibility to §17852(a)(24.5)(A)4.b. by allowing up to 3 applications per year on land zoned only for agricultural uses before requiring an approved, alternative application frequency.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					limits required in (A) 1-3 above. Upon receipt of a complaint regarding land application of compostable material on an agricultural operation, an EA may request proof that the person who owned the land or authorized the land application filed Schedule F within the current tax period and the compostable material met the requirements in (A) 1-3.	
(a)(24.5)	451C02	California Farm Bureau Federation	Cynthia	Cory	In discussions with the composting industry, it has been brought to our attention that meeting the 0.1% by weight of physical contaminants is not attainable.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a)(24.5)	451C03	California Farm Bureau Federation	Cynthia	Cory	A standardized and repeatable lab protocol in combination with a reasonable containment target level of 1% target will meet the health and environmental goals of the regulation and be achievable by the industry.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a)(24.5)	451H05	CRRRC	Ralph	Chandler	We recommend the formation of an industry committee or working group to assist CalRecycle in addressing the aforementioned issues, and others brought to your attention by stakeholders.	CalRecycle will allow for stakeholder input on the development of the sampling and analysis methodology used to determine the percentage of physical contamination in compostable material, digestate, and compost.
	PHN04	Association of Compost Producers	Kathy	Lynch		
(a)(24.5)	451M01	Sonoma Compost	Will	Bakx	We believe that the currently-proposed physical contamination limits are unjustified, unachievable (given current and foreseeable compost market conditions and available technology), and will cause significant harm to the financial health of composters statewide...While we would prefer that CalRecycle continue to allow market forces to dictate the level of physical contaminants, we are supportive of a phased---in standard that allows time for jurisdictions and operators to adjust to the significant potential cost increases you have projected in your economic analysis. Specifically, while we agree that a 0.1% limit on physical contaminants may be achievable for green material, we do not believe that a limit below 0.5% can be met consistently, particularly given the increasing levels of food waste that are, and will be, used as feedstock.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
	451N01	Napa Recycling & Waste Services	Tim	Dewey-Mattia		
	451W01	Northern Recycling & Waste Services, LLC	Jennifer	Arbuckle		
	452A01	Sonoma County Waste Management Agency	Henry J.	Mikus		
	451K01	CT Bioenergy	Chris	Trott		
(a)(24.5)	451M02	Sonoma Compost	Will	Bakx	While direct land application of organics with a 0.1% contaminant may seem appropriate, it is remarkable that that same material would not be marketable anymore when processed more responsible at a compost facility where the feedstock will shrink approximately 50% and the operator would now be left with a compost that could now have a 0.2% contaminant rate. Furthermore, while compost is agronomically applied 1/30 – 1/6 of an inch (equivalent to 2---10 tons per acre), agronomic rates for direct land application have been 1---2 feet, up to 720 times as high. Explicitly, this means that up to 720 times the volume of contaminants may be applied to the field in one such application.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018. CalRecycle will consider the effects of variability of volume and mass reduction as it develops its sampling and analysis methodology. These regulations do not specify agronomic application rates for compost or compostable material, but they do limit the application depth of compostable material to no more than 12 inches of accumulated depth on the surface.
	451N02	Napa Recycling & Waste Services	Tim	Dewey-Mattia		
	451W02	Northern Recycling & Waste Services, LLC	Jennifer	Arbuckle		
	452A02	Sonoma County Waste Management Agency	Henry J.	Mikus		
	451K02	CT Bioenergy	Chris	Trott		

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(a)(24.5)	451M03	Sonoma Compost	Will	Bakx	We support the structure that is proposed by the California Compost Coalition whereby in 2020 clean green facilities will meet the .01% and mixed materials .5% contaminant limits. Note that Caltrans just adopted a 0.5% contaminant spec for their materials, which would create uniformity amongst agencies.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will become operative on January 1, 2018.
	451N03	Napa Recycling & Waste Services	Tim	Dewey-Mattia		
	451W03	Northern Recycling & Waste Services, LLC	Jennifer	Arbuckle		
	452A03	Sonoma County Waste Management Agency	Henry J.	Mikus		
	451K03	CT Bioenergy	Chris	Trott		
	453K03	Marin Sanitary Services	Kimberly	Scheibly		
	453I02	West Marin Compost	Jeffrey A.	Creque		
(a)(24.5)	451Q03	California Association of Sanitation Agencies	Greg	Kester	A note is included at the end of this section stating that biosolids compost is excluded from this section. It is unclear why the language is included as a note but we recommend it be included directly in the rule language. Furthermore, it should be expanded to explicitly state that biosolids and all finished products that contain biosolids as a feedstock are regulated elsewhere under federal and state law.	CalRecycle moved text regarding compost produced in compliance with Article 3.1 and/or 3.2 from the note into regulation text. It is not necessary for CalRecycle to restate that the regulation of biosolids and products containing biosolids are regulated elsewhere under federal and state law because these laws stand on their own. Further, CalRecycle regulations may not duplicate other regulations.
(a)(24.5)	451R07	California League of Food Processors	Rob	Neenan	Regarding the definition of land application, CLFP recommends that CalRecycle use the definition already contained in the Food and Agriculture Code (section 14501), which states that <i>"land application means the application of compostable material, excluding food material or mixed solid waste, for the following applications: to forest, agricultural, and range land at agronomic rates"</i> with the understanding that "food material" applies to restaurant or institutional prepared food waste, not commercial food processing byproducts.	The referenced text is not from Food and Agricultural Code §14501 - it is from the existing definition of disposal [§17852(a)(15)(C)]. Food material is being applied to land in the state. To make clear what rules apply to the land application of food material, CalRecycle found it necessary to expand the definition of land application to include all compostable material, including food material. CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
(a)(24.5)	451S03	City of San Diego, Local Enforcement Agency	William E.	Prinz	The LEA is supportive of this restriction that compostable material applied to land shall contain no more than 0.1% by weight of physical contaminants greater than 4 millimeters as specified in 17868.3.1. This will allow only "clean" materials to be applied to land for agricultural purposes. However, enforcement of this definition will be a challenge to determine the small fraction of physical contaminants (see comments above on "Disposal of Compostable Materials"). Another caveat to this strict contamination load may be an increase in illegal dumping of heavily contaminated compostable material that is not economical to clean up. However, the LEA believes this strict contamination limit is necessary to prevent environmental impacts	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					associated with spreading contaminated materials on land and the accumulative effects of this practice.	
(a)(24.5)	451Y06	County Sanitation Districts of Los Angeles County	Paul	Prestia	<p>As proposed in regulatory notes under Section 17852(a)(24.5), the following activities or compostable products would not be subject to these new land application requirements:</p> <ol style="list-style-type: none"> 1. The use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division. 2. The use of compostable material for landscaping on a parcel of land 5 acres or less in size. 3. The final disposition of compostable material spread on land by a Federal, State, or local government entity, provided the material is applied in accordance with applicable law. 4. Beneficial reuse at a solid waste landfill pursuant to the 27 CCR Section 20686. 5. Beneficial reuse of biosolids pursuant to 40 CFR Part 503 and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-specific Waste Discharge Requirements or other issued requirements from the State Water Resources Control Board or a Regional Water Quality Control Board having jurisdiction. In addition, as specified in section 17850(d), nothing in these standards shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all authorizations and complying with all requirements of other regulatory agencies, including but not limited to, local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities. <p>We believe that these regulatory notes should be actual exclusions. Notes do not carry the same regulatory weight as exclusions.</p>	CalRecycle moved text from the note into regulation text.
(a)(24.5)	451Y07	County Sanitation Districts of Los Angeles County	Paul	Prestia	<p>We request a 0.5 percent contamination limit for land applied compostable material. CalRecycle can evaluate the effectiveness of a 0.5 percent contamination limit over time and determine at some point in the future if the limit should be reduced further. Consideration should be given to phasing in the new contamination requirement over time to preserve the existing recycling outlets for curbside greenwaste for an interim period. We request that Section 17852 be modified as follows:</p> <ol style="list-style-type: none"> 1. The compostable material does not contain more than 0.1% <u>0.5%</u> by weight of physical contaminants greater than 4 millimeters as specified in section 17868.3.1. 	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a)(24.5)	452107	Horizon Nut Company	Andrew	Howe	<p>Horizon Nut supports the explicit exclusion of agricultural material, with the above noted changes, from the requirements for land application. The land application requirements appear to be directed primarily toward biosolids,</p>	CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					yet capture “compostable material”, which as discussed above is too broadly defined.	
(a)(24.5)	452K03	Waste Management	Chuck	White	In summary, the 12-inch limit on accumulated applied materials and once per year limit on application rates should be stricken from the proposed regulations. Instead, the regulations should require the application of compostable materials at agronomically/horticulturally appropriate rates. Normal oversight by the EA will allow enforcement if the application rates or frequency cannot be justified.	CalRecycle did not base application requirements on agronomic rates. Instead CalRecycle established a baseline application frequency and depth and allowed for the EA to approve alternatives. §17852(a)(24.5)(A)4.b., which applies to application of compostable material on land zoned only for agricultural uses, allows for the EA to approve alternatives, in consultation with the California Department of Food and Agriculture, to determine if the land application is agronomically beneficial.
(a)(24.5)	452Q05	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...the newly proposed section 17852(a)(24.5) defining "land application," severely limits the application options that agricultural entities have, and would impose overly prescriptive regulations on farms and facilities choosing to use agricultural and food processing by-product material in this manner. By limiting land application to two rigid pathways, it may result in fewer and fewer establishments reusing this material in a beneficial manner.	Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq. Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further, CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
(a)(24.5)	452X06	Agricultural Council of California	Emily	Rooney	We agree with and support the comments and purposed recommendations made by the California League of Food Processors (CLFP) and we think it is important to reiterate some main points. “Land applied food processing byproducts do not include packaging materials, trash, metals, glass, or toxic materials. The byproducts are solid or semi-solid organic residuals that do not contain wastewater, municipal green waste, restaurant or institutional prepared food waste, or municipal biosolids. The material is segregated by the processors from other waste streams specifically for land application or animal feed. The material is not stored or stockpiled at processing plants for extended periods of time and is not held under time and temperature conditions that would constitute a composting activity. Land application of food processing byproducts is not a waste disposal activity, and it is not a composting activity.”	Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq. Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further, CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
(a)(24.5)	453G04	Californians Against Waste	Nick	Lapis	The standard (physical contamination limit) must be at least twice as strict for land application of uncomposted materials.	CalRecycle will consider the effects of variability of volume and mass reduction as it develops its sampling and analysis methodology.
(a)(24.5)	PHI03	Agricultural Council of California	Rachel	O’Brien	And we believe that the revisions -- the revised definitions of agricultural materials -- disposal, land application -- may have the unintended impacts of beneficial uses of agricultural byproducts if the rules were to go forward as proposed.	Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq. Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further, CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
(a)(24.5)(A)	452E01	Integrated Waste	Matthew	Cotton	I am pleased and wholeheartedly support that CalRecycle is proposing to adopt the provisions of proposed 17852(a)(24.5)(A). However, it is unclear	If compostable material from the chipping and grinding operation is land applied, it must meet requirements of §17852(a)(24.5). Per §17852(a)(24.5)(A)5., verification of compliance with the land

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
		Management Consulting, LLC			from the "Proposed Regulation Text" exactly how and where these standards will be enforced. I would hope and expect that the standards would be similar to, if not greater than, those for a permitted compost facility, that is, all analytical tests are conducted, and results received prior to material leaving the facility, per every 5,000 cubic yards, properly sampled to assure a random and representative sample, and available at all times for LEA inspection.	application requirements must be provided to the EA upon request. This verification may come from any source. Compostable material that may be applied to land can come from multiple sources (e.g., landfills, transfer/processing stations, landscapers, businesses, homes) some of which are not subject to CCR, Title 14 regulations.
(a)(24.5)(A)	452Z02	Western Agricultural Processors Association	Chris	McGlothlin	This section should be modified to exclude nut hulling and processing from restrictions due to contaminant levels of pathogens, metal concentrations and spread compostable material depth.	CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
(a)(24.5)(A)	453A03	California Cotton Ginners and Growers Association	Chris	McGlothlin	This section should be modified to exclude cotton plant discing from restrictions due to contaminant levels of pathogens, metal concentrations and spread compostable material depth.	CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
(a)(24.5)(A)	453B04	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	It states the compostable material does not contain more than 0.1 % by weight of physical contaminants greater than 4 millimeters. Please explain how it can be quantified and if training and appropriate tools will be available for the LEA. Please clarify if the weight is based on wet or dry physical contaminants.	CalRecycle revised the proposed regulations to specify that sample results shall be reported on a dry-weight basis. CalRecycle will also develop tools to assist in the implementation of the regulation changes.
(a)(24.5)(A)	453B05	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	Do CalRecycle and CDFA have a protocol/procedure or MOU regarding the arrangement on the agronomically beneficial land application? If this material is agronomically beneficial, will a jurisdictional area that brings in the material get diversion credit?	CalRecycle replaced text in proposed §17852(a)(24.5)(B), which called for CDFA to determine if land application is in compliance with all applicable requirements established by CDFA and that the land application is agronomically beneficial, with text in §17852(a)(24.5)(A)4., which allows an EA to approve alternative land application depths and frequencies, in consultation with CDFA to determine if the land application is agronomically beneficial. CDFA has the requisite authority and expertise to provide this consultations. There is no specified diversion credit for land-applied material for a host jurisdiction; any materials diverted from a disposal facility will result in a disposal reduction for the jurisdiction of origin.
(a)(24.5)(A) Also: (a)(24.5)(B)	451F03	Zanker	Greg	Ryan	We are fully supportive of the current language related to land application. Land application continues to undermine potential feedstock sources for the organics processing industry, while increasing the potential for spreading pathogens, physical contamination, and invasive pests throughout the state.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
(a)(24.5)(A)1	451E01	Athens Services	Brian	Johsz	The proposed amendment, defining the composition of compostable material that is suitable for "land application," is onerous in that its required level of physical contaminates is unachievable.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a)(24.5)(A)1	451J06	USCC	Al	Rattie	We support your efforts to regulate the heretofore-unregulated land application of uncomposted materials.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
(a)(24.5)(A)1	451U04	Stop Waste	Gary	Wolff	We are supportive of the proposed language related to increasing regulatory oversight of the direct land application of uncomposted green material.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
(a)(24.5)(A)1	452P03 453C03	IEUA CR&R	Jeff Clarke	Ziegenbein Pauley	Land Application. Physical contamination limit (A) of 0.1% is too onerous. Recommend change to 1% with a phase in to 0.5% or lower, as recommended in general comments.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(a)(24.5)(A)1	452P04	IEUA	Jeff	Ziegenbein	The statement “contaminants greater than 4 millimeters” should not imply that the compostable material should be ground to a size 4 mm or less. We recommend eliminating the particle size limit in these regulatory wording, especially since glass particles less than 4 mm, would not be measured, and we would recommend that they should be.	It is not CalRecycle’s intent to imply that the compostable material applied to land be ground to a size of 4 millimeters or less. The 4 millimeter size requirement is based on industry standards [see Test Methods for the Examination of Composting and Compost, Method 03.06 Glass Shards, Metal Fragments and Hard Plastic, pg. 03.06-1 - U.S. Department of Agriculture/U.S. Composting Council]. The standard specifies a laboratory does not need to account for a contaminant 4 millimeters or less in size.
(a)(24.5)(A)1	453D04	SF Environmental	Jack	Macy	We generally support the other proposed changes to the regulations, especially increasing standards for direct land application to reduce potential negative impacts and its unfair regulatory advantage over more beneficial composting.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
(a)(24.5)(A)4	45D04	Sacramento County LEA	Lea	Gibson	Remove the requirement for LEA review and defer the responsibility for document review, approval of alternate land application methods, and enforcement at land application sites to CDFA and/or RWQCB. CDFA has the appropriate expertise and training to evaluate proposed alternative agronomic rates. Alternatively, add land application sites to the regulatory tiers and promulgate additional regulations that will impose State Minimum Standards, instead of incorporating the standards into the definition of Land Application.	It is appropriate for the LEA to determine whether or not land application requirements are met, because failure to meet the requirements constitutes disposal of solid waste – an activity for which the LEA has clear authority and the responsibility to act. CalRecycle has chosen not to add land application sites to the regulatory tiers and promulgate State Minimum Standards. Instead CalRecycle has chosen to set baseline standards by which an activity is considered to be land applying compostable materials, and not disposing of them. The LEA can take enforcement action, as necessary, to ensure compliance with this subdivision.
(a)(24.5)(A)4	451E02	Athens Services	Brian	Johsz	The proposed amendment, requiring that compostable material would be prohibited from being used more than one time during a twelve month period, places an unnecessary burden on those that would use compost for agricultural purposes and are pursuing the highest crop yields.	§17852 (a)(24.5) does not apply to compost produced in compliance with Article 3.1 and/or 3.2 of 14, CCR, Division 7. 17852 (a)(24.5)(A)4.a. and b. allows the enforcement agency to approve alternative application frequencies.
(a)(24.5)(A)4	451H04	CRRC	Ralph	Chandler	We suggest that a person engaged in agricultural business may apply alternative application frequencies and depths of compostable material to their agricultural operations, but shall not exceed an average of 12 inches in total accumulated depth per year.	CalRecycle revised §17852(a)(24.5)(A)(4) to allow for the final deposition of compostable material and/or digestate onto land zoned only for agricultural uses, provided the applied frequency is not more than three times during a 12 month period and the accumulated depth does not exceed 12 inches. The EA, in consultation with CDFA and RWQCB, may approve alternative frequencies and depths.
(a)(24.5)(A)4	451P03	Waste Connections, Inc.	Jody L.	Snyder	WCI believes compostable material should be applied at agronomic rates supported by field data not the 12 inches in total, accumulated depth sited in the draft rule.	CalRecycle did not base application requirements on agronomic rates. Instead CalRecycle established a baseline application frequency and depth and allowed for the EA to approve alternatives. §17852 (a)(24.5)(A)4.b., which applies to application of compostable material on land zoned only for agricultural uses, allows for the EA to approve alternatives, in consultation with the California Department of Food and Agriculture, to determine if the land application is agronomically beneficial.
(a)(24.5)(A)4	452P05 453C04	IEUA CR&R	Jeff Clarke	Ziegenbein Pauley	Land Application (A) frequency and depth: we believe the limit of 12 inches and 12 months (presumably on non-agriculturally zoned land) is arbitrary and requires more study. The requirement of EA to explicitly consult with RWQCB to approve alternative application depths and frequency is not necessary; this consultation should be at the EA’s discretion.	CalRecycle established a baseline application frequency and depth and allowed for the EA to approve alternatives if the EA determines the alternative will not adversely affect public health and safety or the environment. The requirement to consult with the RWQCB ensures the EA has all available and appropriate water quality information prior to making this determination. The requirement in §17852(a)(24.5)(A)4.a. for the EA to consult with the RWQCB prior to approving an alternative is consistent with revised §17852(a)(15)(A)3., which requires the EA to consult with the RWQCB on the allowable amount of time for storing or stockpiling agricultural material.
(a)(24.5)(A)4	PHS02	Republic Services	Chuck	Helget	I do think there has to be some flexibility to allow for locally appropriate, agronomically approved regs.	§17852(a)(24.5)(A)4 allows for the EA to approved alternative application frequencies and depths.
(a)(24.5)(A)5 Also: §17869	452O10	California Compost Coalition	Neil	Edgar	§17852 (a)(24.5)(A)(5) requires that the operator provide verification of compliance with sampling and testing requirements for metals, pathogens, and physical contaminants; this section is vague and needs to be modified to	Per §17862.1(d), a chipping and grinding operation or facility must sample every 5,000 cubic yards of chipped and ground material and determine the percentage of physical contaminants in the material. Per §17869(f), the operator must keep records of these determinations. Per §17862.1(e), a chipping

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					include specific language that any and all sampling and testing results related to compliance with this subsection be subject to the General Record Keeping Requirements found in §17869. We understand that chipping and grinding operations and facilities have restrictive time limits for the storage of materials onsite; however, this time limit need not impact their ability to receive and retain lab results after tested materials have shipped, in order to verify compliance, as noted above, when needed.	and grinding operation or facility is not subject to the provisions of §17868.1 (sampling), §17868.2 (maximum metal concentrations), or §17868.3 (pathogen reduction). However, if compostable material from the chipping and grinding operation is land applied, it must meet requirements of §17852(a)(24.5). Per §17852(a)(24.5)(A)5., verification of compliance with the land application requirements must be provided to the EA upon request. This verification may come from any source.
(a)(24.5)(A)5	453G08	Californians Against Waste	Nick	Lapis	CalRecycle should prohibit material from being spread on agricultural land prior to getting the lab results back.	If compostable material from the chipping and grinding operation is land applied, it must meet requirements of §17852(a)(24.5). Per §17852(a)(24.5)(A)5., verification of compliance with the land application requirements must be provided to the EA upon request. This verification may come from any source. Compostable material that may be applied to land can come from multiple sources (e.g., landfills, transfer/processing stations, landscapers, businesses, homes) some of which are not subject to CCR, Title 14 regulations.
(a)(24.5)(B)	451R03	California League of Food Processors	Rob	Neenan	The key is applying the material at an established agronomic rate based on the material applied, the soil type at the site, and the crop that is grown there. In many cases multiple applications of material will be permissible, in some cases a single application may fulfill the agronomic rate. This is a site-specific determination. CalRecycle is arbitrarily proposing that sites be limited to only one application, which may conflict with some Regional Water Board WDR's that would allow multiple applications.	CalRecycle did not base application requirements on agronomic rates. Instead CalRecycle established a baseline application frequency and depth and allowed for the EA to approve alternatives. §17852 (a)(24.5)(A)4.b., which applies to application of compostable material on land zoned only for agricultural uses, allows for the EA to approve alternatives, in consultation with the California Department of Food and Agriculture, to determine if the land application is agronomically beneficial.
(a)(24.5)(B)1	452P07	IEUA	Jeff	Ziegenbein	Physical contamination limit (B) for land applied material of 0.1% is too onerous. Recommend change to 1% with a phase in as recommended in general comments.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic). The physical contamination limit will be operative on January 1, 2018.
	453C06	CR&R	Clarke	Pauley		
(a)(24.5)(B)3	452P06	IEUA	Jeff	Ziegenbein	Verification of Compliance: This is unclear as to the form of verification of compliance- please specify the form of verification.	This verification may come from any source and in any form. It is not necessary to specify the form.
	453C05	CR&R	Clarke	Pauley		
(a)(26)	45B04	Los Angeles County Solid Waste Management Committee	Margaret	Clark	The existing "Mixed Material" definition refers to "non-organics" and "plastics". These terms need to be clearly defined for the purpose of "Compostable Materials Handling Operations and Facilities Regulatory Requirements," and "In-Vessel Digestion Operations and Facilities Regulatory Requirements."	It is not necessary to define such terms as "non-organics" "plastics" since these terms are commonly used in statute and regulations.
(a)(26)	452K04	Waste Management	Chuck	White	Other than the requirement to acquire a full solid waste permit, the only other requirement in the proposed regulations appears related to sampling. Any fully permitted facility receiving mixed materials must take one composite sample every 5000 yards of compost produced. We are not aware of any other limitations and restrictions related to the acceptance of "mixed materials" – other than the final compost must meet contaminant levels specified in the regulations. We understand that any materials not meeting these final requirements must be managed for disposal. WM would appreciate further clarification and confirmation that we are interpreting these provisions correctly.	Per existing regulation [§17868.2 and §17868.3], compost that contains any metals or pathogens in amounts that exceed the maximum acceptable limits shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction. Per these proposed regulations [§17868.3.1], compost shall not contain more than 0.5% physical contaminants and no more than 20% of this 0.5% shall be film plastic. The operator must sample every 5,000 cubic yards of compost produced and determine the percentage of physical contaminants. Compost that contains physical contaminants in excess of either or both of the limits shall be designated for additional processing, disposal, or other use as approved by local, state, or federal agencies having appropriate jurisdiction.
(a)(27.5)	45F03	California Air Pollution	Alan W.	Abbs	Remove the "entire community or neighborhood" provisions from the definition and include the following language from HSC Section 41700:	The "Nuisance" definition is the same as the existing definition of "Nuisance" in 14 CCR §17402(a)(12) relating to Transfer/Processing Operations and Facilities.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
		Control Offices Association (CAPCOA)			"discharging quantities of air contaminants or other material that cause injury, detriment, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property".	<p>The "Nuisance" definition is the same as the existing definition of "Nuisance" in 14 CCR §17402(a)(12) relating to Transfer/Processing Operations and Facilities.</p> <p>The definition of "Nuisance" is standard legal language for defining a "public nuisance" as found in California Civil Code §§ 3479 and 3480 and which forms the basis for public agencies to abate nuisances in Civil Code §§ 3491 and 3494.</p> <p>The phrase "entire community or neighborhood" is one alternative standard. The definition also allows use of "considerable number of persons."</p> <p>Revisions to the proposed regulation text are not necessary.</p>
(a)(27.5)(A)	451E03	Athens Services	Brian	Johsz	The proposed amendment, defining a "nuisance," is arbitrary and should be defined.	The "Nuisance" definition is the same as the existing definition of "Nuisance" in 14 CCR §17402(a)(12) relating to Transfer/Processing Operations and Facilities.
(a)(27.5)A & (B)	45B05	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand the definition of "Nuisance" to specifically define the term "Entire Community" and factors considered to define the term.	<p>The "Nuisance" definition is the same as the existing definition of "Nuisance" in 14 CCR §17402(a)(12) relating to Transfer/Processing Operations and Facilities.</p> <p>The definition is standard legal language for defining a "public nuisance" as found in California Civil Code §§ 3479 and 3480 and which forms the basis for public agencies to abate nuisances in Civil Code §§ 3491 and 3494.</p> <p>The phrase "entire community or neighborhood" is one alternative standard. The definition also allows use of "any considerable number of persons."</p>
(a)(27.5)A & (B)	45B06	Los Angeles County Solid Waste Management Committee	Margaret	Clark	It is strongly recommended the proposed definition ("nuisance") be revised by deleting Subparagraph "B" and deleting the word "and" at the end of the Subparagraph "A." The foregoing is also applicable to Section 17896.2, Subsection (a) (18).	<p>The "Nuisance" definition is the same as the existing definition of "Nuisance" in 14 CCR §17402(a)(12) relating to Transfer/Processing Operations and Facilities.</p> <p>The definition is standard legal language for defining a "public nuisance" as found in California Civil Code §§ 3479 and 3480 and which forms the basis for public agencies to abate nuisances in Civil Code §§ 3491 and 3494.</p> <p>§17852(a)(27.5)(B) is consistent with California Civil Code §3480, so it is not appropriate to delete subdivision (B).</p>
(a)(27.5)(B)	453B06	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	Please define the term "entire community."	<p>The "Nuisance" definition is the same as the existing definition of "Nuisance" in 14 CCR §17402(a)(12) relating to Transfer/Processing Operations and Facilities.</p> <p>The definition is standard legal language for defining a "public nuisance" as found in California Civil Code §§ 3479 and 3480 and which forms the basis for public agencies to abate nuisances in Civil Code §§ 3491 and 3494.</p> <p>Use of the term "entire community" is consistent with California Civil Code §3480.</p> <p>The meaning of "entire community" can vary depending on site-specific conditions. The phrase "entire community or neighborhood" is one alternative standard. The definition also allows use of "any considerable number of persons."</p>

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(a)(27.5)(B)	453F01	County of Orange Department of Environmental Health, Solid Waste Local Enforcement Agency	Kathryn	Cross	Title 14, §17852 (a)(27.5)(B) defines Nuisance as affects at the same time an entire community, neighborhood or any considerable number of persons. The underlined statement is too vague and not defined. It is recommended to state entire community or neighborhood even if it is consistent with §17402(a)(12).	<p>The “Nuisance” definition is the same as the existing definition of “Nuisance” in 14 CCR §17402(a)(12) relating to Transfer/Processing Operations and Facilities.</p> <p>The definition is standard legal language for defining a “public nuisance” as found in California Civil Code §§ 3479 and 3480 and which forms the basis for public agencies to abate nuisances in Civil Code §§ 3491 and 3494.</p> <p>The meaning of “entire community” can vary depending on site-specific conditions. The phrase “entire community or neighborhood” is one alternative standard. The definition also allows use of “any considerable number of persons.”</p>
(a)(38.5)	452C03	Napa County, Environmental Health Division	Greg	Pirie	To make this facility effective in operations, permitting, and enforcement, I think the feedstocks should be limited to vegetative food material and paper products for Registration Permits. The feedstocks should not include manure. The Registration Permit could be problematic if manure (and its possible runoff and odor issues) were allowed with startup of operations with limited “approval”, CEQA or Conditional Use Permit, and up to 12,500 cubic yards on-site. The manure feedstock would be more appropriate for the Full Permit over 12.500 cubic yards. Recommendation: Removed manure from the list of feedstock within the Vegetative Food Material Compostable Facilities – Regulations. (Leave in for Full Permit)	Manure is an allowable feedstock for Agricultural Material Composting Operations and Green Material Composting Operations. CalRecycle does not see cause for requiring a full permit.
(a)(38.5)	453B07	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	We recommend paper products be removed as a feedstock.	Paper is an allowable feedstock under existing regulation. CalRecycle does not see cause for prohibiting as a feedstock.
(a)(41)	451S04	City of San Diego, Local Enforcement Agency	William E.	Prinz	Is it a correct understanding that this definition does not include processes that create biofuels or products other than compost?	Yes, this a correct understanding. The existing definition specifies the within-vessel composting process is “for the purpose of producing compost.”
(a)(41) 17855 (a)(4) (CM 100 yd exclusion) 17896.6 (a)(3) (in-vessel digestion exclusion) Also: §17896.2(a) (7)(A);	451S05	City of San Diego, Local Enforcement Agency	William E.	Prinz	Will <i>Within- Vessel Composting</i> be considered a sub-category of "Aerobic digestion" defined in Chapter 3.2 §17896.2(a)(7)(A)? Will Within-Vessel Composting be an excluded In-Vessel operation per 17896.6(a)(3)?	§17855 (a)(4) and §17896 (a)(3) are independent. An activity could be considered one or the other.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
General Comments						
General Comment	45A02	Self	Kathleen	Housel	Add a Joint Co-operation Enforcement provision that empowers LEA to notify RWQCB when LEA issues a Notice of Violation for Leachate.	It is not necessary to add in regulation a “Joint Co-operation Enforcement provision” to empower the LEA to notify the Regional Water Quality Control Board when the LEA issues a Notice of Violation for leachate since the LEA already has the discretion to notify the Regional Water Quality Control Board regarding leachate violations.
	45B02	Los Angeles County Solid Waste Management Committee	Margaret	Clark	The proposed “Joint Permit Application Form” should be modified to indicate if the LEA, CalRecycle, and/or Water Board are the “Responsible Agency”.	It is not necessary and redundant to modify the “Joint Permit Application Form” to indicate that the LEA, CalRecycle, and/or the Water Board are the “Responsible Agency.”
	45D01	Sacramento County LEA	Lea	Gibson	The Sacramento County LEA supports the creation of a separate regulatory tier for In- Vessel Digestion, as the current regulations do not provide a clear regulatory framework for this facility type.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	45E10	Solana	Jessica	Toth	In tandem with this rulemaking process or as soon as possible, we request that CalRecycle or its partners develop a framework for local jurisdictions to institute training, licensing, or similar programs to ensure that small and on-farm operations produce compost in accordance to typical composting best performance measures. This could be simple and similar to low-cost food-handlers licensing programs. As one example, composters could register their activity in a database and complete a simple online tutorial. This database could collect information regarding feedstock, intended use of finished compost, capacity, etc. The database would provide CalRecycle, LEAs, and others valuable information regarding the types and scales of composting activities taking place in California. It would give the public and regulators assurance that even small sites are self-monitoring.	Statute charges CalRecycle with protecting public health and safety and the environment. CalRecycle has exercised that authority by establishing environmental health standards (e.g., pathogen reduction, max metal concentrations). CalRecycle does not have the authority to regulate general composting best performance measures.
	45G06 PHL06	INIKAI	Tyla	Montgomery		
	45H10	Pro Trees Arborist	Theron	Winsby		
	45I10	Self	Margaret	Stockton		
	45J10	Jimbo’s ... Naturally	Kelly	Hartford		
	45K10	Self	MC	Hagerty		
	45L10	Self	Barbara	Patterson		
	45N10	Self	Whitney	Dueñez		
	45O10	Solana	Diane	Hazard		
	45P10	Self	James	Murdick		
	45R10	Self	Roberta	Walker		
	45U10	Self	Walt	Sanford		
	45Z10	Self	Barbara	Kennedy		
	451B10	Self	Silka	Kurth		
	451G10	Self	Meaghan	Jones		
	452T10	Self	Evi	Haux		
	451L06	Sustainable Solutions	Jeff	Bishop		
	45M06	OB GreenGold	Anne	Barron		
	45Q10	SDUSD Recycling Program	Janet	Whited		
	45F01	CAPCOA	Alan W.	Abbs	The ISOR indicates in-vessel composting promotes a reduction in greenhouse gas emissions. However, there is little documentation in the ISOR to quantify greenhouse gas reductions or to specify the basis for comparison to substantiate this claim. We recommend CalRecycle include the calculations and basis for the claimed GHG reductions as an attachment to the ISOR to	References to greenhouse gas emission reductions in the ISOR are intended to qualitatively describe one of the benefits of the proposed regulations. CalRecycle is not required to quantify the benefits of the regulations in the ISOR. However, independent studies on greenhouse gas reduction from anaerobic digestion are available. For example, the study <i>Assessing the Environmental Burdens of Anaerobic Digestion in Comparison to Alternative Options for Managing the Biodegradable Fraction of</i>

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					account for other types of emissions (increased or decreased) as a result of employing the digester technology	<i>Municipal Solid Waste</i> (Haight, 2005) found that anaerobic digestion systems for processing 108,322 tons of organic MSW would result in a reduction of 121,908 metric tons CO ₂ e per year versus landfilling.
	45F02	CAPCOA	Alan W.	Abbs	CAPCOA would like to recognize and strongly support the numerous requirements in the proposed regulations that require odorous materials to be containerized or otherwise enclosed and encourage CalRecycle to not lessen these requirements in response to others' comments.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	45F12	CAPCOA	Alan W.	Abbs	Include additional language to indicate other media regulations may apply which may include, but are not limited to, permits, additional air pollution and water pollution controls, etc.	Per §17896.1 (e), no provision in this Chapter shall be construed as relieving any owner, operator, or designee from obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, or reports, or other requirements of other regulatory or enforcement agencies, including but not limited to, local health agencies, regional water quality control boards, Department of Toxic Substances Control, California Department of Industrial Relations, Division of Occupational Safety and Health, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.
	45T01	Self	KA	Monty	Please include in the new provisions that Home Owner Associations must allow home site composting especially when parcels are one acre or greater and all golf courses must compost on site and reuse all composted materials they generate.	CalRecycle does not have authority to require homeowner associations to allow home site composting or to require golf courses to compost on-site and reuse all composted materials they generate.
	45V01	Mape's Ranch and Lyons Investments	Bill	Lyons Jr.	Our review of the proposed regulation and supporting material, specifically the definition of "agricultural materials" "disposal" and "land application" and the Department's white paper, "Agricultural Land Application of Compostable Material" tells us that there are issues with land applications of compostable materials (e.g. urban green waste and woody) and compost some contaminated with municipal urban solid waste with questionable agronomic value, that necessitated better oversight. The problem however is that those proposed changes drag a very thorough and mature local fee-for-permit program that regulates the land application of food processor by-product that ensure environmental protection and prevent nuisances - into a redundant and unnecessary regulatory scheme.	Not all local jurisdictions have established regulatory programs for land application. These proposed regulations set forth state-wide minimum standards for the safe land application of compostable material.
	45V02	Mape's Ranch and Lyons Investments	Bill	Lyons Jr.	We also question CalRecycle's authority to regulate a land application practice that is officially regulated by CVRWQCB and Stanislaus County with respect to the use of the material as a soil amendment in a manner that protects the environment and prevents nuisances? How can it then be regulated as a compostable material if it isn't being handled, stored, or processed for compost?	Per §17852(a)(15), CalRecycle has the authority to regulate disposal, which includes the final deposition of compostable material on land. Land application as defined in §17852(a)(24.5) is not considered disposal.
	45V03	Mape's Ranch and Lyons Investments	Bill	Lyons Jr.	We recommend that CalRecycle exempt land application of food processing by-products that occur in programs that mirror Stanislaus County's Food Processing By-Products Use Program.	CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
	45W03	Synagro	Layne	Baroldi	Synagro is aware that a note is included at the end of this section (17852) stating that biosolids compost is excluded from this section. It is unclear why the language is included as a note but we recommend it be included directly in the rule language.	CalRecycle moved the note into regulatory text.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
	45W04	Synagro	Layne	Baroldi	It (note at the end of 17852) should be expanded to explicitly state that biosolids and all finished products that contain biosolids as a feedstock are regulated elsewhere under federal and state law.	<p>The note at the end of §17852(a)(24.5) states, “As specified in §17850(d), nothing in these standards shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all authorizations and complying with all requirements of other regulatory agencies, including but not limited to, local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.”</p> <p>It is not necessary to explicitly state that biosolids and all finished products that contain biosolids as a feedstock are regulated elsewhere under federal and state law.</p>
	45X01	CSS	Dan	Morash	CalRecycle is to be commended for its efforts to further refine its regulations as they pertain to new and emerging technologies for in-vessel digestion of organics.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	45X02	CSS	Dan	Morash	CSS appreciates the attempts to clarify the regulatory jurisdictional authority over food material processing that is required to be handled pursuant to California Food and Agricultural Code regulations.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	451F04	Zanker	Greg	Ryan	These regulations (.1% physical contaminants) should also apply to and be enforced on tree chipping companies that do not hold solid waste facility permits but land apply large volumes of green material to the land in a completely unregulated fashion.	The percent physical contamination limit applies to any land application of compostable material and/or digestate.
	451R01	California League of Food Processors	Rob	Neenan	CLFP is most concerned about the revision of the definitions of “agricultural materials” and “land application” to include a presumption that they are “wastes” in the proposed regulation and the possible implications of that designation. As currently drafted, the proposed regulations may be unintentionally pulling unadulterated food processing byproducts into the world of “solid waste,” and regulating an agricultural practice as “disposal of solid waste.” This could subject such beneficial reuse practices to CalRecycle permitting requirements, and, possibly, regulate facilities that only briefly stockpile or store byproducts as “handling facilities.” This added layer of regulation would discourage the very activity that the agency should be promoting; the beneficial reuse of organic material.	<p>It is appropriate for CalRecycle to use the term “waste,” because Public Resources Code §43020 provides CalRecycle with the authority to adopt regulations of the management of solid waste. Also, pursuant to Public Resources Code §40116, “Compost” means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility. “Compost” includes vegetable, yard, and wood wastes which are not hazardous waste.”</p> <p>Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq.</p> <p>Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further, CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.</p>
	451R02	California League of Food Processors	Rob	Neenan	Based on our discussions with staff, CalRecycle seems to make a distinction between materials applied to a processor’s own property and what is applied to other properties due to perceived issues with chain of control. CLFP would like to emphasize that <i>no legitimate commercial farming operation would allow toxics or trash to be applied to their land by a processor or a contract hauler</i> due to obvious food safety and environmental concerns, and the potential impact of these types of waste on the crops the farmers grow for their livelihood.	It may be difficult for an LEA to determine a legitimate commercial farmer from one that is allowing suspect material to be applied.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
	451R04	California League of Food Processors	Rob	Neenan	CalRecycle has not presented any substantive information to suggest that there are documented compliance problems specifically associated with any food processing land application sites. Adding new restrictions to those operations will increase compliance costs with no apparent benefit. If there are compliance problems associated with municipal green waste haulers or composting operations, then CalRecycle should focus its regulations and enforcement on those activities, not expand its regulatory purview into areas that do not require additional oversight.	Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq. Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further, CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
	451R05	California League of Food Processors	Rob	Neenan	The overriding policy goal should be to encourage food processors and farmers to reuse organic materials in a beneficial manner rather than dispose of the residuals in landfills. CLFP is not aware of any significant problems associated with land application of food processing byproducts as currently practiced and believes that a sufficient regulatory structure is already in place to deal with any issues that arise.	Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq. Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further, CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
	451R09	California League of Food Processors	Rob	Neenan	CLFP defers to agricultural stakeholders to suggest any changes to the proposed regulations regarding agricultural wastes (e.g. orchard or vineyard trimmings, culls, manure, other) that may be land applied or composted. However, CLFP contends that land application of those materials also constitutes a beneficial reuse that should not be discouraged by new regulation.	CalRecycle is not intending to discourage beneficial reuse of materials, rather CalRecycle is intending to institute minimum standards for the protection of public health and safety and the environment.
	451U01	Stop Waste	Gary	Wolff	Our Agency supports CalRecycle's efforts to update and improve the existing regulations to address the new ways in which organic waste is being handled throughout California, as well as to safely enable the growth needed in the diversion of these materials to meet the 75% Initiative, Strategic Directive 6.1, and other sustainability goals of the state, as well as our own County waste reduction goals.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	451V01	California Grain and Feed Association	Chris	Zanobini	The justification in the Statement of Reasons for these regulations is very minimal, and in some cases nonexistent. The portion of the regulatory package addressing compostable materials and land application has minimal justification for action. All of these materials are regulated depending on their final use. For example, animal feed is regulated by CDFA, FDA and local health and environmental officers. Rendering materials are regulated by CDFA, FDA and local entities as well. Food and feed safety is a priority for all handlers of this material. Land application of materials is regulated by the Regional Water Quality Control Boards, local enforcement agencies (LEA's), in some counties local ordinances and local/regional air districts. The rationale for regulation based on odors is covered by local nuisance ordinances, state statute, and often state permitting agencies. The justification for regulating these materials and possibly interfering with federal and state food safety	These regulations do not apply to animal feed or bedding unless the feed or bedding is discarded as waste. Per existing regulation [17855(a)(5)(H)], licensed rendering operations are exempted from these regulations. Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq. Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further, CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					rules or local land use and nuisance governance is not supported in this package.	CalRecycle is authorized pursuant to Public Resources Code §43209.1(c) to adopt regulations governing the operation of composting sites, including odor management and threshold levels, complaint investigation and response procedures, and enforcement tools.
	451V02	California Grain and Feed Association	Chris	Zanobini	CGFA recommends that the Department amend the regulation to provide an exclusion from the compostable handling operations and facility regulation to CDFA Commercial Feed Licensees that handle or store agricultural and food processing by-product or food material that has been approved by CDFA for use as an animal feed.	<p>These regulations do not apply to animal feed or bedding unless the feed or bedding is discarded as waste.</p> <p>Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.</p>
	451Z01	Recology	Erin	Merrill	First, Recology is in support of the comprehensive approach to compost odor standards and complaints CalRecycle staff has developed.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	452E02	Integrated Waste Management Consulting, LLC	Matthew	Cotton	...I am supportive of the 0.1 percent contamination threshold for inert contaminants in uncomposted green material to be applied directly to agricultural land. As discussed below, I do not agree that the contamination limit for DLA [direct land application] of uncomposted green material be the same for finished compost. The reason for this largely has to do with the difficulty in overseeing the application of uncomposted green material DLA, the potential for abuse, and also the economic reality of DLA. In many cases owners of the agricultural land where uncomposted green material DLA is applied are compensated. This sets up a financial disincentive for quality control. Conversely, in most cases, finished compost is a desired commodity and most tons are paid for. This is an incredibly important distinction and warrants a different level of regulation.	<p>If compostable material is land applied, it must meet requirements of §17852(a)(24.5). Per §17852(a)(24.5)(A)5., verification of compliance with the land application requirements must be provided to the EA upon request. This verification may come from any source.</p> <p>Compostable material that may be applied to land can come from multiple sources (e.g., landfills, transfer/processing stations, landscapers, businesses, homes) some of which are not subject to CCR, Title 14 regulations.</p> <p>CalRecycle has chosen not to add land application sites to the regulatory tiers and promulgate State Minimum Standards. Instead CalRecycle has chosen to set baseline standards by which an activity is considered to be land applying compostable materials, and not disposing of them. The LEA can take enforcement action, as necessary, to ensure compliance with this subdivision.</p>
	452E03	Integrated Waste Management Consulting, LLC	Matthew	Cotton	There has been no compelling evidence (or any evidence) presented to demonstrate the need for an inerts contamination standard in compost from a permitted facility. No demonstrated threat to public health, no demonstrated threat to safety, no demonstrated threat to the environment.	<p>The principal benefit of the proposed regulations is protecting public health and safety and the environment. Requiring compost products to meet a 0.5% physical contaminant limit will reduce litter, minimize the amount of plastic entering surface water and the ocean, and increase the market value of compost.</p> <p>The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight.</p> <p>"Glass shards (4-mm to 13-mm) can pose a human and animal hazard with unprotected exposure or through direct ingestion. Metal fragments can pose the same hazard, and could be a potential source of trace elements upon interaction with soil. Hard plastic can be an aesthetic concern and in large quantities may affect physical properties of a compost-amended soil, (e.g., soil coloring, heat retention, drainage)." [Test Methods for the Examination of Composting and Compost, Method 03.06 Glass Shards, Metal Fragments and Hard Plastic, pg. 03.06-1 - U.S. Department of Agriculture/U.S. Composting Council]</p>

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
	452E04	Integrated Waste Management Consulting, LLC	Matthew	Cotton	The proposed 0.1 percent standard was developed as an extremely low standard for land application to help LEAs make <i>field</i> determinations about contaminants in uncomposted green material applied to agricultural land. It is not a practical or useful standard for finished compost.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
	452E05	Integrated Waste Management Consulting, LLC	Matthew	Cotton	While the Standardized Regulatory Impact Assessment asserts that the proposed contaminant limit will “reduce litter and minimize the amount of plastic entering surface water and the ocean while creating new jobs and increasing the market value of compost” there is no evidence for these assertions. No documentation of litter or surface water or ocean contamination is presented. The Department of Finance (DOF) finds the assertion that higher costs equals more jobs to be suspect; CalRecycle further asserts (in their response to the DOF comment) that the proposed regulation will...“offer greater certainty for investment”. I have no idea how an extremely low contamination standard, which even the analytical labs may find challenging to support, will lead to greater investor certainty. In fact, I think the opposite may be true. Finally, no data whatsoever is presented to document that creating a contaminant standard will have any impact on the end product cost of compost.	The references in the Standardized Regulatory Impact Assessment are intended to qualitatively describe the benefits of the proposed regulations. It is reasonable to assume that if compostable material containing physical contaminants is applied to land, the physical contaminants will migrate in the environment. The Standardized Regulatory Impact Assessment findings are based on Regional Economic Models, Inc. (REMI) modelling - a method acceptable to the Department of Finance. The statement about “greater certainty for investment” applies to the entire regulatory package, not just the physical contamination limit.
	452F03	Stanislaus County Food Processing By Products Re Use Committee	Martin X.	Reyes	Does the Department intend to develop a state fee structure for those activities?	CalRecycle does not intend to develop and implement a state fee structure in the proposed regulations.
	452H01	Stanislaus County Department of Environmental Resources	Bryan	Kumimoto	In summary, the Department requests that programs such as Stanislaus County's established FPBP program, as a model program in beneficial reuse, be amended into the proposed Compostable Materials Transfer/Processing Regulations, Section 17855, as an Excluded Activity for the following reasons: 1) This program is recognized by CalRecycle as an approved waste diversion program; 2) This program is recognized by the RWQCB as adequate to prevent the creation of nuisance conditions and prevents impacts to surface water; 3) This program is exempt from oversight by the SJVAPCDs Organic Material Composting Rule; and 4) This program is sufficiently regulated by a local ordinance and oversight program such that additional oversight by CalRecycle would only impose unnecessary and redundant requirements .	CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
	452I01	Horizon Nut Company	Andrew	Howe	Horizon Nut also strongly urges CalRecycle to reconsider regulating activities presently regulated by other agencies and to exempt nut farming and processing in light of best management practices and in consideration of the hindrance this rule places on crucial byproduct commodities that might otherwise be sent to landfills.	Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations. An agricultural exclusion is provided in existing regulation [§17855(a)(1)]. CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
						final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
	452M04	Harvest Power	Linda	Novick	Harvest is in agreement with the land application regulatory language. The application of food and green material to land does not necessarily occur at agronomic rates, is a material that is unprocessed and thus requires contamination limits and testing parameters.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	452O01	California Compost Coalition	Neil	Edgar	The Standardized Regulatory Impact Analysis provided as a section of the Initial Statement of Reasons for this rulemaking is fundamentally flawed as a tool for evaluating the full economic impacts on the compost industry. While the analysis may arguably provide a reasonable range of costs (with a daunting \$31 million median annual average and a range from approximately \$800,000 to over \$53,000,000) resulting from the rulemaking, it fails to evaluate the relevant impact on the composting industry or take into account a number of market forces and looming changes to market conditions expected over the next decade. We do not believe it is nearly enough justification to claim that the potential \$53,000,000 annual price tag is reasonable, even given CalRecycle’s responsibility to protect the public health, safety, and the environment, without further analysis of the compost industry and its markets.	The Standardized Regulatory Impact Assessment was not designed to “take into account a number of market forces and looming changes to market conditions expected over the next decade.” Regulation [California Code of Regulations §2000(g)] requires CalRecycle, through the Standardized Regulatory Impact Assessment, to assess the economic impact at the point where the regulation is estimated to be fully implemented (as estimated by the agency). CalRecycle estimated the regulations would be fully implemented 3 years from the operative date. The physical contamination limit was the proposed change with the highest associated cost. By revising the limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land, CalRecycle reduced the overall estimated annual costs to private composting operations and facilities to (see Final Statement of Reasons).
	452O02	California Compost Coalition	Neil	Edgar	This type of cost increase will cause serious market disruption as a majority of potential buyers will seek alternatives (i.e. organic or synthetic fertilizers) or opt out entirely and not purchase compost or mulch products at all. Compost and mulch products do not have the same inelastic demand of gasoline (few products do) as their agricultural customers and other buyers tend to be highly price- sensitive. While tip fee revenues are not quite as price sensitive, competitive pressures from lower-cost options will still take time to overcome. Much of the current demand for compost and mulch is the result of tireless marketing by industry, with the aid of some policy and market drivers. The potential market disruption will be insurmountable for many operators and lead to a retraction in available organics processing and composting capacity unless there is some phase-in period to allow a gradual price adjustment process to occur.	The physical contamination limit was the proposed change with the highest associated cost. By revising the limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land, CalRecycle reduced the overall estimated annual costs to private composting operations and facilities (see Final Statement of Reasons). The physical contamination limit becomes operative on January 1, 2018.
	452O03	California Compost Coalition	Neil	Edgar	We would question whether it is reasonable that the “Department expects the proposed regulations to create positive, net job growth”. In our estimation, the likely industry downsizing that would occur from the adoption of current draft regulatory language will cause negative, net job loss.	The positive net job growth is the result of economic modeling that CalRecycle performed.
	452O07	California Compost Coalition	Neil	Edgar	Preliminary information requested from our industry members (some of which has already been provided to and discussed at length with CalRecycle staff) reveals that current levels of physical contamination range from .01% to .015% for green material compost and 1.5% to 5% for mixed material compost. While new technology entering the market may be capable of removing contaminants from finished mixed material compost to below 1% levels, the current cost of this equipment appears to make it economically unsuitable for all but the largest volume facilities. Additionally, using	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018. The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation’s

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					conventional screening equipment to remove physical contaminants – likely the best option for most composters and requiring the use of smaller screen sizes (frequently down to 1/4” to 1/8”) – creates product that is too fine for a majority of markets, while also creating significantly more “overs”(meaning lower landfill diversion) and increased production costs. Mechanized sortlines – as proposed in the ISOR, will require significant capitalization and lead in time for composters to install such systems; again, this type of investment will not be suitable for most small and mid-size facilities and will likely be affordable only for large, regional operators.	(Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight. CalRecycle assumes operators will incur costs associated with removing contaminants from feedstock or product to meet this standard. Initially, operators may employ labor and/or utilize available equipment (e.g., screens) to remove contaminants. Moving forward, CalRecycle anticipates the standard may stimulate the development of innovative equipment or physical processes to more efficiently and cost-effectively remove contaminants.
	452P01	IEUA	Jeff	Ziegenbein	We believe that a more broad-based and in-depth economic analysis is necessary to assess the full range of potential economic impacts to our industry.	CalRecycle complied with the requirements of Government Code §11346.3(c) in preparing the Standardized Regulatory Impact Assessment.
	453C01	CR&R	Clarke	Pauley		
	452Q01	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...we are concerned that the newly proposed regulations cause more confusion than clarity in the agriculture community, and unnecessarily places agricultural and food processing by-products under a regulatory structure that is really intended to regulate composting operations and final deposition of finished composts. Furthermore, we believe that the unintended consequences of the current amendments to the Compostable Materials Regulation may have grave impacts on the beneficial uses of agricultural by-products if the rules go forward as proposed.	Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq. Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further, CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
	452R01	Santa Barbara County Environmental Health Services	Lisa	Sloan	The title of the code should indicate the current name of the CalRecycle agency: “California Code of Regulations Title 14. Natural Resources Division 7. California Integrated Waste Management Board Chapter 1. General Provisions”	The title of the code was revised in a separate rulemaking procedure.
	452S01	CCDEH	Rebecca	Ng	CCDEH is generally supportive of the draft regulations.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	452S02	CCDEH	Rebecca	Ng	A field testing methodology needs development (along with guidance and/or training) for LEAs to assure field testing conducted produces results which are standardized and repeatable.	CalRecycle revised §17862.1(d), §17868.3.1(b), and §17896.61(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.
	452U01	Pine Creek Nutrition Service, Inc.	Jason	Brixey	The proposed rules on such materials that are mentioned above indicate that a better home for these vegetable and fruit products would be either in a land-fill or through a digester to produce energy.	It is not our intention to favor one disposal or handling type over another. Compostable material can be a source of odors, vectors, and other nuisances, which poses a risk to public health, safety, and the environment.
	452V01	Central Valley Ag Group			Amend 17852 to provide a definition of a compostable material called “Food Processing By- Products” defined as: solid or semisolid substances derived from agricultural plant material delivered to a food processor for processing that are not utilized in the final product. Food processing by-products include but are not limited to culls, peelings, seeds, under or over ripe food, skins, cores, pomace, puree, hulls, shells, pits, stems, and leaves.	CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
	452F01	Stanislaus County Food Processing By Products Re Use Committee	Martin X.	Reyes		
	452L01	Manufacturers Council of the Central Valley	Jennifer	Carlson		

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
	452V02	Central Valley Ag Group			Amend 17855 to exclude activities associated with the beneficial reuse of Food Processing By- Products and grape pomace as an activity considered under the definitions of a “Compostable Materials Handling Operation or Facility” or “Agricultural Material Composting Operation” if the beneficial reuse is characterized as an animal feed ingredient. The exclusion shall also include any ingredient used for the raising of livestock or animal husbandry inspected, and regulated by the California Department of Food and Agriculture.	<p>These regulations do not apply to animal feed or bedding unless the feed or bedding is discarded as waste.</p> <p>CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.</p> <p>An agricultural exclusion is provided in existing regulation [§17855(a)(1)].</p>
	452W01	Dairy Cares	JP	Cativiela	Dairy Cares requests that the comment period be extended an additional 45 days to allow for stakeholders to better understand and provide useful comments on the proposed regulation.	CalRecycle had a fairly extensive informal development period, which offered ample opportunity for public comment. An extended comment period is not warranted. Any additional changes will be circulated for another comment period.
	452W02	Dairy Cares	JP	Cativiela	In our view, CalRecycle has cast its net too wide and created the unintended consequence of regulating materials, at least with respect to the dairy industry, that are already sufficiently controlled.	<p>These regulations do not apply to animal feed or bedding unless the feed or bedding is discarded as waste.</p> <p>Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations.</p> <p>An agricultural exclusion is provided in existing regulation [§17855(a)(1)].</p>
	452W03	Dairy Cares	JP	Cativiela	California dairy farms are already regulated with respect to storage and re-use of organic materials, cradle to grave; the proposed regulations would result in added restrictions that would constitute an unnecessary burden.	<p>These regulations do not apply to animal feed or bedding unless the feed or bedding is discarded as waste.</p> <p>Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations.</p> <p>An agricultural exclusion is provided in existing regulation [§17855(a)(1)].</p>
	452W07	Dairy Cares	JP	Cativiela	The materials that are handled by dairies, both as feed and manure, are strictly managed under existing regulation. No additional regulation is required. Dairies should be excluded by definition either with respect to their operation or the materials they handle. Likewise, digestible materials are also fully managed and should be exempted as well.	<p>These regulations do not apply to animal feed or bedding unless the feed or bedding is discarded as waste.</p> <p>Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations.</p> <p>A general agricultural exclusion for the handling of agricultural material is provided in existing regulation [§17855(a)(1)]. The proposed regulations add a general exclusion for the in-vessel digestion of agricultural material [[§17896.6(a)(2)], and a specific exclusion for the co-digestion of agricultural material and/or vegetative food material with manure [[§17896.6(a)(3)].</p>
	452X01	Agricultural Council of California	Emily	Rooney	However, we are concerned that the newly proposed regulations cause more confusion than clarity in the agriculture community, and unnecessarily places agricultural and food processing by-products under a regulatory structure that is really intended to regulate composting operations and final deposition of finished composts.	Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
						<p>Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq.</p> <p>Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further, CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.</p>
	452X02	Agricultural Council of California	Emily	Rooney	We share the concerns of many others in the agricultural community that CalRecycle has cast its net too wide and because of drafting issues and changes to underlying definitions, it is not clear as to the entire scope of these regulations.	<p>These regulations do not apply to animal feed or bedding unless the feed or bedding is discarded as waste.</p> <p>Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.</p> <p>An agricultural exclusion is provided in existing regulation [§17855(a)(1)].</p>
	452X10	Agricultural Council of California	Emily	Rooney	Based on the existing regulations at CDFA and the Water Board of manure digesters all such material is accounted for and should be excluded.	The proposed regulations add a general exclusion for the in-vessel digestion of agricultural material [[§17896.6(a)(2)], and a specific exclusion for the co-digestion of agricultural material and/or vegetative food material with manure [[§17896.6(a)(3)].
	452X11	Agricultural Council of California	Emily	Rooney	...due to the highly diverse agricultural industry encompassing more than 350 plant and animal commodities, and the variety of ways these commodities are managed, we respectfully request an extension of 45 days to the deadline of the comment period so that we can continue to analyze the impacts this proposed regulations will have on our membership.	CalRecycle had a fairly extensive informal development period, which offered ample opportunity for public comment. An extended comment period is not warranted. Any additional changes will be circulated for another comment period.
	452Y01	Self	Gordon L.	Shackelford	Send someone to smell the odor problems due to green waste recycling and composting along SR 67 north of Lakeside, CA. 92040. Then review your regulations to see what is needed to resolve this type of odor problem.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	452Y02	Self	Gordon L.	Shackelford	Composting facilities that are regarded as small are, as I understand it, are subject to a ministerial approval process, meaning they, for most practical purposes, they must be approved. This needs to be changed to consider locations in valleys, nearby homes, etc. I would suggest to visit to the site of a proposed 400 cyclic yard per day composting facility at the EverGreen Nursery of Flynn Springs Road in El Cajon (part of the Lakeside planning Area).	<p>CalRecycle does not have authority to determine local land use. Local land use issues and/or approvals are controlled on a local level.</p> <p>CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary</p>
	453A01	California Cotton Ginners and Growers Association	Chris	McGlothlin	...legitimate land application operations conducted by cotton ginners and farmers; activities that are already regulated by other agencies to prevent any harm to the environment or human health should not be subject to these rules. As noted in Governor's Browns signing SB 617 into law in 2011, establishing the streamlining of regulatory activities is an important goal of for California Economic and Environmental sustainability. A related process of that legislation was efforts at the California Economic summit to make necessary regulation and regulatory process improvements by streamlining and/or eliminating mutually contradictory, duplicative, outdated regulations	<p>Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq.</p> <p>Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further, CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.</p>

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					without undermining important environmental and worker protections. This proposed action by CalRecycle conflicts with the streamlining goals in many respects when addressing agricultural biomass materials, such as cotton ginning waste products	
	453B10	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	We recommend Enforcement Agency Notification Form (CIWMB 169) be revised as well.	The EA notification, CIWMB form 169, is not in regulation so it does not need to be revised through a rulemaking.
	453D01	SF Environmental	Jack	Macy	We appreciate the efforts by CalRecycle to meet the challenge of updating regulations to allow for the beneficial and safe expansion of composting, anaerobic digestion and the use of compost while supporting the imperative of increasing organics diversion to achieve the states 75% Recycling and AB 32 goals.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	453J01	Self	Barbara	Larson	We have been told that under the current regulations, we are not allowed to use our beautiful and pure compost in our school garden. Please help to create regulation that would permit us to use the compost that we make, in our garden beds.	Per §17855(a)(4), small scale composting activities using green material, agricultural material, food material, and vegetative food material feedstocks are excluded if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet.
	453K01	Marin Sanitary Services	Kimberly	Scheibly	...we firmly believe that proposed contamination limits are too impractical given current and foreseeable compost market conditions and available technologies; and we anticipate that the consequences will be deleterious.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
	453K02	Marin Sanitary Services	Kimberly	Scheibly	While we would prefer that CalRecycle continue to allow market forces to dictate the level of physical contaminants, we are supportive of a phased-in standard that allows time for jurisdictions and operators to adjust to the potential cost increases projected in your economic analysis. The proposed 0.1% limit on physical contaminants may be achievable for green material but it is unrealistic for co-collected green waste and food waste.	Different markets may tolerate different levels of contamination, however there should still be a maximum level of contamination allowed in compostable material for the protection of public health and safety, and the environment. CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
Also: 17377.2; 17383.3; 17383.4; 17383.7; 17388.3; 17403.2; 17403.3; 17856; 17857.1; 17859.1; 17862; 17896.8; 17896.9;	453L01	County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency	KariLyn	Merlos	The LEA finds the addition of the condition of obtaining "Department Concurrence" on inspection frequency reductions for EA Notifications unnecessary and duplicative. The EA Notification is not a solid waste facility "permit" and activities operating under the Notification tier are not required to obtain concurrence from CalRecycle in order to initially operate. As the LEA is in the best position to know the site conditions, operational practices and potential impacts on public health, safety and the environment, it should be solely at the discretion of the LEA to determine appropriate inspection frequencies for these operations.	The requirement for Department concurrence or approval on alternate inspection frequencies is consistent with existing regulation [See 14 CCR §18083(a)(4)(A)].

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
17896.10; 17896.11; 18083.						
	PHA01	City of Bakersfield Solid Water Division	Kevin	Barnes	CalRecycle reports have indicated that some composters have met the proposed limit. Before proceeding with the limit, please look into the situations of those composters compared to others who do not report being able to make it. It is likely that the ones that make it have feed stocks that are inherently low in foreign material content. An example might be bio-solids or very selective landscape waste. If the regulation is based on these "easy" situations, it will not consider the reality faced by composters who handle the mass of food waste and curbside green waste feed stocks which inherently contain foreign material. A level playing field is needed to avoid those with "easy" situations gaining a market advantage due to one-size-fits-all regulations.	Different markets may tolerate different levels of contamination, however there should still be a maximum level of contamination allowed in compostable material for the protection of public health and safety, and the environment. CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
	PHA04	City of Bakersfield Solid Water Division	Kevin	Barnes	Fundamentally, the problem of debris in raw, un-composted mulch, which for good reason started this regulatory effort, should not be overlapped with the compost market. Not only is physically impossible to test raw mulch the way compost is tested, but the issues are different. Please consider separating the real issue of debris in raw mulch from that of compost. Millions of tons of <i>successful</i> composting will be inhibited by the proposed regulation, as will the industry's progress toward the new organic waste diversion goals.	It is not our intention to act as a barrier to meeting waste diversion goals. Compost product and compostable material should have a physical contamination limit to protect the public health and safety, and the environment. The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less than 0.5% by dry weight. CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
	PHB03	Engel & Gray, Inc.	Robert	Engel	We believe the economic analysis that was completed as part of the Initial Statement of Reasons (ISOR), Appendix B1, greatly underestimated the economic impacts of the proposed rule change to the compost industry. We believe that a more broad-based and in-depth economic analysis is necessary to assess the full range of potential economic impacts to our industry.	CalRecycle complied with the requirements of Government Code §11346.3(c) in preparing the Standardized Regulatory Impact Assessment.
	PHC01	SF Environment	Kevin	Drew	<u>I believe we need to create a fast-track for organics processing and utilization</u> in order to stimulate the most rapid expansion of compost production and utilization possible. <u>This is crucial to an immediate response to catastrophic climate change.</u>	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	PHD01	California Resource Recovery Association	John	Dane	CRRA supports CalRecycle's efforts to update existing regulations to enable investment in, and construction of sufficient composting capacity in California to meet the 75% Initiative.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	PHD02	California Resource Recovery Association	John	Dane	CRRA endorses the comments submitted on December 5, 2014 by the California Organic Recycling Council (CORC, a technical council of CRRA).	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
	PHH01	Del Monte Foods	Tim	Ruby	We felt it was particularly important to speak at this hearing to urge your Department to closely reevaluate the proposed rules and not rush to adopt the rules in their current form. We state this because the rules as currently drafted will not encourage statewide reuse, recycling of composted materials and will frustrate existing, longstanding, safe, environmental friendly reuse, recycling in various organic byproducts including those generated by our facilities now used to feed farm animals and to fertilize organic farmland soils.	<p>These regulations do not apply to animal feed or bedding unless the feed or bedding is discarded as waste.</p> <p>Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq.</p> <p>Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further, CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.</p>
	PHH03	Del Monte Foods	Tim	Ruby	Please keep in mind that over the restrictive and particularly conflicting, confusing agency roles as proposed could derail all of our company, industry efforts to promote the safe, effective reuse, recycling of food processing byproducts and animal feeding and land application.	<p>These regulations do not apply to animal feed or bedding unless the feed or bedding is discarded as waste.</p> <p>Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq.</p> <p>Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further, CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.</p>
	PHH04	Del Monte Foods	Tim	Ruby	We urge your Department to work more closely with all affected stakeholders including other state agencies, namely, the California Department of Agriculture and the state Water Resources Control Board to develop a sensible, straightforward set of rules that do not disrupt currently effective food processing byproduct reuse, recycling operations and that further encourage statewide organic material composting with minimally restrictive end uses of properly composted materials. In particular, we strongly suggest that your Department work closely with soil scientists, agronomists, and take a scientific, agronomic approach to setting any compost applications rates in a new role and that an overly restrictive, confusing approach would discourage end users of composting materials.	<p>CalRecycle had a fairly extensive informal rulemaking development period and received input from stakeholders including the academic, scientific, and regulatory community. CalRecycle worked closely with the California Department of Food and Agriculture and the State Water Resources Control Board in the development of these proposed regulations.</p> <p>Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq.</p> <p>Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further, CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.</p>
	PHI01	Agricultural Council of California	Rachel	O'Brien	I'd like to state that we do understand and share CalRecycle's primary concern of protecting public health and safety and mitigating environmental hazards that have been attributed to mishandling final deposition of compost.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	PHI02	Agricultural Council of California	Rachel	O'Brien	Our review of the proposed regulations reveal concerns that they cause some -- more confusion and clarity in the agricultural community and they unnecessarily place agricultural and food processing byproducts under a	Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					regulatory structure that is intended to regulate composting operations and, kind of, final deposition of finished compost.	Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further, CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
	PHI04	Agricultural Council of California	Rachel	O'Brien	Due to the complexity of the proposed regulations, we do think that significant more time is needed to study the issue, and we have asked in our written comments that the period to comment be extended to additional 45 days to allow our stakeholders to better understand and what we think will provide additional useful comments on the proposed regulation.	CalRecycle had a fairly extensive informal development period, which offered ample opportunity for public comment. An extended comment period is not warranted. Any additional changes will be circulated for another comment period.
	PHJ01	California League of Food Processors	Rob	Neenan	Our understanding of the background on this issue was that a few years ago, there were some green waste haulers who had truckloads of residential green waste mixed with trash that was applied to some land in several counties with or without the consent of the landowners. I'm not sure about that, and it clearly was an improper activity that should be addressed and not allowed.	<p>The principal benefit of the proposed regulations is protecting public health and safety and the environment. Requiring compost products to meet a 0.5% physical contaminant limit will reduce litter, minimize the amount of plastic entering surface water and the ocean, and increase the market value of compost.</p> <p>The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight.</p> <p>"Glass shards (4-mm to 13-mm) can pose a human and animal hazard with unprotected exposure or through direct ingestion. Metal fragments can pose the same hazard, and could be a potential source of trace elements upon interaction with soil. Hard plastic can be an aesthetic concern and in large quantities may affect physical properties of a compost-amended soil, (e.g., soil coloring, heat retention, drainage)." [Test Methods for the Examination of Composting and Compost, Method 03.06 Glass Shards, Metal Fragments and Hard Plastic, pg. 03.06-1 - U.S. Department of Agriculture/U.S. Composting Council]</p>
	PHM02	LA County Task Force	Mike	Mohajer	We respectfully request that whenever you adopt a solid waste permit and use the CEQA as a responsible agency, then identify those mitigating measures into your solid waste permit	This is not within the scope of this rulemaking. It is not a requirement of the EA to place mitigation measures from another agency into their own SWFP. The EAs will include mitigation measures for which they have authority to enforce.
	PHM04	LA County Task Force	Mike	Mohajer	Have the operator of a facility identify the origin of that materials and the quantity by the jurisdiction of origin.	The specific purpose and necessity of these proposed regulations relate to the protection of public health and safety and the environment. Requiring operators to identify the quantities of materials by jurisdiction of origin is not consistent with this specific purpose and necessity. This is not within the scope of this rulemaking.
	PHM05	LA County Task Force	Mike	Mohajer	For the record, I have worked with Ken and Bob at least during the past three years and working in this composting regulation, and I really do want to express both the task force and myself, appreciation that they have -- they have done the best they can considering that you get point of view from seven thousand different direction, and no matter what you do, you're wrong.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
	PHN01	Association of Compost Producers	Kathy	Lynch	We do generally support movement forward on a formal rulemaking in this area. We think it's very necessary and timely with the 75 percent goal as well as with the passage of the legislation.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	PHN02	Association of Compost Producers	Kathy	Lynch	We don't believe that the economic analysis that was complemented as part of the ISOR, the Initial Statement of Reason, in appendix B1 doesn't dig deep enough into the economic impacts of the proposed rule and the impact on the composting industry.	CalRecycle prepared the Standardized Regulatory Impact Assessment to the satisfaction of the Department of Finance. (citation to Statute regarding SRIA)
	PHO01	California Resource Recovery Association	John	Dane	We are supportive of your efforts to revise the regulations in this area.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	PHP01	Milk Producers Council	Kevin	Abernathy	At minimum, another 45 days to really take a look at the science to make sure that we're able to get out any of those potential unintended consequences.	CalRecycle had a fairly extensive informal rulemaking development period and received input from stakeholders including the academic, scientific, and regulatory community. An extended comment period is not warranted. Any additional changes will be circulated for another comment period.
	PHP02	Milk Producers Council	Kevin	Abernathy	This may be a very isolated incident where things were put on someone's property, whether it was or was not to their knowledge, of course, that needs to be dealt with. But it certainly doesn't need to be dealt with by creating a whole another level of regulatory compliance for business and industry.	<p>The principal benefit of the proposed regulations is protecting public health and safety and the environment. Requiring compost products to meet a 0.5% physical contaminant limit will reduce litter, minimize the amount of plastic entering surface water and the ocean, and increase the market value of compost.</p> <p>The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight.</p> <p>"Glass shards (4-mm to 13-mm) can pose a human and animal hazard with unprotected exposure or through direct ingestion. Metal fragments can pose the same hazard, and could be a potential source of trace elements upon interaction with soil. Hard plastic can be an aesthetic concern and in large quantities may affect physical properties of a compost-amended soil, (e.g., soil coloring, heat retention, drainage)." [Test Methods for the Examination of Composting and Compost, Method 03.06 Glass Shards, Metal Fragments and Hard Plastic, pg. 03.06-1 - U.S. Department of Agriculture/U.S. Composting Council]</p>
	PHQ01	California Refuse Recycling Council	Veronica	Pardo	We generally support and absolutely commend the work that you have done on the revision of Title 14 and 27 as it pertains to compostable material, transferring and processing.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.
	PHR01	Californians Against Waste	Nick	Lapis	I want to make sure we don't lose sight of the concern we have all had with direct land application of residential green material, which is a different animal from food processing waste or dairy manure or anything else, and that's where we have this very quick increase in the practice and where we have a very substantial concern, and it's not a one-off situation. It's a pretty common situation. So as we mess around the edges on the ag side of things, let's make sure we don't lose sight of the issue that's brought before us.	CalRecycle staff has noted the comment. Revisions to the proposed regulation text are not necessary.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
	PHR04	Californians Against Waste	Nick	Lapis	You can't -- as to your economic analysis -- start off with the assumption that the same amount of composting will happen no matter what cost you apply to it and then assume that the same amount of composting happens but now there will be more screeners; we have created jobs. If that was the case, none of us would be worried about the impacts to the composting industry. It's the fact that we're worried that there will be less composting that is really at the heart of the issue.	CalRecycle complied with the requirements of Government Code §11346.3(c) in preparing the Standardized Regulatory Impact Assessment. The Standardized Regulatory Impact Assessment findings, including those related to job growth, are based on Regional Economic Models, Inc. (REMI) modelling - a method acceptable to the Department of Finance.
	PHT04	California Compost Coalition	Neil	Edgar	I don't know that CalRecycle has any need, want, or desire to be regulating those facilities [land application of agricultural and food processing material], but I think where they get into programs where they're accepting food waste from commercial collection programs, residential collection programs that do fall under solid waste regulations, and those facilities need to be adhering to the same standards as other industries in the state.	CalRecycle staff has noted the comment, which is supportive of the proposed regulations as they apply to the land application of food waste from commercial collection programs and residential collection programs. Revisions to the proposed regulation text are not necessary.
§17854.1. Regulatory Tier Requirements						
	452G01	Los Angeles Bureau of Sanitation	Enrique C.	Zaldivar	LASAN recommends that composting facilities handling vegetative and/or other food materials be placed into the same regulatory tier as the biosolids composting operations, i.e., the Enforcement Agency Notification Tier.	The only biosolids composting allowed in the EA Notification tier is biosolids composting at a Publicly Owned Treatment Works, which are subject regulatory oversight by the Regional Water Quality Control Boards. All other biosolids composting is subject to full permit requirements.
§17855. Excluded Activities						
	45B08	Los Angeles County Solid Waste Management Committee	Margaret	Clark	It has been indicated that composting residential food materials and residuals that may contain unprocessed mammalian tissues, including but not limited to, flesh, organs, hide, bone and marrow do not constitute "compostable material handling operation or facilities." Prior to granting such an exemption, the impact on public health and the environment needs to be addressed.	§17855.2 is an existing section prohibiting the composting of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow. It is not an exemption.
	451R06	California League of Food Processors	Rob	Neenan	CLFP maintains that CalRecycle should exempt food processing byproducts from the proposed regulations because most sites are already regulated by other agencies, or the activity poses no threat to the environment or public health. An additional layer of regulation by CalRecycle is not necessary, and could be counter-productive by causing confusion regarding compliance obligations and discouraging land application altogether. Food processors should not be forced to send their byproducts to composting facilities because new regulations give them no viable alternative.	Per existing regulation [27 CCR §21565(a)(6)], the spreading of cannery waste is considered disposal, subject to the requirement to obtain a permit or comply with other regulatory tier requirements in CCR, Title 14, 18100 et seq. Through the proposed definition of land application [§17852(a)(24.5)], CalRecycle is providing a pathway for land application that meets specified conditions to not be considered disposal. Further, CalRecycle added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
	452F02	Stanislaus County Food Processing By Products Re Use Committee	Martin X.	Reyes	...amend Section 17855 Excluded Activities by adding a new Subdivision to exclude land application of food processing by-products as an activity considered as a compostable material handling operations or facilities, if the land application is made as the final disposition of Food Processing By-Products spread on any land, including land zone only for agricultural uses under the condition they are made under the oversight of a LEA as a participant in a local program approved by the appropriate California Regional Water Quality Control Board. -OR- 3b. Amend the proposed Section 17852(a)(24.5) by adding a new Subdivision that provides a third meaning of "Land Application" as the final deposition of Food Processing By-Products spread on any land, including land zoned only	CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					for agricultural uses under the condition that they are made under the oversight of a LEA as a participant in a local program approved by the appropriate California Regional Water Quality Control Board.	
	452108	Horizon Nut Company	Andrew	Howe	Horizon Nut supports the clarification of Excluded Activities in Chapter 3.1, Section 17855 (a)(1) to include green waste generated during pre-cleaning (after custody transfer) at a food processing facility and returned to the farmland under common control. Further, we understand that this exclusion is intended to exempt traditional agricultural practices. However, as it is written, it only excludes activities associated with the “compost activity,” yet neither farming or processing are composting activities. Therefore, we support revising the language from “compost activity” to “activity.”	CalRecycle is not proposing a change to §17855(a)(1). Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations. CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
	452109	Horizon Nut Company	Andrew	Howe	Horizon Nut supports expanding the definition of “agricultural operation” in Excluded Activities, Chapter 3, Section 17855 (a)(5)(E) to include food processing operations used to store process agricultural material not used in the production of compost or mulch (i.e. animal feed or bedding, biomass conversion, etc.).	CalRecycle is not proposing a change to §17855(a)(5)(E). Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.
	452110	Horizon Nut Company	Andrew	Howe	Horizon supports retaining the 17855 (a)(9) exclusion for beneficial use. The RWQCB, through the adoption of WDRs, has determined that many applications of organic material to land are a beneficial use that does not degrade the environment or pose a public nuisance or hazard.	CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
	452L02	Manufacturers Council of the Central Valley	Jennifer	Carlson	Amend Section 17855 Excluded Activities to exclude land application of food processing by- products as an activity considered as a compostable material handling operations or facilities, if the land application is made as the final disposition of Food Processing By-Products spread on any land, including land zoned only for agricultural uses under the condition they are made under the oversight of a LEA as a participant in a local program approved by the appropriate California Regional Water Quality Control Board.	CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
	452L03	Manufacturers Council of the Central Valley	Jennifer	Carlson	Amend Section 17855 Excluded Activities to exclude food processing by-products as an activity considered as a compostable material handling operations or facilities, if the beneficial reuse is characterized as an animal feed ingredient. The exclusion shall also include any ingredient used for the raising of livestock or animal husbandry inspected and regulated by the California Department of Food and Agriculture.	These regulations do not apply to animal feed or bedding unless the feed or bedding is discarded as waste.
	452Z03	Western Agricultural Processors Association	Chris	McGlothlin	We ask that you add a section that excludes nut hullers and processors if the material is being handled in such a manner that the material is not purposely being composted. We would propose the following addition to the section on Excluded Activities: <u>Food Material Handling Operations.</u> An activity is excluded if it handles Food Material, derived from an agricultural site, whereby the material is not being stored for the purposes of active composting.	Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
	453A04	California Cotton Ginners and Growers Association	Chris	McGlothlin	Need to add section here that excludes cotton gins if the material is being handled in such a manner that the material is not purposely being composted. We would propose the following addition to the section on Excluded Activities: <u>Food Material Handling Operations.</u> An activity is excluded if it handles Food Material, derived from an agricultural site, whereby the material is not being stored for the purposes of active composting.	Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.
	45E04	Solana	Jessica	Toth	CalRecycle should revise the language so it is clear that agricultural sites that use compost on-site are exempt from permitting and those that sell finished compost are required to notify the LEA.	CalRecycle is not proposing a change to existing §17855(a)(1). There have been no issues or concerns with the implementation of this existing section that warrant the suggested changes.
	45G03	INIKAI	Tyla	Montgomery		
	45H04	Pro Trees Arborist	Theron	Winsby		
	45I04	Self	Margaret	Stockton		
	45J04	Jimbo's ... Naturally	Kelly	Hartford		
	45K04	Self	MC	Hagerty		
	45L04	Self	Barbara	Patterson		
	45N04	Self	Whitney	Dueñez		
	45O04	Solana	Diane	Hazard		
	45P04	Self	James	Murdick		
	45R04	Self	Roberta	Walker		
	45U04	Self	Walt	Sanford		
	45Z04	Self	Barbara	Kennedy		
	451B04	Self	Silka	Kurth		
	451G04	Self	Meaghan	Jones		
	452T04	Self	Evi	Haux		
	451L03	Sustainable Solutions	Jeff	Bishop		
	45M03	OB GreenGold	Anne	Barron		
	45Q04	SDUSD Recycling Program	Janet	Whited		
	PHE01	Stanislaus County Solid Waste Dept.	Brian	Kumimoto	And so today, we're going to be asking that we also receive a similar exemption. It's reuse. It's not composting and we don't want -- we have enough regulations as it is currently.	CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
	PHF01	Stanislaus County Solid Waste Dept.	Tom	Wolfe	The vision that I'd like to express this afternoon relevant to the proposed revisions of the existing Title 14 is to amend the county's food processing byproduct program into the proposed regulations, specifically Section 17855, as an excluded activity.	CalRecycle revised the definition of land application and added a definition for agricultural by-product material [§17852(a)(4.5)]. The land application requirements of §17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
	PHP03	Milk Producers Council	Kevin	Abernathy	Finally, you know, dairies should be excluded from this type of regulation due to the fact that with a little bit of intel, you'll find that what you're trying to get at has already been done.	This activity is already excluded per 17855(a)(1). It is not necessary to add an additional exclusion.
(a)(1)	45E03	Solana	Jessica	Toth	<p>CalRecycle should revise the language so it is clear that agricultural sites can compost any volume of agricultural material with one of 2 scenarios based on comment 45E01:</p> <p>Alternative A, Offsite feedstock allowance is based on the farm's size and ability to handle the material: SS17855 Excluded Activities <i>(1) An activity is excluded if it handles agricultural material derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. If their feedstock is limited to agricultural material, the agricultural site may handle an unlimited quantity of agricultural material. Up to 25% by volume of feedstock onsite at any one time may consist of green material, food material and vegetative food material derived from offsite. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.</i></p> <p>Or Alternative B, Offsite feedstock allowances capped at 500 cubic yards: SS17855 Excluded Activities <i>(1) An activity is excluded if it handles agricultural material derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. If their feedstock is limited to agricultural material, the agricultural site may handle an unlimited quantity of agricultural material. Up to 500 cubic yards of green material, food material, and vegetative food material feedstock received from offsite may be onsite at any one time. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.</i></p>	<p>CalRecycle is not proposing a change to existing §17855(a)(1). This existing exclusion applies to the traditional agricultural practice of on-farm composting. There have been no issues or concerns with the implementation of this existing section that warrant the suggested changes.</p> <p>The composting of green material, agricultural material, food material, and vegetative food material, alone or in combination, is excluded pursuant to §17855(a)(4), if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet.</p>
	45G02	INIKAI	Tyla	Montgomery		
	451X01	The San Diego Food System Alliance	Richard	Winkler		
	45H03	Pro Trees Arborist	Theron	Winsby		
	45I03	Self	Margaret	Stockton		
	45J03	Jimbo's ... Naturally	Kelly	Hartford		
	45K03	Self	MC	Hagerty		
	45L03	Self	Barbara	Patterson		
	45N03	Self	Whitney	Dueñez		
	45O03	Solana	Diane	Hazard		
	45P03	Self	James	Murdick		
	45R03	Self	Roberta	Walker		
	45U03	Self	Walt	Sanford		
	45Z03	Self	Barbara	Kennedy		
	451B03	Self	Silka	Kurth		
	451G03	Self	Meaghan	Jones		
	452T03	Self	Evi	Haux		
451L02	Sustainable Solutions	Jeff	Bishop			
45M02	OB GreenGold	Anne	Barron			
45Q03	SDUSD Recycling Program	Janet	Whited			
(a)(1)	452Q09	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	<p>Paramount also seeks further clarification on the intent of the exclusion under section 17855(a)(1). As we interpret this exclusion, green material produced on a farm and re-applied to the farm should be exempt from the regulations. We ask that CalRecycle provide clarity as to situations such as hulling and shelling of tree nuts, where green material is separated from the harvestable portion of the commodity during pre-cleaning at an offsite facility, and then brought back to the farm and land applied for multiple uses. We believe that this situation should still be included in this exemption, as the activity does not impose any additional risks to the green material regardless of whether the product was transferred to the facility before going back to the farm.</p>	<p>CalRecycle is not proposing a change to §17855(a)(1).</p> <p>Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.</p>

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(a)(1)	452Q10	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...this exclusion specified that agricultural material derived from an agricultural site and returned to a similar site, "...owned or leased by the owner, parent, or subsidiary of the composting activity" is excluded. Being that neither farming nor processing are composting activities, Paramount seeks further elaboration of this exclusion to explicitly exempt farming and processing activities.	CalRecycle is not proposing a change to §17855(a)(1). Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.
(a)(1)	452X07	Agricultural Council of California	Emily	Rooney	This section is confusing when trying to ascertain if certain activities are excluded. Furthermore, it does not fully address issues such as point of transfers. Clarification in the regulations is needed to specify how these types of transfers could be handled.	CalRecycle is not proposing a change to §17855(a)(1). Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.
(a)(4)	45E01	Solana	Jessica	Toth	Specific to SS 17855(4), we request that the 500 sf restriction be deleted and the language be implemented as follows for small, excluded activities: <i>Composting green material, food material, and vegetative food material is an excluded activity if the total amount of feedstock and compost onsite at any one time does not exceed 100 cubic yards.</i>	CalRecycle increased the restriction from 500 square feet to 750 square feet. The square footage restriction was put in place in response to earlier comments received and is an easier method to measure the allowable amount of feedstock and compost on-site at any one time.
	45G01 PHL02	INIKA	Tyla	Montgomery		
	45H01	Pro Trees Arborist	Theron	Winsby		
	45I01	Self	Margaret	Stockton		
	45J01	Jimbo's ... Naturally	Kelly	Hartford		
	45K01	Self	MC	Hagerty		
	45L01	Self	Barbara	Patterson		
	45N01	Self	Whitney	Dueñez		
	45O01	Solana	Diane	Hazard		
	45P01	Self	James	Murdick		
	45R01	Self	Roberta	Walker		
	45U01	Self	Walt	Sanford		
	45Z01	Self	Barbara	Kennedy		
	451B01	Self	Silka	Kurth		
	451G01	Self	Meaghan	Jones		
	452T01	Self	Evi	Haux		
	451L01	Sustainable Solutions	Jeff	Bishop		
45M01	OB GreenGold	Anne	Barron			
45Q012	SDUSD Recycling Program	Janet	Whited			
(a)(4)	45E02	Solana	Jessica	Toth	Massachusetts includes a burden of proof clause in their composting regulations that applies to all activities. Incorporating similar language into the California proposed regulations will further ensure that all composting is conducted with a certain standard of care while still encouraging composting activity.	CalRecycle does not use a beneficial use determination process. If an activity is below regulatory concern, that activity is excluded.
	45G07	INIKA	Tyla	Montgomery		
	45H02	Pro Trees Arborist	Theron	Winsby		
	45I02	Self	Margaret	Stockton		

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
	45J02	Jimbo's ... Naturally	Kelly	Hartford		
	45K02	Self	MC	Hagerty		
	45L02	Self	Barbara	Patterson		
	45N02	Self	Whitney	Dueñez		
	45O02	Solana	Diane	Hazard		
	45P02	Self	James	Murdick		
	45R02	Self	Roberta	Walker		
	45U02	Self	Walt	Sanford		
	45Z02	Self	Barbara	Kennedy		
	451B02	Self	Silka	Kurth		
	451G02	Self	Meaghan	Jones		
	452T02	Self	Evi	Haux		
	451L07	Sustainable Solutions	Jeff	Bishop		
	45M07	OB GreenGold	Anne	Barron		
	45Q02	SDUSD Recycling Program	Janet	Whited		
(a)(4)	451X03	The San Diego Food System Alliance	Richard	Winkler	Is the 500 square-foot footprint a typo and should it be 5,000 square feet? Please provide the references or sources that CalRecycle used to develop this requirement. The 500-square foot footprint requirement will not ensure composting is safe or nuisance free and should be deleted. In turn, CalRecycle should include a "burden of proof" clause in its regulations to require all sites to comply with basic BMPs and nuisance mitigations as a condition of their permit exclusion.	CalRecycle increase the restriction from 500 square feet to 750 square feet. The square footage number was put in place in response to earlier comments received and is an easier method to measure the allowable amount of feedstock and compost on-site at any one time. The specified square footage footprint applies only to the amount of feedstock and compost on-site, at any one time. CalRecycle does not use a beneficial use determination process. If an activity is below regulatory concern, that activity is excluded.
(a)(4)	453I05	West Marin Compost	Jeffrey A.	Creque	Please increase excluded volume from 100 to 200 cubic yards and area to 1000 sq. ft.	100 cubic yards is an appropriate volume limitation given the types of feedstocks allowed under this exclusion. CalRecycle increased the allowable area from 500 square feet to 750 square feet.
(a)(5)(G)	452X08	Agricultural Council of California	Emily	Rooney	It appears that shredding and pruning in the field falls in this exclusion but we have concerns on what the impact will be, if any, on those who chip orchards and move the chips to co-gen facilities. If that ability were hampered, we would see an impact on growers when they remove orchards.	This described activity is excluded pursuant to existing §17855(a)(5)(G).
(a)(5)(H)	452Q08	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	We agree with the exclusion for animal feed activities under section 17855(a)(5)(H) of the proposed Compostable Materials Regulation, but believe that as the rules are currently written, holding or stockpiling material for this intended purpose may still qualify the activity as subject to the regulation. CalRecycle should be clear that the holding requirements under the proposed Compostable Materials Regulation should not be applied to by-product being held for animal feed.	Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations. These regulations do not apply to animal feed or bedding unless the feed or bedding is discarded as waste.
(a)(5)(J)	452X09	Agricultural Council of California	Emily	Rooney	In this section we share AHPA concerns that it is, "completely counter-intuitive economically to allow tree nut processing byproducts, such as hulls and shells, to actively compost – which would alter their "essential character"	Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					and drastically damage their value and returns as animal feed, animal bedding, biomass feedstock or future biofuel feedstock.” It also doesn’t make much sense to be regulated under a composting regulation when the goal of certain facilities is to store materials under conditions that will NOT allow composting to occur and that are primary end use of those materials is animal feed, animal bedding, biomass feedstock or biofuel feedstock – not compost or storage on its way to land application. We believe that CalRecycle should follow the recommended changes proposed by AHPA.	these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.
(a)(9)	452D02	Almond Hullers & Processors Association	Kelly	Covello	Since almond hull; hull and shell; and, shell when accumulated under normal industry storage conditions do not “actively compost” that the Department exclude almond hulling and processing facilities from compostable handling operations and facility regulation when they: a. Hold a CDFA Feed License and handle or store almond processing by-product for the purposes of manufacture and/or distribution of animal feed; or, b. Handle or store almond processing by-product for purposes of manufacturing and/or distribution of materials that includes but are not limited to animal bedding, biomass feedstock or biofuel feedstock.	Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.
(a)(9)	452D04	Almond Hullers & Processors Association	Kelly	Covello	AHPA recommends that the Department either allow or exclude land application of almond processing by-products that are defined as an agricultural material for purposes excluded in the current Section 17855(a)(9) when: 1. The material does not contain physical contaminants of more than 0.1% by volume of physical contaminants greater than 4 mm; and, 2. Prior to application, CDFA’s Fertilizer Inspection Program has reviewed and approved a fertilizer label for the product being applied. At a minimum the label should comply with the requirements of a packaged soil amendment.	CalRecycle revised the definition of land application and added a definition for agricultural by-product material [17852(a)(4.5)]. The land application requirements of 17852(a)(24.5) do not apply to the final deposition of agricultural by-product material spread on land in accordance with §17852(a)(24.5)(B)4.
(a)(9)	452D05	Almond Hullers & Processors Association	Kelly	Covello	For almond processing by-product that doesn’t fall into either subsection 1 or 2 we would recommend that the Department amend Section 17855(a)(9) to add language that allows the LEA, in consultation with the Department the ability to consider other temperature and/or moisture measurements along with the 122 degrees Fahrenheit threshold when determining if low moisture content compostable materials qualify for the exclusion.	Material handled or processed at the site where the material is generated is not subject to these regulations, however if the material is taken off-site for further processing then it would fall under these regulations. Further, if the site receives waste from other sources, then the activity would fall under these regulations.
§17856. Agricultural Material Composting Operations						
	45B10	Los Angeles County Solid Waste Management Committee	Margaret	Clark	To assist local governments with the effectiveness of their diversion programs, this Section needs to be expanded to include the following new subsection: “Subsection (e) – These sites shall record the quantities of agricultural materials received, by jurisdiction of origin, and submit the data to the appropriate jurisdictions on a calendar quarterly basis.”	The specific purpose and necessity of these proposed regulations relate to the protection of public health and safety and the environment. Requiring recordkeeping on quantities of agricultural materials received, by jurisdiction of origin, and submit the data to the appropriate jurisdictions on a calendar quarterly basis.
(a)1 (a)2(A)	453I06	West Marin Compost	Jeffrey A.	Creque	Apparently missing from 1(A) and 2(A) are composting operations that are located on land zoned for agricultural uses and which handle both ag material and green material and wish to sell or give away more than 1000 cubic yards per year. Please allow operations located on land zoned for agricultural uses and which handle both ag material and green material and wish to sell or give away more than 1000 cubic yards per year.	Agricultural material composting operations located on land zoned for agricultural uses that handle both agricultural material and green material and sell or give away 1,000 cubic yards or more of compost per year are allowed; they are subject to the requirements of §17856(d)(2).

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(c)	45B09	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Considering that an Agricultural Materials Composting Operation may be a nuisance to adjacent properties due to potential odor generation, there is a need for more frequent and inspection by the LEA (i.e. at least on a quarterly basis).	Subdivision (c) applies agricultural material composting operation using only agricultural material. Existing regulation [§17856(b)] requires the EA to inspect these operations at least once each calendar year. The proposed regulation [§17856(c)] requires the EA to inspect at the time when compostable material on the site is active compost. The EA has the discretion to inspect more frequently, if necessary
(c)	45E05	Solana	Jessica	Toth	<p>CalRecycle should revise the language so it is clear that agricultural sites may import green, vegetative/ food material feedstock as part of the permit exemption or EA Notification with one of 2 scenarios based on comment 45E01:</p> <p>Alternative A, Offsite feedstock allowance is based on the farm’s size and ability to handle the material: <i>SS17856 Agricultural Material Composting Operations:</i> <i>(c) If their feedstock is limited to agricultural material, agricultural material composting operations may handle an unlimited quantity of agricultural material on the site and may sell or give away any or all compost they produce. <u>Up to 25% by volume of feedstock onsite at any one time may consist of green material, food material and vegetative food material derived from offsite. These operations shall be inspected by the EA at least once each calendar year at a time when compostable material on the site is active compost.</u></i></p> <p>Or Alternative B, Offsite feedstock allowances capped at 500 cubic yards: <i>SS17856 Agricultural Material Composting Operations:</i> <i>(c) If their feedstock is limited to agricultural material, agricultural material composting operations may handle an unlimited quantity of agricultural material on the site and may sell or give away any or all compost they produce. <u>Up to 500 cubic yards of green material, food material, and vegetative food material feedstock received from offsite may be onsite at any one time. These operations shall be inspected by the EA at least once each calendar year at a time when compostable material on the site is active compost</u></i></p>	<p>The feedstocks allowed at agricultural material composting operations are similar to those traditionally composted by agriculture. These feedstocks present minimal risk of harm to public health and safety and the environment. It would not be appropriate to include the suggested changes.</p> <p>The composting of green material, agricultural material, food material, and vegetative food material, alone or in combination, is excluded pursuant to §17855(a)(4), if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet.</p> <p>Per §17857.2, a vegetative food material composting operation with up to 12,500 cubic yards of material on-site at any one time may operate under a Registration Permit.</p>
	45G04	INIK	Tyla	Montgomery		
	451X02	The San Diego Food System Alliance	Richard	Winkler		
	45H05	Pro Trees Arborist	Theron	Winsby		
	45I05	Self	Margaret	Stockton		
	45J05	Jimbo’s ... Naturally	Kelly	Hartford		
	45K05	Self	MC	Hagerty		
	45L05	Self	Barbara	Patterson		
	45N05	Self	Whitney	Dueñez		
	45O05	Solana	Diane	Hazard		
	45P05	Self	James	Murdick		
	45R05	Self	Roberta	Walker		
	45U05	Self	Walt	Sanford		
	45Z05	Self	Barbara	Kennedy		
	451B05	Self	Silka	Kurth		
	451G05	Self	Meaghan	Jones		
	452T05	Self	Evi	Haux		
451L04	Sustainable Solutions	Jeff	Bishop			
45M04	OB GreenGold	Anne	Barron			
45Q05	SDUSD Recycling Program	Janet	Whited			
(c)	452P08	IEUA	Jeff	Ziegenbein	<p>Recommend change to: "If their feedstock is limited to agricultural material <u>generated from on-site agricultural operations</u>, agricultural material composting operations may handle unlimited quantity of agricultural material on the site from which that the material is generated and may sell or give away any or all compost they produce. <u>If the material is generated off-site and transferred to the compost operation site, then the operation is subject to Article 2, 17854 - Compostable Materials Handling Facility Permit Requirements</u>"</p>	<p>The suggested change is not consistent with existing regulations (§17856), which place agricultural material composting operations in the EA Notification tier regardless of the source (on-site or off-site) of the feedstock.</p> <p>Agricultural material generated on-site is eligible for exclusion per §17855 (a)(1).</p>
	453C07	CR&R	Clarke	Pauley		
(d)	45E06	Solana	Jessica	Toth	<p>Similar amendments (taken from 45E05) to SS (d) should be implemented for agricultural operations accepting high volumes of green material.</p>	
	45G08	INIK	Tyla	Montgomery		

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
	45H06	Pro Trees Arborist	Theron	Winsby		<p>The feedstocks allowed at agricultural material composting operations are similar to those traditionally composted by agriculture. These feedstocks present minimal risk of harm to public health and safety and the environment. It would not be appropriate to include the suggested changes.</p> <p>The composting of green material, agricultural material, food material, and vegetative food material, alone or in combination, is excluded pursuant to §17855(a)(4), if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet.</p> <p>Per §17857.2, a vegetative food material composting operation with up to 12,500 cubic yards of material on-site at any one time may operate under a Registration Permit.</p>
	45I06	Self	Margaret	Stockton		
	45J06	Jimbo's ... Naturally	Kelly	Hartford		
	45K06	Self	MC	Hagerty		
	45L06	Self	Barbara	Patterson		
	45N06	Self	Whitney	Dueñez		
	45O06	Solana	Diane	Hazard		
	45P06	Self	James	Murdick		
	45R06	Self	Roberta	Walker		
	45U06	Self	Walt	Sanford		
	45Z06	Self	Barbara	Kennedy		
	451B06	Self	Silka	Kurth		
	451G06	Self	Meaghan	Jones		
	452T06	Self	Evi	Haux		
	451L08	Sustainable Solutions	Jeff	Bishop		
	45M08	OB GreenGold	Anne	Barron		
	45Q06	SDUSD Recycling Program	Janet	Whited		
§17857.1 Green Material Composting Operations and Facilities						
	45B07	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please provide a list of criterion used for establishing a threshold limit of 12,500 cubic yards for "Green Material Composting Operations" under the "EA Notification Tier" and "Registration Permit Tier."	CalRecycle is not proposing changes to the volume threshold limits used to determine the required regulatory tier for green material composting operations and facilities.
	45B11	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Section needs to be expanded to include the following new subsection: "Subsection" (d) - These sites shall record the quantities of green materials received by jurisdiction of origin and submit the data to the appropriate jurisdictions on a calendar quarterly basis."	The specific purpose and necessity of these proposed regulations relate to the protection of public health and safety and the environment. Requiring recordkeeping on quantities of green materials received by jurisdiction of origin and submit the data to the appropriate jurisdictions on a calendar quarterly basis.
	45E07	Solana	Jessica	Toth	SS17857.1 should be amended to allow the specified volumes of vegetative/ food material feedstock. (from 45E05)	<p>The feedstocks allowed at green material composting operations present minimal risk of harm to public health and safety and the environment. It would not be appropriate to include the suggested changes.</p> <p>The composting of green material, agricultural material, food material, and vegetative food material, alone or in combination, is excluded pursuant to §17855(a)(4), if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet.</p> <p>Per §17857.2, a vegetative food material composting operation with up to 12,500 cubic yards of material on-site at any one time may operate under a Registration Permit.</p>
	45G09	INIKA	Tyla	Montgomery		
	45H07	Pro Trees Arborist	Theron	Winsby		
	45I07	Self	Margaret	Stockton		
	45J07	Jimbo's ... Naturally	Kelly	Hartford		
	45K07	Self	MC	Hagerty		
	45L07	Self	Barbara	Patterson		
	45N07	Self	Whitney	Dueñez		

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
	45O07	Solana	Diane	Hazard		
	45P07	Self	James	Murdick		
	45R07	Self	Roberta	Walker		
	45U07	Self	Walt	Sanford		
	45Z07	Self	Barbara	Kennedy		
	451B07	Self	Silka	Kurth		
	451G07	Self	Meaghan	Jones		
	452T07	Self	Evi	Haux		
	451L09	Sustainable Solutions	Jeff	Bishop		
	45M09	OB GreenGold	Anne	Barron		
	45Q07	SDUSD Recycling Program	Janet	Whited		
	45F05	CAPCOA	Alan W.	Abbs	Provide criteria for such determinations, such as photographs, enforcement/compliance histories, conditions or parameters of the pile, etc.	An EA may reduce a prescribed inspection frequency if the reduction will not pose additional risk to public health and safety or the environment. The EA use professional judgment when making such determinations. Additional criteria is not necessary.
(a)(2)	451S06	City of San Diego, Local Enforcement Agency	William E.	Prinz	How does the LEA gain the necessary discretionary authority over a ministerial action if this section is adopted?...Please explain how this action is ministerial. The LEA believes it would be more prudent for the operator to apply for the appropriate Compostable Materials Handling Facility Permit if the need for additional seasonal storage capacity became necessary. Especially if the request is for storage capacity that exceeds the EA Notification limitation of 12,500 cubic yards of compostable material.	CalRecycle revised §17857.1(a)(2) to specify the seasonal storage adjustment for stabilized compost may be extended to the storage time and storage volume specified in the land use entitlement for the site.
(a)(2)	452P09	IEUA	Jeff	Ziegenbein	We agree that seasonal storage adjustments are warranted for operator flexibility. Recommend extending to 120 days, "The EA may grant one more additional 30-day seasonal storage adjustment not exceeding a total of 120 days per calendar year."	A seasonal storage total of 90 days is sufficient.
	453C08	CR&R	Clarke	Pauley		
(b)	451S07	City of San Diego, Local Enforcement Agency	William E.	Prinz	The word "facility" should be changed to "operation".	It is not appropriate to change "facility" to "operation." If an EA determines an activity violates the specified requirements three or more times in a two year period, the activity would no longer qualify for an EA Notification, therefore it would be considered a solid waste facility.
(b)	453L04	County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency	KariLyn	Merlos	While the LEA is generally supportive of this "three strikes" approach, it is suggested that if adopted for the EA Notification tier operations, these same conditions should likewise be included for the "Vegetative Food Material Composting Facilities" operating under a Registration Tier.	Existing enforcement tools are expected to be sufficient to address issues at facilities operating under the Registration tier. CalRecycle does not anticipate the need for the three strikes approach for vegetative food material composting facilities.
(b)(3)	452P10	IEUA	Jeff	Ziegenbein	Green Material Composting maximum volumes: mandatory cease and desist too onerous. Recommend change to:	It is not appropriate to change the "shall" to "may." §17857.1(b) already allows the operator three opportunities to correct issues before a cease and desist order is issued.
	453C09	CR&R	Clarke	Pauley		

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					"In addition, the EA shall may issue a cease and desist order pursuant to section 18304 directing, among other things, that the operator immediately cease accepting material at the site until the operator has demonstrated to the EA that it has corrected the violation and eliminated the cause of the violation."	
§17857.2 Vegetative Food Material Composting Facilities						
	45E08	Solana	Jessica	Toth	SS 17857.2 should be amended to allow the specified volumes of vegetative/ food material feedstock. (from 45E05)	The composting of green material, agricultural material, food material, and vegetative food material, alone or in combination, is excluded pursuant to §17855(a)(4), if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet. Per §17857.2, a vegetative food material composting operation with up to 12,500 cubic yards of material on-site at any one time may operate under a Registration Permit.
	45G10	INIKA	Tyla	Montgomery		
	45H08	Pro Trees Arborist	Theron	Winsby		
	45I08	Self	Margaret	Stockton		
	45J08	Jimbo's ... Naturally	Kelly	Hartford		
	45K08	Self	MC	Hagerty		
	45L08	Self	Barbara	Patterson		
	45N08	Self	Whitney	Dueñez		
	45O08	Solana	Diane	Hazard		
	45P08	Self	James	Murdick		
	45R08	Self	Roberta	Walker		
	45U08	Self	Walt	Sanford		
	45Z08	Self	Barbara	Kennedy		
	451B08	Self	Silka	Kurth		
	451G08	Self	Meaghan	Jones		
	452T08	Self	Evi	Haux		
	451L10	Sustainable Solutions	Jeff	Bishop		
	45M10	OB GreenGold	Anne	Barron		
	45Q08	SDUSD Recycling Program	Janet	Whited		
	453L06	County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency	KariLyn	Merlos	The list of what may be included in the up to 12,500 cubic yards of material on-site for Vegetative Food Material Composting Facility includes "compost" without specifying active and/or stabilized. In contrast, the description in 17857.1(a) for Green Material Composting Operations specifies compost as both active and stabilized. These two descriptions should be consistent. The LEA recommends specifying both active compost and stabilized compost in both sections to provide further clarity on which materials are included in the 12,500 cubic yard limit.	CalRecycle revised §17857.2 to make it consistent with §17857.1.
§17862. Research Composting Operations						
	45B12	Los Angeles County Solid Waste	Margaret	Clark	Please expand to (a) require surface and ground water protection, (b) prohibit any surface water from leaving the property without a NPDES Permit, and (c) control and mitigate any odor nuisances and obtain a permit from the appropriate local air pollution control district/air quality management district.	Pursuant to Public Resources Code §40055(b), CalRecycle regulations may not duplicate or be in conflict with any determination relating to water quality control made by the State Water Quality Control Board or Regional Water Quality Control Boards. Pursuant to Public Resources Code §43020,

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
		Management Committee				<p>regulations adopted by CalRecycle may shall not include any requirements already under the authority of the state water board for the prevention of water pollution.</p> <p>§17863.4, §17863.41, and §17867(a)(2), require all compostable material handling operations and facilities to be conducted in a manner that minimizes odor impacts so as not to cause a nuisance, and specify actions the operator must take if odor impacts are occurring.</p> <p>Pursuant to Public Resources Code §40055(a), CalRecycle regulations do not limit the power of any air pollution control district or air quality management district. Pursuant to Public Resources Code §43020, regulations adopted by CalRecycle may shall not include any requirements already under the authority of the State Air Resources Board for the prevention of air pollution.</p>
	452O13	California Compost Coalition	Neil	Edgar	We would recommend that the limit of two, two-year periods be removed, with current language retained which leaves the time limit at the discretion of the EA.	The limit of two, two-year periods is appropriate to ensure that this section is used for its intended purpose.
(d)	452P11 453C10	IEUA CR&R	Jeff Clarke	Ziegenbein Pauley	Research Composting Operations: ACP would like to encourage additional research operations to advance the science of composting. Recommend: “If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for an additional two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870, or apply for an EA Notification or other applicable permit for the site.”	CalRecycle revised the text to specify an operator may continue operating beyond the end of the research period provided the operator has complied with Article 2 of this Chapter prior to continuing operations beyond the end of the research period.
§17862.1. Chipping and Grinding Operations and Facilities						
	452J03	Santa Clara County Department of Environmental Health	Chris	Rummel	Finally, I see a big problem with the tier sizes for the things like wood chipping and grinding. The notification tier for chip & grind should be <20 tons notification, 20 to 100 tons registration, and 100+ full permit. Not <200 TPD as a notification.	CalRecycle is not proposing changes to the volume threshold limits used to determine the required regulatory tier for green material composting operations and facilities.
	452O11	California Compost Coalition	Neil	Edgar	...current language suggests that chipping and grinding operations would only be required to sample and test materials upon EA request; we do not support a lower standard for sampling and testing at chipping and grinding operations, as the materials they produce are processed to a much lower level than compost, and represent a significantly higher threat for the spread of pathogens and/or invasive pests. Chipping and grinding operations and facilities should be subject to the same materials sampling and testing requirements as composting operations and facilities. If the CalRecycle goal is to protect the public health, safety, and the environment – as is stated repeatedly in the ISOR – there appears no logical basis for lesser testing requirements for non-composted materials versus composted materials.	<p>CalRecycle revised §17868.3.1 to replace the requirement that compostable material handling operations sample upon request of the EA with a requirement that both compostable material handling operations and facilities sample every 5,000 cubic yards of compost produced (or once every 12 months if operation or facility produces less than 5,000 cubic yard of compost in a 12 month period).</p> <p>Given the throughput limit of 48 hours (or up to 7 days), it is not practical to subject chipping and grinding operations and facilities to the same materials sampling and analysis requirements (for pathogens and metals) as composting operations and facilities. In addition, not all material produced at a chipping and grinding operation or facility is applied to land. If material produced at a chipping and grinding operation or facility will be land applied, the material must meet the requirements specified in §17852(a)(24.5)(A).</p>
§17863.4. Odor Impact Minimization Plan						
	45F06	CAPCOA	Alan W.	Abbs	The provisions building up to and including an Odor Impact Minimization Plan (OIMP), Section 17863.4, are ambiguous and do not provide specific guidance. Recommendation: Provide clear, specific guidance for developing the OIMP.	CalRecycle is proposing only minor changes to the existing section. These minor changes will add additional clarity to the section.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(b)(1)	452P12	IEUA	Jeff	Ziegenbein	Odor Impact Minimization Plan: Recommend: Remove "and data collection." This may imply more advanced testing methods than may be necessary. We believe it is reasonable to start with qualitative and then move to quantitative (i.e. lab testing).	It is not CalRecycle's intention to require more advanced testing methods. Existing regulation requires the Odor Impact Minimization Plan to include a description of an odor monitoring protocol. The addition clarifies that if monitoring conducted, then there should be protocol for collecting the data resulting from the monitoring.
	453C11	CR&R	Clarke	Pauley		
(d)	45F09	CAPCOA	Alan W.	Abbs	"Upon submittal of the Plan by the operator, the EA, within a specified time, shall approve or not approve the Plan. If not approved, then the operator shall resubmit an approvable Plan within a specified amount of time." and "The items in subsection (b) should be required to be contained in the Plan and be implemented upon approval of the Plan." (As opposed its being "guidance" and the operator having the option to explain why certain procedures are not necessary.)	CalRecycle is not proposing changes to this section pertaining to LEA review and approval an Odor Impact Minimization Plan. However, CalRecycle is proposing changes that would require an LEA to direct an operator to prepare an Odor Best Management Practice Feasibility Report, as specified in §17863.4.1. The required contents of the Odor Best Management Practice Feasibility Report are specified in §17863.4.1(b). The operator is required to submit the Odor Best Management Practice Feasibility Report to the LEA and to CalRecycle. The LEA is required to approve the Odor Best Management Practice Feasibility Report or direct the operator to submit specific changes or additional information within a timeframe specified by the LEA.
(f)	45B13	Los Angeles County Solid Waste Management Committee	Margaret	Clark	We recommend specifying a timeframe by which the Enforcement Agency (EA) is to direct the operator to prepare and implement a Best Management Practice Feasibility Report (Report) as specified in Section 17863.4.1.	It is not necessary to specify a timeframe by which the Enforcement Agency (EA) is to direct the operator to prepare an Odor Best Management Practice Feasibility Report. The EA will utilize professional judgement, taking into account site-specific conditions, in determining the appropriate timeframe. Per §17863.4.1.(c), if the EA has required the operator to prepare an Odor Best Management Practice Feasibility Report, the operator must, within 14 days or other timeframe approved by the EA, submit the a plan and schedule for implementing best management practices. Per §17863.4.1.(d), within 30 days of receipt of an Odor Best Management Practice Feasibility Report and associated plan, the EA is required to direct the operator to implement the plan and/or submit specific changes or additional information.
(f)	45B14	Los Angeles County Solid Waste Management Committee	Margaret	Clark	We recommend specifying a timeframe (possibly a week) within which the EA would review the results of the Report in order to reduce and eliminate the time the public is exposed to the odor nuisance. If the foregoing measures are ineffective in addressing the odor nuisance then alternatives should be considered such as enclosing operations within a structure that operates under negative pressure. As an alternative, the facility's permitted daily waste intake can be incrementally reduced until such time the nuisance is eliminated or reduced to a level that is no longer a nuisance to the public.	Per §17863.4.1.(d), within 30 days of receipt of an Odor Best Management Practice Feasibility Report and associated plan, the EA is required to direct the operator to implement the plan and/or submit specific changes or additional information.
(f)	451O01	Western Placer Waste Management Authority	Mary	Dietrich	We request section (f) be amended to say "...the EA shall <u>may</u> direct the operator to prepare an Odor Best Management Feasibility Report..." This would give the EA discretion to determine what efforts are necessary, based on the specific circumstances, such as targeted best management practices when odor sources are known, or of a temporary nature, as opposed to a full site wide feasibility report. This would be consistent with other sections (e.g. Section (e)) that provide such EA discretion.	It is not appropriate to change the "shall" to "may." The EA's action to direct an operator to prepare Odor Best Management Feasibility Report is taken only after concluding an investigation (per §18302(d)) and determining that the operator is following an Odor Impact Minimization Plan but odor impacts are still occurring.
(f)	452P13	IEUA	Jeff	Ziegenbein	Recommend change back to "May direct." We believe that EA should be given latitude to escalate based on individual site, material and receptor circumstances.	It is not appropriate to change the "shall" to "may." The EA's action to direct an operator to prepare Odor Best Management Feasibility Report is taken only after concluding an investigation (per §18302(d)) and determining that the operator is following an Odor Impact Minimization Plan but odor impacts are still occurring.
	453C12	CR&R	Clarke	Pauley		

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(f)(3)	451002	Western Placer Waste Management Authority	Mary	Dietrich	A public nuisance is very difficult to define; what constitutes offensive or indecent can be very subjective. Often, solid waste related operations that are in full compliance with their permits are subjected to odor complaints as a result of encroaching development that is beyond the control of the operator. For that reason, we recommend that this section be amended to offer some protection for otherwise compliant solid waste management facilities. Specifically , we believe the regulation should provide that <u>no compostable material handling operation or facility conducted in a manner consistent with applicable regulations and permits, shall be considered a nuisance due to any changed condition in local land use (e.g. encroaching development) if it was not a nuisance at the time it began.</u>	The “Nuisance” definition is the same as the existing definition of “Nuisance” in 14 CCR §17402(a)(12) relating to Transfer/Processing Operations and Facilities. The definition is standard legal language for defining a “public nuisance” as found in California Civil Code §§ 3479 and 3480 and which forms the basis for public agencies to abate nuisances in Civil Code §§ 3491 and 3494. CalRecycle revised the sections to remove the term “public.”
§17863.4.1. Odor Best Management Practice Feasibility Report						
	452012	California Compost Coalition	Neil	Edgar	While we understand that this new Odor Best Management Practice Feasibility Report would be required at a critical time in the compliance and enforcement process for an odor issue, it is highly infeasible that such a report be produced within 14 days, if the goal is to produce a comprehensive plan that may represent the operator’s last, best chance to survive. Unless the odor issue is a proven threat to public health and safety – which is rarely the case – we see no good reason why allowing 60 days for proper development and submittal of this report should be a problem.	Per §17863.4.1(d)(2), the EA can extend the 14 day timeframe. Further, the operator can draw on available experience and data from the implementation of their Odor Impact Minimization Plan, so they would not be starting from zero.
	453L05	County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency	KariLyn	Merlos	It is unclear what criteria or training the LEA will employ in order to evaluate this new report and it is likewise unclear what form "consultation" with CalRecycle should take. Will the consultation require formal concurrence or documentation of approval from CalRecycle, or is verbal discussion adequate? This section needs to be clarified and appropriate guidelines or training on report adequacy should be made available to LEAs for consistency of implementation.	CalRecycle will provide training and guidance to implement these regulations. Consultation does not mean concurrence or approval by CalRecycle.
(a)	451H03	CRRC	Ralph	Chandler	The new regulations attempt to provide operators and Enforcement Agencies with additional mechanisms to address chronic odor at compostable materials handling facilities and operations. We recognize that this is an important step in mitigating odor issues, but want to ensure that this framework does not lead to a dual regulatory structure whereby composting facilities will be required to create both an Odor Impact Minimization Plan and a Best Management Practice Feasibility Report.	All composting operations and facilities are required to prepare and submit an Odor Impact Minimization Plan. Per §17863.4(f), an Odor Best Management Practice Feasibility Report is only required if the Odor Impact Minimization Plan is being followed but the EA determines odor impacts are still occurring.
(a)	451P02	Waste Connections, Inc.	Jody L.	Snyder	WCI would ask that the words consecutive and chronic be defined...Section (1) how will odor severity be determined? Some individuals may find Christmas trees malodorous while others find it pleasant.	§17863.4.1(a) refers back to §17863.4(f) to determine consecutive or chronic violations.
(d)	451003	Western Placer Waste Management Authority	Mary	Dietrich	Section (d) be amended to clarify that, in the absence of any compliance issues, <u>implementation of voluntarily reports is not mandatory</u> , and that the operator shall have the discretion of implementing specific measures according to site specific conditions and operational considerations.	Per §17863.4.1(b)(3)(C), the operator develops a plan and schedule for implementing best management practice based on the Odor Best Management Practice Feasibility Report. The EA has discretion per §17863.4.1(d) approve changes to the Odor Best Management Practice Feasibility Report or associated plan.
§17868.1 Sampling Requirements						
Also:	45E09	Solana	Jessica	Toth		The regulations do not restrict on-site curing of material.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
§17868.2; §17868.3; §17868.3.1	45G05	INIKA	Tyla	Montgomery	The regulations should be clear that facilities can conduct on-site curing and/or apply immediate beneficial use of the compost/solid digestate so long as the in-vessel technology meets temperature and residence time requirements, and meets pathogen destruction and metals requirements. Facilities should follow the sampling protocol and meet the standards outlined in SS17868.1, 17868.2, 17868.3 and 17868.3.1.	CalRecycle revised the text of this section to specify verification of environmental health standards shall occur prior to the point where compost is removed from the site or beneficially used on-site. Any digestate that will be land applied must meet requirements of §17852(a)(24.5).
	45H09	Pro Trees Arborist	Theron	Winsby		
	45I09	Self	Margaret	Stockton		
	45J09	Jimbo's ... Naturally	Kelly	Hartford		
	45K09	Self	MC	Hagerty		
	45L09	Self	Barbara	Patterson		
	45N09	Self	Whitney	Dueñez		
	45O09	Solana	Diane	Hazard		
	45P09	Self	James	Murdick		
	45R09	Self	Roberta	Walker		
	45U09	Self	Walt	Sanford		
	45Z09	Self	Barbara	Kennedy		
	451B09	Self	Silka	Kurth		
	451G09	Self	Meaghan	Jones		
	452T09	Self	Evi	Haux		
	451L05	Sustainable Solutions	Jeff	Bishop		
45M06	OB GreenGold	Anne	Barron			
45Q09	SDUSD Recycling Program	Janet	Whited			
Also: §17868.2(a); §17868.3(a)	451Q04	California Association of Sanitation Agencies	Greg	Kester	CASA recommends modifying the language as follows: <i>"should it not be possible to obtain analytical results prior to it being necessary to move biosolids based compost off-site, the permittee may do so, but assumes all liability for site evaluation and remediation if necessary, should the results show non-compliance with any limits."</i>	The suggested text is not consistent with the requirement for an operator to verify that compost meets environmental health standards.
	45W07	Synagro	Layne	Baroldi	Proposed language in Sections 17868.1, 17868.2(a), and section 17868.3(a) all require sample results for metals and pathogens be received prior to any compost leaving the site. Some compost and many chip and grind facility permits limit storage of post screened compost and products to seven (7) days thus making it very difficult, if not impossible to obtain analytical results prior to the need to market the compost. Flexibility is provided for this requirement in the proposed rule for all other compost feedstocks except biosolids.	The suggested text is not consistent with the requirement for an operator to verify that compost meets environmental health standards. Sampling can occur in advance of screening to allow sufficient time to obtain analytical results. Per §17868.1(c), the EA may approve alternative methods of sampling that ensures standards are met.
	45W08	Synagro	Layne	Baroldi	Synagro suggest modifying the language in this Section to be as follows: <i>"should it not be possible to obtain analytical results prior to it being necessary to move bulk biosolids based compost off-site, the permittee may do so, but assumes all liability for site evaluation and remediation if necessary, should the results show non-compliance with any limits."</i>	The suggested text is not consistent with the requirement for an operator to verify that compost meets environmental health standards.
(a) Also:	451Y09	County Sanitation	Paul	Prestia	We request that the requirement for test results in the aforementioned sections be modified as follows: <i>"...Best efforts will be made by the operator</i>	The suggested text is not consistent with the requirement for an operator to verify that compost meets environmental health standards.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
§17868.2(a); §17868.3(a); §17868.3.1 (a)		Districts of Los Angeles County			to obtain sampling results must be received by the operator prior to removing compost from the composting operation or facility where it is produced. <u>Sampling results shall be available for review by the EA at the composting site...</u>	Existing §17869(f) requires operators to record all test results generated by compliance with Article 7. Environmental Health Standards. All such records must be kept in one location and accessible for five (5) years and must be available for inspection by authorized representatives during normal business hours.
Also: §17868.3.1	452004	California Compost Coalition	Neil	Edgar	A larger sample size and standardized collection methodology needs to be agreed upon prior to implementation of rule. TMECC is currently under review and time is ripe to establish new parameters. In addition the testing methodology is rudimentary and may not be able to provide repeatable results. Labs have indicated a much larger sample size than is typically submitted may be needed to adequately assess physical contamination across the broad range of particle sizes, particularly for the larger size products (i.e. 3" minus and above).	CalRecycle revised §17862.1(d), §17868.3.1(b), and §17896.61(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.
	452005	California Compost Coalition	Neil	Edgar	A field testing methodology needs development (along with guidance and/or training) for LEAs to assure field testing conducted produces results which are standardized and repeatable.	CalRecycle revised §17862.1(d), §17868.3.1(b), and §17896.61(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.
(a)(1)	453L08	County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency	KariLyn	Merlos	The LEA suggests that CalRecycle consider modifying the language to potentially include a specified sampling frequency adequate to ensure material that moves offsite has been tested and results received prior to shipment of that material. This may include a first sampling once a specified amount of material has been produced, with subsequent sampling frequencies or volume limits to be identified based on the material outputs.	§17868.1(a), §17868.2(a), and §17868.3(a), and §17868.3.1(a) will ensure that material moved off-site will be tested prior to shipment. §17868.1(a)(1) and (2) and §17868.3.1 (b) will ensure that the material is tested at a specific frequency.
Also: 17868.2; 17868.3; 17868.3.1	452G03	Los Angeles Bureau of Sanitation	Enrique C.	Zaldivar	LASAN recommends that U.S. EPA's Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846) or similar be required for sampling and testing of compost products. The proposed regulation should include the requirements for minimum numbers and sizes of the randomly-collected mixed samples and the composite samples to be analyzed to ensure the obtained results are statistically reliable. In addition, the same rigorous sampling and testing requirements must be imposed on the compost products marketed in California but produced out-of-state to ensure the public safety and the environment are protected.	§17868.1(b) is an existing regulation and describes a method of taking a composite sample. CalRecycle is not proposing any changes to subdivision (b).
	PHB02	Engel & Gray, Inc.	Robert	Engel	We would support CalRecycle's support and funding to research and support updates to the USCC - TMECC protocols and analysis procedures. All testing should have the requirement to use labs that are in the U.S. Composting Council's "Seal of Testing Assurance" (STA) program "approved list" in the "Compost Analysis Proficiency Program." The TMECC is currently under review by the USCC and we advocate the adoption of new TMECC protocols that can address the proposed sampling, testing, and detection limits that are contemplated in several different classes of material as part of these rule changes.	CalRecycle has not observed a consensus on the use of Test Methods for the Examination of Composting and Compost - U.S. Department of Agriculture/U.S. Composting Council or mandatory use of labs that are in the U.S. Composting Council's "Seal of Testing Assurance" (STA) program "approved list" in the "Compost Analysis Proficiency Program."

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
§17868.2 Maximum Metal Concentrations						
	45F04	CAPCOA	Alan W.	Abbs	Ensure the proposed limits are consistent with thresholds within DTSC (and any other applicable agency) regulations.	CalRecycle revised the maximum metal concentrations allowed in compost to reflect changes adopted by US EPA in Code of Federal Regulations, Title 40, Table 3 of 503.13–Pollutant Concentrations.
Also: §17896.59	452J01	Santa Clara County Department of Environmental Health	Chris	Rummel	As I have stated during the last regulation package over a decade ago, some of the metals contamination levels allowed are still too high, especially the lead and copper. And why is molybdenum still removed?	CalRecycle revised the maximum metal concentrations allowed in compost to reflect changes adopted by US EPA in Code of Federal Regulations, Title 40, Table 3 of §503.13–Pollutant Concentrations. Molybdenum is not listed in 40 CFR, Table 3 of §503.13.
(a)	452P14 453C13	IEUA CR&R	Jeff Clarke	Ziegenbein Pauley	The apparent proposed requirement to have all sample results received prior to material leaving the site is impractical. Recommend change to: "Sample results collected at the frequency prescribed in section 17867.1(a)(1) and must be available for review by EA at the composting site."	The suggested text is not consistent with the requirement for an operator to verify that compost meets environmental health standards. Existing §17869(f) requires operators to record all test results generated by compliance with Article 7. Environmental Health Standards. All such records must be kept in one location and accessible for five (5) years and must be available for inspection by authorized representatives during normal business hours.
(a)	453G07	Californians Against Waste	Nick	Lapis	The requirements for pathogen and metals testing, as well as contaminant limits and depth limits, are very well developed in this regulation. However, there is a lack of enforcement, as well as a problem with addressing problems after they are caught.	Public Resources Code, Division 30, Part 5 and California Code of Regulations, Division 7, Chapter 5, Articles 4, 5, and 5.1 authorize enforcement agencies and/or CalRecycle to take enforcement actions for non-compliance with these regulations.
§17868.3. Pathogen Reduction						
(a)	453G10	Californians Against Waste	Nick	Lapis	The lab results should also be automatically reported to the LEA to aide with any potential enforcement.	Existing §17869(f) requires operators to record all test results generated by compliance with Article 7. Environmental Health Standards. All such records must be kept in one location and accessible for five (5) years and must be available for inspection by authorized representatives during normal business hours.
(b)(1)	453G09	Californians Against Waste	Nick	Lapis	There should be parity with composting. CalRecycle doesn't allow composters to sell finished product that isn't tested, and composters are handling the same materials that pose the same risks. If fecal chloroforms are such a concern in a controlled composting process designed to kill them, they ought to be a far greater concern in material that has been only chipped and ground.	A chipping and grinding operation or facility shall not be subject to the provisions of §17868.1 through §17868.3.1, however, any chipped and ground material that will be land applied must meet the requirements of §17852 (a)(24.5).
§17868.3.1. Physical Contamination Limits						
	451O04	Western Placer Waste Management Authority	Mary	Dietrich	With food waste being a large component of landfill organics, we encourage revisions to the regulation to prevent unintentional barriers to the expansion of organics diversion programs.	It is not our intention to act as a barrier to the expansion of organic diversion programs. The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight.
	451P01	Waste Connections, Inc.	Jody L.	Snyder	WCI would like to ask for the rational and justification for the .1% contamination limit. We believe the 1% contamination level is achievable and ultimately markets drive the acceptable physical contaminants in finished compost. Our biggest concern as more feedstocks are forced into the compost stream i.e. "biodegradable service ware" and foodwaste a larger percentage of contamination will ensue. If feedstocks are controlled contamination will be controlled.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018. The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
						(Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight. CalRecycle agrees that the percent contamination in feedstock has a great effect on the physical contamination limit on compost product.
	451T03	East Bay Municipal Utility District	Donald	Gray	We recommend that this limit receive more study to select an appropriate contamination limit, before this part of the proposed regulations take effect.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018. The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight.
	451X04	The San Diego Food System Alliance	Richard	Winkler	The proposed requirement may be too strict, especially when other sections of the regulations only specify that physical contaminants in feedstocks not exceed 1.0% by weight. What contaminant limits do other states enforce and what are industry-accepted standards?	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018. The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight.
	451X05	The San Diego Food System Alliance	Richard	Winkler	Line 8, the phrase "or otherwise beneficially used" allows CalRecycle to interpret whether all compost produced (even compost used onsite) is required to be tested before use. Please clarify CalRecycle's intended meaning and edit or delete as appropriate.	CalRecycle revised the text of this section to specify verification of environmental health standards shall occur prior to the point where compost is removed from the site or beneficially used on-site.
	451X06	The San Diego Food System Alliance	Richard	Winkler	Please revise to state exactly which regulatory tiers (Excluded, EA Notification, Registration Permit, and Full Solid Waste Facility Permit) are included and provide an explicit sampling schedule for each tier. Due to the wording of sections (a) and (b), we do not understand if EA Notification Tier facilities (i.e., farms selling/giving away compost) are required to sample for physical contaminants whenever compost leaves the site, or only if requested by the EA. Please also clarify what conditions would prompt the EA to request a sample. The SDFS requests clarification that permit-excluded and farms using compost onsite are excluded.	It is not necessary to state which regulatory tiers are included. CalRecycle revised §17868.3.1. to replace the requirement that compostable material handling operations sample upon request of the EA with a requirement that both compostable material handling operations and facilities sample every 5,000 cubic yards of compost produced (or once every 12 months if operation or facility produces less than 5,000 cubic yard of compost in a 12 month period). Further, §§17854 through 17862.1 set forth the regulatory tier requirements for these regulations.
	451X07	The San Diego Food System Alliance	Richard	Winkler	The sampling protocol does not specify a sample volume.	It is not necessary to specify the sample volume as this specification may vary as directed by the laboratory chosen by the operator.
	451Y08	County Sanitation Districts of Los Angeles County	Paul	Prestia	To unify these provisions, we suggest cross-referencing the earlier section: 17868.3.1 Physical Contamination Limits (c) All compostable material handling facilities shall take one representative sample for every 5,000 cubic yards of compost conduct sampling according to	These provisions cannot be unified because there is a distinction between which operations are required to sample for pathogens and metals and which operations are required to sample for physical contaminants. Per existing regulations[§17868.1(a)], operations that sell or give away greater than 1,000 cubic yards of compost annually must conduct a sample for every 5,000 cubic yards of

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					the frequency schedule specified in Section 17868.1(a) and send to a laboratory...	compost produced and analyze for pathogens and metals. Per proposed regulations [§17868.3.1], all operations are required to sample for physical contaminants.
Also: 17896.61	451Z02	Recology	Erin	Merrill	While we do agree with establishing a contamination limit for finished product, we propose a more reasonable contamination limit of 0.5%, which is a limit that is already widely used and accepted. CalRecycle, at its September 25, 2014 workshop, agreed that many other countries implement a contamination limit of 0.5%. Recology contends that a 0.1% contamination limit on finished compost would be near impossible to meet and would impose too great a cost on the producer.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
	452C01	Napa County, Environmental Health Division	Greg	Pirie	Recommendation: Verification of physical contamination limits at point where compost is <u>sold or removed</u> from site no lower than 1.0% by 2017 with agreed upon analytical test methods. Give the EA more discretion when to apply the analytical testing (EHS vs. compost quality)	<p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>CalRecycle revised §17868.3.1(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.</p> <p>Per §17868.3.1(e), the EA may approve alternative methods of compliance that ensures standards are met.</p>
	452C02	Napa County, Environmental Health Division	Greg	Pirie	Recommendation: Verification of physical contamination limits at point of <u>land application</u> at 0.5% by 2017 with agreed upon analytical test methods.	<p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>Per §17868.3.1(e), the EA may approve alternative methods of compliance that ensures standards are met.</p>
	452J02	Santa Clara County Department of Environmental Health	Chris	Rummel	I further take issue with the method to limit the amount of manmade contaminants in compost product, which I agree is a necessary thing in concept. However, the approach is for practical purposes very hard to implement and needs better explanations. Many things do not make a lot of sense and lacks clarity. There should be a specific testing standard outlined, that answers things like minimum sample size, methodology used to analyze, and 0.1% relative to what? the entire sample, or that which doesn't pass the 4mm screen. Will the sample be dried first before weight determinations? If the sorting and search for contaminants under a microscope requires a water rinse, will the contaminants pulled out be dried again? As discussed, can there be the creation of a set of standardized vials? Even this will be a problem, because many contaminants are coated with silt and dust and do not become visible until rinsed in water.	<p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>CalRecycle revised §17868.3.1(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.</p> <p>If the EA has reason to believe that the determination of physical contaminants made pursuant to §17868.3.1(b) is not accurate, the EA may require the operator to send a sample to a laboratory. The analysis protocol is set forth in §17868.3.1(c).</p> <p>The analysis protocol is based on existing industry practice (see Test Methods for the Examination of Composting and Compost, Method 03.06 Glass Shards, Metal Fragments and Hard Plastic, pg. 03.06-1 - U.S. Department of Agriculture/U.S. Composting Council). The standard specifies a laboratory does</p>

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
						<p>not need to account for contaminants 4millimeters or less in size. The percentage of physical contaminants is determined on a dry weight basis by dividing the dry weight of the physical contaminant greater than 4 millimeter by the total dry weight of the sample.</p> <p>The sampling methodology does not require use of a microscope.</p> <p>The use of standardized vials is not prohibited by the regulation.</p> <p>Silt and dust obscuring physical contaminants should be eliminated during the process to separate physical contaminants 4 millimeters or less in size.</p>
	452K01	Waste Management	Chuck	White	<p>Requiring all compost to achieve a 0.1% contaminant level creates a costly and unnecessary burden when a variety of viable markets exist for varying contaminant levels. For example, some agricultural markets and reclamation projects successfully use compost products with greater than 1% contamination levels without causing harm to human health or the environment. In contrast, the bagged product/homeowner markets tolerate minimal to no contaminants. Based on current experience and practice in the US and California, WM recommends that physical contaminant levels be set by the marketplace and the end users of compost products until a better technical and economic justification can be made to set limits based upon California-specific scientific data and a public review process.</p>	<p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>Different markets may tolerate different levels of contamination, however there should still be a maximum level of contamination allowed in compostable material for the protection of public health and safety, and the environment.</p>
	452K02	Waste Management	Chuck	White	<p>Should the State require set contamination limits, the sampling for physical contamination should follow the United States Composting Council's (USCC) testing method as specified in the "<i>Test Methods for the Evaluation of Compost and Composting (TMECC)</i>" for physical contaminants, as referred to and defined as <i>total inerts</i> (glass, plastic, metals and sharps). This methodology went through a rigid development phase, and has been accepted by many states and adopted by composting programs and end users throughout the US. It is a standard test included in the USCC "<i>Seal of Testing Assurance (STA) Program</i>". Labs approved to provide testing should be on the USCC's "Approved" list, guaranteeing some quality control in conducting the testing procedure. Furthermore, results and compliance should be specified as reported on a dry weight basis, normalizing the measurement method.</p>	<p>CalRecycle has not observed a consensus on the use of Test Methods for the Examination of Composting and Compost - U.S. Department of Agriculture/U.S. Composting Council or mandatory use of labs that are in the U.S. Composting Council's "Seal of Testing Assurance" (STA) program "approved list" in the "Compost Analysis Proficiency Program."</p> <p>CalRecycle revised the proposed regulations to specify that sample results shall be reported on a dry-weight basis.</p>
	452M03	Harvest Power	Linda	Novick	<p>Harvest recommends the development of specific protocols for sample collection and testing associated with the physical contamination testing requirement.</p>	<p>CalRecycle revised §17868.3.1(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.</p> <p>If the EA has reason to believe that the determination of physical contaminants made pursuant to §17868.3.1(b) is not accurate, the EA may require the operator to send a sample to a laboratory. The sampling protocol is set forth in §17868.3.1(d). The analysis protocol is set forth in §17868.3.1(c).</p>

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
	452N01	City of San Jose Environmental Services Department	Kristina	McCaffrey	I would prefer CalRecycle continue to let the market determine the acceptable level of physical contaminants in compost. However, if a limit is to be set, feel a physical contaminant level set at 0.75% is far more pragmatic and achievable and is therefore recommended as an alternative. I also recommend adoption of a gradual phase-in of the physical contamination limit over a several year period. A phased-in approach will provide processors time to implement modifications, and provide time for generator behavior to change, thus making implementation of the physical contamination limit more feasible.	Different markets may tolerate different levels of contamination, however there should still be a maximum level of contamination allowed in compostable material for the protection of public health and safety, and the environment. CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
	452O06	California Compost Coalition	Neil	Edgar	<u>Phased Implementation Schedule – Green Material Compost and Chip and Grind Mulch</u> <i>Adoption of sampling/testing methodologies – December 31, 2017 --- 1% January 1, 2018 – December 31, 2019 --- 0.5% January 1, 2020 --- 0.1%</i> <u>Phased Implementation Schedule – Mixed Material</u> <i>Adoption of sampling/testing methodologies – December 31, 2017 --- 2% January 1, 2018 –December 31, 2019 ---1% January 1, 2020 --- 0.5%</i>	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
	452P16 453C15	IEUA CR&R	Jeff Clarke	Ziegenbein Pauley	We propose that CalRecycle form a new “California Compost Standards Working Group,” to assess and advise the agency on PCLs. We recommend that this section be revised accordingly.	CalRecycle does not object to further study however there is a need to establish a physical contamination limit. CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018. The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation’s (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight. CalRecycle revised §17868.3.1(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.
	452P19 453C18	IEUA CR&R	Jeff Clarke	Ziegenbein Pauley	Create new section § 17868.3.3.: § 17868.3.3.Physical Contamination Limit Phase In (new section). CalRecycle may adopt new Physical Contamination Limits based on the advice and consensus of the California Compost Standards Working Group. The revised Physical Contamination Limits shall be no more than 1 percent, and no less than 0.1 percent by weight of physical contaminants greater than 4	CalRecycle does not object to further study however there is a need to establish a physical contamination limit. CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					millimeters. The new Physical Contamination Limits shall be adopted on a timeline as recommended by the working group.	<p>The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less than 0.5% by dry weight.</p> <p>CalRecycle revised §17868.3.1(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.</p>
	453101	West Marin Compost	Jeffrey A.	Creque	We are supportive of a phased-in standard that allows time for jurisdictions and operators to adjust to the significant potential projected cost increases. While we agree that a 0.1% limit on physical contaminants may be achievable for green material, we do not believe that a limit below 0.5% can be met consistently given the increasing levels of food waste being used as compost feedstock.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
	PHA02	City of Bakersfield Solid Waste Division	Kevin	Barnes	Please do not proceed with the regulation until a test method has been established and some real situational results have been obtained and shared.	<p>CalRecycle does not object to further study however there is a need to establish a physical contamination limit.</p> <p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less than 0.5% by dry weight.</p>
	PHA03	City of Bakersfield Solid Waste Division	Kevin	Barnes	With a volumetric approach, an extreme case of too much film plastic would be caught if there was a reasonable limit of this type. It may be more realistic and practical than a weight based limit, but much more consideration is needed.	<p>During the informal development period, CalRecycle solicited comments on whether contamination should be measured by weight or by volume. The majority of stakeholders preferred a by-weight measurement.</p> <p>CalRecycle revised §17862.1(d), §17868.3.1(b), and §17896.61(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.</p>
	PHB01	Engel & Gray, Inc.	Robert	Engel	We do not see the scientific or operational basis of this particular limit. We believe that the proposed PCL is arbitrary and not based on substantial existing compost operational information in the State. Nor does the economic analysis that was completed as part of the "Initial Statement of Reasons" adequately address the potential economic impact of a 0.1% PCL. Because of this lack of data, we believe that more research is warranted before a PCL	<p>CalRecycle does not object to further study however there is a need to establish a physical contamination limit.</p> <p>The economic analysis conducted by CalRecycle estimates the cost of this sampling and analysis. The economic analysis also includes a range of costs that account for the need for additional equipment and/or labor to meet the standard.</p>

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					<p>number can be justifiably proposed, and reliably met and then enforced. We would propose that CalRecycle staff work with composters such as ourselves to come up with realistic limits. We believe CalRecycle should stay with current language and practices and then work with Industry to come up with workable solutions.</p>	<p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight.</p> <p>CalRecycle revised §17868.3.1(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.</p>
	PHB04	Engel & Gray, Inc.	Robert	Engel	<p>The economic impact of endeavoring to achieve a 0.1% PCL to our organization, at this time cannot even be estimated as we do not know what analysis would be required. Equipment or processes to achieve the unknown is hard to quantify.</p> <p>A phased in process, which takes into account technology availability, cost, analytical measurement, enforcement, and working with compost manufactures would be something that we would support moving forward.</p>	<p>Laboratories are currently performing physical contamination analysis even though it is not required by regulation. The economic analysis conducted by CalRecycle estimates the cost of this sampling and analysis. The economic analysis also includes a range of costs that account for the need for additional equipment and/or labor to the meet the standard.</p> <p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>CalRecycle revised §17868.3.1(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.</p>
	PHQ03	California Refuse Recycling Council	Veronica	Pardo	<p>We are in support of an industry achievable contamination level as well as a standardized and repeatable lab protocol included in your regulations.</p>	<p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>CalRecycle will allow for stakeholder input on the development of the sampling and analysis methodology used to determine the percentage of physical contamination in compostable material, digestate, and compost.</p>
	PHQ04	California Refuse Recycling Council	Veronica	Pardo	<p>We highly recommend, as other stakeholders, the formation of an industry committee or working group comprised of composters, waste management industry, as well as food and ag representatives, water board, and other affected stakeholders to tackle the salient issues that have been brought up today and in the letter.</p>	<p>CalRecycle does not object to further study however there is a need to establish a physical contamination limit.</p> <p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p>

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
						<p>The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less than 0.5% by dry weight.</p> <p>CalRecycle revised §17868.3.1(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.</p>
	PHQ05	California Refuse Recycling Council	Veronica	Pardo	These regs really are crucial to reach the 75 percent diversion goals of the state, and as they're written in their current form, specifically around the contamination levels, we believe that it would thwart the goals of the state in reaching those goals, the diversion rate goals.	It is not our intention to be contradictory to State objectives for diverting waste from landfills. Green material can be a source of odors, vectors, and other nuisances, which poses a risk to public health, safety, and the environment.
	PHR02	Californians Against Waste	Nick	Lapis	The 0.1% doesn't work. There is a compromise in the range of 0.5% to 0.75% with a standard that's an equal playing field for land application and composting in terms of the finished product after the decomposition process also potentially different standards for different inert materials.	<p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>CalRecycle revised §17868.3.1(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.</p> <p>CalRecycle will consider the effects of variability of volume and mass reduction as it develops its sampling and analysis methodology.</p>
	PHS01	Republic Services	Chuck	Helget	The 0.1 percent is simply unenforceable and economically unfeasible, and we would suggest at least a 0.5 percent threshold.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
	PHT01	California Compost Coalition	Neil	Edgar	The physical contaminate limit, which we believe is untenable. We presented an alternative plan, where clean green material and chip and grind material could adhere likely to a 0.1 percent standard.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
	PHT02	California Compost Coalition	Neil	Edgar	We also have proposed that testing labs be required to utilize the US Composting Council's seal testing assurance program, the TMECC methods. That will provide apples to apples comparison of contaminate levels, and then those labs can report back to CalRecycle over the next several years where the median range and matrix are on the actual contaminate levels or they're present at composting facility.	CalRecycle has not observed a consensus on the use of Test Methods for the Examination of Composting and Compost - U.S. Department of Agriculture/U.S. Composting Council.
	PHT03	California Compost Coalition	Neil	Edgar	We proposed a 0.5 percent standard and, granted, both of these standards would be phased in over a five-year period to allow the industry to adjust, our estimates are that the economic impact ranges somewhere in the 13 to 15 percent of the total market value of all compost and mulch products that are produced right now.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(a)	45B15	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Revise the second sentence as follows so that disposal is not the first option and rather additional processing shall take place before disposal is considered. "Compost that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters shall be designated for disposal, additional processing, disposal, or other use as approved by local, state or federal agencies having appropriate jurisdiction."	CalRecycle revised §17868.3.1(a) accordingly.
(a)	45W09	Synagro	Layne	Baroldi	Section 17868.3.1 requires compost to contain less than 0.1% physical contaminants on a dry weight basis. This is exceedingly difficult to achieve, especially if curbside green waste is used as a feedstock. With state objectives to remove green waste from landfills, this requirement will be contradictory with those objectives.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018. It is not our intention to be contradictory to State objectives for diverting waste from landfills. Green waste can be a source of odors, vectors, and other nuisances, which poses a greater risk to public health, safety, and the environment.
(a)	45W10	Synagro	Layne	Baroldi	A 1.0% physical contaminant level is far more pragmatic and achievable and is therefore recommended as an alternative.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a)	451E04	Athens Services	Brian	Johsz	The proposed amendment, to not allow compost to contain more than 0.1% by weight of physical contaminants greater than 4 millimeters, is unfeasible and not practically achievable.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a)	451H01	CRRC	Ralph	Chandler	The current proposed level of 0.1% by weight of physical contaminants greater than 4 millimeters is impracticable.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a)	451H02	CRRC	Ralph	Chandler	CRRC proposes a realistic 1% target physical contamination level.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a)	451Q05	California Association of Sanitation Agencies	Greg	Kester	A 0.5% physical contaminant level is far more pragmatic and appears achievable and is therefore recommended as an alternative.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a) Also: §17852(a) (24.5)	452B01	California Organic Recycling Council	Matthew	Cotton	We would prefer that CalRecycle continue to allow market forces to dictate the level of acceptable physical contaminants in finished compost. We do not believe that the proposed 0.1 percent standard is based on either science, practice, or other documented study, nor is it in any way necessary for the protection of public health, safety, and/or the environment. CORC has always and continues to promote high quality markets for compost and appreciates the spirit of what CalRecycle may be trying to do, if not the approach. We are reluctantly supportive of a phased-in standard that allows time for jurisdictions and operators to adjust to the significant potential cost increases you have projected in your economic analysis. Specifically, while we agree that a 0.1% limit on physical contaminants *may* be achievable for green material-only composters, we do not believe that a limit below 0.5% can be met consistently, particularly given the increasing levels of food scraps that are, and will be, used as compost feedstock.	Different markets may tolerate different levels of contamination, however there should still be a maximum level of contamination allowed in compostable material for the protection of public health and safety, and the environment. CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018. The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less than 0.5% by dry weight.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
						“Glass shards (4-mm to 13-mm) can pose a human and animal hazard with unprotected exposure or through direct ingestion. Metal fragments can pose the same hazard, and could be a potential source of trace elements upon interaction with soil. Hard plastic can be an aesthetic concern and in large quantities may affect physical properties of a compost-amended soil, (e.g., soil coloring, heat retention, drainage).” [Test Methods for the Examination of Composting and Compost, Method 03.06 Glass Shards, Metal Fragments and Hard Plastic, pg. 03.06-1 - U.S. Department of Agriculture/U.S. Composting Council]
(a)	452P14	IEUA	Jeff	Ziegenbein	We believe that the Physical Contamination Limits (PCLs), as proposed, have not been adequately studied to be adopted.	<p>CalRecycle does not object to further study however there is a need to establish a physical contamination limit.</p> <p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation’s (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less than 0.5% by dry weight.</p>
(a)	452P15 453C14	IEUA CR&R	Jeff Clarke	Ziegenbein Pauley	We propose that CalRecycle form a new “California Compost Standards Working Group,” to assess and advise the agency on PCLs.	<p>CalRecycle does not object to further study however there is a need to establish a physical contamination limit.</p> <p>CalRecycle revised §17868.3.1(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.</p>
(a)	452P18 453C17	IEUA CR&R	Jeff Clarke	Ziegenbein Pauley	<p>Revise section to read:</p> <p>§ 17868.3.1. Physical Contamination Limits. (a) Upon adoption, and effective until “Physical Contamination Limit Phase In,” Compost shall not contain more than 1% by weight of physical contaminants greater than 4 millimeters. Sample results, collected at the minimum frequency prescribed in section 17868.</p>	<p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>The requirements of §17868 apply to sampling for pathogens and metals. §17868 cannot be used for the sampling of physical contaminants because there is a distinction between which operations are required to sample for pathogens and metals and which operations are required to sample for physical contaminants. Per existing regulations[§17868.1(a)], operations that sell or give away greater than 1,000 cubic yards of compost annually must conduct a sample for every 5,000 cubic yards of compost produced and analyze for pathogens and metals. Per proposed regulations [§17868.3.1], all operations are required to sample for physical contaminants.</p>
(a)	452S03	CCDEH	Rebecca	Ng	<p>Phased Implementation Schedule-</p> <p>Green Material Compost and Chip and Grind Mulch Adoption of testing methodologies - December 31, 2017 1% January 1, 2018 -December 31, 2019 0.5% January 1, 2020 0.1%</p>	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					Phased Implementation Schedule - Mixed Material Adoption of testing methodologies - December 31, 2017 2% January 1, 2018 -December 31, 2019 1% January 1, 2020 0.5%	
(a)	452S04	CCDEH	Rebecca	Ng	All lab testing for physical contaminants would be required at labs participating in the USCC's Seal of Testing Assurance Program (STA), employing the TMECC method.	CalRecycle has not observed a consensus on the use of Test Methods for the Examination of Composting and Compost - U.S. Department of Agriculture/U.S. Composting Council or mandatory use of labs that are in the U.S. Composting Council's "Seal of Testing Assurance" (STA) program "approved list" in the "Compost Analysis Proficiency Program."
(a)	453D02	SF Environmental	Jack	Macy	Our primary concern is the proposed 0.1% physical contamination limit for compost. We do not believe that it is currently possible or economically feasible for composters to achieve that limit for those receiving food material, especially post-consumer food scraps, that are the largest material being landfilled and the most critical to increase diversion.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018. CalRecycle assumes operators will incur costs associated with removing contaminants from feedstock or product to meet this standard. Initially, operators may employ labor and/or utilize available equipment (e.g., screens) to remove contaminants. Moving forward, CalRecycle anticipates the standard may stimulate the development of innovative equipment or physical processes to more efficiently and cost-effectively remove contaminants.
(a)	453D03	SF Environmental	Jack	Macy	While we would like to see evidence that market forces cannot drive acceptable contamination levels, we are supportive of setting a contamination limit initially at 1%, and then allow, if deemed necessary, a phased-in standard that would go no lower than 0.5% after at least several years to give industry and jurisdictions time to adjust to the significantly higher processing costs as referenced in your economic analysis.	Different markets may tolerate different levels of contamination, however there should still be a maximum level of contamination allowed in compostable material for the protection of public health and safety, and the environment. CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018. The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less than 0.5% by dry weight. "Glass shards (4-mm to 13-mm) can pose a human and animal hazard with unprotected exposure or through direct ingestion. Metal fragments can pose the same hazard, and could be a potential source of trace elements upon interaction with soil. Hard plastic can be an aesthetic concern and in large quantities may affect physical properties of a compost-amended soil, (e.g., soil coloring, heat retention, drainage)." [Test Methods for the Examination of Composting and Compost, Method 03.06 Glass Shards, Metal Fragments and Hard Plastic, pg. 03.06-1 - U.S. Department of Agriculture/U.S. Composting Council]
(a)	453E01	Sector Strategies	Chuck	Helget	We believe that samples should be analyzed on a "dry weight" basis.	CalRecycle revised the proposed regulations to specify that sample results shall be reported on a dry-weight basis.
(a)	453E02	Sector Strategies	Chuck	Helget	The contamination threshold is far too low and that they are unachievable (or achievable only at an excessive cost), unenforceable and as such will inhibit the siting and expansion of compost facilities. In other words, the cost of achieving the threshold will drain capital investment away from expanding	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					the composting infrastructure at a time when AB 1826 will require large amounts of new capacity!	<p>CalRecycle assumes operators will incur costs associated with removing contaminants from feedstock or product to meet this standard. Initially, operators may employ labor and/or utilize available equipment (e.g., screens) to remove contaminants. Moving forward, CalRecycle anticipates the standard may stimulate the development of innovative equipment or physical processes to more efficiently and cost-effectively remove contaminants.</p> <p>It is not our intention to be contradictory to State objectives for diverting waste from landfills. Compostable material can be a source of odors, vectors, and other nuisances, which poses a greater risk to public health, safety and the environment.</p>
(a)	453E03	Sector Strategies	Chuck	Helget	Therefore, we urge CalRecycle to consider raising the threshold at a minimum to .5% and that there be a phase-in period to allow the industry time to adapt.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a)	453G01	Californians Against Waste	Nick	Lapis	The proposed 0.1% contamination standard is unworkable, unsubstantiated, and a barrier to expanding composting and meeting the state's 75% goal.	<p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>CalRecycle assumes operators will incur costs associated with removing contaminants from feedstock or product to meet this standard. Initially, operators may employ labor and/or utilize available equipment (e.g., screens) to remove contaminants. Moving forward, CalRecycle anticipates the standard may stimulate the development of innovative equipment or physical processes to more efficiently and cost-effectively remove contaminants.</p> <p>It is not our intention to be contradictory to State objectives for diverting waste from landfills. Compostable material can be a source of odors, vectors, and other nuisances, which poses a greater risk to public health, safety and the environment.</p>
(a)	453G02	Californians Against Waste	Nick	Lapis	This requirement seems to be trying to solve a problem that doesn't actually exist. When compost is sold, the market dictates what levels of contamination is acceptable, and cases of heavily contaminated compost have been exceedingly rare.	Different markets may tolerate different levels of contamination, however there should still be a maximum level of contamination allowed in compostable material for the protection of public health and safety and the environment.
(a)	453G03	Californians Against Waste	Nick	Lapis	The threshold (physical contamination limit) should be in the 0.5% - 0.75% range.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a)	453G05	Californians Against Waste	Nick	Lapis	The standard (physical contamination limit) should be phased in over a reasonable period of time to minimize the impact on the industry.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a)	453G06	Californians Against Waste	Nick	Lapis	CalRecycle should consider having a different standard (physical contamination limit) for heavy, but inert contaminants (such as glass).	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a)	453H02	Sonoma County Dept. of Health Services	Jennifer	Lyle	The Sonoma County LEA is supportive of a phased approach to meeting the 0.1% contaminant limits in compost products proposed by the California Compost Coalition.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(a)	451U02	Stop Waste	Gary	Wolff	The proposed 0.1 percent standard does not appear to be based on documented practice, nor does it appear to be necessary for the protection of public health, safety, and/or the environment.	<p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight.</p> <p>"Glass shards (4-mm to 13-mm) can pose a human and animal hazard with unprotected exposure or through direct ingestion. Metal fragments can pose the same hazard, and could be a potential source of trace elements upon interaction with soil. Hard plastic can be an aesthetic concern and in large quantities may affect physical properties of a compost-amended soil, (e.g., soil coloring, heat retention, drainage)." [Test Methods for the Examination of Composting and Compost, Method 03.06 Glass Shards, Metal Fragments and Hard Plastic, pg. 03.06-1 - U.S. Department of Agriculture/U.S. Composting Council].</p>
(a)	451U03	Stop Waste	Gary	Wolff	We agree with CCC and CORC that market forces should dictate the level of allowable contaminants (except when regulations are necessary to protect public health, safety, or the environment).	Different markets may tolerate different levels of contamination, however there should still be a maximum level of contamination allowed in compostable material for the protection of public health and safety and the environment.
(a)	452M02	Harvest Power	Linda	Novick	In reality, farmers, landscapers and other compost users are setting this level already. We recommend beginning with a level of 1% contamination by weight, and ramping down to 0.5% in 2020 for all handling operations and facilities.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a)	PHN03	Association of Compost Producers	Kathy	Lynch	We believe that number (0.1%) is an impossible number to reach at this time.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a)	PHO02	California Resource Recovery Association	John	Dane	We particularly call attention to the problematic .1 physical contamination limit. We certainly support our technical council's preference that market forces define the level of physical contamination in the finished compost.	<p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>Different markets may tolerate different levels of contamination, however there should still be a maximum level of contamination allowed in compostable material for the protection of public health and safety, and the environment.</p>
(a)	PHQ02	California Refuse Recycling Council	Veronica	Pardo	We consider the current .01 to be unattainable not only from a cost perspective as economic and fact report estimates a cost scenario of \$50 million but also from a lab testing perspective and that was spoken to today.	<p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>CalRecycle assumes operators will incur costs associated with removing contaminants from feedstock or product to meet this standard. Initially, operators may employ labor and/or utilize available equipment (e.g., screens) to remove contaminants. Moving forward, CalRecycle anticipates the standard may stimulate the development of innovative equipment or physical processes to more efficiently and cost-effectively remove contaminants.</p>

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(b)	452M01	Harvest Power	Linda	Novick	Harvest recommends a two-step approach for all compost material handling operations and facilities. First, the EA conducts a visual inspection, and, at the request of the EA, each operation shall take a representative sample of compost for sampling. This language is articulated in section (b) but currently only includes compost materials handling operations and not composting facilities. Harvest recommends that this section be modified to apply to both compost material handling operations and facilities. The language articulated in (b) would be followed: <i>Upon request from the EA, a compostable material handling operation or composting facility shall take a representative sample of compost and send to a laboratory at which physical contamination greater than 4 milliliters shall be collected and weighed and the % of physical contamination determined.</i>	CalRecycle revised §17868.3.1(b) to require operators of both compostable materials handling operations and facilities to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. If the EA has reason to believe that the determination of physical contaminants made pursuant to §17868.3.1(b) is not accurate, the EA may require the operator to send a sample to a laboratory. The analysis protocol is set forth in §17868.3.1(c).
(d)	452B02	California Organic Recycling Council	Matthew	Cotton	We are also aware that there are questions within the analytical lab community as to the repeatability and sampling protocol for such a low standard.	CalRecycle revised §17868.3.1(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.
§17868.5. Green Material and Vegetative Food Material Processing Requirements						
(a)	453H01	Sonoma County Dept. of Health Services	Jennifer	Lyle	The regulation to meet the 1% contaminant requirement should allow a short time frame for sorting in addition to load checking. Curbside green cans often have greater than 1% contamination that present difficulty for the operators in meeting the requirement. In addition, 1% contamination on inbound feedstock is difficult to assess. We support the new regulations that propose limits to the percentage of contamination in the end product to 0.1% thereby achieving a clean, viable compost product.	Green Material Composting Operations are placed in the EA Notification tier, and Vegetative Food Material Composting Facilities are placed in the Registration tier based, in part, by the type of materials handled. Materials with low physical contamination levels pose fewer impacts on public health and safety and the environment. Materials with greater than 1.0 physical contaminants are defined as Mixed Material [§17852(a)(26)]. Facilities handling mixed material must obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1.
(a)(1)	45B16	Los Angeles County Solid Waste Management Committee	Margaret	Clark	It is next to impossible to visually measure the level of physical contaminant to 1.0 percent or less by weight. It is recommended that (1) a minimum of 5% of daily incoming feedstock, (b) a percentage established based on a 90% confidence level of the incoming feedstock, or (c) at least one truck load, whichever is the greatest, shall be tested.	Load checking of green material feedstock to ensure that physical contaminants are not greater than 1.0% of total weight is required by existing regulations. These proposed regulations add the requirement to load check vegetative food material feedstock, and raise the minimum load check frequency from one percent of daily incoming volume to ten percent of daily incoming volume. This is necessary to prevent feedstocks that pose a greater risk to the public health and safety and environment from being handled at green material handling operations or facilities, and vegetative food material composting facilities. The requirement to load check 10 percent of daily incoming loads is a minimum standard. It is not necessary to require the use of statistics to determine the number of load checks per day, however, an operator can elect to use statistics as long as the number of load checks per day is not fewer than the minimum standard.
	452G02	Los Angeles Bureau of Sanitation	Enrique C.	Zaldivar	LASAN recommends that feedstock including green material and/or food material must be visually inspected for the physical contaminants. However, if the load is found to include physical contaminants that exceed 10 percent by weight of the entire load, it then must be taken to a full solid waste permit facility for processing.	Green material composting operations and vegetative food material composting facilities are allowed to receive material that contains less than 1.0% physical contaminants. If material exceeds the 1.0% physical contamination limit, it is considered to be mixed material and must be handled at a compostable material handling facility.
	453L07	County of San Diego Department of Environmental	KariLyn	Merlos	The LEA suggests that CalRecycle take the opportunity with this regulatory package to define processing timelines for compostable materials. There should be some consideration of a mandated maximum time these materials may be held on-site prior to physical processing, mixing/blending, placement	It is not necessary to provide more a prescriptive standard as §17867 (a)(2) requires all handling activities to be conducted in a manner that minimizes odor impacts as to not cause a nuisance. Furthermore, §17867(a)(3) requires all handling activities to be conducted in a manner that minimizes

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
		Health, Solid Waste Enforcement Agency			within a windrow or pile or covered to prevent vector breeding or impacts, odor or dust impacts. There are such requirements in regulation pertaining to operational standards for Construction and Demolition and Inert Debris Transfer/Processing and Municipal Solid Waste Transfer/Processing activities. The LEA suggests processing of green materials within 96 hours of receipt with the option for the LEA to grant up to 7 days with conditions, and processing of vegetative food materials within 48 hours of receipt with the option for the LEA to grant up to 96 hours with conditions.	vectors, litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and transportation of dust, particulates, and pathogenic organisms.
§17869. General Record Keeping Requirements						
	452M05	Harvest Power	Linda	Novick	The general record keeping requirements section states that all compostable materials handling operations and facilities retain all record for five (5) years. It appears that chip and grind facilities with materials destined for land application are subject to these same requirements. To clarify this statement, we recommend that chip and grind operations and land application sites be added to the list of regulated facilities under this section.	A chipping and grinding operation and facility is considered compostable material handling operation or facility, so they are subject to the requirements of this section. Chipping and grinding operations and facilities and land application sites are not subject to the requirements of 17868.1 through 17868.3, therefore, they would not have records to maintain. Per §17862.1(d), a chipping and grinding operation or facility must sample every 5,000 cubic yards of chipped and ground material and determine the percentage of physical contaminants in the material. Per §17869(f), the operator must keep records of these determinations.
§17896.1. Authority and Scope						
(a)	451Y05	County Sanitation Districts of Los Angeles County	Paul	Prestia	Section 17896.1(a) indicates that Chapter 3.2 sets permitting requirements and minimum operating standards for in-vessel digestion operations and facilities that receive and process "solid waste." Since "solid waste" is not defined in Section 17896.2, it may be more appropriate to use the term "digestible organic material" for this chapter. CalRecycle should substitute "solid waste" for "anaerobically digestible material" in Section 17896.1(a).	§17896.1 is the authority and scope section. It is appropriate for CalRecycle to use the term "waste," because Public Resources Code §43020 provides CalRecycle with the authority to adopt and revise which set forth standards for solid waste handling, transfer, composting, transformation, and disposal. Solid waste is defined in Public Resources Code §40191.
(c)	45B17	Los Angeles County Solid Waste Management Committee	Margaret	Clark	It has been stated that digestion of organic materials (both "compostable" such as green materials and "non-compostable" such as landfill plastic liners) can occur naturally. Please refer to the General Comment #1 (45B01) and Section 17896.2(a)(7), and verify the accuracy of the said statement.	As defined, "digestion" means the controlled biological decomposition of organic solid wastes. Biological decomposition occurs naturally in marshes, wetlands, landfills, ruminants, and certain insects" [Statewide Anaerobic Digester Facilities For The Treatment of Municipal Organic Solid Waste Final Program Environmental Impact Report. Pg. 3-3]. Chapter 3.2 establishes standards and regulatory requirements for the intentional processing of organic material by means of in-vessel digestion.
(d)	45B18	Los Angeles County Solid Waste Management Committee	Margaret	Clark	In part, this Subsection states ".....However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter (emphasis added)." Such an authority is far reaching and it is limited to the State Legislative body and not the State Administrative body because the proposal would negatively impact a local jurisdiction's land use decision. As such, the term "conflict" needs to be defined or the statement should be revised to read ".....However, no city, county, or special district may promulgate or enforce laws which are less restrictive than the provision of this Chapter."	Public Resources Code, §40053 states, "This division, or any rules or regulations adopted pursuant thereto, is not a limitation on the power of a city, county, or district to impose and enforce reasonable land use conditions or restrictions on solid waste management facilities in order to prevent or mitigate potential nuisances, if the conditions or restrictions do not conflict with or impose lesser requirements than the policies, standards, and requirements of this division and all regulations adopted pursuant to this division."
§17896.2. Definitions						
(a)	45B19	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand this Subsection to provide definition for the processed mammalian tissue, flesh, organs, hide, blood, bones and marrow.	It is not necessary to provide a definition for processed mammalian tissue, flesh, organs, hide, blood, bones and marrow. This prohibition is adapted from an existing prohibition in the Compostable Materials Handling Operations and Facilities Regulatory Requirements [§17855.2]. CalRecycle has not received sufficient comment to warrant a change.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(a)	45X03	CSS	Dan	Morash	In order to clarify regulatory jurisdictional authority, CSS recommends the addition of the definition of "Renderer" to section 17896.2 that corresponds to Food and Agricultural Code section 19213 as follows: 19213. "Rendering" means all recycling, processing, and conversion of animal and fish materials and carcasses and inedible kitchen grease into fats, oils, proteins, and other products that are used in the animal, poultry, and pet food industries and other industries.	CalRecycle added a definition of "Rendering" to §17896.2(a)(29). The definition is consistent with Food and Agricultural Code §19213.
(a)	45Y04	CleanWorld	Tracy	Saville	CleanWorld proposes that the wording (from In-Vessel definitions) be changed from "receives" to "feeds".	The use of the term "receives" is consistent with existing regulations and is commonly understood by EAs, stakeholders, and industry. The term "receives" address the activity of handling feedstock prior to digestion.
(a)(6)	452P20 453C19	IEUA CR&R	Jeff Clarke	Ziegenbein Pauley	Recommend change the definition to: "Digestate means the solid and/or liquid residual material product remaining after organic material has been processed in an in-vessel digester."	It is preferred to describe digestate as a material, as digestate may or may not be considered a product.
(a)(7)(A) (a)(7)(B)	PHL05	INIKA	Tyla	Montgomery	We'd like a better distinction in the rules that distinguishes aerobic in-vessel digesters versus anaerobic digesters because in-vessel aerobic digesters are compost	§17855(a)(4) and §17896(a)(3) are independent. An activity could be considered one or the other.
(a)(8)	451J04	USCC	Al	Rattie	We are opposed to allowing dairies to take off-farm food scraps for digestion under a simple "notification" tier.	Dairy digesters that receive imported solid waste feedstock for purposes of co-digestion with manure in an in-vessel digester are eligible to operate in the EA Notification tier only if they operate in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board. CalRecycle placed these operations in the EA Notification tier in recognition of the regulatory oversight provided by a Regional Water Quality Control Board through Waste Discharge Requirements. Further, per §17896.9(a)(1), these operations are subject to additional inspections requirements. Dairy in-vessel digesters will be inspected by the EA at least once a month for the first 12 months of operation. After the first 12 months of operation an EA may approve, with Department concurrence, a reduced inspection frequency of once every 3 months. After the first 24 months of operation, the EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment. Finally, CalRecycle added additional requirements in the form of feedstock processing restrictions to §17896.9(a)(2).
(a)(8)	451J05	USCC	Al	Rattie	We are also concerned that dairies will be given an unfair competitive advantage as compared to other commercial entities that have to meet more stringent requirements.	Dairy digesters that receive imported solid waste feedstock for purposes of co-digestion with manure in an in-vessel digester are eligible to operate in the EA Notification tier only if they operate in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board. CalRecycle placed these operations in the EA Notification tier in recognition of the regulatory oversight provided by a Regional Water Quality Control Board through Waste Discharge Requirements. Further, per §17896.9(a)(1), these operations are subject to additional inspections requirements. Dairy in-vessel digesters will be inspected by the EA at least once a month for the first 12 months of operation. After the first 12 months of operation an EA may approve, with Department concurrence, a reduced inspection frequency of once every 3 months. After the first 24 months of operation, the EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment. Finally, CalRecycle added additional requirements in the form of feedstock processing restrictions to §17896.9(a)(2).

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(a)(8)		Agricultural Council of California	Rachel	O'Brien	We furthermore have some serious concerns about the regulations pertaining to the dairy industry specifically dairy digesters. This technology promises the potential to create renewable energy, reduce environmental impacts, and we ask that CalRecycle work with us to help this technology overcome existing barriers and avoid regulatory duplications and overlap with CDFA and the Regional Water Quality Control Board.	CalRecycle has worked and continues to work cooperatively with partner agencies, such as the Regional Water Quality Control Board and California Department of Food and Agriculture, to address duplication and overlap. CalRecycle is not allowed to duplicate other existing state or federal regulations.
(a)(9)	453B08	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	We recommend the same tonnage limits applied to the Distribution Center In-Vessel Digestion Operation as used for In-Vessel Digestion Operations and Facilities.	It is not necessary to apply tonnage limits to a Distribution Center In-Vessel Digestion Operation. Public health and safety and the environment is protected by controlling the types of materials these operations are allowed to handle. By definition [§17896.2(a)(9)], these types of operations can only handle unsold products from retail stores to which the products were originally sent. All unsold products must be collected and processed in covered, leak-proof containers, and remain in the custody of the owner at all times. All unsold products that are putrescible shall be refrigerated at the retail store and shall be maintained at a core temperature of 13 degrees Celsius (55 degrees Fahrenheit) or less during transport to the operation.
(a)(9)	453B09	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	For consistency, "putrescible material" mentioned in this section should be changed to "putrescible waste".	CalRecycle revised the section to omit the term "waste."
(a)(14)	45Y01	CleanWorld	Tracy	Saville	CleanWorld proposes that the definition's language (Limited Volume In-Vessel Digestions Operation) be changed to reflect a 30-day average requirement.	The proposed regulation's seven day average is sufficient. It is not necessary to change to a 30-day average.
(a)(14) (a)(17)	45Y03	CleanWorld	Tracy	Saville	We feel that adding a clause about giving the LEA the flexibility to provide exemptions for digester operations on a case-by-case basis is not an adequate solution to this concern.	The proposed regulations to not include a clause giving the LEA flexibility to determine average tonnage limits on a case-by-case basis.
(a)(14) (a)(17)	PHK01	CleanWorld	Cory	Bullis	The current definitions of the maximum tonnage for both limited volume and medium volume in-vessel digestion operations are allowed to receive on a weekly basis severely inhibits the flexibility we need in a digester operation.	The proposed regulation's seven day average is sufficient. It is not necessary to change to a 30-day average.
(a)(14) (a)(17)	PHK02	CleanWorld	Cory	Bullis	We propose that the definitions language be changed to reflect a thirty-day rolling average instead of a one-week average to preserve the flexibility in our operations.	The proposed regulation's seven day average is sufficient. It is not necessary to change to a 30-day average.
(a)(14) (a)(17)	PHR03	Californians Against Waste	Nick	Lapis	To Cory Bullis' point from CleanWorld, I think he's right. It does seem to make sense to have a thirty-day rolling average for material.	The proposed regulation's seven day average is sufficient. It is not necessary to change to a 30-day average.
(a)(17)	45Y02	CleanWorld	Tracy	Saville	This same flexibility (see 45Y01) should be given to medium volume in-vessel digesters.	The proposed regulation's seven day average is sufficient. It is not necessary to change to a 30-day average.
(a)(18)	45B20	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Nuisance. Please refer to the Specific Comment #2 (45B06) for concerns and recommendations.	The "Nuisance" definition is the same as the existing definition of "Nuisance" in 14 CCR §17402(a)(12) relating to Transfer/Processing Operations and Facilities. The definition is standard legal language for defining a "public nuisance" as found in California Civil Code §§ 3479 and 3480 and which forms the basis for public agencies to abate nuisances in Civil Code §§ 3491 and 3494.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
						§17896.2(a)(2)(B) is consistent with California Civil Code §3480, so it is not appropriate to delete subdivision (B).
(a)(18)	PHM03	LA County Task Force	Mike	Mohajer	So you have got to define the "entire community."	The "Nuisance" definition is the same as the existing definition of "Nuisance" in 14 CCR §17402(a)(12) relating to Transfer/Processing Operations and Facilities. The definition is standard legal language for defining a "public nuisance" as found in California Civil Code §§ 3479 and 3480 and which forms the basis for public agencies to abate nuisances in Civil Code §§ 3491 and 3494. The phrase "entire community or neighborhood" is one alternative standard. The definition also allows use of "any considerable number of persons."
(a)(27)	452P21	IEUA	Jeff	Ziegenbein	Salvaging Definition. This is the same as material recovery. Recommend: Add "(e.g. Material Recovery Facility)."	CalRecycle regulations do not use the term "material recovery facility."
	453C20	CR&R	Clarke	Pauley		
§17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities						
	451Y04	County Sanitation Districts of Los Angeles County	Paul	Prestia	We suggest that just tons per day (tpd) be used in Section 17896.5, as shown below. <u>Notification Tier</u> Limited Volume In-Vessel Digestion Operations (<15 tpd), Section 17896.11 <u>Registration Tier</u> Medium Volume In-Vessel Digestion Operations (≥15 tpd & ≤100 tpd), Section 17896.12 <u>Full Solid Waste Facility Permit</u> Large Volume In-Vessel Digestion Operations (> 100 tpd), Section 17896.13	The chart in §17896.5 reflects the text in §17896.2(a)(15), (a)(16), and (a)(19). Both volume and weights limits are provided because some operations or facilities may not have scales available.
	452P22	IEUA	Jeff	Ziegenbein	In Vessel Regulatory Tiers: Distribution Center In-vessel Digestion Operations is placed in Notification Tier with no volume limit. This seems like an opportunity for large "Distribution Center" food waste AD to be unregulated. Recommend Change: "Small Distribution Center In-Vessel Digestion Operations (less than 60 yd3 or 15 tpd)" Distribution center in-vessel digestion operations larger than this should be regulated under "Medium Volume" and "Large Volume" requirements.	It is not necessary to place Distribution Center In-Vessel Digestion Operations into the regulatory tiers. Public health and safety and the environment is protected by controlling the types of materials these operations are allowed to handle. By definition [§17896.2(a)(9)], these types of operations can only handle unsold products from retail stores to which the products were originally sent. All unsold products must be collected and processed in covered, leak-proof containers, and remain in the custody of the owner at all times. All unsold products that are putrescible shall be refrigerated at the retail store and shall be maintained at a core temperature of 13 degrees Celsius (55 degrees Fahrenheit) or less during transport to the operation.
	453C21	CR&R	Clarke	Pauley		
§17896.6. Excluded Facilities						
(a)	45X04	CSS	Dan	Morash	And then in Section 17896.6, CSS recommends a Renderer exclusion to this Excluded Activities section as follows: All in-vessel fresh food digestion processes that are permitted and regulated under the California Department of Food and Agriculture Code qualify as an excluded activity under this section.	CalRecycle added a definition of "Rendering" to §17896.2(a)(29).
(a)(1)(A)	45C01	Anaergia	David	Schneider	With the proposed regulations, there is no limit on the amount of contaminants that can be received by a POTW. We believe the intent of this exemption is to ensure that a significant proportion of any waste preprocessing take place offsite in a solid waste permitted facility or in an	The regulations do not include an explicit percent contamination limit, however, they do contain pre-processing limitations. Any material received must meet the requirements of §17896.6(a)(1)(A), which specifies the material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					onsite solid waste permitted facility, but there should be some sort of specification such as not to exceed 5% contaminants greater than 4 mm.	the POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and conveyed in a contained system. This exclusion would not apply to a POTW receiving waste that does meet these requirements.
(a)(1)(A)	45C02	Anaergia	David	Schneider	We would highly recommend that a specification on the amount of contaminants allowed for this exemption be based on a dry basis which considered the total solids in the hauled in organic fraction.	It is not necessary to require “hauled in organics” at a POTW to meet a physical contamination limit. Any material received must meet the requirements of §17896.6(a)(1)(A), which specifies the material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and conveyed in a contained system. This exclusion would not apply to a POTW receiving waste that does meet these requirements.
(a)(1)(A)	451Q01	California Association of Sanitation Agencies	Greg	Kester	Replace with: <i>Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant. Once on site, the anaerobically digestible material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated to enhance the anaerobic digestion process or operation prior to anaerobic digestion, but must be processed and conveyed in a contained system. Any separated material at the POTW that is not suitable for anaerobic digestion and has no beneficial use shall be further managed as a solid waste.</i>	The EA would not be able to determine if the material is being separated or treated to enhance the process or operation, so the suggested addition would not be an enforceable requirement.
(a)(3)	451Y03	County Sanitation Districts of Los Angeles County	Paul	Prestia	As proposed in Section 17896.6(a)(3), an in-vessel digestion facility with 100 cubic yards of total material (solid waste, feedstock, and digestate) on-site at any given time is excluded from the requirements of Chapter 3.2 (In-Vessel Digestion Operations and Facilities Regulatory Requirements). It is unclear, however, why this facility would not be permitted under a Registration Tier or Full Solid Waste Facility Permit Tier given the 100 cubic yard volume. The 100 cubic yards exceeds the 60 cubic yard threshold for a medium volume facility as defined in Section 17896.2(a)(17).	The exclusion in §17896.6 (a)(4) pertains to in-vessel digestion activities with less than a total of 100 cubic yards of solid waste, feedstock, and digestate on-site . Medium Volume In-vessel Digestion Facilities {§17896.2(a)(17)} receives an average of 15 tons (or 60 cubic yards) or more but less than 100 tons of solid waste per operating day .
(a)(4)	451T02	East Bay Municipal Utility District	Donald	Gray	EBMUD also recommends that the regulation provide a means to apply for the exclusion for anaerobic digesters at a POTW that are dedicated to solely accepting hauled-in anaerobically digestible materials and which do not co-digest sewage sludge, as long as they are similarly regulated through the NPDES permit or WDR. The following paragraph is recommended to replace section 17896.6(a)(4): (4) Other discrete handling activities that are already subject to <u>equally</u> stringent handling requirements under Federal or State law, as determined by <u>the Department</u> in consultation with <u>the EA and other state agencies as appropriate</u> , are excluded. <u>Furthermore, POTWs with dedicated digesters receiving only hauled-in anaerobically digestible materials without co-digesting with wastewater at POTWs, can submit a request for exclusion in accordance with sub (a)(1)(D).</u>	The changes are not necessary as the described activity can already be considered under §17896.6(a)(6). Subdivision (6) states, “Other discrete handling activities that are already subject to more stringent handling requirements under Federal or State law, as determined by the EA in consultation with the Department, are excluded.” The EA is the appropriate entity to make the determination as they are designated by a local governing body and certified by CalRecycle to act to carry out solid waste handling and disposal permitting, inspection, and enforcement duties.
(a)(4)	451Q02	California Association of	Greg	Kester	Replace with: <i>Other discrete handling activities that are already subject to <u>equally</u> stringent handling requirements under Federal or State law, as</i>	The changes are not necessary as the described activity can already be considered under §17896.6(a)(6).

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
		Sanitation Agencies			<i>determined by the Department in consultation with the EA and other state agencies as appropriate, are excluded. Furthermore, POTWs with dedicated digesters receiving only hauled-in anaerobically digestible materials without co-digesting with wastewater at POTWs, can submit a request for exclusion in accordance with sub (a)(1)(D).</i>	Subdivision (6) states, "Other discrete handling activities that are already subject to more stringent handling requirements under Federal or State law, as determined by the EA in consultation with the Department, are excluded." The EA is the appropriate entity to make the determination as they are designated by a local governing body and certified by CalRecycle to act to carry out solid waste handling and disposal permitting, inspection, and enforcement duties.
(a)(4)	451Y02	County Sanitation Districts of Los Angeles County	Paul	Prestia	To allow for different types of anaerobic digestion to be constructed at a POTW, we ask that the following provision be added to Section 17896.6: <u>(a)(4) For the purpose of this exclusion, the Department, in consultation with the State Water Resources Control Board, will on a case-by-case basis, review and consider approval of additional configurations of the anaerobic digestion of digestible organic material within a POTW Treatment Plant.</u>	The changes are not necessary as the described activity can already be considered under §17896.6(a)(6). Subdivision (6) states, "Other discrete handling activities that are already subject to more stringent handling requirements under Federal or State law, as determined by the EA in consultation with the Department, are excluded." The EA is the appropriate entity to make the determination as they are designated by a local governing body and certified by CalRecycle to act to carry out solid waste handling and disposal permitting, inspection, and enforcement duties.
§17896.8. Research In-Vessel Digestion Operations						
(c)	45W11	Synagro	Layne	Baroldi	Section 17896.8(c) states that at the conclusion of a research project the operator shall conduct site restoration as the only alternative. Options to continue operation under an appropriate permit or exclusion should also be provided. Demonstration projects can be at full scale so should be allowed to continue operating if successful.	CalRecycle revised the text to specify an operator may continue operating beyond the end of the research period provided the operator has complied with Article 1 of this Chapter prior to continuing operations beyond the end of the research period.
(c)	451Q06	California Association of Sanitation Agencies	Greg	Kester	Options to continue operation under an appropriate permit or exclusion should also be provided. Demonstration projects can be at full scale so should be allowed to continue operating if successful.	CalRecycle revised the text to specify an operator may continue operating beyond the end of the research period provided the operator has complied with Article 1 of this Chapter prior to continuing operations beyond the end of the research period.
(d)(1)	451T01	East Bay Municipal Utility District	Donald	Gray	This prohibition unnecessarily removes a best option for recycling this material. Please consider adding: " <i>unless approved by CDFA and the State Water Resources Control Board CSWRCB) or the Regional Water Quality Control Board CRWQCB) as appropriate.</i> "	The in-vessel digestion of unprocessed mammalian tissue is prohibited by §17896.7(a) unless the tissue meets one of the three exceptions listed in §17896.7(a)(1)-(3). §17896.7(a)(3) states mammalian tissue is not prohibited if it is from a source and processed by a facility approved by CalRecycle in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture on a case-by-case basis. §17896.8(d)(1) is adapted from the Compostable Materials Handling Operations and Facilities Regulatory Requirements [§17862(e)(1)]. CalRecycle developed §17862(e)(1) in consultation with the California Department of Food and Agriculture to be protective of public health and safety and the environment as that protection relates to the transmission of mammalian tissue-related illness, disease, or other harmful agent.
§17896.9. Dairy In-Vessel Digestion Operations						
	452O08	California Compost Coalition	Neil	Edgar	We recommend that processing not be allowed to occur at these dairy sites without requirements that the food materials received be introduced into the digester within a prescribed time limit (i.e. not to exceed 48 hours) typical of solid waste facilities.	CalRecycle added processing requirements to §17896.9(a)(2). Any imported materials delivered to the dairy must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an in-vessel digester. The pumped material

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
						<p>may be screened, otherwise separated or treated prior to in-vessel digestion, but must be processed and conveyed in a contained system.</p> <p>Dairy in-vessel digestion operations are also subject to the §17896.35 – Pre-Digestion Solid Waste Handling. This section requires putrescible waste to be injected into a digester or sealed container or removed from the site within 48 hours.</p>
	453E04	Sector Strategies	Chuck	Helget	We recommend that processing not be allowed at these sites unless the site has an appropriate solid waste facility permit appropriate to the level of processing anticipated at the site.	CalRecycle added processing requirements to §17896.9(a)(2). Any imported materials delivered to the dairy must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an in-vessel digester. The pumped material may be screened, otherwise separated or treated prior to in-vessel digestion, but must be processed and conveyed in a contained system.
	453G14	Californians Against Waste	Nick	Lapis	We are concerned that dairies with co-digestion operations would be able to set up full transfer and processing operations without getting full solid waste facility permits. While these facilities might play a role in our recycling infrastructure in the future, a non-discretionary “notification” tier permit does not seem appropriate for a facility running a sorting and processing operation.	<p>Dairy digesters that receive imported solid waste feedstock for purposes of co-digestion with manure in an in-vessel digester are eligible to operate in the EA Notification tier only if they operate in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board. CalRecycle placed these operations in the EA Notification tier in recognition of the regulatory oversight provided by a Regional Water Quality Control Board through Waste Discharge Requirements. Further, per §17896.9(a)(1), these operations are subject to additional inspections requirements. Dairy in-vessel digesters will be inspected by the EA at least once a month for the first 12 months of operation. After the first 12 months of operation an EA may approve, with Department concurrence, a reduced inspection frequency of once every 3 months. After the first 24 months of operation, the EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment.</p> <p>CalRecycle added processing requirements to §17896.9(a)(2). Any imported materials delivered to the dairy must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an in-vessel digester. The pumped material may be screened, otherwise separated or treated prior to in-vessel digestion, but must be processed and conveyed in a contained system.</p>
§17896.12. Medium Volume In-Vessel Digestion Facilities						
(1)	45Y07	CleanWorld	Tracy	Saville	CleanWorld feels that once an anaerobic digester operation is commissioned and has shown successful and consistent compliance with regulations during its first 12 months of inspections, it should have the option of being approved by the EA for a decrease in the rate of inspection of once every three months. Furthermore, after the first 24 months of operation, it should have the option of being approved by the EA for a decrease in the rate of inspection of once per calendar year.	Pursuant to statute [Public Resources Code §43218], the EA shall inspect each facility at least one time each month.
§17896.13. Large Volume In-Vessel Digestion Facilities						
(1)	45Y08	CleanWorld	Tracy	Saville	CleanWorld feels that once an anaerobic digester operation is commissioned and has shown successful and consistent compliance with regulations during its first 12 months of inspections, it should have the option of being approved by the EA for a decrease in the rate of inspection of once every three months. Furthermore, after the first 24 months of operation, it should have the option	Pursuant to statute [Public Resources Code §43218], the EA shall inspect each facility at least one time each month.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					of being approved by the EA for a decrease in the rate of inspection of once per calendar year.	
§17896.19. Biogas Control						
	45F07	CAPCOA	Alan W.	Abbs	CAPCOA is concerned that local permitting requirements for many facilities will require controls and practices beyond those typically associated with "minimizing" emissions. We suggest the following language to indicate to the regulated community that other agencies may require more stringent measures. Recommendation: Edit the proposed language to read: "The operator of an in-vessel digestion operation or facility must take <u>adequate measures</u> precaution to <u>prevent</u> minimize the uncontrolled release of biogas that may have harmful effects on site users and the general public."	CalRecycle revised the section to state the operator must take adequate measures to prevent the uncontrolled release of biogas that may have harmful effects to on-site users and the general public.
§17896.21. Drainage and Spill Control						
	45B21	Los Angeles County Solid Waste Management Committee	Margaret	Clark	The proposed requirements need to be expanded to prohibit any off-site drainage without a NPDES Permit.	Pursuant to Public Resources Code §40055(b), CalRecycle regulations may not duplicate or be in conflict with any determination relating to water quality control made by the State Water Quality Control Board or Regional Water Quality Control Boards. Pursuant to Public Resources Code §43020, regulations adopted by CalRecycle may shall not include any requirements already under the authority of the state water board for the prevention of water pollution.
§17896.30. Odor Best Management Practice Feasibility Report						
Move to 17896.2(a)(18)	45B22	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Odor Best Management Practice Feasibility Report – Pursuant to Sections 17852(a)(27.5) and 17896.2(a)(18), please identify/describe the boundaries of the community that may potentially be affected.	The “Nuisance” definition is the same as the existing definition of “Nuisance” in 14 CCR §17402(a)(12) relating to Transfer/Processing Operations and Facilities. The definition of “Nuisance” is standard legal language for defining a “public nuisance” as found in California Civil Code §§ 3479 and 3480 and which forms the basis for public agencies to abate nuisances in Civil Code §§ 3491 and 3494. The phrase “entire community or neighborhood” is one alternative standard. The definition also allows use of “considerable number of persons.” Revisions to the proposed regulation text are not necessary.
§17896.31. Odor Minimization Plan.						
(f)	452P23	IEUA	Jeff	Ziegenbein	Odor Minimization Plan: Recommend change “shall direct” to “may direct”.	It is not appropriate to change the “shall” to “may.” The EA’s action to direct an operator to prepare Odor Best Management Feasibility Report is taken only after concluding an investigation (per §18302(d)) and determining that the operator is following an Odor Impact Minimization Plan but odor impacts are still occurring.
	453C22	CR&R	Clarke	Pauley		
§17896.39. Scavenging and Salvaging.						
(b)	452P24	IEUA	Jeff	Ziegenbein	Recommend: “salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part of the operation (<u>e.g. Material Recovery Facility</u>).”	CalRecycle regulations do not use the term “material recovery facility.”
	453C23	CR&R	Clarke	Pauley		
§17896.40. Signs.						
(a)	452P25	IEUA	Jeff	Ziegenbein	Recommend: delete and replace: "(a) The EA may require appropriate in-vessel digestion operation or facility signage if it is determined that such signage may promote public health and safety."	This requirement is consistent with requirements for other types of solid waste operations and facilities.
	453C24	CR&R	Clarke	Pauley		
§17896.43. Training.						

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
	452P26	IEUA	Jeff	Ziegenbein	Training: recommend, "Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to <u>their job description including</u> solid waste operations..."	This requirement is consistent with requirements for other types of solid waste operations and facilities. CalRecycle cannot be assured that job descriptions cover all job duties conducted by site personnel. Personnel should be trained on all subjects related to solid waste operations for which they may encounter.
	453C25	CR&R	Clarke	Pauley		
§17896.45. Record Keeping Requirements						
	45B23	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Record Keeping Requirements – Please expand to require each operator to record the quantities/tonnages of incoming waste received and outgoing residual waste, by jurisdiction of origin, and submit the data to the appropriate jurisdictions on a calendar quarterly basis."	The specific purpose and necessity of these proposed regulations relate to the protection of public health and safety and the environment. Requiring each operator to record the quantities/tonnages of incoming waste received and outgoing residual waste, by jurisdiction of origin, and submit the data to the appropriate jurisdictions on a calendar quarterly basis is not consistent with this specific purpose and necessity.
(e)	451S09	City of San Diego, Local Enforcement Agency	William E.	Prinz	The word "written" should be stricken from the text so as to include any and all complaints received by telephone or by any means of communication from any reporting party.	This is a minimum standard consistent with requirements for other types of solid waste operations and facilities. §18302 requires complaints to be filed in writing. An operator may choose to record other forms of complaints, but this standard does not require them to do so.
§17896.57. Digestate Handling						
(a)(2)(A)	45F08	CAPCOA	Alan W.	Abbs	CAPCOA has concerns this requirement will tend to discourage the development of in- vessel digestion. In particular, Yolo-Solano AQMD is aware of an in-vessel digestion operation within its jurisdiction that desires to compost the resulting digestate despite only qualifying as a medium volume in-vessel digestion facility. Recommendation: Suggest revising this to allow approval for medium volume facilities or those with review and approval by the lead agency.	CalRecycle chose to require a compostable material handling facility permit for facilities that receive and handle digestate because the characteristics of the digestate may vary greatly due to feedstock type, moisture content, retention time, technology used, etc. Furthermore, it is anticipated that feedstock for In-vessel Digester facilities will have similar characteristics as food material and/or mixed materials, which if composted is required to be sent to a facility that has a compostable material handling facility permit.
(a)(2)(A)	453I07	West Marin Compost	Jeffrey A.	Creque	This language would appear to preclude a dairy from aerobically composting its own digestate on-site; please clarify language to allow on-farm composting of digestate from on-farm anaerobic digestion.	If the dairy is only composting agricultural material derived from an agricultural site, it could qualify for an exclusion pursuant to §17855(a)(1). If the facility imports and incorporates waste or material from other sources (e.g. other farms, composting sites), then the activity would be subject to the regulations. CalRecycle chose to require a compostable material handling facility permit for facilities that receive and handle digestate because the characteristics of the digestate may vary greatly due to feedstock type, moisture content, retention time, technology used, etc. Furthermore, it is anticipated that feedstock for In-vessel Digester facilities will have similar characteristics as food material and/or mixed materials, which if composted is required to be sent to a facility that has a compostable material handling facility permit.
(a)(2)(A)	452O09	California Compost Coalition	Neil	Edgar	...the digestate handling section § 17896.57(a)(2)(A) appears to require unnecessary permitting activity for composting facilities that would be composting digestate from an In-Vessel Digestion Operation which was co-located on-site. We would expect that a composting facility, with a full Solid Waste Facility Permit (SWFP) would also be able to compost digestate without additional permit revision to obtain an In-Vessel Digestion Facility Permit.	§17896.57(a)(57)(2)(A) only applies to composting on the site of an in-vessel digestion facility. §17896.57(a)(57)(2)(B) allows the digested to be transported to another solid waste facility for composting.
(a)(3)(A)	452P27	IEUA	Jeff	Ziegenbein	Suggest: remove "solid waste" Suggest: "(A) transported to another solid waste facility or operation, or facility <u>that has obtained a Compostable</u>	CalRecycle revised §17896.57(a)(3) to remove the term "as solid waste." §17896.57(a)(3)(A) specifies digestate may be transported to another solid waste facility or operation for additional processing, composting, or disposal. If digestate is transported to another solid waste facility for composting, the
	453C26	CR&R	Clarke	Pauley		

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					Materials Handling Facility Permit pursuant to section 17854 for disposal, composting, or additional processing; or".	Compostable Materials Handling Operations and Facilities Regulatory Requirements [§17852(a)(13.5)] specify digestate intended to be composted may only be handled at a facility that has obtained a Compostable Materials Handling Permit pursuant to §17854.
(a)(3)(B)	451I01	Environmental Programs Division- LA County	Coby	Skye	In order to promote all landfill diversion technologies, we request that fuel production, as the generation of a marketable product, be added as an acceptable use for unstored or substandard compost/digestate products.	CalRecycle has chosen a general reference to approved end uses or disposal methods rather than a specific reference or references.
(b)	452P28	IEUA	Jeff	Ziegenbein	Digestate Handling: Digestate sampling frequency for metals, pathogens, and physical contamination should mirror the compost regulations. (b) should be revised to reflect this sampling/testing standard in section 17896.58.	Subdivision (b) specifies the acceptable end uses for digestate that is known to contain metals, pathogens or physical contaminants that exceeds allowable concentrations, or digestate that has not been analyzed for these constituents and therefore is presumed to contain these constituents in excess of allowable concentrations. Sampling requirements in §17896.58, maximum metal concentrations in §17896.59 and pathogen reduction in §17896.60 all mirror the composting regulations.
	453C27	CR&R	Clarke	Pauley		
§17896.58. Sampling Requirements						
(a)	452P29	IEUA	Jeff	Ziegenbein	As written this is impractical for in-vessel sites that do not have an attached composting site. Recommend change to: "The sampling of compost and digestate produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall occur at the point (1) where the digestate or compost is removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used, or (2) at the site of final curing, blending, processing or composting at a fully permitted solid waste facility (reference codes). Analytical results indicating compliance with sections 17896.59, 17896.60, and 17896.61 shall be received by the operator within 15 business days of digestate being removed from in-vessel digester. Sample results must be received by the operator prior to removing digestate or compost from the in-vessel digestion facility or final composting site where it was produced."	The regulations do not require digestate to be sampled. Pursuant to §17896.57(a), digestate shall, within 24 hours, be either: 1) stored or processed on site in a stored container, 2) incorporated in an on-site aerobic compost process, or 3) removed from the site and transported to another solid waste facility for additional processing, composting, or disposal, or used in a manner approved by local, state, and federal agencies having appropriate jurisdiction. If composted at the in-vessel digestion facility, verification of meeting maximum metal concentrations, pathogen reduction and physical contamination limits must be made prior to compost being removed from facility, consistent with compost regulations. If composted at another composting facility, verification of meeting maximum metal concentrations, pathogen reduction and physical contamination limits will be made at that facility. If used in a manner approved by local, state, and federal agencies having appropriate jurisdiction, the agencies will determine how and where verification is made.
	453C28	CR&R	Clarke	Pauley		
(c)(2)(A)	452P30	IEUA	Jeff	Ziegenbein	Comment: As with compost sampling protocol, if sampling from a conical pile, it seems like you would be getting too many samples from the top half and none from bottom half. Propose Change: (A) 6 samples from the bottom half of the pile, each at a different cross section and height. (B) 6 samples from the top half of the pile, each at a different cross section and height.	The composite sampling protocol is adapted from existing Compostable Material Handling Operations and Facilities Regulatory Requirements [§17868.1(b)]. The height of the sample location is not specified, therefore, the operator can vary the height of the sample location to produce the most representative sample.
(c)(2)(B)	453C29	CR&R	Clarke	Pauley		
§17896.59. Maximum Metals Concentration						
(a)	452P31	IEUA	Jeff	Ziegenbein	Maximum Metal Concentrations. Recommend, "Compost and Digestate"	A product that meets maximum metal concentrations, pathogen reduction, and physical contamination limits would be considered a compost. There is no need to add digestate.
	453C30	CR&R	Clarke	Pauley		
(a)(1)	452P32	IEUA	Jeff	Ziegenbein	Maximum Metal Concentrations. Recommend, "Compost and Digestate"	A product that meets maximum metal concentrations, pathogen reduction, and physical contamination limits would be considered a compost. There is no need to add digestate.
	453C31	CR&R	Clarke	Pauley		
§17896.60. Pathogen Reduction						
(a)	452P33	IEUA	Jeff	Ziegenbein	Pathogen Reduction: Comment: The in-vessel digestion process will serve as its own pathogen reduction method. There should not be an additional requirement for pathogen kill as suggested, which appears to be "cut and pasted" from the composting pathogen reduction section above. "Provided that in-vessel digestion operations operate at thermophilic temperatures for	CalRecycle revised §17896.57(a)(3) to further clarify appropriate end-uses for digestate that is not composted.
	453C32	CR&R	Clarke	Pauley		

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
					3 days, or mesophilic for 15 days, AND pass the pathogen lab test, no further pathogen reduction is required."	
(a)	452P34	IEUA	Jeff	Ziegenbein	Recommend, "Compost and Digestate"	A product that meets maximum metal concentrations, pathogen reduction, and physical contamination limits would be considered a compost. There is no need to add digestate.
	453C33	CR&R	Clarke	Pauley		
(a)	452P36	IEUA	Jeff	Ziegenbein	Pathogen Reduction: Recommend, "Compost and Digestate"	A product that meets maximum metal concentrations, pathogen reduction, and physical contamination limits would be considered a compost. There is no need to add digestate.
	453C35	CR&R	Clarke	Pauley		
(a)	452P37	IEUA	Jeff	Ziegenbein	Recommend: "Sample results collected at the frequency prescribed in section 17896.58(b)(1) must be received by the operator prior to removing product from the in-vessel digestion facility site, or the site of final curing, blending, processing or composting at a fully permitted solid waste facility (reference codes).	§17896.58(b) sets forth requirements for sampling frequency. It is not necessary to duplicate those requirements in §17896.60.
	453C36	CR&R	Clarke	Pauley		The regulations do not require digestate to be sampled. Pursuant to §17896.57(a), digestate shall, within 24 hours, be either: 1) stored or processed on site in a stored container, 2) incorporated in an on-site aerobic compost process, or 3) removed from the site and transported to another solid waste facility for additional processing, composting, or disposal, or used in a manner approved by local, state, and federal agencies having appropriate jurisdiction. If composted at the in-vessel digestion facility, verification of meeting maximum metal concentrations, pathogen reduction and physical contamination limits must be made prior to compost being removed from facility, consistent with compost regulations. If composted at another composting facility, verification of meeting maximum metal concentrations, pathogen reduction and physical contamination limits will be made at that facility.
(b)(2)	452P35	IEUA	Jeff	Ziegenbein	Recommend: "Sample results collected at the frequency prescribed in section 17896.58(b)(1) must be received by the operator prior to removing compost or digestate from either the in-vessel digestion facility where it was produced, or at the site of final curing, blending, processing or composting at a fully permitted solid waste facility (reference codes)."	§17896.58(b) sets forth requirements for sampling frequency. It is not necessary to duplicate those requirements in §17896.60.
	453C34	CR&R	Clarke	Pauley		The regulations do not require digestate to be sampled. Pursuant to §17896.57(a), digestate shall, within 24 hours, be either: 1) stored or processed on site in a stored container, 2) incorporated in an on-site aerobic compost process, or 3) removed from the site and transported to another solid waste facility for additional processing, composting, or disposal, or used in a manner approved by local, state, and federal agencies having appropriate jurisdiction. If composted at the in-vessel digestion facility, verification of meeting maximum metal concentrations, pathogen reduction and physical contamination limits must be made prior to compost being removed from facility, consistent with compost regulations. If composted at another composting facility, verification of meeting maximum metal concentrations, pathogen reduction and physical contamination limits will be made at that facility.
(b)(2)(A)	452P38	IEUA	Jeff	Ziegenbein	Delete and replace with: “(3) Provided substrate temperatures in an in-vessel digestion facility are maintained according to minimum standards prescribed in section 17896.60(b)(2) and sample results prescribed in section 17896.60 (b) are within acceptable limits, no further pathogen reduction of digestate processed in this manner or compost produced from this digestate, shall be required.”	§17896.60(b)(2)(A), which is adapted from existing Compostable Material Handling Operations and Facilities Regulatory Requirements [§17863(b)(2)(A)], applies to on-site aerobic composting of digestate conducted at an in-vessel digestion facility. It is not appropriate to replace the requirement with text pertaining specifically to the in-vessel digestion process. CalRecycle revised §17896.57(a)(3) to further clarify appropriate end-uses for digestate that is not composted.
	453C37	CR&R	Clarke	Pauley		
(b)(4)	452P39	IEUA	Jeff	Ziegenbein	Recommend delete (b)(4), as this is redundant with the composting regulations.	This entire section [§17896.60] is adapted from existing Compostable Material Handling Operations and Facilities Regulatory Requirements [§17863]. The section applies to on-site aerobic composting of digestate conducted at an in-vessel digestion facility. It is not appropriate to delete §17896.60(b)(4). CalRecycle revised §17896.57(a)(3) to further clarify appropriate end-uses for digestate that is not composted.
	453C38	CR&R	Clarke	Pauley		

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(b)(2), (3) and (4)	451I02	Environmental Programs Division- LA County	Coby	Skye	We recommend the requirements be revised to focus on the performance or outcome being sought rather than impeding operational design.	§17896.60 is adapted from existing Compostable Material Handling Operations and Facilities Regulatory Requirements [§17863]. Pathogen reduction is a combination of performance (analyzing for fecal coliform and Salmonella sp.) and operational design (enclosed, windrow, or aerated static pile designs that ensure minimum temperatures are maintained over a given time).
§17896.61. Physical Contamination Limits						
(a)	45Y05	CleanWorld	Tracy	Saville	CleanWorld believes this to be an overly burdensome requirement that has no concrete form of objective measurement. Even at greater than 4 millimeters, it will be difficult to fully discern what a contaminant is and what is not.	<p>Laboratories are currently performing physical contamination analysis even though it is not required by regulation.</p> <p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight.</p> <p>CalRecycle revised §17896.61(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.</p>
(a)	45Y06	CleanWorld	Tracy	Saville	CleanWorld proposes that the contamination limit be adjusted slightly to allow a higher level of contamination, especially to account for any fluctuations in the subjective measurement of the contaminants. We do not have a specific number to suggest.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a)	451F01	Zanker	Greg	Ryan	While we would prefer that CalRecycle continue to allow market forces to dictate the level of physical contaminants, we are supportive of a phased-in standard that allows time for jurisdictions and operators to adjust to the significant potential cost increases you have projected in your economic analysis.	<p>Different markets may tolerate different levels of contamination, however there should still be a maximum level of contamination allowed in compostable material for the protection of public health and safety, and the environment.</p> <p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p>
(a)	451F02	Zanker	Greg	Ryan	While we agree that a 0.1% limit on physical contaminants may be achievable for green material, we do not believe that a limit below 0.5% can be met consistently, particularly given the increasing levels of food waste that are and will be used as feedstock.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.
(a)	451I03	Environmental Programs Division- LA County	Coby	Skye	The requirement for compost products to meet a 0.1 percent physical contamination limit will be very challenging for any operation to meet.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(a)	451I03	Environmental Programs Division- LA County	Coby	Skye	We recommend that CalRecycle work with the composting industry to determine an acceptable level to allow for expansion of the industry yet achieve a safe level of contamination.	<p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight.</p> <p>CalRecycle revised §17896.61(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.</p>
(a)	451J01	USCC	Al	Rattie	We believe that no such documentation (on risk to human health or environment) exists for physical contaminants, other than the obvious threats from glass shards and metal needles.	<p>A principal benefit of the proposed regulations is protecting public health and safety and the environment. Requiring compost products to meet a 0.5% physical contaminant limit will reduce litter, minimize the amount of plastic entering surface water and the ocean, and increase the market value of compost.</p> <p>The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight.</p> <p>"Glass shards (4-mm to 13-mm) can pose a human and animal hazard with unprotected exposure or through direct ingestion. Metal fragments can pose the same hazard, and could be a potential source of trace elements upon interaction with soil. Hard plastic can be an aesthetic concern and in large quantities may affect physical properties of a compost-amended soil, (e.g., soil coloring, heat retention, drainage)." [Test Methods for the Examination of Composting and Compost, Method 03.06 Glass Shards, Metal Fragments and Hard Plastic, pg. 03.06-1 - U.S. Department of Agriculture/U.S. Composting Council]</p>
(a)	451J02	USCC	Al	Rattie	One of the guiding principles of the USCC is that product quality can only be defined in relation to its intended use. So it should be the purchasers and users of the products—the marketplace—that should set the product quality standards, whether for physical contaminants, product maturity, or any other measure beyond minimum health and safety standards.	<p>CalRecycle is charged with the protection of public health and safety, and the environment, and consequently has set minimum environmental health standards. CalRecycle does not set product quality specifications</p> <p>Different markets may tolerate different levels of contamination, however there should still be a maximum level of contamination allowed in compostable material for the protection of public health and safety, and the environment.</p>
(a)	451J03	USCC	Al	Rattie	Rather than pulling a number "out of thin air", whether it be 0.1%, 1% or anything else, we encourage you to form a multi-stakeholder working group that can study this issue, propose and direct appropriate research, and come to an informed recommendation on physical contamination limits.	CalRecycle does not object to further study however there is a need to establish a physical contamination limit.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
						<p>CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land. The physical contamination limit will be operative on January 1, 2018.</p> <p>The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation's (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight.</p> <p>CalRecycle revised §17896.61(b) to require an operator to determine the percentage of physical contaminants using a method that provides accurate results and is approved by the EA. Prior to the January 1, 2018 operative date of the physical contamination limit, CalRecycle intends to develop, with stakeholder input, a sampling and analysis method that can produce repeatable and reproducible results.</p>
(a)	452P40	IEUA	Jeff	Ziegenbein	Recommend change to, "compost and digestate"	A product that meets maximum metal concentrations, pathogen reduction, and physical contamination limits would be considered a compost. There is no need to add digestate.
	453C39	CR&R	Clarke	Pauley		
(a)	452P41	IEUA	Jeff	Ziegenbein	0.1% contamination limit is too onerous and arbitrary. See comment from Pg. 25, Line 10.	CalRecycle revised the physical contamination limit from 0.1% to 0.5% (not to exceed 20% film plastic) for compost product, compostable material, and digestate spread on land.
	453C40	CR&R	Clarke	Pauley		
(b)	452P42	IEUA	Jeff	Ziegenbein	Recommend: change to, ". . . compost process <u>or fully permitted solid waste facilities where final curing, blending, processing or composting occurs (reference codes)</u> , shall take one representative sample..."	<p>§17896.61 applies to in-vessel digestion facilities aerobically composting digestate on-site. If the digestate is transported to an off-site composting facility, that facility will be subject to the requirements of the Compostable Materials Handling Operations and Facilities Regulatory Requirements.</p> <p>CalRecycle revised §17896.57(a)(3) to further clarify appropriate end-uses for digestate that is not composted.</p>
	453C41	CR&R	Clarke	Pauley		
§18103.1 Filing Requirements.						
(a)(3)	453F02	County of Orange Department of Environmental Health, Solid Waste Local Enforcement Agency	Kathryn	Cross	The OC LEA respectful request that written notice <u>to</u> the local planning department in the last sentence of the regulation above, be changed to require written notice <u>from</u> the local planning department. The OC LEA has had problems with local planning department's receiving notification. With 35 local planning departments including the County's and with personnel changes, it is difficult to ensure that proper notification is occurring; other Enforcement Agencies (EAs) are in similar situations. By requiring the writing notice from the local planning department, EAs can be assured that notification has occurred.	<p>In 2003, the Integrated Waste Management Board (predecessor to CalRecycle) modified §18103.1 in 2003 in response to comments that:</p> <ul style="list-style-type: none"> • requiring evidence of CEQA compliance, or documentation of exemption from CEQA, would not be appropriate and burdensome to operators • the EA Notification tier was designed to be a ministerial decision and should remain ministerial • there is no deliberation or discretion in the issuance of a EA Notification • the owner simply "notifies" the enforcement agency stating a specific description and why they meet the requirements of the tier <p>This modification added the option in §18103.1(a)(3) that allows an operator to document it has complied with the requirement to notify the local planning department of its intent to commence operations by providing a written notice. Other acceptable forms of documentation include proof of compliance with CEQA and correspondence from the local planning department that CEQA compliance is not required for the operation to obtain land use approval.</p>
§18302. Written Complaints of Alleged Violations						

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
(c)	45B24	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Written Complaints of Alleged Violations – Please revise this Subsection to require the EA investigate any odor complaint by the next business day instead of the stated 15 days.	CalRecycle is not proposing changes to the regulation section. Requiring the EA to investigate any odor complaint by the next business day instead of the stated 15 days in §18302(c) would place an unnecessary burden on the EA. The EA may need more than one day to examine a written complaint of alleged violation, visit a facility where the alleged violation occurred, and document the findings. Requiring the EA, upon receipt of an odor complaint, to investigate the complaint as soon as practical to determine whether or not to issue a violation for failing to minimize odor as stated in §18302(d) is a more reasonable approach than requiring the EA to investigate any odor complaint by the next business day.
(d)	45B25	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand Line # 1 to insert the phrase “but not later than one business day” after “...as soon as practical.”	Requiring the EA, upon receipt of an odor complaint, to investigate the complaint as soon as practical to determine whether or not to issue a violation for failing to minimize odor as stated in §18302(d) is a more reasonable approach than requiring the EA to investigate any odor complaint by the next business day.
(d)	45D06	Sacramento County LEA	Gibson	Lea	Develop a standard complaint form to facilitate submittal of complaint reports, ensure that all of the required information is provided, and guarantee state-wide uniformity. Ideally, a fill-in-the-blank complaint form would be made available on SWIS.	CalRecycle will consider developing a standards complaint form but it is not appropriate to include in the regulations.
(d)	45F10	CAPCOA	Alan W.	Abbs	In subsection (d), add a requirement that the "EA shall contact and interview <u>the complainant</u> ."	CalRecycle revised §18302(d)(3)(B) to require the EA to verify the complainant’s odor claim at the complainant’s location and document the complainant’s claim, if any, that the odor is interfering with the complainant’s.
(d)	45I005	Western Placer Waste Management Authority	Mary	Dietrich	The section (d) reads as if, once an odor complaint is received by the EA, issuance of a violation is predetermined. We request this section be clarified to state the EA will investigate the complaint as soon as practical <u>to determine whether the operator has failed to minimize odor and that, after investigation, the EA may issue violation at their discretion</u> . Again, this will give the EA the discretion they are afforded throughout the regulation.	CalRecycle revised §18302(d) to require the EA to investigate the complaint as soon as practical to determine whether or not to issue a violation for failing to minimize odor.
(d)	45IY10	County Sanitation Districts of Los Angeles County	Paul	Prestia	We suggest that this section be changed as follows: 18302. Written Complaints of Alleged Violations. (d) Upon receipt of an odor complaint, the EA shall investigate the complaint as soon as practical prior to issuing a violation for failing to minimize odor . The complaint investigation...	CalRecycle revised §18302(d) to require the EA to investigate the complaint as soon as practical to determine whether or not to issue a violation for failing to minimize odor.
(d)(2)	45B26	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand the Paragraph to require the EA to also collect weather related data for the time that the odor complaint was received.	It is not appropriate to require the EA to collect weather-related data for the time the odor complaint was received because it may not be feasible to obtain such data. The EA will utilize professional judgement during the complaint investigation to identify any available facts relevant to an alleged violation.
(d)(3)(B)	45F11	CAPCOA	Alan W.	Abbs	Add a phrase to the requirement: "Verify the odor event at the complainant's location and ascertain <u>by various means, including by interviewing the complainant</u> , if the odor is interfering with the complainant's use and enjoyment of the property."	CalRecycle revised §18302(d)(3)(B) to require the EA to verify the complainant’s odor claim at the complainant’s location. It is not necessary to add the suggested text. The EA will utilize professional judgement during the complaint investigation to identify any available facts relevant to an alleged violation.
Solid Waste Facility Permit Application Form						
Part 2.D	453L09	County of San Diego	KariLyn	Merlos	The LEA does not support the removal of the second checkbox indicating that the "Facility is not required to be identified in the Siting Element or Non-	The check box “FACILITY IS NOT REQUIRED TO BE IDENTIFIED IN SITING ELEMENT

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
		Department of Environmental Health, Solid Waste Enforcement Agency			disposal Facility Element." Pursuant to Public Resources Code (PRC), Section 50001(b), some facility types are not required to comply with PRC 50001.	OR NONDISPOSAL FACILITY ELEMENT" is deleted because it is not necessary as solid waste facilities will fall under Public Resources Code §50001(a)(1) and (2).
Part 2 E.12	45B27	Los Angeles County Solid Waste Management Committee	Margaret	Clark	MSW- Please expand to define the term "commercial sources" to be consistent with the definition provided by AB 341 (2011), as amended.	It is not necessary to define the term "commercial sources" in the definition of Municipal Solid Waste to be consistent with the definition provided by AB 341 because, for the purposes of the Solid Waste Facility Permit, Municipal Solid Waste includes waste from any source regardless if it is consistent with the definition in AB 341.
Part 3 A.1.a.	45B28	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand Line 49 by inserting "compost" after "recycle."	CalRecycle revised the text to include all solid waste and other material the applicant is authorized by the EA to receive through the gate per day as part of normal, day-to-day operations.
Part 3 A.2	45B29	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please see comments on Item A.1.a. (45B27) and expand the requirement to also include "compost."	CalRecycle revised the text to include all solid waste and other material the applicant is authorized by the EA to receive through the gate per day as part of normal, day-to-day operations.
Part 3 A.4. "i" and "j"	45B30	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand to describe the disposal footprint by latitude and longitude and expressed in degrees.	It is not practical to require the "permitted disposal area" in A.4 i. and "permitted boundary" in A.4 j. to be described by latitude and longitude and expressed in degrees, minutes, and seconds, or decimal degrees as the "permitted disposal area" and the "permitted boundary" are not point locations. The operator is required under Part 2.B.2. to identify the location of the facility in Degrees, Minutes, Seconds, or Decimal Degrees identifying the center of the waste footprint for existing or proposed disposal sites and identifying the office or main gate for all other facilities.
Part 3 A.1.c.	451Y11	County Sanitation Districts of Los Angeles County	Paul	Prestia	Facility Size: the area that encompasses the entire area on which solid waste facility activities are authorized by the EA to occur. This includes...	The EA has authority to establish permit terms and conditions, including terms and conditions related to where solid waste handling activities can occur. This portion, Part 3 A.1, must be completed by every applicant regardless of the type of facility. The information required includes operation and design parameters for an existing permitted facility that are currently authorized by the EA. Part 3 A.2. must be completed by every applicant requesting a change to any items listed in Part 3 A.1. and every applicant submitting an application for a new permit.
Part 3 A.1.d.	451Y12	County Sanitation Districts of Los Angeles County	Paul	Prestia	Maximum Traffic Volume Per Day (vpd): The maximum number of vehicles authorized by the EA to enter the facility on a daily basis. This number...	The EA has authority to establish permit terms and conditions, including terms and conditions related to maximum number of vehicles. This portion, Part 3 A.1, must be completed by every applicant regardless of the type of facility. The information required includes operation and design parameters for an existing permitted facility that are currently authorized by the EA. Part 3 A.2. must be completed by every applicant requesting a change to any items listed in Part 3 A.1. and every applicant submitting an application for a new permit.
Part 3 A.1.e.	451Y13	County Sanitation Districts of Los Angeles County	Paul	Prestia	Days and Hours of Operation: The days and hours that the facility is authorized by the EA to operate and the hours of waste receipt authorized by the EA if different from hours of operation. This information...	The EA has authority to establish permit terms and conditions, including terms and conditions related to days and hours of operation and waste receipt. This portion, Part 3 A.1, must be completed by every applicant regardless of the type of facility. The information required includes operation and design parameters for an existing permitted facility that are currently authorized by the EA. Part 3 A.2.

CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response
						must be completed by every applicant requesting a change to any items listed in Part 3 A.1. and every applicant submitting an application for a new permit.
Part 4	451D1	Self	Joyce	Dillard	The form has no adaptation for storm water capture or infiltration language. Water source may be limited to groundwater or surface water yet the Water board now requires storm water to be considered a water supply. Terms used for this planning is Watershed Management Plan and Enhanced Watershed Management Plan.	If the storm water capture or infiltration text is not already included in any of the Water Board's permit or approvals, then the applicant can utilize the part 6.C "Other" box.
FOR OFFICIAL USE ONLY	453F03	County of Orange Department of Environmental Health, Solid Waste Local Enforcement Agency	Kathryn	Cross	Therefore, OC LEA respectfully request an additional change to this section: either remove citation of §21650(a) after the definition of "Date Received", or add language that excludes permit reviews.	CalRecycle revised "Date Accepted," "Date Rejected," and "Date of Acceptance of Incomplete Application" to include instruction to leave blank if the application is for a permit review.