Stakeholder Comments on Consolidated Draft Regulatory Text

California Code of Regulations

Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

EA Inspection Frequency - § 17362.2.; § 17377.2(d); § 17383.3(a)(1); §17383.4.; § 17383.7(f); § 17388.3(b); § 17403.2; § 17403.3; §17856(d)(2)(B); §17857.1(a)(1); §17859.1(a)(1); §17862(g); §17862.1(a)(1); §18083(a)(3)

The proposed language primarily addresses the EA's discretion in granting requesting operators a reduced inspection frequency from the minimum standard of quarterly inspection. It is recommended that language be added to also address the need for mandated increase in inspection frequency, particularly to those operations that are required to prepare and implement a Best Management Practices Feasibility Report pertaining to odor complaints (related to Issue 4: Odor Complaints). Notwithstanding the EA's statutory inspections, the regulations should include a financial assurance mechanism for Compostable Material Handling Facilities that operate under a full SWFP and take putrescible food material and grease. Without financial assurances, bad operators are more likely to walk away from a public nuisance situation. With the state's push for organics diversion from the landfills by means of composting, local governments will expend significant financial resources to either force bad operators to restore the site, or wind up funding the restoration themselves, at a significant cost. *4/29/2013* *Sungkey Ma, Riverside County Waste Management Department*
CCC supports the regulatory consistency that would be achieved with the resolution of this issue: to include the following language in Sections 17403.2, 17403.3, 17856, 17857.1, 17859.1, 17862, 17862.1: shall be inspected by the EA at least once every three (3) months unless the EA approves, with CalRecycle concurrence, an operator request for reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA proposed approval to CalRecycle. *4/30/2013* *Neil S.R. Edgar, Executive Director, California Compost Coalition*
CRRC supports the regulatory consistency that would be achieved with the resolution of this issue: to include the following language in Sections 17403.2, 17403.3, 17856, 17857.1, 17859.1, 17862, 17862.1: shall be inspected by the EA at least once every three (3) months unless the EA approves, with CalRecycle concurrence, an operator request for reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EIA-proposed approval to CalRecycle. *4/30/2013* *John Synder, State President, California Refuse Recycling Council* *Mark Figone, Northern District President, California Refuse Recycling Council*

Note: This document is formatted according to regulatory section number. Some comments may apply to more than one section. Unless the comment specifically references multiple sections, CalRecycle staff did not attempt to associate the comment with all potentially affected sections.

Chapter 3.1 Compostable Materials Handling Operations and Facilities Regulatory Requirements

§ 17852(a)(5) "Agricultural Material" Definition

17852(a)(5), p. 7. The Imperial County LEA requests that definition of "agricultural material" expressly exclude animal scraps or carcasses (and specifically poultry mortalities or spent hens that have been euthanized) for the following reasons:

1. The California Food and Agriculture Code, Section 19213, requires that dead animals be rendered at a licensed rendering facility, which is inconsistent with the minimal regulatory oversight as proposed by CalRecycle at an agricultural composting operation on farm land. We find that the Title 14 agricultural composting regulations are not sufficiently protective to ensure effective pathogen reduction is achieved during the composting of chicken carcasses. Furthermore, the acceptance of an agricultural material that must be rendered at a local farm site is inconsistent with land use requirements that may otherwise exclude a "rendering" facility on agricultural-zoned properties.

2. Odor and vector issues also increase substantially when animal scraps are incorporated as a feedstock at agricultural composting operations.

3. The composting of chicken mortalities may increase the risk of *Salmonella* contamination on ready to eat vegetable crops, as the strains of *Salmonella sp.* that are attributable to foodborne disease outbreaks can colonize within the ovaries or reproductive tract of a hen and be an asymptomatic infection in adult birds. This *Salmonella* may be disseminated into the compost product when the hen is processed/ground into a compost feedstock; whereas chicken manure typically does not contain the same levels or same strains of *Salmonella sp.* due to vaccinations or other antimicrobial therapy.

4/8/2013
Lars Seifert, Environmental Health Services Manager, Imperial County Public Health Department

RCWMD supports the permitted use of agricultural material that is separated at the point of generation and has not been processed in a way that alters its essential character as a waste directly resulting from agricultural production of food or fiber for human or animal consumption in a lower tier composting operation. As such, animal manures, for example, can be used in the feedstock of any green material composting operations and green material/vegetative food material composting facilities (<12,500 cy).

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

17852(a)(5)- This section specifically references grape pumice as an agricultural material. Is the intent to only include grape pumice derived on the winery itself and exclude grape pumice derived off-site and other agriculturally derived pumice, such as tomato pumice, that are commonly applied to agricultural land, but not at the point of generation and regulate those as Vegetative Food Material?

4/30/2013
Terry Schmidtbauer, Environmental Health Manager, Solano County

CCC believes that clarification of the definition of agricultural material is needed and agrees with proposed language specifying that this definition should include only materials separated at the point of generation and which have not been processed or altered, other than grape pomace.

4/30/2013
Neil S.R. Edgar, Executive Director, California Compost Coalition

Recology supports the clarification of the definition of "Agricultural Material." This definition should NOT include any materials that come from off-site. Further, this definition should NOT include material that leaves the agricultural site, even if that material eventually returns to the ranch or farm. To be considered an agricultural material, it must remain on-site at all times to be eligible for the agricultural material exemption.

4/30/2013

Rachel Oster, Director of External Affairs, Recology

CRRC believes that clarification of the definition of agricultural material is needed and agrees with proposed language specifying that this definition should include only materials separated at the point of generation and which have not been processed or altered, other than grape pomace.

4/30/2013
John Synder, State President, California Refuse Recycling Council
Mark Figone, Northern District President, California Refuse Recycling Council

§ 17852 (a)(13.5) "Digestate" Definition

Synagro supports the requirement that digestate be composted at a permitted operation or facility, unless otherwise allowed an alternative use by a state agency (like the Department of Food and Agriculture).

4/29/2013
Layne Baroldi, Director of Regulatory & Legislative Affairs, Synagro

The USCC supports the idea of defining digestate (the solids fraction from anaerobic digestion) as something distinct from food material. However, given that digestate is both less energy intensive and more homogeneous than undigested food material, therefore less likely to cause odors or other nuisances, we believe that lower tier facilities should also be allowed to accept digestate as a feedstock. The USCC supports the requirement that digestate be composted at an operation or facility, unless otherwise allowed as an alternative use by a state agency (like the Department of Food and Agriculture).

4/30/2013
Lorrie Loder, President, US Composting Council

Definition of Digestate. Seems like it would be a really good idea to bifurcate the definition of "digestate" [§17852 (a) 13.5] to include separate terms for the liquid fraction of "digestate" and the solid fraction, which may be handled differently. Liquid digestate may be composted, but may also be sent to a POTW without composting. Similar to food scraps (discussed below), digestate should be allowed to be accepted at lower tier composting operations and facilities.

4/30/2013
Mathew Cotton, Integrated Waste Management Consulting

17852 Definitions (13.5) "Digestate": The definition states "Digestate intended to be composted pursuant to this Chapter may only be handled at a facility that has obtained a Compostable Materials Handling Facility Permit pursuant to section 17854." This definition is unnecessarily restrictive as many in-vessel digester facilities will be including post-processing of digestate in order to produce marketable materials which can include compost. The production of value added end products is a part of making organic waste anaerobic digester systems economically viable whilst competing against low landfill tipping fees. This definition is not consistent with the definition for "digestate" as listed in 17896.2.

4/30/2013
Mark Lovelace, Chair, Humboldt Waste Management Authority

§ 17852 (a)(20) "Food Material" and (a)(20)(A)"Vegetative Food Material" Definitions

In order to permit more facilities for food waste composting without triggering more ominous requirements for municipal solid waste handling permits, the definition of food waste should include normal amounts of "non-food" materials that form the wrapping or packaging of the food. These wrapping and packaging materials may be either compostable (such as paper fiber based) or non-compostable (such as rigid and

film plastic, metal, glass, and composite materials). Without such a provision in the definitions, the packaging materials found in many food waste sources will unfortunately be considered municipal solid waste. This label may in turn trigger community opposition to what would otherwise be clean, well-managed facilities.

Another similar issue exists with plastic bags used for barrel liners by food waste generators. Biodegradable barrel liners are about 7 times the cost of common plastic ones. This cost factor, whether borne by the collector or generator, translates to about $60 per ton added to the system cost if plastic bags are not allowed for food waste management. The only other alternative is to use unlined collection containers for food waste collection, which involves very high labor costs for washing containers between collections. In order to prevent an economic barrier to California's organic recycling goal, practical use of plastic bags for containment of food waste is needed.

As an alternative to the definition issues above, perhaps some other regulatory allowance could be made for handling food waste with its packaging material and plastic bags, but I do not know how that would be done.

4/15/2013
Kevin Barnes, Solid Waste Director, City of Bakersfield

As defined, "Vegetative Food Material" *may be processed or cooked but must otherwise retain its essential natural character and no salts, preservatives, fats or oils, or adulterants shall have been added*. The intent of this definition is clearly to ensure compost quality and limit the odor generation potential of the composting feedstock. However, it is difficult for both the composters and EA to effectively determine the natural state of the vegetative food material. A more assuring method to achieve the same ends would be to establish a maximum percent proportion of Vegetative Food Material allowed in the green material composting feedstock used by a Registration-tiered operation, based on field research data. Any composting facility that uses feedstock in excess of this threshold shall be required of a full SWFP to operate. Alternatively, the definition could be tightened up a notch to exclude cooked or processed Vegetative Food Material or allow only pre-consumer, raw vegetative food materials.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

CCC believes additional work must be done to address the allowable amount of contamination in food material to establish clearly what differentiates food material from municipal solid waste (MSW). Statewide – in an effort to maximize diversion on the path towards "Zero Waste" – programs are underway where some recyclables or other contaminants may (with limited effort or success) be separated from the MSW generated, with the remaining organics-laden material being considered source separated. In some cases, over 40% of the so-called "source-separated" food material is contaminants.

We think a reasonable approach would demand that the food materials be allowed to contain no more than 10% non-compostable contamination, or required to be further processed at a permitted material recovery facility to remove contaminants and recyclable commodities, prior to acceptance at a composting facility. On the whole, composting facilities are not equipped to manage excessive levels of contamination, nor should CalRecycle incentivize generators to contaminate valuable recyclable materials by an absence of food material contamination standards.

CCC supports the division of food material into vegetative and non-vegetative categories, with vegetative materials as a subcategory of green material. We believe that the vegetative fraction of the food material can be managed effectively as green material by compostable materials handling facilities with little or no additional environmental impacts, and accepted as green materials at Agricultural Material Composting Operations and Green Materials Composting Operations and Facilities, in addition to facilities with Full Solid Waste Facilities Permits. Additionally, CCC supports the receipt and composting of co-collected, residential organics with up to 10% food material at EA Notification facilities with appropriate levels of best management practices (BMPs) employed. These BMPs could include requirements for storage limits on incoming feedstock of 48 hours prior to integration into active composting windrows

or aeration systems, or materials would need to be covered with finished compost or overs. Facilities could also be required to be compliant with State Water Resources Control Board requirements, including both the NPDES Industrial General Permit and relevant Waste Discharge Requirements with approval from their Regional Board.

However, when food material containing meats, fats, oils, and greases constitutes a > 10% proportion, the potential odor generation, vector attraction, and other impacts render this material suitable for facilities with Full Solid Waste Facilities Permits (SWFP), where the appropriate levels of environmental review and land use approval have occurred, and proper mitigation methods and controls are employed.

In conjunction with the adoption of the above-recommended definitions, CCC endorses the following tiered permitting structure concept that reflects the increasing environmental impacts due to the receipt of specific types and amounts food materials as feedstocks at composting operations and facilities:

EA Notification: Receipt of vegetative food materials (as green materials); receipt of up to 10% food materials in total incoming feedstocks, with BMPs;

Full SWFP: Receipt of food materials above 10% of incoming feedstocks.

4/30/2013
Neil S.R. Edgar, Executive Director, California Compost Coalition

The proposed definition of "Food Material", "a waste material of plant or animal origin that results from the preparation or processing of food for animal or human consumption and is separated from the municipal solid waste stream", should be amended to include paper, fiber or compostable plastic used in the preparation, transportation or consumption of food.

4/30/2013
Lorrie Loder, President, US Composting Council

"…*Food materials does not include any material that is required to be handled <u>only</u> pursuant to the California Food and Agricultural Code and regulations adopted pursuant thereto."*

WISErg suggests that the word "only" be stricken from the last sentence (underline is my addition). Doing so removes ambiguity and will facilitate WISErg's ability to bring its innovative zero-waste nutrient recovery technology to California.

4/30/2013
Larry LeSueur, CEO, WISErg Corporation

CalRecycle's potential approach of defining sub-categories of food waste may end up creating more confusion among regulators, instead of helping to streamline the permitting process for food waste composting operations. Different categories of food waste may be clear in our mind, but it is unlikely that any source of food waste material would have one consistent stream of waste with no contamination from other the food waste sub-categories. The contamination among these sources could lead to vectors and odors if not managed properly by a food waste composting operation.

In addition to the concerns above, other agencies that regulate compost facilities are starting to make a distinction between food waste facilities and green waste facilities. Facilities that take any amount of food waste will likely have to meet strict standards that are in the process of being developed by the Water Board and by individual air districts. These standards will require capital investments and site improvements that may be unachievable by small-scale green waste composters.

The proposed regulatory changes you have drafted thus far only pertain to the definitions of food material by adding an additional definition for "vegetative" food material. This change, by itself, is innocuous. However, the stated reason for this change is to allow more putrescible vegetative materials to be processed and composted under a lower permit tier – such as a proposed new Registration Permit Tier for "Green/Vegetative Food Material Composting Facility". We are concerned that you are only proposing

a change to the definition of food waste at this time, without actually proposing the change in regulations that would utilize this new definition.
On the surface, we are opposed to allowing readily putrescible food waste materials, including vegetative food material, to be composted without strict regulatory controls such as would typically be required in a fully permitted facility. There is far too much variability in the food waste stream and abuse is sure to occur.

We request that this proposed change be held until the use of these proposed definition change is fully disclosed in proposed complete regulatory language. It is impossible to assess the impact of the proposed definition change when all we have to look at is the definition change itself. Further, these regulations should be held until these definitions can be brought into synchronicity with those of CDFA and the SWRCB. These regulations cannot move forward without knowing how corresponding CDFA and SWRCB regulations will be worded.

We recommend that any significant of putrescible food waste or putrescible vegetative waste processing or composting be subject to full solid waste facility permitting requirements. Only incidental putrescible food material of any type should be allowed at facilities unless they operate under a full SWFP.

4/30/2013
Rachel Oster, Director of External Affairs, Recology

CRRC supports the division of food material into vegetative and non-vegetative categories, with vegetative materials as a subcategory of green material. We believe that the vegetative fraction of the food material can be managed effectively as green material by compostable materials handling facilities with little or no additional environmental impacts, and accepted as green materials at Agricultural Material Composting Operations and Green Materials Composting Operations and Facilities, in addition to facilities with Full Solid Waste Facilities Permits.

However, when meats, fats, oils, and greases constitute a > 10% portion, by weight, of the food material, the potential odor generation, vector attraction, and other impacts render this material suitable for only facilities with Full Solid Waste Facilities Permits, where the appropriate levels of environmental review and land use approval have occurred, and proper mitigation methods and controls are employed. Both of our vegetative and non-vegetative definition recommendations are consistent with the wording that CalRecycle proposed.

Most importantly, CRRC continues to recommend additional work be done to address contamination in food material to establish a brighter line between what constitutes food material and MSW at permitted food waste compost facilities and at permitted MSW compost facilities. Statewide – in an effort to maximize diversion – programs are underway where some recyclables may (with limited effort or success) be separated from the MSW generated, with the remaining organics-laden material being considered source-separated. In a recent waste characterization from a sample, real world program, over 40% of the so-called “sourceseparated” food material was contaminants. Permitted ”Mixed Waste” composting facilities are accepting this material as “food waste” under their Solid Waste Facility Permit, where it is truly MSW; a composting facility accepting this material should be permitted as an MSW composting facility, and otherwise not be able to accept this MSW as food waste.

To implement this, we recommend that CalRecycle require that the food materials that can be accepted at food waste composting facilities be allowed to contain no more than 10% contamination, or be further processed at a material recovery facility to remove contaminants and recyclable commodities, prior to acceptance at a food waste composting facility. The majority of composting facilities are not equipped to manage excessive levels of contamination, nor should CalRecycle incentivize generators to contaminate valuable recyclable materials by an absence of food material contamination standards. With regard to the amount of food waste accepted (not counting contamination), we recommend three tiers of regulation, consistent with the current regulatory tiers for compostable materials, as follows:

Tier I: Any food material that contains > than 10% physical (inert, non-compostable) MSW, and/or any animal/meat waste or additives, e.g. sugars, synthetics, etc., content requires a Full Solid Waste Facilities Permit as an MSW compost facility. Food material with less than 10% contamination can be accepted at a Full SWFP as a food waste compost facility.

Tier II: Putrescible vegetative food material (>50%, wet and oily by weight), is permitted as a "Registration Tier" permit with special conditions, capacity limitations of this material in excess of the EA Notification facilities, especially to handle, desiccate and/or manage odor or any potential leachate.

Tier III: Non-putrescible food waste including woody wastes and "cooked" (via food scrap decomposer/dryer, etc.) and, therefore, low moisture (<50%) by weight food materials can be composted with and as "green material" at an EA Notification facility with less than 12,500 cubic yards of material on-site.

As part of this regulation writing and rule making process, we also *highly recommend* that CalRecycle include wording that directly reflects how it proposes to regulate the implementation of its new food material definition. We propose that LEAs be required to regulate food waste according to the above defined tier level, and that this be explicitly stated in the upcoming formal regulatory package process.

John Synder, State President, California Refuse Recycling Council
Mark Figone, Northern District President, California Refuse Recycling Council

Definition of Vegetative Food Material. [§17852 (a) 20 (A)] There is no scientific or operational basis for parsing the definition of food material this way. Both composting facilities and emerging anaerobic digestion facilities should be allowed to accept "food material" as currently broadly defined. While not all facilities should handle all food scraps, there is not sufficient experience with these emerging diversion programs to know how to properly define a subset of food material without accidently preventing diversion opportunities. I suggest removing this definition and sticking with "Food Material". However, I do support allowing lower tier composting facilities (i.e., EA notification or Registration facilities) to accept food scraps.

4/30/2013
Mathew Cotton, Integrated Waste Management Consulting

§ 17852 (a)(21) "Green Material" Definitions

Definition of Green Material. [§17852 (a) 21] I recommend removing the "contains no greater than 1.0 percent physical contaminants be weight" portion of the definition of green material. This provision serves no purpose and is not currently enforced by LEAs, nor is it enforceable in any cost-effective manner.

4/30/2013
Mathew Cotton, Integrated Waste Management Consulting

§ 17852 (a)(24.5) & (a)(15) "Land Application" and "Disposal" Definitions

In reference to the current draft of the regulations, I have a comment regarding the pathogen reduction limits to be applied to the compostable material used for land application. The way the draft is written at

this point it requires that compostable material used for land application adhere to the same pathogen limits as composted material. In my view this regulation would be impossible to adhere to when using non-composted material for land application and in effect render it impossible to land apply green waste. I have a large clientele of farmers that depend on this free service for water conservation and soil amendment as well as the generators that depend on this service as an essential outlet for green waste. Thank you for your time.

4/12/2013
Dan Eggleton. President- Eggleton Trucking and Green App

The RCWMD supports that the definition of Disposal of Compostable Materials exclude the beneficial reuse of the materials at solid waste landfills, pursuant to Title 27, §20686.

The proposed definition of Land Application of Compostable Materials pretty much would subject all direct land applications of green materials to the same pathogen reduction and heavy metal requirements that apply to finished compost. However, the proposed regulations are not clear about whether or not the applications of (1) greenwaste ADC at landfills as daily and intermediate covers, or for erosion control; and (2) mulch and soil amendments derived from green materials for agricultural and non-agricultural purposes are subject to this definition and associated requirements. For example, some farms, nurseries, and commercial gardens often obtain from chip and grind facilities the "overs" screened out from ground greenwaste and apply them directly to their fields, nurseries, or gardens as a soil amendment. This common practice would be subject to these land application requirements, and consequently, the chip and grind operators would have to run the pathogen and heavy metal tests on and obtain a passing grade for the "overs" and all soil amendment products before their sale in the market and use in the field. This could cause a potential significant financial impact to the chip and grind industry, as their lower added-value products would be required to meet the same land application standards initially established for the higher added-value products of the composting industry.

With respect to ADC application, it is recommended that the definition of Land Application of Compostable Materials specifically exempt the application of green material as ADC and for erosion control at solid waste landfills, similar to the exemption of these beneficial reuses under the definition of Disposal of Compostable Materials.

The proposed regulations do not address how the land use application requirements would be enforced, particularly when these applications are common on-going industry/business activities that do not trigger any local or state land use permitting review.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

Section 17582(a) 24.5 – page 10 lines 3 – 17. Synagro understands that the language in this section is intended only to apply to "Compostable Material". CalRecycle defines "Compostable Material" as *"any organic material that when accumulated will become active compost as defined in section 17852(a)(1)."* As such, Synagro understands that Section 24.5 applies only to such organic material that has not gone through a treatment process to be considered "Stabilized Compost". "Stabilized Compost" is defined by CalRecycle as *any organic material that has undergone the Process to Further Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced biological activity as indicated by reduced temperature and rate of respiration below that of active compost*. 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). Such intent to only regulate "Compostable Materials" should be clearly distinguished from this section being misinterpreted to apply to "Finished Compost".

This comment (#3) 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" and restricts its use on a site to once in a 12 month period;

and requires CDFA 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. The proposed CalRecycle regulation appears to be in direct conflict with many provisions found in the existing federal, SWRCB, and in some cases local regulations governing the treatment, management, and use of biosolids compost already adequately limits 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: "application of biosolids based finished compost shall be limited to the nitrogen needs of the crop to be grown based on the crop year." Section 17582(a) 24.5 should only apply to "Compostable Materials" as defined in the proposed text.

4/29/2013
Layne Baroldi, Director of Regulatory & Legislative Affairs, Synagro

Solano County LEA is **extremely concerned** about the increased responsibility over land application of compostable material being proposed, especially to agricultural lands. This is especially pertinent to land application of Class B biosolids, which if it meets the definition for compostable material, will be prohibited statewide by the proposed regulations. Solano County has implemented an active biosolids land application program since 1999. Solano County Code already requires that all sites land applying Class A or B biosolids in bulk obtain registration and receive inspections from Solano County Environmental Health. Also, the land application of bulk biosolids compost requires notification to the Solano County Environmental Health Services Division prior to application and must meet other prescriptive requirements. This is not an LEA function, but rests in the Environmental Health Services Division as local requirements on the land application of biosolids are being implemented.

Specific sections and concerns regarding land application include:

1. 17582(a)(1) and (11)- Request clarification if Class B biosolids is considered to meet the definition of Active Compost and Compostable Material. While Class B biosolids is required to undergo one of several processes to reduce pathogens and decrease vector attraction and odor per 40 Code of Federal Regulations (CFR) Part 503 requirements, Class B biosolids is not completely stabilized after these processes and there is potential that it may meet one or more active compost criteria. For example, study performed by Solano County has shown fecal coliform to regrow in transport between the wastewater treatment plant and land application sites, indicating that Class B meeting federal processing requirements is not fully stabilized and may meet the Compostable Material definition. Class B biosolids also serves as feedstock at compostable materials facilities in California. The designation of Class B biosolids as active compost will have significant ramifications regarding its land application as currently allowed by federal and state law. These will be highlighted later in this response.

2. 17852(a)(15)(C): If Class A or B biosolids can be considered to be compostable material or active compost, then suggest additional wording:

   … or beneficial reuse of biosolids in compliance with 40 CFR Part 503, State Water Resources Control Board General Order No. 2004-0012-DWQ or its subsequent versions, any issued requirements from a Regional Water Quality Control Board having jurisdiction, and any locally adopted ordinance or regulations.

3. 17852(a)(24.5) (A)– 40 CFR Part 503 standards, the State Water Quality Control Board General Order No. 2004-0012-DWQ **,**and in some locations, Regional Water quality Control Board issued approvals (WDR for example) allow Class B biosolids to be directly applied to land if specific setbacks and restrictions for livestock, crop and public access are provided. Land application of Class B must also occur at agronomic loading rates. (Note: Solano County Code requires registration and inspections of fields and land applications sites used for Class A or B biosolids bulk land application. Solano County has also entered into constructive partnerships with leading academic institutions to perform research on impacts of land application of biosolids).

Section 17852(a)(24.5)(A)2. references metal requirements for Class A biosolids and could potentially lead to prohibition of land application of Class B biosolids otherwise allowed under current federal and state standards. For 2012, results from metal testing performed for Class B biosolids in Solano County shows that the Class B biosolids material tested met Class A standards. However, in other years, Class B material did not meet some Class A standards (copper for instance), but did meet Class B standards. In those years, the land application would then be considered disposal based on the proposed regulations, even though the material is in compliance with all other federal, state and local requirements. CalRecycle may wish to evaluate potential state wide impacts to this language by adding language such as:

The compostable material meets federal or state requirements established for the maximum metal concentration for the specific compostable material and land application activity, or in the absence of such standards, the compostable material meets the maximum metal concentrations as specified in section 17868.2.

Section 17852(a)(24.5)(A)3 - references pathogen requirements for Class A biosolids and finished compost, which may not be appropriate for the allowed land application of a compostable material occurring under other regulations. This requirement can potentially lead to prohibition of land application of Class B biosolids otherwise allowed under current federal and state standards. Results from pathogen testing for Class B biosolids show that Class A standards are typically not met by Class B biosolids. Also, this section as proposed may prevent the land application of agriculturally generated materials onto land. CalRecycle may wish to evaluate potential state wide impacts of requiring land application of compostable materials to meet finished compost product standards. To address the biosolids issue, CalRecycle may need to add language such as:

The compostable material meets federal or state requirements for processes established for pathogen reduction, or testing has been performed to verify pathogen density limits established by federal or state requirements have been reached for the specific compostable material and land application activity, or in the absence of such standards, the compostable material meets the maximum metal concentrations as specified in section 17868.2.

Section 17852(a)(24.5)(A)4. Limits frequency of land application to not more than once in a 12 month period. Current federal and state requirements, and Solano County Code requirements, require that all Class A and B biosolids, and biosolids compost, be applied at agronomic rates. The frequency of application does not matter, and is purely arbitrary. What does matter is the agronomic rate and metal loading rates are not exceeded, whether it is one or more applications. Recommend wording:

The compostable material is not applied in a manner that exceeds the agronomic rate and/or metal loading rates if established, or in absence of such a rates, …..

4. 17852(a)(24.5) (B) & (C) - 17852(a)(24.5) (B)3 states "Prior to application, the EA has received confirmation that CDFA has made the determination specified in (B)2. above." As written this requires an action by the LEA to receive the verification and then, by default, to do something with that verification. The proposed regulation is not clear what additional action is required after receipt, but obviously, the LEA cannot simply discard the confirmation or take no action with it. At the very least the LEA must appropriately file the notification for later retrieval. Solano County is an agricultural county, and such a requirement to accept this information for no intended reason may have significant time burden placed on the LEA with little protection provided to the environment and public health for the extra cost.

   17852(a)(24.5) (C) then goes on to apparently contradict (B)3 (above) by stating: "Verification of compliance with the subsections (A) and (B) above must be provided to the EA upon request." This implies that no confirmation is required to be provided to the LEA unless the LEA specifically asks for it. This wording is preferred as it now provides a tool to the LEA to obtain information if conditions warrant an investigation, but does not require the LEA to accept information from all land application

sites and to spend time needlessly processing paperwork when an issue does not exist.

Recommend deleting 17852(a)(24.5) (B)3

4/30/2013
Terry Schmidtbauer, Environmental Health Manager, Solano County

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CCC is fully supportive of CalRecycle's proposed regulation of land application by establishment of an operative definition of disposal. We do not support the development of a "model ordinance" that would be adopted in a piecemeal approach by jurisdictions and look forward to a statewide standard that would be enforceable by local enforcement agencies immediately upon approval of this regulatory effort.

In the past, we have supported the draft regulations provided in your latest draft text. However, after reviewing actual lab results of testing done in accordance with the proposed language, we find that it is unfeasible for mixed waste compost products to meet the proposed 0.1% physical contaminant limit, while it is still apparent green waste products compost can. We propose that additional information be gathered and presented to clarify a physical contaminant limit that is both relevant and achievable in practice. While we are conscious of a need to reduce contamination in the environment resulting from the application of organic materials to soil, a standard that exceeds the ability of current contaminant removal technology will only serve to stifle compost sales at a time of anticipated growth.

4/30/2013
Neil S.R. Edgar, Executive Director, California Compost Coalition

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Definition of Land Application. [§17852 (a) 24.5] I support this definition and appreciate any work CalRecycle can do to regulate the practice of direct land application. Line 18 (Page 10) (c) should be changed to "monthly", not "upon request".

4/30/2013
Mathew Cotton, Integrated Waste Management Consulting

I) **Land Application amendments** (See proposed 14 CCR, § 17852(a)(24.5))

Although these amendments may have been written to target certain unregulated practices involving the actual dumping of organic material on fields throughout the State which may lead to public health concerns/nuisance conditions, the proposed language appears too broad.

a) To the extent biosolids are a compostable material, they are already regulated by federal law, the State (Water Boards), and many local jurisdictions such as Solano County have adopted local ordinances and developed a comprehensive set of local controls. Regarding this particular practice, there does not need to be more regulation and in fact the public health concern (impacts to water quality) is already properly regulated. This brings up several issues:

1) Jurisdictional: the regulations, as applied to biosolids landspreading, appear to overlap the Water Board's regulations. Accordingly, there is a danger of confusion, regulatory turf wars, and the occurrence of exactly the scenario the Legislature tried to avoid in enacting AB 1220, the Solid Waste Regulatory Reform Act.

2) Regulation of all landspreading as "disposal" seems convoluted, especially when there are more direct ways to handle the main public health issues presented. (e.g. agricultural and water quality controls.)

3) The proposed pathogen control regulations can be read as prohibiting the landspreading of all but Class A biosolids. However, Class B biosolids are not prohibited by the federal regulations or the Water Board, whose regulations and orders have undergone extensive environmental review. Has CalRecycle performed additional environmental review to justify this restriction?

b) As an agricultural County with much prime farmland, Solano prioritizes sustaining farms of every size. Many farms use organic material as a soil addendum. These practices are now and continue to be regulated both as agricultural practices and from a public health/nuisance angle. The concern arises at the thought of hyper regulation of farming, especially small family farms, considering:

1) Organics such as tomato pumice are landspread as an accepted practice. The way the draft regulations are written, arguably even this practice could be regulated as a type of "illegal disposal." Is there environmental review to support the regulatory restrictions as applied to all organic soil supplements?

2) The LEA already has enough on its plate regulating the permitted solid waste facilities. Making inspections of family farms seems an extremely low priority in comparison, and may take valuable time away from the LEA's main task.

3) The LEA is funded, pursuant to statute, by tipping fees flowing from actual disposal receipts. Calling these farming practices "illegal disposal" seems a bit attenuated. There appears to be a danger in creating another unfunded mandate.

Bottom line: The issue of unregulated illegal dumping on farmland appears to require a more targeted set of regulations than what is proposed.

4/30/2013
Lori A. Mazzella, Deputy County Counsel, Solano County

We are supportive of CalRecycle's proposed concept which establishes specific criteria to determine when the use of compostable material, compost and ash is considered disposal and not beneficial reuse. Compostable material with greater than 0.1% physical contamination should be disposed of or further processed and should not be land applied. This standard, in addition to specific depth and frequency restrictions, will decrease the risks of fires and decrease the release of pathogens, vectors, metals and other chemicals by ensuring this material is being properly processed by a regulated compost operation. This standard would discourage unsafe land application practices, which are prevalent in the State due to the cost differential between land application and composting. Recology supports a 0.1% by weight standard applicable to either green material or compost **when applied to land**. However, such a standard should be flexibly phased in over time and the economics of achieving this standard should be fully evaluated.

4/30/2013
Rachel Oster, Director of External Affairs, Recology

24.5 Land Application
It is interesting that this is subsection of insulating composting materials. We are not sure why this is in this section; perhaps that is just where it fit in.

Land application is not listed in the tier structure as an excluded process. It appears that this section is complaint-driven only. If the food material is being land applied at an agricultural site, then it is not excluded under section 17855. Therefore, the compostable materials, not agriculturally derived and delivered to a site for land application are not necessarily automatically excluded when compared with other activities in the tiered structure. For instance, if compostable materials are land applied at a site not currently under active agriculture, they could be regulated under the notification tier (in a similar fashion to a dairy digester accepting food waste). This would ensure that the sites were inspected quarterly, or more often at the discretion of the EA.

While we understand that it is not the intent of CalRecycle to turn farms into solid waste facilities, but if they are handling urban waste materials, and not applying them to an agricultural commodity at agronomic rates, then it appears they need to be slotted into a tier.
We would appreciate further discussion on this issue, since it does not have a simple solution.

4/30/2013

Linda Novick, Project Manager, Harvest Superpowered

17582(a)24.5 – page 10 lines 3 – 17. This limits land application on a site to once in a 12 month period. Since federal and state regulations governing the treatment, management, and use of biosolids compost limits 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 and modified to: "application of biosolids based finished compost shall be limited to the nitrogen needs of the crop to be grown based on the crop year."

4/30/2013
Greg Kester, Biosolids Program Manager, California Association of Sanitation Agencies

CRRC is fully supportive of CalRecycle's proposed regulation of land application by establishment of an operative definition of disposal. We do not support the development of a "model ordinance" that would be adopted in a piecemeal approach by jurisdictions and look forward to a statewide standard that would be enforceable by local enforcement agencies immediately upon approval of this regulatory effort.

In the past, we have supported the draft regulations provided in your latest draft text. However, after reviewing actual lab results of testing done in accordance with the proposed language, we find that it is unfeasible for mixed waste compost products to meet the proposed 0.1% physical contaminant limit, while it is still apparent green waste products compost can.

We propose that additional information be gathered and presented to clarify a physical contaminant limit that is both relevant and achievable in practice. While we are conscious of a need to reduce contamination in the environment resulting from the application of organic materials to soil, a standard that exceeds the ability of current contaminant removal technology will only serve to stifle compost sales at a time of anticipated growth.

In addition, this particular regulation should also have specific workshops with agricultural industry stakeholders (regulators, growers, etc.) to determine the best way for CalRecycle to implement and enforce this new proposed definition and proposed regulation.

4/30/2013
John Synder, State President, California Refuse Recycling Council
Mark Figone, Northern District President, California Refuse Recycling Council

§ 17852 (a)(26) "Mixed Solid Waste" Definition

Section 17852, Subsection (a)(26), "Mixed Solid Waste." – The existing definition refers to "non-organics" and "plastic." These terms need to be clearly defined. Also, see the "General Comment."

3/28/2013
Margaret Clark, Vice-Chair Los Angeles County Solid Waste Management Committee/ Integrated Waste management Task Force and Council Member, City of Rosemead

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§ 17852 (a)(32) Physical Contamination" or "Contaminants" Definition

Section 17852, Subsection (a)(32), "Physical Contamination" or "Contaminants" – Clearly define the terms of "hard plastic" and "film plastic" in concert with the "General Comment."

3/28/2013
Margaret Clark, Vice-Chair Los Angeles County Solid Waste Management Committee/ Integrated Waste management Task Force and Council Member, City of Rosemead

§ 17854.1 Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities

Tier placement for Food Scraps. I support the idea of allowing lower tier facilities to accept food scraps, [§17854.1]. Experience with over a dozen research notification projects accepting food scraps has shown that the acceptance of food scraps (broadly defined) does not automatically require additional regulatory oversight or permitting requirements. There are a number of published BMPs which could inform both operators and regulators of management practices to reduce the impacts of accepting these materials. Many of these are contained in the CalRecycle Publication "Comprehensive Compost Odor Response Project".

4/30/2013
Mathew Cotton, Integrated Waste Management Consulting

§ 17855(a)(1) Excluded Activities – Agricultural Material

17855 (a)(1). I wish to comment on the above code section. I realize that it is not slated for revision, so my comments will probably not be utilized, but it is a point that should be brought to your attention.

Since the composting process reduces the volume of feedstock by approximately 50 percent, I don't see how it is possible for an Agricultural Material Composter to return 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, in order to be Excluded. This is something that really needs to be addressed.

3/8/2013
Mark Janofsky, Marin County Environmental Health Services

§ 17855 (a)(2)Excluded Activities - Vermicomposting

CCC believes that regulatory oversight of vermicomposting – given its reemergence as a potential destination for the growing volume from food waste collection programs – needs to be strengthened. We support the proposed draft language which clarifies that compostable materials and finished compost products at vermicomposting operations need to conform to current Title 14 requirements. We are hopeful that CalRecycle is forthright in the development of guidance documents which are much-needed by Local Enforcement Agencies in determining their responsibilities in the regulation of vermicomposters.

4/30/2013
Neil S.R. Edgar, Executive Director, California Compost Coalition

CRRC believes that regulatory oversight of vermicomposting – given its reemergence as a potential destination for the growing volume from food waste collection programs – needs to be strengthened. We support the proposed draft language, which clarifies that compostable materials and finished compost products at vermicomposting operations need to conform to current Title 14 requirements. We recommend that CalRecycle immediately develop guidance documents, which are much-needed, for Local Enforcement Agencies to clearly state their responsibilities in the regulation of vermicomposters.

4/30/2013
John Synder, State President, California Refuse Recycling Council
Mark Figone, Northern District President, California Refuse Recycling Council

§ 17855 (a)(4)Excluded Activities - Small-scale compostable material handling

Are these Title 14-excluded small-scale composting facilities and activities also exempt from CEQA?

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

Members of OB Green Gold find the draft rules around composting complicated, confusing and especially

restrictive for small scale composting efforts such as ours. As such, they will not increase the number or variety of composting operations. OBGreenGold, a group of residents in Ocean Beach community of San Diego, is dedicated to returning organic materials back to the soil. We have had difficulty in identifying local places for neighborhood composting, due to confusion over state and local regulations around composting. We believe that local composting of food/green wastes is an essential component of various California's environmental and public health initiatives including waste reduction, obesity prevention and healthy food, and reduced air emissions. CalRecycle should create flexible and responsive composting rules that allow local agents (both governmental and private) to develop composting programs that best meet our communities' interests and needs while ensuring agricultural stability.

Composting is a key component of agricultural soils production and thus essential to the health and well-being of communities in the San Diego region. Each agricultural and urban region has its own infrastructure and capacity to develop local composting systems that can integrate neighborhood composting into larger commercial systems.

State composting rules should promote, support and allow local jurisdictions and organizations to develop localized strategies to manage our compostable organic materials. State rules should enable those local entrepreneurs and community organizations interested in creating responsive composting systems.

To achieve these objectives, we request State composting rules that:

- encourage composting of all levels of technical sophistication and financial capital, including small business and entrepreneurship,
- promote decentralized and community composting operations to supplement large scale composting operations,
- use performance-based measures to ensure proper composting procedures of the different composting scales to minimize public safety and environmental risks,
- create permitted tiers (of scale and size) that will address risks according to the size of operations,
- use layman's language for definitions, permit tiers, and exclusions described in the rules
- permit movement of feedstock and composted material on and offsite using best management practices,
- require certain criteria of compost integrity and safety for commercial producers (i.e., if an operation intends to sell > 1,000 cubic yards, then they should maintain documentation of pathogen destruction activity, metals analysis, etc.),
- provide technical guidance to local jurisdictions that wish to develop public composting operations on the nature and scale of composting activity they deem appropriate for their neighborhoods or region,
- permit off-site food and vegetative food material to be composted at farms, community gardens and other decentralized locations as small-scale operations exempt from a Compostable Material Handling Operations permits,
- incentivize best management practices and preference for technologies by offering training or certification programs, grants, and technical assistance in preparing permit applications and operations plans,

There are currently very limited opportunities for composting of food on different degrees of scale. We think that holding all facilities to regulations required for landfills and other massive, earth-moving facilities is counter-productive and unnecessary. Current landfill technology still produces excessive leachate that threatens surrounding watersheds. Compost operations on the other hand, especially smaller decentralized local systems, return nutrients to the soil at a manageable rate that doesn't overwhelm the micro-ecosystem's ability to absorb.

Essentially, the draft text if implemented as is will hold back composting. Barriers need to be removed

and incentives created, as happened when recycling of plastics expanded several decades ago.

FARMS

We recognize that regional farms are essential for a sustainable San Diego region. Farms need to import and compost the same types of materials that originate from the farm, especially post-market. CalRecycle must encourage the return of nutrients directly to the soils that grow our food by permitting farms to accept vegetative material for composting as part of their agricultural operation without a Registration or Full Permit. Plant material is plant material. With that in mind, we are confused why you have differentiated Green Composting Operations and Agricultural Operations. Other than one activity occurs on a farm while the other does not, we do not see a reality-based difference.

Furthermore, what is the benefit of creating a new "Green/ Vegetative Food Material Facilities" permit under the Registration Permit Tier? It is much simpler to add green/ vegetative food as an allowable material in Green Material Composting Operations. Material created from soil must be returned to the soil.

FOOD SCRAPS

We are disappointed that you do not encourage composting of food scraps. Either an operation is excluded at <500 cubic yards and less than 20% food by volume (and material generated onsite), in-vessel with <50 cubic yard onsite, or otherwise a Full Permit is required with no accord for scale or performance.

This could be simplified by removing the limitation that material be generated onsite for operations < 500 cubic yards. This will support micro-enterprise operations to take on local, small-scale food composting. If/as they grow in earnings and potential, they then can register for the next-tier permit to expand their operation.

PERMIT EXCLUSIONS FOR FEEDSTOCK MATERIALS

Permit exclusions in Section 17855 should be simplified and shortened. Allow small-scale operators to make performance-based production (availability of feedstock materials, ability of their technology to compost the material, etc).

Allow movement of feedstock and composted materials to/from the site so long as total size of composting operation is met (i.e., 500 cubic yards).

Remove limitations to food/ vegetative food composting and instead encourage performance. For example: a community garden could not sell finished compost as a fundraiser under these proposed rules. The Legislature has approved cottage food sales as long as the appropriate disclaimer is attached. Why not a similar pro viso for small composting systems?

Other states have better composting rules that speak to our concerns listed above. We ask that your staff research the following:

· Oregon has enacted performance based rules that favor experienced operators, promote and exempt small facilities and remove limitations on the feedstocks agricultural composters may use.

· Ohio exempts composting activity less than 300 square feet in area, regardless of where the material was generated. This was viewed as a victory for community gardens and schools, since many

serve as drop-off sites for compostable materials.

· In Texas, facilities which only process source-separated yard trimmings, clean wood material, vegetative material, paper and manure don't require a permit, registration or notification for the facility.

Operations requiring notification: Facilities that compost any source-separated meat, fish, dead animal carcasses, oils, greases or dairy materials must register a Notice of Intent to Operate a Compost Facility with the TCEQ 30 days prior to construction of the facility.

Operations requiring registration: Facilities that compost additional materials including, but not limited to, municipal sewage sludge must apply for a registration with TCEQ. These facilities are also subject to more detailed location, operating, and reporting requirements than facilities requiring notification.

· Iowa allows a Permit exemption for up to 2 tons food scraps per week from offsite sources.

- Rhode Island requires Registration (but not a full permit) for agricultural composters if they accept less than: 10 tons/day presorted produce or vegetable scraps; 1 ton/day presorted kitchen, restaurant, municipal food scraps; ½ ton/day unprocessed meat/ fish waste.

Simple, standards-based rules are important to the communities and people of California- they encourage pilot programs and models that overly restrictive regulations will stifle. Pilots will lead to more small business opportunities and stronger local economies. These robust projects are alive and thriving in other states due to the support of LEAs and local advocates.

· Lower East Side Ecology Center, New York City: This organization operates food waste-into-compost system at Farmers Markets. At its facility in a City park, they process 6-7 tons per week collected from residents at the Markets into compost, which is then sold back to residents at Farmers Markets.

· Compost Cab, Washington, DC: collects residential and commercial food scraps and delivers to urban farms for composting

· The Compost Crew, Silver Spring, Maryland: collects residential and commercial food scraps and delivers to urban farms for composting

- Farm Fresh, Rhode Island: through partnerships with local farms and community organizations, RI's community composting program provides residential food scraps drop-off locations at farmers markets for composting at local farms

Thank you very much for considering our comments. We would be happy to answer any questions or concerns you may have. And we look forward to working with our local governments to create our local composting systems.

4/23/2013
Anne Barron & Silka Kurth, OB GreenGold

As a San Diego resident and small business owner, please accept my public comments on the CalRecycle draft composting regulations. My comments are in support of modifications proposed by San Diego's 1 in 10 coalition in support of small-scale community composting by community gardens and farms.

Solutions to reduce our waste stream must be addressed at a variety of scales, both large to small. It appears the regulations as currently drafted are overly burdensome on small scale composting operations which desire to take food scraps and other compostable material from their immediate surrounding

community.

The regulations should be modified to not only avoid the exclusion of small-scale composting operations, but even to encourage these small scale solutions to reduce the burden on municipalities and large scale operations.

Small scale solutions should be encouraged by adopting the following modifications:

- encourage composting of all levels of technical sophistication and financial capital, including the encouragement of small business entrepreneurs,
- promote decentralized and community composting operations to supplement large scale composting operations,
- use performance-based measures to ensure proper composting procedures of the different composting scales to minimize public safety and environmental risks,
- create permitted tiers (of scale and size) that will address risks according to the size of operations,
- use layman's language for definitions, permit tiers, and exclusions described in the rules,
- allow movement of feedstock and composted material on and offsite using best management practices,
- require certain criteria of compost integrity and safety for commercial producers (i.e., if a small excluded operation intends to sell > 1,000 cubic yards, then they should maintain documentation of pathogen destruction activity, metals analysis, etc.),
- provide technical guidance to local jurisdictions that wish to develop public composting operations on the nature and scale of composting activity they deem appropriate for their neighborhoods or region,
- allow off-site food and vegetative food material to be composted at farms, community gardens and other decentralized locations as small-scale operations exempt from a Compostable Material Handling Operations permits,
- offer incentives for following best management practices by offering training or certification programs, grants, and technical assistance in preparing permit applications and operations plans.

In addition, please consider the following case studies when making further revisions to the regulations:

- Lower East Side Ecology Center, New York City: This organization operates food waste-into-compost system at Farmers Markets. At its facility in a City park, they process 6-7 tons per week collected from residents at the Markets into compost, which is then sold back to residents at Farmers Markets
- Compost Cab, Washington, DC: collects residential and commercial food scraps and delivers to urban farms for composting
- The Compost Crew, Silver Spring, Maryland: collects residential and commercial food scraps and delivers to urban farms for composting
- Farm Fresh, Rhode Island: through partnerships with local farms and community organizations, RI's community composting program provides residential food scraps drop-off locations at farmers markets for composting at local farms
- Compost Mobile, Miami, Florida- non-profit organization was awarded a microfinance grant to initiate a program that collects residential food scraps from particularly low-income neighborhoods and delivers to urban farms and community gardens for composting

4/24/2013
Jay Corrales, Turner Real Estate

Eco Caters is a member of the 1:10 Coalition, a coalition of grassroots organizations promoting policies leading to local food production and long term food shed sustainability in San Diego through advocacy, education, and organizing. The collaborative efforts and shared vision of the 1 in 10 Coalition was instrumental in shaping the City of San Diego's community garden and urban agriculture policies.

Development of local composting here in San Diego is currently one of the primary focus points of the 1 in 10 Coalition. In coordination with the 1 in 10 Coalition, members of Eco Caters are reviewing local and state policies to determine how they impact our ability to achieve our vision of a healthy and sustainable community.]

Composting is a key component of agricultural soils production and thus essential to the health and well-being of communities in the San Diego region. Not only that, we believe that local composting of food/green wastes is an essential component of various environmental and public health initiatives including waste reduction, obesity prevention and healthy food, and reduced air emissions. We have realized that we will not be able develop composting programs to help tackle our local problems without top level support from the State. However much to our dismay we find the draft rules around composting to be complicated, confusing and especially restrictive for small scale composting efforts. As such, the draft rules will not increase the number or variety of composting operations in our community.

In order for composting to help us achieve our vision of sustainability and health for our community, we request State composting rules that:

- encourage composting of all levels of technical sophistication and financial capital, including small business and entrepreneurship,
- promote decentralized and community composting operations to supplement large scale composting operations,
- use performance-based measures to ensure proper composting procedures of the different composting scales to minimize public safety and environmental risks,
- create permitted tiers (of scale and size) that will address risks according to the size of operations,
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- allow movement of feedstock and composted material on and offsite using best management practices,
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- allow off-site food and vegetative food material to be composted at farms, community gardens and other decentralized locations as small-scale operations exempt from a Compostable Material Handling Operations permits,
- incentivize best management practices and preference for technologies by offering training or certification programs, grants, and technical assistance in preparing permit applications and operations plans.

Essentially, the draft text if implemented as is will hold back composting. We can do better. Barriers need to be removed and incentives created, as happened when recycling of plastics expanded several decades ago.

Even Food Policy guidance documents, such as that prepared by the Harvard Law School Food Law and Policy Clinic, recognize that barriers to composting are effective barriers to local food production. Below is an excerpt from Table IV-2: Zoning Challenges and Possible Solutions, from *Good Law, Good Food. Putting Local Food Policy to Work for Our Local Communities*

CHALLENGE	EFFECTS	POSSIBLE SOLUTIONS
RESTRICTIONS	¬ *Prioritizes minor concerns over*	¬ Petition your city to allow urban farms to use off-site

ON USE OF OFFSITE **COMPOSTING** **MATERIALS32**	*sanitation and health issues resulting* *from mismanagement of compost over benefits of a resource that can reduce or eliminate the need for harmful pesticides and fertilizers* ¬ *Creates a disincentive for public or private entities to redirect food waste* ¬ *Reduces potential for development of a new "green" business opportunity*	composting materials. ¬ Help your city council obtain funding to start or expand composting programs, including streamlining the collection process and building or improving processing facilities. ¬ Suggest nuisance control provisions to ensure that composting does not become a public health risk.33

The paper further recommends that…

"Food policy councils can increase community and government support for collecting compost materials by:

- working to reduce restrictions on what foods can be included in compost, such as proteins, fats, and oils, as well as other agricultural byproducts;
- improving local composting efforts by sponsoring small-scale composting initiatives that collect residential compost for small urban farms, particularly in food deserts…[1]"

Interestingly the challenges to composting we identify here in California are similar to those separately identified by the Harvard Law School Food Law and Policy Clinic. Below are specific comments on the draft text in the areas of farms, food scraps, and exclusions:

FARMS

We recognize that regional farms are essential for a sustainable San Diego region. Farms need to import and compost the same types of materials that originate from the farm, especially post-market. CalRecycle must encourage the return of nutrients directly to the soils that grow our food by allowing farms to accept vegetative material for composting as part of their agricultural operation without a Registration or Full Permit. Plant material is plant material. With that in mind, we are confused why CalRecycle has differentiated Green Composting Operations and Agricultural Operations. Other than one activity occurs on a farm while the other does not, we do not see a reality-based difference.

Furthermore, what is the benefit of creating a new "Green/ Vegetative Food Material Facilities" permit under the Registration Permit Tier? It is much simpler to add green/ vegetative food as an allowable material in Green Material Composting Operations. Material created from soil needs to be returned to the soil without restriction.

FOOD SCRAPS

We are disappointed that CalRecycle does not encourage composting of food scraps. Either an operation is excluded at <500 cubic yards and less than 20% food by volume (and material generated onsite), in-vessel with <50 cubic yard onsite, or otherwise a Full Permit is required with no accord for scale or performance. We think that holding all facilities to regulations required for centralized, industrialized operations and other massive, earth-moving facilities is counter-productive and unnecessary. Centralized operations pose significantly more threats to the environment that requires mitigation, such as potential threat of leachate to surrounding watersheds. Smaller, decentralized local systems return nutrients to the soil at a manageable rate that doesn't overwhelm the micro-

ecosystem's ability to absorb.

The rules could be simplified by removing the limitation that material be generated onsite for operations < 500 cubic yards. This will support micro-enterprise operations to take on local, small-scale food composting. If/as they grow in earnings and potential, they then can register for the next-tier permit to expand their operation.

To reiterate the above, nutrient replenishment to agricultural soils is essential for a healthy food shed. The regulations need to reflect CalRecycle's support and encouragement for on-farm composting. Farms should be allowed to import vegetative food material, and a specified volume of food, for composting as part of their agricultural activity.

PERMIT EXCLUSIONS FOR FEEDSTOCK MATERIALS

Permit exclusions in Section 17855 should be simplified and shortened.

- Allow small-scale operators to make performance-based decisions around compost production (availability of feedstock materials, ability of their technology to compost the material, etc).

- Allow movement of feedstock and composted materials to/from the site so long as total size of composting operation is met (i.e., 500 cubic yards).

- Remove limitations to food/ vegetative food composting and instead encourage performance for small operations.

Under the draft rules, a community garden could not sell finished compost as a fundraiser. The Legislature has approved cottage food sales as long as the appropriate disclaimer is attached. Why not a similar pro viso for small composting systems?

Other states have better composting rules that speak to our concerns listed above. We ask that your staff research the following:

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- Ohio exempts composting activity less than 300 square feet in area, regardless of where the material was generated. This was viewed as a victory for community gardens and schools, since many serve as drop-off sites for compostable materials.

- In Texas, facilities which only process source-separated yard trimmings, clean wood material, vegetative material, paper and manure don't require a permit, registration or notification for the facility.

Operations requiring notification: Facilities that compost any source-separated meat, fish, dead animal carcasses, oils, greases or dairy materials must register a Notice of Intent to Operate a Compost Facility with the TCEQ 30 days prior to construction of the facility.

- Iowa allows a Permit exemption for up to 2 tons food scraps per week from offsite sources.

- Rhode Island requires Registration (but not a full permit) for agricultural composters if they accept less than: 10 tons/day presorted produce or vegetable scraps; 1 ton/day presorted kitchen, restaurant, municipal food scraps; ½ ton/day unprocessed meat/ fish waste.

· Other states and regions that include composting in their Right to Farm laws.

Each agricultural and urban region has its own infrastructure and capacity to develop local composting systems that can integrate neighborhood composting into larger commercial systems. We encourage CalRecycle to create flexible and responsive composting rules that allow local agents (both governmental and private) to develop composting programs that best meet our communities' interests and needs while ensuring agricultural stability. Simple, standards-based rules are important to the communities and people of California- they encourage pilot programs and models that overly restrictive regulations will stifle. Pilots will lead to more small business opportunities and stronger local economies. These robust projects are alive and thriving in other states due to the support of LEAs and local advocates.

· Lower East Side Ecology Center, New York City: This organization operates food waste-into-compost system at Farmers Markets. At its facility in a City park, they process 6-7 tons per week collected from residents at the Markets into compost, which is then sold back to residents at Farmers Markets.

· Compost Cab, Washington, DC: collects residential and commercial food scraps and delivers to urban farms for composting

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· Compost Mobile, Miami, Florida- non-profit organization was awarded a microfinance grant to initiate a program that collects residential food scraps from particularly low-income neighborhoods and delivers to urban farms and community gardens for composting

As we move forward to integrate composting into our healthy community and sustainable food shed systems, we recognize that CalRecycle is an important and vital ally to our movement. We look forward to State-level rules that enable us to work within the frameworks of our communities to create our local composting systems. We are very excited to be submitting these comments to you and thank you very much for the effort and dedication you've put into this process. We would be happy to answer any questions or concerns you may have.

4/25/2013
Adam Hiner, Owner, Eco Caters

We support the 1 in 10 coalition. As a home composting family, I see many benefits and believe it needs to be available to everyone.
Thank you.

4/25/2013
Lynn Wade, Michael BuFalry & Dustin

As an osteopathic physician dedicated to helping individuals find health and well being, I support composting. A foundation of good health is a clean healthy diet and clean air and water. Composting helps with both-leading to more organically produced food and less fuel and less chemical exposure. It simply doesn't make sense to put something like coffee grounds into the land fill, when worms thrive on them.

I am a member of the 1:10 Coalition, a coalition of grassroots organizations promoting policies leading to local food production and long term food shed sustainability in San Diego through advocacy, education, and organizing. The collaborative efforts and shared vision of the 1 in 10 Coalition was instrumental in shaping the City of San Diego's community garden and urban agriculture policies. Development of local composting here in San Diego is currently one of the primary focus points of the 1 in 10 Coalition. In

coordination with the 1 in 10 Coalition, I am reviewing local and state policies to determine how they impact our ability to achieve our vision of a healthy and sustainable community.

Composting is a key component of agricultural soils production and thus essential to the health and well-being of communities in the San Diego region. Not only that, we believe that local composting of food/green wastes is an essential component of various environmental and public health initiatives including waste reduction, obesity prevention and healthy food, and reduced air emissions. We have realized that we will not be able develop composting programs to help tackle our local problems without top level support from the State. However much to our dismay we find the draft rules around composting to be complicated, confusing and especially restrictive for small scale composting efforts. As such, the draft rules will not increase the number or variety of composting operations in our community.

In order for composting to help us achieve our vision of sustainability and health for our community, we request State composting rules that:

- encourage composting of all levels of technical sophistication and financial capital, including small business and entrepreneurship,
- promote decentralized and community composting operations to supplement large scale composting operations,
- use performance-based measures to ensure proper composting procedures of the different composting scales to minimize public safety and environmental risks,
- create permitted tiers (of scale and size) that will address risks according to the size of operations,
- use layman's language for definitions, permit tiers, and exclusions described in the rules
- allow movement of feedstock and composted material on and offsite using best management practices,
- require certain criteria of compost integrity and safety for commercial producers (i.e., if a small excluded operation intends to sell > 1,000 cubic yards, then they should maintain documentation of pathogen destruction activity, metals analysis, etc.),
- provide technical guidance to local jurisdictions that wish to develop public composting operations on the nature and scale of composting activity they deem appropriate for their neighborhoods or region,
- allow off-site food and vegetative food material to be composted at farms, community gardens and other decentralized locations as small-scale operations exempt from a Compostable Material Handling Operations permits,
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Essentially, the draft text if implemented as is will hold back composting. We can do better. Barriers need to be removed and incentives created, as happened when recycling of plastics expanded several decades ago.

Even Food Policy guidance documents, such as that prepared by the Harvard Law School Food Law and Policy Clinic, recognize that barriers to composting are effective barriers to local food production. Below is an excerpt from Table IV-2: Zoning Challenges and Possible Solutions, from Good Law, Good Food. Putting Local Food Policy to Work for Our Local Communities

CHALLENGE	EFFECTS	POSSIBLE SOLUTIONS

RESTRICTIONS ON USE OF OFFSITE COMPOSTING MATERIALS32	Prioritizes minor concerns over sanitation and health issues resulting from mismanagement of compost over benefits of a resource that can reduce or eliminate the need for harmful pesticides and fertilizers Creates a disincentive for public or private entities to redirect food waste Reduces potential for development of a new "green" business opportunity	Petition your city to allow urban farms to use off-site composting materials. Help your city council obtain funding to start or expand composting programs, including streamlining the collection process and building or improving processing facilities. Suggest nuisance control provisions to ensure that composting does not become a public health risk.33

The paper further recommends that…

"Food policy councils can increase community and government support for collecting compost materials by:

- working to reduce restrictions on what foods can be included in compost, such as proteins, fats, and oils, as well as other agricultural byproducts;
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Interestingly the challenges to composting we identify here in California are similar to those separately identified by the Harvard Law School Food Law and Policy Clinic.

Below are specific comments on the draft text in the areas of farms, food scraps, and exclusions:

FARMS

We recognize that regional farms are essential for a sustainable San Diego region. Farms need to import and compost the same types of materials that originate from the farm, especially post-market. CalRecycle must encourage the return of nutrients directly to the soils that grow our food by allowing farms to accept vegetative material for composting as part of their agricultural operation without a Registration or Full Permit. Plant material is plant material. With that in mind, we are confused why CalRecycle has differentiated Green Composting Operations and Agricultural Operations. One activity occurs on a farm while the other does not; we do not see a reality-based difference.

Furthermore, what is the benefit of creating a new "Green/ Vegetative Food Material Facilities" permit under the Registration Permit Tier? It is much simpler to add green/ vegetative food as an allowable material in Green Material Composting Operations. Material created from soil needs to be returned to the soil without restriction.

FOOD SCRAPS

We are disappointed that CalRecycle does not encourage composting of food scraps. Either an operation is excluded at <500 cubic yards and less than 20% food by volume (and material generated onsite), in-vessel with <50 cubic yard onsite, or otherwise a Full Permit is required with no accord for scale or performance.

We think that holding all facilities to regulations required for centralized, industrialized operations and other massive, earth-moving facilities is counter-productive and unnecessary. Centralized operations

[1] Good Law, Good Food. Putting Local Food Policy to Work for Our Local Communities , Harvard Law School Food Law and Policy Clinic, 2012, Pg 54 and 87

pose significantly more threats to the environment that requires mitigation, such as potential threat of leachate to surrounding watersheds. Smaller, decentralized local systems return nutrients to the soil at a manageable rate that doesn't overwhelm the micro-ecosystem's ability to absorb.

The rules could be simplified by removing the limitation that material be generated onsite for operations < 500 cubic yards. This will support micro-enterprise operations to take on local, small-scale food composting. If/as they grow in earnings and potential, they then can register for the next-tier permit to expand their operation.

To reiterate the above, nutrient replenishment to agricultural soils is essential for a healthy food shed. The regulations need to reflect CalRecycle's support and encouragement for on-farm composting. Farms should be allowed to import vegetative food material, and a specified volume of food, for composting as part of their agricultural activity.

PERMIT EXCLUSIONS FOR FEEDSTOCK MATERIALS

Permit exclusions in Section 17855 should be simplified and shortened.

- Allow small-scale operators to make performance-based decisions around compost production (availability of feedstock materials, ability of their technology to compost the material, etc).
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Other states have better composting rules that speak to our concerns listed above. We ask that your staff research the following:

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Each agricultural and urban region has its own infrastructure and capacity to develop local composting

systems that can integrate neighborhood composting into larger commercial systems. We encourage CalRecycle to create flexible and responsive composting rules that allow local agents (both governmental and private) to develop composting programs that best meet our communities' interests and needs while ensuring agricultural stability. Simple, standards-based rules are important to the communities and people of California- they encourage pilot programs and models that overly restrictive regulations will stifle. Pilots will lead to more small business opportunities and stronger local economies. These robust projects are alive and thriving in other states due to the support of LEAs and local advocates.

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4/28/2013
Beth Thompson, DO, Oak Tree Osteopathy

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4/29/2013
Rachel Hiner, Sandy Feet Events

Recently, a group of environmentally minded citizens gathered in north San Diego County. We were inspired by the work that organic farmer, Master Composter Instructor, and Encinitas, CA resident Peter Ash has done both home and abroad. Peter uses composting to clean polluted sites, prevent organic waste from going to the landfill, revitalize natural ecosystems, and grow organic food for underprivileged populations. He performs this work mainly through windrow composting and vermicomposting. For an explanation of the environmentally transformative work he has done in India, please see the attached article from BioCycle magazine.

Inspired by Peter's work, we have recently formed an organization called EcoCorps. Our intention is to help San Diego County businesses and residents save money, be more environmentally responsible, and create more green jobs in our community. The services we offer are (1) strategies to achieve Zero Waste, (2) composting technical assistance and education, and (3) on-site edible and sustainable landscaping. We believe that these services will be a great benefit to companies and communities in order to help them meet their sustainability and health goals.

We've identified and contacted various sites in the north county San Diego area that will support our composting operations. These include juice shops and coffee shops which generate thousands of pounds of fruit and vegetable pulp, coffee grinds, and other organic waste daily. At these business parks and strip malls we have also identified countless amounts of shredded paper, newspaper, and cardboard weekly in the dumpsters and trash cans. These are just a few of the many compostable waste streams in our community that end up daily in the landfill due to both a lack of awareness and a lack of well-understood options for composting. It is a shame to watch these compostable materials be hauled off to the landfill. EcoCorps is looking to work with these businesses to identify safe and responsible ways to compost these materials either on-site, at local farms, or in a dedicated composting facility.

Considering what we have observed firsthand in our community, we want to identify better solutions. Solutions that will enable us to green our community, create jobs, and take appropriate actions that promote sustainability. While looking into how to legally address these local composting challenges, we just recently learned that CalRecycle is the appropriate regulatory agency. We also subsequently discovered that the public comment period for CalRecycle's draft regulations regarding composting operations ends on April 30, 2013.

Given the short time period we have had to review the draft regulations, we urge CalRecycle staff to consider small-scale entrepreneurial operations like EcoCorps in your review process. We have the proven expertise in performing safe and responsible composting operations with appropriate vector, pathogen, and odor reduction and elimination. We have also been building community awareness to

support small scale composting operations for local businesses and residents. We view composting as a beneficial activity for California and are concerned about proposed regulations that could prevent successful small-scale operations.

We would like CalRecycle to simplify the rules and help entities like EcoCorps avoid excessive and expensive permits. Please consider the case of the aforementioned mixed organic waste streams and how overly restrictive regulations prevent organizations from composting those materials. We ask that CalRecycle considers these specific challenges in the review process. **We urge CalRecycle to draft language that better facilitates composting of all food material and other compostable streams such as shredded paper, newspaper, cardboard and other paper products by capable small-scale operators.**

As we understand the current draft regulations, much of the activities such as collecting those organic waste streams and composting them at a local farm, facility or on-site, are either heavily permitted or altogether prohibited. **It is burdensome for small companies who want to do the right thing to have to obtain numerous permits and satisfy several regulatory qualifiers from disposal to composting materials handling to distribution. Furthermore, for on-site activities it will be a challenge to determine that food and vegetative waste does not exceed 20% of the feedstock on-site at any time as written on pg. 13 of the draft rulemaking.**

Instead, we support the vision for State composting rules that is shared by the 1 in 10 Coalition of San Diego:

- encourage composting of all levels of technical sophistication and financial capital, including small business and entrepreneurship,
- promote decentralized and community composting operations to supplement large scale composting operations,
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As we move forward to integrate composting into our healthy community and sustainable food shed systems, we recognize that CalRecycle is an important and vital ally to our movement. We support CalRecycle's basis for drafting these regulations with the foremost concern for human health and safety. We look forward to State-level rules that enable us to work within the frameworks of our communities to create safe and responsible local composting systems. We are very excited to be submitting these comments to you and thank you very much for the effort and dedication you've put into this process. We

would be happy to answer any questions or concerns you may have.

4/30/2013
The EcoCorps Team, www.EcoCorpsSystems.com
Peter Ash, Master Composter Instructor, Encinitas, CA
Laurel Miltenberger, MA, Master Composter, Vista, CA
David Forney, PhD, Soil Carbon Scientist, Solana Beach, CA
Jeff Bishop, MPIA, Master Composter, Solana Beach, CA
Sarah McMinn, MSW, La Jolla, CA
David Emmerson, Master Compost Instructor and AP Chemistry Teacher, La Costa Canyon High School, Carlsbad, CA
Susan Taylor, Solana Beach, CA
Christina Wadsworth, La Jolla, CA
David Vieira, Carlsbad, CA
Jamie Accetta, Master Composter, San Diego, CA

Inika Small Earth is a non-profit organization in San Diego striving to reduce the environmental footprint of our community. We promote zero waste principles as the means of achieving sustainability in our schools and workplaces. Inika is a member of the 1:10 Coalition, a coalition of grassroots organizations promoting policies leading to local food production and long term food shed sustainability in San Diego through advocacy, education, and organizing. The collaborative efforts and shared vision of the 1 in 10 Coalition was instrumental in shaping the City of San Diego's community garden and urban agriculture policies. Development of local composting here in San Diego is currently one of the primary focus points of the 1 in 10 Coalition. In coordination with the 1 in 10 Coalition, Inika staff is reviewing local and state policies to determine how they impact our ability to achieve our vision of a healthy and sustainable community. The bulk of this letter was prepared in conjunction with other 1 in 10 Coalition composting advocates.

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material in Green Material Composting Operations. Material created from soil needs to be returned to the soil without restriction.

Food Scraps: We are disappointed that CalRecycle does not encourage composting of food scraps. Either an operation is excluded at <500 cubic yards and less than 20% food by volume (and material generated onsite), in-vessel with <50 cubic yard onsite, or otherwise a Full Permit is required with no accord for scale or performance.

We think that holding all facilities to regulations required for centralized, industrialized operations and other massive, earth-moving facilities is counter-productive and unnecessary. Centralized operations pose significantly more threats to the environment that requires mitigation, such as potential threat of leachate to surrounding watersheds. Smaller, decentralized local systems return nutrients to the soil at a manageable rate that doesn't overwhelm the micro-ecosystem's ability to absorb. Inika envisions distributed composting sites scattered throughout our neighborhoods, at community gardens and farms, so that all people have an outlet to distribute their food scraps, and at the same time have access to healthy food. We also see a benefit to small distributed sites: the community remains more engaged and develops a higher consciousness of where their resources come from, and what happens to them after use. A school can be a community resource for a business, which can be a resource for a farm. All remain engaged in the movement of food and compost from one site to another, as well as the educational, community building and economic opportunities. The rules should encourage this to happen.

The rules could be simplified by removing the limitation that material be generated onsite for operations < 500 cubic yards. This will support micro-enterprise operations to take on local, small-scale food composting. If/as they grow in earnings and potential, they then can register for the next-tier permit to expand their operation.

To reiterate the above, nutrient replenishment to agricultural soils is essential for a healthy food shed. The regulations need to reflect CalRecycle's support and encouragement for on-farm composting. Farms should be allowed to import vegetative food material, and a specified volume of food, for composting as part of their agricultural activity.

Permit exclusions for feedstock materials: Permit exclusions in Section 17855 should be simplified and shortened. Under the draft rules, a community garden could not sell finished compost as a fundraiser. The Legislature has approved cottage food sales as long as the appropriate disclaimer is attached. Why not a similar pro viso for small composting systems? A large apartment complex may conduct its own composting on-site, but what if they primarily generate food scraps, and what if they have little use for the compost? Are they really not allowed to import a complimentary feedstock to balance the C:N ratio? And they'll be limited to how much compost they can give away? Just as commercial properties contract out landscaping services, an entrepreneur or community group could feasibly handle the operation for a business or an apartment building and find outlets for distributing the compost. Inika envisions micro-enterprise opportunities and relationships such as these developing throughout our neighborhoods; neighbors educating one-another and helping one-another to create a community resource.

If the scale of the operation is exempted from permit (i.e., 500 cubic yards), then the movement of feedstock and compost should be exempted as well. The rules should allow small-scale operators to make performance-based decisions around compost production, including how they manage and compost food/ vegetative food (i.e., they make decisions based on availability of feedstock materials, ability of their technology to compost the material, space availability, etc).

Other states have better composting rules that speak to our concerns listed above. We ask that your staff research the following:

- Oregon has enacted performance based rules that favor experienced operators, promote and exempt small facilities and remove limitations on the feedstocks agricultural composters may use.

- Ohio exempts composting activity less than 300 square feet in area, regardless of where the material was generated. This was viewed as a victory for community gardens and schools, since

many serve as drop-off sites for compostable materials.

- In Texas, facilities which only process source-separated yard trimmings, clean wood material, vegetative material, paper and manure don't require a permit, registration or notification for the facility.

  Operations requiring notification: Facilities that compost any source-separated meat, fish, dead animal carcasses, oils, greases or dairy materials must register a Notice of Intent to Operate a Compost Facility with the TCEQ 30 days prior to construction of the facility.

- Iowa allows a Permit exemption for up to 2 tons food scraps per week from offsite sources.

- Rhode Island requires Registration (but not a full permit) for agricultural composters if they accept less than: 10 tons/day presorted produce or vegetable scraps; 1 ton/day presorted kitchen, restaurant, municipal food scraps; ½ ton/day unprocessed meat/ fish waste.

- Other states and regions that include composting in their Right to Farm laws.

Each agricultural and urban region has its own infrastructure and capacity to develop local composting systems that can integrate neighborhood composting into larger commercial systems. We encourage CalRecycle to create flexible and responsive composting rules that allow local agents (both governmental and private) to develop composting programs that best meet our communities' interests and needs while ensuring agricultural stability. Simple, standards-based rules are important to the communities and people of California- they encourage pilot programs and models that overly restrictive regulations will stifle. Pilots will lead to more small business opportunities and stronger local economies. These robust projects are alive and thriving in other states due to the support of LEAs and local advocates.

- Lower East Side Ecology Center, New York City: This organization operates food waste-into-compost system at Farmers Markets. At its facility in a City park, they process 6-7 tons per week collected from residents at the Markets into compost, which is then sold back to residents at Farmers Markets.

- Compost Cab, Washington, DC: collects residential and commercial food scraps and delivers to urban farms for composting

- The Compost Crew, Silver Spring, Maryland: collects residential and commercial food scraps and delivers to urban farms for composting

- Farm Fresh, Rhode Island: through partnerships with local farms and community organizations, RI's community composting program provides residential food scraps drop-off locations at farmers markets for composting at local farms

- Compost Mobile, Miami, Florida- non-profit organization was awarded a microfinance grant to initiate a program that collects residential food scraps from particularly low-income neighborhoods and delivers to urban farms and community gardens for composting

As we move forward to integrate composting into our healthy community and sustainable food shed systems, we recognize that CalRecycle is an important and vital ally to our movement. We look forward to State-level rules that enable us to work within our local frameworks to create our own unique composting systems. We are very excited to be submitting these comments to you and thank you very much for the effort and dedication you've put into this process. We would be happy to answer any questions or concerns you may have.

4/30/2013
Tyla Montgomery, Inika Small Earth

17855(a)(4)(A) – Solano County LEA is concerned with the public health implications of excluding small

scale composters from regulations while allowing them to add potentially pathogenic food material and vegetative food material to the green waste feedstock. Such an addition as proposed by the regulations significantly changes the potential environmental and public health implications for such a facility and maintaining the same level of oversight associated with green waste compost facilities only does not seem protective. If compost is going to be sold or given away to the public with food material and vegetative food material feedstock, then some minimal level of regulation should be provided, and not be completely exempted. Perhaps a notification tier with submission of lab results at a minimum.

4/30/2013
Terry Schmidtbauer, Environmental Health Manager, Solano County

CCC supports the proposed language changes to existing excluded activities. Of particular importance are provisions regarding mushroom composting and those that specify all compostable materials must be generated onsite and all finished compost must be used onsite for community gardens and schools.

4/30/2013
Neil S.R. Edgar, Executive Director, California Compost Coalition

I support comments submitted by the 1:10 Coalition and would like to reiterate some key concerns relating to the current draft regulations under consideration.

I am a San Diego resident who would like to divert my food waste from the landfill but the current composting regulations (specifically the exemptions) allow few options of diversion. Although back yard composting and becoming a member of a community garden are options, they are not options that have a significant reach in the community. If one does not have a back yard (many residents live in apartments), or the time to manage a compost bin or join a community garden, the remaining options are to discard food waste in the trash. Under the current regulations, an individual cannot take a bucket of food scraps to an excluded composting facility because excluded facilities cannot accept waste from offsite.

Although San Francisco has been successful at diverting green waste and food waste from landfills, not all California municipalities are able to devote resources or permitted facility capacity to this end. For example, a third of single family homes in San Diego still do not have access to curbside green waste pick-up due to insufficient resources. Food waste diversion is only being targeted by the city at the commercial scale, and even at this level, there are limited resources in terms of staff, outreach, and processing capacity to make significant strides. San Diego does not have short term, or even long term realistic plans of being able to offer curb side pick-up or alternative food waste disposal to residents.

When government cannot provide services that contribute to a healthy community, government should at the very least, not prohibit access to such services with restrictive regulation. **Please consider amending exclusion 1 and exclusion 4 (A) under section 17855 Excluded Activities such that feedstock does not have to be generated on site.** This amendment would allow residents or even communities such as small offices to collect and bring food waste to a local park or agricultural site for the purpose of diverting food waste to return nutrients to the soil. This can help small businesses achieve green goals necessary for compliance with LEED building or ISO14001 standards. This will allow more waste diversion options for residents with limited time and resources, but with enough time to source separate. It will also promote small business entrepreneurship for those wishing to manage and operate such an excluded facility.

Because the environmental and health risks of small, non-windrow composting sites are very low compared to the benefits of “a resource that can reduce or eliminate the need for harmful pesticides and fertilizers[1]”, there is no reason to restrict the use of offsite composting materials for excluded facilities. It has been shown by unpublished USDA studies that even 9 inches of rain falling on small pile compost sites does not produce leachate. Additionally, the aerosol and bioaerosol risks to humans at small composting sites are extremely low, and even then would only be present to those directly managing the compost, not to the surrounding community. Additionally, smaller, decentralized local systems return nutrients to the soil at a manageable rate that doesn’t overwhelm the micro-ecosystem’s ability to absorb these nutrients.Smaller, decentralized local composting facilities also reduce the transportation emissions associated with hauling to larger centralized permitted facilities. Amending exclusion 1 and exclusion 4(A)

to allow feedstock from offsite will promote smaller, decentralized local composting facilities.

Other amendments to the draft text that are needed to break down barriers to food waste diversion are requested below:

> Please amend section **17855 – 4(A)** to remove any restrictions on the volume of compost that can be sold or given away annually. This amendment would promote small business entrepreneurship and enable non-profit fundraising with finished compost. Rather than restrict commercial activity from excluded sites, CalRecycle could require certain criteria of compost integrity and safety for those excluded facilities that sell or donate more than 1,000 cubic yards. Such sites could be required to maintain documentation of pathogen destruction activity, metals analysis, etc.
>
> Please amend section **17855 – 4(C)** to remove the requirement that resulting compost is used on site, as this would prohibit finished compost to be sold for fundraising.

4/30/2013
Suzanne Barzee, MPH, San Diego, CA

Regulations for small-scale composting of food material should ensure that no material from off-site is being received and/or composted. The excluded tier needs to specify that all small scale composting occur only with material that was generated on-site. If that is not clear in the regulations, there is a potential for some of these operations to start taking material from other sources. If small-scale composters begin to take material generated off-site, a permit and oversight needs to be required to guarantee the protection of human health and the environment.

4/30/2013
Rachel Oster, Director of External Affairs, Recology

CRRC supports the proposed language changes to existing excluded activities. Of particular importance are provisions regarding mushroom composting and those that specify all compostable materials must be generated onsite and all finished compost must be used onsite for community gardens and schools.

4/30/2013
John Synder, State President, California Refuse Recycling Council
Mark Figone, Northern District President, California Refuse Recycling Council

§ 17856. Agricultural Material Composting Operations

Section 17856 — Agricultural Material Composting Operations. 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 and green materials received, by jurisdiction of origin, and submit the data to the appropriate jurisdictions on a calendar quarterly basis."

3/28/2013
Margaret Clark, Vice-Chair Los Angeles County Solid Waste Management Committee/ Integrated Waste management Task Force and Council Member, City of Rosemead

§ 17857.1. Green Material Composting Operations and Facilities

Section 17857.1 — Green Material Composting Operations and Facilities. To assist local governments with the effectiveness of their diversion programs, this Section needs to be expanded to include the following new subsection:

- "Subsection (d) — These sites shall record the quantities of agricultural and green materials received, by jurisdiction of origin, and submit the data to the appropriate jurisdictions on a calendar quarterly basis."

3/28/2013

Margaret Clark, Vice-Chair Los Angeles County Solid Waste Management Committee/ Integrated Waste management Task Force and Council Member, City of Rosemead

Under the proposed regulations, Section 17854, a Green Material Composting Operation with a total on-site material storage capacity of less than 12,500 cy and a Green Material Composting Facility greater than 12,500 cy require, respectively, an EA Notification and a Full SWFP to operate. The Full Permit tiered facility is thus subject to more stringent operation standards and project-specific EA conditions. In order to address seasonal variations in compost demands, Section 17857(a)(2) would grant the EA the discretion to allow a Green Material Composting Operation to temporarily exceed its permit tier capacity limit, if the EA determines that it will not adversely affect public health and safety or the environment. This seasonal storage adjustment provision would empower the EA to supersede the permitting tier regulations and allow an existing Notification-tiered facility to operate at a capacity ordinarily regulated by the Full Permit Tier. Depending on the characteristics of the operation and facility site, and surrounding physical environments, the adjusted material handling and storage capacity may cause exceedance of some of the environmental thresholds adopted for the original Notification-tiered operation. On what basis can the EA make such a determination short of a CEQA analysis of the specific environmental implications of the discretionary adjustment? In terms of CEQA, a facility should be designed, evaluated, permitted, regulated, and mitigated for a maximum capacity that already covers seasonal variations. At a minimum, CalRecycle must clarify and address in the regulations the CEQA aspect of this seasonal storage adjustment provision.

Since the seasonal storage adjustment provision specifically excludes the volume of stabilized compost from *the calculation of the 12,500 cy maximum material allowed on-site*, the whole 12,500 cy would apparently go into the feedstock material and active compost accounts, which implies a potential for the operator to increase daily composting capacity and activity over and above the original permitted level, at least during the seasonal storage adjustment period. As commented above, this may cause some environmental thresholds to be exceeded. Therefore, it is recommended that the regulations prohibit the operation to increase its daily incoming tonnage from the permitted level during the seasonal storage adjustment period, unless an environmental assessment is conducted and a higher-tiered permit is obtained, as necessary, by the operator.

In addition, the regulations should make it clear the composters' and EA's options in dealing with the on-site storage capacity, if it still exceeds 12,500 cy at the end of the 90-day seasonal storage adjustment period**.**

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

CCC supports the limited increase in available finished compost storage, as described in your draft language. The availability of additional finished compost storage capacity to small operators may be an important option at times when agricultural markets are impacted by weather or other disruptions to typical growing operations and compost purchases and applications must be delayed, or forgone. We do not, however, support concepts allowing the unlimited storage of finished compost, unless those materials are excluded from allowable volume limits at all fully-permitted composting facilities as well.

4/30/2013
Neil S.R. Edgar, Executive Director, California Compost Coalition

Recology agrees with the approach CalRecycle is taking on this issue. However, we support the clarification that the 12,500 limitation only applies to feedstock and unfinished compost – not to finished product and that the finished product would not be subject to the tonnage limitation. Finished compost has met all existing regulations so is no longer considered a waste or feedstock so should therefore not be subject to any limit while being stored on-site.

Recology supports CalRecycle providing the EA with discretion to authorize an operator to temporarily store additional feedstock and unfinished compost if the EA determines it will not adversely affect public health and safety or the environment. Due to the seasonal variation of incoming green material, there are

times of the year that an on-site storage limit of 12,500 cubic yards is not sufficient to handle the amount of green waste residents and businesses discard. Allowing operators to apply to the EA to accept additional material will support the continuing success of composting operations as well as increase the diversion of green waste throughout California.

4/30/2013
Rachel Oster, Director of External Affairs, Recology

CRRC supports the limited increase in available finished compost storage, as described in your draft language. The availability of additional finished compost storage capacity to small operators may be an important option at times when agricultural markets are impacted by weather or other disruptions to typical growing operations and compost purchases and applications must be delayed, or forgone. We do not, however, support concepts allowing the unlimited storage of finished compost, unless those materials are excluded from allowable volume limits at all fully-permitted composting facilities as well.

4/30/2013
John Synder, State President, California Refuse Recycling Council
Mark Figone, Northern District President, California Refuse Recycling Council

§ 17857.1. Green Material/Vegetative Food Material Composting Operations and Facilities

The USCC wholeheartedly endorses the placement of food materials at a regulatory tier that is easier to obtain than a full solid waste facility permit. However, we do not agree with how the draft regulations place them. Vegetative food scraps, as they have been narrowly defined, are no more likely to cause problems at a composting facility than grass clippings, and in fact may often be more benign, and as such should be placed in the Enforcement Agency Notification Tier and could be accepted at Agricultural Material Composting Operations (all) (Section 17856) and Green Material Composting Operations < 12,500 yd3) (Section [17857.I(a)).

Food materials, as they are defined and amended above, should be permitted at the Registration Permit Tier along with Green Materials at facilities under < 12,500 yd3 on site (Section 17857.2 would need to be amended to allow this). We believe that allowing facilities accepting green and food materials into the Registration Tier, which is less costly than the full permit, will be vital for expanding the processing capacity of the state and thus helping to meet California's 75% diversion goal.

While we understand that accepting food materials may present some challenges for some facilities, limiting the facility size, along with a combination of operator and LEA training on feedstock management and operational BMPs, should allow composters with lower tier approvals to handle a broad range of food material. Adding a requirement that Registration Tier facilities have at least one operations manager who has received adequate training would further reduce the risk of these facilities causing problems.

As you know, the USCC has offered 40-hour Compost Facility Operator Training Course in California for the past 4 years. We plan on continuing this practice and are also available should CalRecycle wish to tailor specific training programs to operators and/or regulators (for example, a one-day training on BMPs for managing food scraps at yard trimmings only facilities).

4/30/2013
Lorrie Loder, President, US Composting Council

Please amend section **17857.1(a)** such that currently permitted Green Material Composting Operations can accept vegetative food materials.

4/30/2013
Suzanne Barzee, MPH, San Diego, CA

§ 17868.1 Sampling Requirements

Section 17868.1 page 19 lines 14 – 16 require sample results for metals and pathogens *prior* to any compost leaving the site. Some compost facility permits limit storage of post screened compost 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. With the consistency of biosolids as a compost feedstock evidenced by EPA's allowance for wastewater municipalities to land apply Class B biosolids long before the metals test results are received, flexibility should be allowed as with other feedstocks and as outlined below. All municipalities in California have aggressive pretreatment programs that have resulted in the consistent production of biosolids that meet the 503 Table 1 concentration limits, with the vast majority producing Table 3 compliant Class B biosolids. The EPA-approved process to further reduce pathogens (PFRP) of time and temperature to create a Class A biosolids compost product also has numerous years of consistent and proven reliability. As such, both Synagro and CASA raised this point at the Sacramento workshop and CalRecycle appeared amenable to discussing the concept of added flexibility. Synagro suggest modifying the language in this Section to be as follows: "*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*." This would assure CalRecycle that the permittee has enough confidence in its operational experience at the facility and the financial commitment to assume results will be in compliance with all applicable limits in the rule.

4/29/2013

Layne Baroldi, Director of Regulatory & Legislative Affairs, Synagro

17868.1 - page 19 lines 14 – 16. This requires sample results for metals and pathogens prior to any compost leaving the site. Some permits limit storage of post screened compost to 7 days or less making it very difficult or impossible to obtain analytical results prior to the need to move compost. Flexibility is provided for this requirement for all other compost feedstocks except biosolids. CASA recommends modifying the language as follows: "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." This would assume the permittee has enough operational experience at the facility to assume results will be in compliance with all applicable limits.

4/30/2013

Greg Kester, Biosolids Program Manager, California Association of Sanitation Agencies

§ 17868.2. Maximum Metal Concentrations.

Please consider the attached comments regarding the draft compost regulation regarding the allowable level of lead in compost and garden soil. We are concerned members of the Get the Lead Out Coalition dedicated to eliminating childhood lead exposure. We have noticed that the draft regulations do not change the current allowable level of lead in compost which is 300 parts per million.

Dear Mr. Secretary,

Unfortunately, far too many children continue to be exposed to lead. The surge of interest in urban gardening presents an increased exposure risks for children. Lead is a potent neurotoxin that causes many deleterious health effects in children including limiting brain development and contributing to behavioral disorders. These effects occur at even very low levels of exposure in children. Consequently, the Centers for Disease Control recently lowered its reference value for children's lead exposure from 10 micrograms per deciliter of blood to 5 micrograms. In our efforts to comprehensively address this problem, we want to give urban gardeners information that will enable them and their families to garden

safely. Given that much of our urban soil is contaminated with lead, we want to encourage gardeners to garden in raised beds with soil that does not have unsafe levels of lead. However, the current allowable level of 300 parts per million of lead in compost and garden soil is too high for us to feel comfortable making recommendations to use these products as alternatives to the contaminated soil that they already may have.

In your deliberations regarding the current allowable level of lead in compost, we ask that you consider lowering the level of allowable lead to **below 80 parts per million**. The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA http://oehha.ca.gov/risk/pdf/LeadCHHSL091709.pdf) has determined that a child with daily exposure to soil at 80 parts per million will have a measureable increase in his or her blood lead level. This is the only health-based standard for lead in soil that we are aware of and, therefore, feel confident that it is sufficiently protective of children who are likely to be in contact with the soil. Please help us address this completely preventable children's health issue.

3/25/2013
Joe Walseth, For the Get The Lead Out Coalition

17868.2 (Table 3). As there is no current standard for Chromium, we suggest that CalRecycle not specify "0" as the maximum acceptable metal concentration since this seems to denote that any detect would exceed the standard. Only including the "(see subdivision (a)(1) below)" comment would be more clear. See also section 17896.56.

4/8/2013
Lars Seifert, Environmental Health Services Manager, Imperial County Public Health Department

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Section 17868.2(a) stipulates that compost products found to *contain metals in excess of the maximum acceptable concentrations be designated for disposal, additional processing, or other use as approved by local, state, and federal agencies having jurisdiction*. The term "additional processing," while applicable for physical contaminants removal and pathogen reduction, are not for heavy metals elimination, because additional composting of the "metal-contaminated" compost is not going to eliminate the metals. Therefore, it is recommended that this term be removed from this section, unless it is specifically defined as some processes other than a repeated composting of the contaminated material.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

What is the point of deleting the concentration standard for Chromium in compost, to be consistent with the federal biosolid standards set forth in 503 CFR, and at the same time requiring sampling for Chromium in the compost and documentation of the sampling results? This only sends an ambiguous message to the compost users as to the safety of using compost containing Chromium. CalRecycle should be more resolute on this issue, that is, the regulations being either completely consistent with the US EPA's action on Chromium with no sampling requirements string attached or completely independent of the federal standard and keeping the original Chromium standard and sampling requirements.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

17868.2(a) – recommend remove "0" and retain note from Chromium for clarity.

4/30/2013
Terry Schmidtbauer, Environmental Health Manager, Solano County

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CCC supports revision of the Maximum Metal Concentrations in current regulations to match Maximum Metal Concentrations in 503 CFR, as well as, clarification in regulation that composters must receive test results showing the material meets requirements prior to materials leaving the site.

4/30/2013
Neil S.R. Edgar, Executive Director, California Compost Coalition

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In most of Europe, composts and fertilizers that are applied or utilized in the production of foods are required to meet very specific and prescriptive standards as a means to protect the public's health and

safety. Those standards apply to compost products that will be applied to commercial crop lands as well as potting soils and soil amendments that might be purchased by a home gardener.

It is apparent that the proposed regulatory changes are less protective in regards to heavy metal contaminants than the existing regulations. California Health and Safety Code section 57004 requires that rules, policies or regulations be developed based upon a sound scientific basis. Scientific basis" and "scientific portions" mean those foundations of a rule that are premised upon, or derived from, empirical data or other scientific findings, conclusions, or assumptions establishing a regulatory level, standard, or other requirement for the protection of public health or the environment.

Instead of sound scientific basis and review it appears that various sections of CFR 503 were cut and pasted into California Compost regulation. That appears to be a gross misapplication. The land application of biosolids within California require that specific conditions be met in order for their application to be allowed. Permits for the application of biosolids, testing of the land where the biosolids are applied and the prohibition of the application of biosolids from October through May are typical for sites that will be allowed to accept biosolids. Large setbacks from seasonal drainages, homes, wells and other environmental receptors are often imposed. There are many more conditions and monitoring requirements that do not apply to the application of composts to land. The risks associated with the application of biosolids are mitigated by those and many other conditions.

The invocation of CFR 503 as the basis of scientific support for the compost regulations is without scientific merit and the issues should be addressed in accordance with California Health & Safety Code section 57004.

It is asked that CalRecycle explain the vast difference between the approach it has taken as opposed to that of the European countries. The following provides details of the European regulatory standards that incorporate a number of measures that are much more protective of public health and safety:

Metals	Symbol	EU- Range Compost MCL	California Compost MCL
Arsenic	As	10 - 25	41
Cadmium	Cd	0.4 - 10	39
Chromium	Cr	50 - 200	1200
Copper	Cu	70 - 600	1500
Mercury	Hg	0.7 - 10	17
Nickel	Ni	20 - 200	420
Lead	Pb	70 - 1,000	300
Selenium	Se	2	36
Zinc	Zn	210 - 4,000	2800

Comparison of compost standards within the EU, North America and Australasia

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Country	Regulation	Cd	Crtot	CrVI	Cu	Hg	Ni	Pb	Zn	As
Austria	Compost Ordinance: Quality Class A+ (organic farming)	0.7	70	–	70	0.4	25	45	200	–
	Compost Ordinance: Quality Class A (agric.; hobby gardening)	1	70	–	150	0.7	60	120	500	–
	Compost Ordinance: Quality Class B (landscaping; reclaim.) limit value	3	250	–	500	3	100	200	1800	–
	Compost Ordinance: Quality Class B (landscaping; reclaim.) guide value (if exceeded to be marked within labelling)	–	–	–	400	–	–	–	1200	–
Belgium	Ministry of Agriculture	1.5	70	–	90	1	20	120	300	–
Denmark	Compost after 01 06 2000	0.4	–	–	1000	0.8	30	120/60 for priv. gardens	4000	25
Finland	Fertilised growing media	3	–	–	600	2	100	150	1500	50
France	NF Compost Urbain	3				8	200	800		
Germany	Quality assurance RAL GZ – compost/digestion	1.5	100	–	100	1	50	150	400	–
Germany	Bio waste ordinance (I)°	1	70	–	70	0.7	35	100	300	–

European Compost Network ECN
Organic Resources and Biological Treatment

ECN-QAS for Compost (Part C)

ECN QAS

Precautionary requirements on the protection of environment and consumers		
	Parameter	**Assessment**
Hygienic aspects	Salmonellae	0 in 25 g DM
Undesired ingredients	Impurities (glass, metals, plastics)	≤ 0.5 % DM
	Germinable seeds and sprouting plant parts	≤ 2 per litre
Harmful matter	**Heavy metals**	**mg / kg DM**
Precautional limit values[1)]	Lead (Pb)	130
	Cadmium (Cd)	1.3
	Chromium (Cr)	60
	Copper (Cu)[2)]	200[3)]
	Nickel (Ni)	40
	Mercury (Hg)	0.45
	Zinc (Zn)[2)]	600[3)]

[1)] Amlinger, F. et al. 2004: Heavy metals and organic compounds in waste used as organic fertilisers.

[2)] Copper and zinc are classified as essential nutrients. Values over 110 mg Cu kg^{-1} DM and over 400 mg Zn kg^{-1} DM must be declared.

[3)] These values are classified as benchmarks.

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Heavy Metals, organic pollutants and impurities
The limit values for heavy metals are defined in the Ordinance on Chemical Risk Reduction (Chemikalien-Risikoreduktions-Verordnung, ChemRRV; RS 814.81). They are listed in Table 3.
Table 3. Heavy metal limit values for compost and digestate from biowaste (ChemRRV, Annex 2.6)

Pollutant	**Limit value [g per t DW*]**
Lead (Pb)	120
Cadmium (Cd)	1
Copper (Cu)	100‡
Nickel (Ni)	30
Mercury (Hg)	1
Zinc (Zn)	400‡
*DW: dry weight	‡150 g/t dry matter if the proportion of pig excrement is more than 50% of dry matter
	‡600 g/t dry matter if the proportion of pig excrement is more than 50% of dry matter

Table 4. The following guidelines apply to compost and digestates (ChemRRV, Annex 2.6)

Pollutant	Guide value
Polycyclic aromatic hydrocarbons (PAHs)	4 grams per tonne of dry matter1
Dioxins (PCDD) and furans (PCDF)	20 nanograms I-TEQ 2 per kilogram of dry matter

1 Total of the following 16 principal PAH compounds on the EPA´s priority pollutants list: naphthalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthene, pyr benzo(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, dibenzo(a,h)anthracene and benzo(ghi)perylene.

2 I-TEQ = International toxicity equivalents

These issues were previously known and discussed. Options discussed in the Food Waste Composting White Paper were apparently dismissed without regard to public health concerns. Now is the time to address those concerns in a forthright manner.

4/30/2013
Tim Hall, Environmental Health Scientist &Technical Specialist, California Department of Public Health

Recology agrees with the approach CalRecycle is taking on this issue and looks forward to continuing to discuss the details with Staff as regulatory language is developed and proposed to stakeholders.

4/30/2013
Rachel Oster, Director of External Affairs, Recology

CRRC supports revision of the Maximum Metal Concentrations in current regulations to match Maximum Metal Concentrations in 503 CFR, as well as, clarification in regulation that composters must receive test results showing the material meets requirements prior to

materials leaving the site.

4/30/2013
John Synder, State President, California Refuse Recycling Council
Mark Figone, Northern District President, California Refuse Recycling Council

§ 17868.3.1 Physical Contamination Limits

The USCC does not support the proposed 0.1 % limit on physical contaminants above 4 mm in finished compost and strongly requests it be removed. One of the fundamental messages that the USCC tries to communicate to operators, regulators and the public is that the specific use for a compost determines what would be acceptable quality, and the quality of a given compost dictates how it best be used. Regulatory agencies like CalRecycle should be concerned with product quality only insofar as it may impact public health, safety, and the environment. Hence our new Model Compost Rule Template (http://compostingcouncil.org/adminlwp-contentluploadS/2013/02/US-Composting-CouncilModel- Compost-Rule-Template-v 1-1-4-15-13.pdf) requires final product testing for stability, pathogens and EPA 503 metals. Other product quality parameters, such as electroconductivity, particle size or percent physical contaminants, are best left to the user and seller to determine what is acceptable.

4/30/2013
Lorrie Loder, President, US Composting Council

Physical Contaminant Limits. [§17868.3.2] The proposed text is both extremely limiting and unsupported by science or experience. While CalRecycle clearly has authority to protect public health, safety, and the environment, no evidence has been offered that this requirement meets this test. The suitability of a given compost product depends upon its intended use. Some markets are more tolerant of physical contamination then others. By randomly limiting the physical contaminants to less than 0.1% of physical particles less than 4 mm, CalRecycle will potentially needlessly consign thousands of tons of perfectly marketable compost to landfill. If it's not clear, I am suggesting this requirement be completely struck for finished compost products.

4/30/2013
Mathew Cotton, Integrated Waste Management Consulting

§ 17868.5 Green Material and Vegetative Food Material Processing Requirements

Physical contamination or contaminants of green material/vegetative food material composting feedstock are defined in Section 17852(a)(32) as *human-made inert materials, including but not limited to, glass, metal, and plastic*. Section 17865.5(a)(1) stipulates that *the load* (composting feedstock) *shall be rejected if physical contaminants are greater than 1.0 percent of total weight or if the load contains materials that do not meet the definitions of green material in Section 17852(a)(21) or vegetative food material in Section 17852(a)(20)(A).* Language needs to be added to clarify whether or not the 1.0 percent standard applies to both physical contaminants and materials found in the feedstock that do not meet the definitions of physical contaminants, nor green material, nor vegetative food material. In other words, will a load be automatically rejected if a piece of carpet bedding, or a cell phone, or a few household batteries, or any mixed municipal solid waste item is found in it during visual inspection?

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

CCC supports an increase in the allowed contamination level for green material; we recommend a limit of 5% for inbound material, while restricting outbound material to 1%. A large proportion of green material is collected through curbside programs throughout the State, the majority of which do not meet a 1% standard; waste audits in some jurisdictions indicate that contamination may be up to 14% in certain locations. A physical contaminant level of 5% does not present any significant increased threat to environmental health and more

accurately reflects real-world conditions.

The establishment of a specified contaminant level – while appropriate for materials to be land applied in agricultural soils, or in beneficial reuse for erosion control – is unnecessary for many processors. In particular, material produced for use as feedstock for biomass, composting, or anaerobic digestion facilities would be subject to additional processing costs for little or no benefit.

4/30/2013
Neil S.R. Edgar, Executive Director, California Compost Coalition

One percent limitation on incoming feedstock contamination. This requirement should be removed for green material compost facilities. This provision has no impact on the ability of compost manufacturers to produce a quality final product. Moreover this requirement makes no sense in the emerging era of food scraps collection and composting, since that feedstock will inevitably have higher than 1% physical contamination.

4/30/2013
Lorrie Loder, President, US Composting Council

One Percent Contamination. [§17868.5] As stated earlier the one percent feedstock limitation is not only not practical, but is not commonly enforced.

4/30/2013
Mathew Cotton, Integrated Waste Management Consulting

CRRC supports an increase in the allowed contamination level for green material; we recommend a limit of 5% for inbound material, while restricting outbound material to 1%. A large proportion of green material is collected through curbside programs throughout the State, the majority of which do not meet a 1% standard; waste audits in some jurisdictions indicate that contamination may be up to 14% in certain locations. A physical contaminant level of 5% does not present any significant increased threat to environmental health and more accurately reflects real-world conditions.

The establishment of a 0.1% contaminant level – while appropriate for the receipt of materials to be land applied in agricultural soils, or in beneficial reuse for erosion control – is unnecessary for many processors. In particular, material produced for use as feedstock for biomass, composting, or anaerobic digestion facilities would be subject to additional processing costs for little or no benefit.

4/30/2013
John Synder, State President, California Refuse Recycling Council
Mark Figone, Northern District President, California Refuse Recycling Council

§ 17869 (d) General Record Keeping Requirements

17869(d), p. 22. The Imperial County LEA requests that CalRecycle require agricultural composting operations to also record the quantity and type of feedstock received and quantity of compost produced for the following reasons:
1. The State Water Resources Control Board and applicable RWQCBs require annual quantity reporting already under the general Confined Animal Feeding Operation order.

2. It is overly difficult for the LEA to determine regulatory compliance with 14 CCR 17868.2 (Maximum Metal Concentrations) and 17868.3 (Pathogen Reduction) requirements if no records are maintained for the amount of compost product shipped, particularly if only conducting an annual inspection.

3. The term “offsite” is not defined in regulation, leading to a lack of clarity in regulation. If a third party operator receives material from an adjacent feed yard, is this considered to be compostable material accepted from offsite? What if it is a separate parcel? Or the same parcel? Or from a feedyard also owned by the same property owner?

For clarity of the composting regulations, the LEA requests that the following recordkeeping exception be deleted: "Agricultural compostable materials handling operations shall maintain records only for compostable material accepted from off-site."

4/8/2013
Lars Seifert, Environmental Health Services Manager, Imperial County Public Health Department

Chapter 3.2 In-Vessel Digestion Operations and Facilities Regulatory Requirements

§ 17896.1. Authority and Scope

Section 17896.1, Subsection (d) – 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 may 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 or county may promulgate or enforce laws which are less restrictive than the provision of this Chapter."

3/28/2013
Margaret Clark, Vice-Chair Los Angeles County Solid Waste Management Committee/ Integrated Waste management Task Force and Council Member, City of Rosemead

§ 17896.2(a)(3) "Biogas" Definition

Does the biogas emitted from in-vessel digestion consist of hydrogen gas, as defined in §17869.2(a)(3), or is "hydrogen" gas a mistake for "hydrogen sulfide" gas?

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

§ 17896.2(a)(4) "Compost" Definition

17896.2(a)(4). The definition of compost should include the term "aerobic" or "in the presence of oxygen."

4/29/2013
Shawn Garvey, Vice President, Communications and Public Affairs, CleanWorld

§ 17896.2(a)(6) "Digestate" Definition

Definition of Digestate. [§17896.2 (a)] As stated the definition of digestate should probably be bifurcated to distinguish between liquid and solid digestate.

4/30/2013
Mathew Cotton, Integrated Waste Management Consulting

§ 17896.2(a)(7)(A) "Aerobic Digestion" Definition

17896.2(a)(7)A. Aerobic digestion should include the term "controlled biological decomposition."

4/29/2013
Shawn Garvey, Vice President, Communications and Public Affairs, CleanWorld

17896.2(a) (7) A. Aerobic digestion – insert the termed "controlled" before biological decomposition

4/30/2013
Linda Novick, Project Manager, Harvest Superpowered

§ 17896.2(a)(7)(B) "Anaerobic Digestion" Definition

17896.2(a)(7)B. After significant input and consideration, the Bioenergy Association of California has developed a working definition of Anaerobic Digestion that has been approved in a draft form for possible

inclusion in legislation. "Anaerobic Digestion – a process of accelerated biodegradation of organic materials using microorganisms under controlled conditions in the absence of oxygen or in an oxygen starved environment." CleanWorld recommends the use of this definition.

4/29/2013
Shawn Garvey, Vice President, Communications and Public Affairs, CleanWorld

Current statute (PRC 40201) defines "transformation" of solid waste to include "biological conversion other than composting". Composting is not transformation. Thus, the anaerobic digestion of solid waste must be regulated as a form of composting. The only exception to this would be if a solid waste is processed to the point that it is no longer a solid waste, but rather becomes a material feedstock for anaerobic digestion that meets the definition of a recycled material (see PRC 40180). The subsequent anaerobic digestion of that non-waste material feedstock need not be regulated as a solid waste activity. These alternatives raise a question: At what point is a material a feedstock and at what point is it considered waste? If a facility processes the material before it enters the digester, it should be operating under transfer/processing regulations with CalRecycle oversight. The subsequent digester may be considered exempt if it is accepting a material feedstock. If the Anaerobic Digester is simply accepting processed food material that is no longer a waste, it should *not* be under the regulatory oversight of CalRecycle. However, if the AD unit is accepting food waste or other forms of waste it should be regulated as permitted compost facility.

4/30/2013
Rachel Oster, Director of External Affairs, Recology

17896.2(a) (7) B. We support the use of the Bioenergy Association of California (BAC) definition of anaerobic digestion. Anaerobic Digestion – a process of accelerated biodegradation of organic materials using microorganisms under controlled conditions in the absence of oxygen or in an oxygen starved environment."

4/30/2013
Linda Novick, Project Manager, Harvest Superpowered

§ 17896.2(a)(13) "Limited Volume In-Vessel Digestion Facility" Definition

17896.2(a)13. CleanWorld urges CalRecycle to modify the definition of the four suggested Regulatory Tiers to allow for a 30-day rolling average of feedstock tonnage. A strict upper limit of daily tonnage – which is appropriate for non-volatile, non-organic feedstocks – is not appropriate for Anaerobic Digestion. Load balancing on a day to day or week to week basis is not only possible but may be desirable in the operation of a living AD facility, which would encourage flexibility in operations and allow, for instance, a 95 TPD facility to process 80 tons on Day 1, 110 tons on Day 2, 95 tons on Day 3, and so on. Being rigid on the day-to-day feedstock limitations ensures that a facility will often operate sub-optimally, and rarely at its designed capacity. This daily operational flexibility has been acknowledged in the newly adopted Massachusetts Regulations 310 CMR 16.00 and the European Union Revised Waste Framework Directive.

4/29/2013
Shawn Garvey, Vice President, Communications and Public Affairs, CleanWorld

§ 17896.2(a)(16) "Medium Volume In-Vessel Digestion Facility" Definition

WCI would also suggest restricting the registration Tier for In –vessel to no higher than 60 tons a day.

4/30/2013
Jody Snyder, Director of Regulatory and Governmental Affairs, Waste Connections Inc.

§ 17896.2(a)(27) "Sealed Container" Definition

17896.2(a)27. The definition of "Sealed Container" should include packaged and sealed cans, sealed bags, and sealed boxes of food and organic material sufficient to "controlling air-borne emissions that could contribute to odors or other nuisance conditions." This would include soup cans, cereal boxes, and sealed bags of frozen, out of date vegetables.

4/29/2013
Shawn Garvey, Vice President, Communications and Public Affairs, CleanWorld

17896.2 Definitions (27) "Sealed Container": *HWMA encourages CalRecycle to allow for tarped, leak-resistant bins to be considered "sealed containers".* Current operations at HWMA involve storing pre-processed food waste in sealed, leak proof 40-yard bins inside the transfer station in preparation to be hauled to a processing facility. Similarly, there may be systems that could also benefit from the ability to store digestate and other materials in such a manner.

4/30/2013
Mark Lovelace, Chair, Humboldt Waste Management Authority

§ 17896.2(a)(28) "Sealed Structure" Definition

"Sealed Structure" is defined in §17869.2(a)(28) as *a fully enclosed building capable of containing liquids and controlling air-borne emissions that could contribute to odors or other nuisances*. This definition may not apply to in-vessel digestion system such as the In-Situ Reclaimable Anaerobic Composters Technology (RACT), where the in-vessel composters, or pods, are bottom-lined containment structures built in the ground or on a landfill surface that are not permanently sealed until the structures are filled with composting feedstock and that leachate/liquid from the digestion process may not be contained but rather collected and then re-circulated back into the sealed structures. This definition is too limited in breadth and should be broadened to accommodate the variety of in-vessel digestion systems.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

§ 17896.4 Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities

17896.4. Regulatory Tiers. CleanWorld urges CalRecycle reconsider the Full Solid Waste Facility Permit requirement at 100 tons per day and recommends a Full Permit requirement at 150 tons per day, or the liquid equivalent. CleanWorld's operating experience suggests that a substantial quantity of material delivered as feedstock to its digesters is in liquid form, delivered by tanker trucks, consisting of soda, milk, soup and other liquid food items. These dense, heavy feedstocks require minimal handling and have nominal opportunities to create public nuisance, particularly in relationship to traditional solid or organic waste, and as a result of its density, generally much heavier than comparable feedstock streams.

CleanWorld strongly urges CalRecycle to add a new Section, "Permit Name: Any permit issued pursuant to this Article shall be entitled: "Anaerobic Digester Facility Permit."

4/29/2013
Shawn Garvey, Vice President, Communications and Public Affairs, CleanWorld

Please add a section for Permit Name, similarly to the Compost Materials Handling Facility, such as In-Vessel Digestion Facility or Anaerobic Digestion Facility.

4/30/2013
Linda Novick, Project Manager, Harvest Superpowered

Permit name: To assist in promoting organic waste diversion programs, it would be useful to name this permit something different from "Full Solid Waste Facility Permit" to indicate the processed material is a resource. One suggestion is to call it "Anaerobic Digester Facility Permit".

4/30/2013
Mark Lovelace, Chair, Humboldt Waste Management Authority

§ 17896.5 Excluded Activities.

FEED Resource Recovery Inc. delivers onsite Anaerobic Digestion solutions to recover energy and nutrients embedded in food that cannot be sold or donated—reducing customers' disposal costs, energy usage and ecological footprint. FEED's technology is specifically designed for

integrating Anaerobic Digestion at Distribution Centers (DC). By locating the Anaerobic Digestion system at a Distribution Center, we optimize existing distribution and transportation networks. The same trucks that deliver the food from the DC to the stores are used to return the unsold food to an Anaerobic Digestion system located at the DC. This closed-loop model creates a substantial financial and environmental impact.

This model has proven to be a safe and clean method of organics management at our facility in Los Angeles. Our facility, the largest operating solid organic Anaerobic Digestion to energy project in North America, is clean, safe and odor neutral. The LEA (Los Angeles Department of Public Health), who has inspected our facility quarterly for the past year in accordance with our Research Notification permit, substantiates this claim. Each and every inspection has yielded no findings. We are proud to be great neighbors.

Why Our Projects Are Different
There are some unique attributes of our operation and facility that make our projects substantially different than other proposed facilities. These differences can be categorized as: Organic Sourcing, Organic Handling and Organic Processing. The elements of these three categories are detailed below.

Organic Sourcing
- Organics originate or are sold at a supermarket
- Our organics are pre-consumer and are handled as if they were fresh product
- The organics remain in the custody of the owner and are never disposed
- Only employees of the organics owner collect the organics
- Organics are collected in a restricted area not open to the public
- Organics are screened at each store to prevent hazardous or unwanted material
- Store associates are trained on what materials are and are not acceptable
- Signs are posted near the containers as a reminder of what materials are acceptable

Organic Handling
- Organics are kept refrigerated as material is collected at the retail stores
- The organics are returned to the distribution center within 1 day of being filled
- During normal operations organics are processed within 8 hours of arriving. Material is always processed within 48 hours of arrival.
- Organics are held in 5-sided sealed containers up until the point where they are loaded into the processing equipment.

Organic Processing
- Organics are only exposed during the loading processed and are contained in the process within minutes of being loaded
- Process equipment is sealed and where applicable, negative air is pulled to treat any potential of malodorous compounds
- By design organics never touch the floor. The plant is washed periodically during the day to clean accidental spillage occurs, the
- Anaerobic digestion is inherently a odor neutral process when designed and operated correctly

Proposed Regulatory Tier
Through proper design, organics sourcing and organics handling facilities can operate with no adverse impact. Therefore we are asking CalRecycle to include projects like ours on the list of Excluded Activities (§ 17896.5. Excluded Activities) that do not require a full solid waste permit, but require LEA Notification, maintaining quarterly inspections. This proposed process would be similar to the permit structure of the Research Notification, which has proven successful for our application.

We appreciate the opportunity to provide comments and appreciate your consideration of the exemption. We look forward to working together to achieve the best regulatory framework for

California to support California's environmental and economic goals.

4/24/2013
Ryan Begin, Feed Resource Recovery

§ 17896.5(a)(1) Excluded Activities. POTW Treatment Plant

Section 17896.5, "Excluded Activities" – Please provide a distinction between anaerobically digestible materials and anaerobically digestible waste (emphasis added).

3/28/2013
Margaret Clark, Vice-Chair Los Angeles County Solid Waste Management Committee/ Integrated Waste management Task Force and Council Member, City of Rosemead

17896.5(a)(1)(B)(2), p. 27. This exclusion condition is unenforceable as the LEA or other regulatory body cannot anticipate that the RWQCB "will incorporate" in the future any Standard Operating Procedures into the POTW Plant's Waste Discharge Requirements. Please consider deleting.

17896.5(a)(10)(D), p. 27. While this subpart may allow CalRecycle to review potentially "anaerobically digestable material" classifications for inclusion into a class of materials allowed at a POTW plant without a permit, the review process as described excludes local review and concurrence that may be essential for approval/disapproval of the material even if allowed by CalRecycle after an onerous and staff-intensive process established at the State level. Local land use requirements and public input should be considered in a public forum prior to any change to the "anaerobically digestable material" classification. We request that subpart D be deleted outright in its entirety as this process allows for a change in regulatory oversight of materials handling without proper public review. Additionally, if the proposed material does not fit within the current definitions of food, vegetative, or agricultural material, it is unclear what the material might include. Also, other anaerobically digestible materials could already be fit under 14 CCR 17896.6 (Research In-Vessel Digestion Operations).

4/8/2013
Lars Seifert, Environmental Health Services Manager, Imperial County Public Health Department

In Riverside County, outlets for FOG are very limited as they are generally prohibited for disposal at its landfills. Historically in the County, windrow composting of these highly putrescible materials at private greenwaste/food material composting facilities has so often created contentious community and environmental issues in the end. In addition, it has been the County's experience that due primarily to the absence of financial assurance requirements in the current composting regulations, aggressive businesses have learnt that they can run their composting operations with the main focus of collecting tipping money and eventually walk away with a pretty good profit and yet bear little financial consequence of cleaning up the site of the accumulated waste. The County usually ends up with that burden.

In this light, CalRecycle's proposal to exclude *POTW facilities that receive vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with wastewater* from the Transfer/Processing and In-Vessel Digestion regulations would encourage more POTW facilities to begin to accept or increase the volume of this already accepted co-digestion wastestream, thus providing a legitimate, long-term outlet for this hard-to-handle organic wastestream for the local communities. In addition, this exclusion is consistent with the recommendation by the State Water Resources Control Board, which is the primary regulator of the POTW facilities, and the state's objectives of renewal energy portfolio, organic waste diversion, and 75% solid waste diversion by 2020.

The RCWMD supports the conditional exclusion of anaerobic digesters at POTW, as stipulated in §17869.5(a)(1). However, this provision does not address the handling of digestate as a result of the excluded AD operation. At a minimum, the regulation should clarify if the digestate produced at a POTW facility is already being regulated by any other state agency and regulations.

4/29/2013

Sungkey Ma, Riverside County Waste Management Department

With the state objectives to provide 33% of state's energy needs from renewable sources, to recycle 75% of the solid waste generated in the state, and to achieve 1990 levels of carbon dioxide equivalent emission all by 2020, Publicly Owned Treatment Works (POTW) are steadily accepting hauled-in organic waste such as Fats, Oils, and Grease (FOG) and food waste for anaerobic digestion to enhance methane gas production that is used to generated electricity.

OCSD has been working closely with the California Association of Sanitation Associate (CASA) and strongly recommends adoption of the language in section 17896.5, with minor modifications, establishing an exclusion for POTWs accepting vehicle-transported anaerobically digestible material, provided they are in compliance with relevant provisions of their National Pollutant Discharge Elimination System (NPDES) permit or of their Waste Discharge Requirements (WDR), as applicable. POTWs have effectively managed such solid waste and standard operating procedures as required by the State Water Resource Control Board (SWRCB). This regulatory approach is consistent with the recommendation of SWRCB and CalRecycle, which avoids unnecessary duplicative regulatory requirements from multiple jurisdictions.

In alignment with CASA, OCSD recommends the following paragraph, including minor changes, replace existing section 17896.5 (a)(1)(A):

(A) 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.

4/30/2013
Tom Meregillano, Regulatory Specialist, Orange County Sanitation District

CCC supports the current draft regulatory language which appropriately excludes tank-to-tank transfer of FOG or pre-processed food waste slurries, but not the onsite processing of food waste at a POTW.

Food waste processing facilities have been consistently regulated by use of Full Solid Waste Facilities Permits, where the appropriate levels of environmental review and land use approval have occurred, and proper mitigation methods and controls are employed. Waste discharge requirements for POTWs, approved by the State Water Resources Control Board (SWRCB), largely do not address all of the potential impacts, nor maintenance of the State Minimum Standards required in Title 14, which may result from food material processing operations. This is particularly true given that acceptable levels of contamination in food material has yet to be defined; much of this "source separated" material is essentially mixed municipal solid waste.

4/30/2013
Neil S.R. Edgar, Executive Director, California Compost Coalition

17896.5(a)1 Excluded Activities. CleanWorld generally supports the exclusion of POTW facilities, but strongly recommends that CalRecycle require a POTW to adopt and maintain Standard Operating Procedures that govern Pre-Digestion Solid Waste Handling (17896.38) and Digestate Handling (17896.54) in a manner consistent with a non-exempt regulated facility.

4/29/2013
Shawn Garvey, Vice President, Communications and Public Affairs, CleanWorld

POTW's Anaerobic Digesters are heavily regulated by the RWQCB, air districts, and in some cases, CDFA. If food material is being pre-processed and fed directly to the digester, We don't see a need for the digester portion of the operation to be required to obtain a solid waste facility permit. However, since the material generally needs to be processed before it is an acceptable feedstock for an AD, it would make sense for the processing portion of the operation to be permitted with oversight by CalRecycle and

the LEA:

a) Include a section in the Transfer Processing requirements that would address pre-processing of organics for use in Anaerobic Digestion facilities. All food waste processing should be subject to full solid waste facility permitting requirements – regardless of location.
b) Requiring POTWs to obtain a composting permit will be a barrier to getting AD facilities on the ground. POTWs should not be required to obtain a composting permit for their AD operations – a permit-by-rule or something similar should be satisfactory. However, the onsite processing of food waste at a POTW prior to placement into an AD unit should be subject to full solid waste facility permitting requirements.

4/30/2013
Rachel Oster, Director of External Affairs, Recology

CASA strongly recommends adoption of the proposed language in section 17896.5, with minor modifications, establishing an exclusion for POTWs accepting vehicle-transported anaerobically digestible material, provided they are in compliance with relevant provisions of their National Pollutant Discharge Elimination System (NPDES) permit or their Waste Discharge Requirements (WDR), as applicable. CASA notes that this regulatory approach is consistent with the recommendation of State Water Resources Control Board (SWRCB) Executive Director Tom Howard and CalRecycle Director Caroll Mortensen as articulated in a joint meeting on February 20, 2013. CASA also believes the exclusion is warranted, and consistent with various Public Resource Codes, so as to avoid duplicative regulatory requirements and unnecessary jurisdictional overlap among agencies.

CASA would like to reiterate that, in accordance with standard SWRCB permit language, all such waste received at POTWs will be kept in tanks, either pumped or slurried, and never placed on the ground or moved via bobcats or end loaders. Some use of screening, rock traps, inline or in-tank grinders, pumps, chemical addition, and the like may be employed prior to introduction to digestion in order to ensure the integrity of anaerobic digestion treatment and operations. However, this material handling will be no different than what is already done at pump stations, the plant headworks, and through grit removal. POTWs have always effectively managed such solid waste and will continue to do so. Standard operating procedures, as required by the SWRCB, will ensure proper handling of this waste.

In order to address various concerns regarding the types of materials that will be processed at POTWs subject to this exclusion, CASA recommends the following paragraph, including minor changes, replace existing section 17896.5 (a)(1)(A):

(A) 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 and/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.

4/30/2013
Greg Kester, Biosolids Program Manager, California Association of Sanitation Agencies

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California is pursuing 75% diversion of materials from disposal. Publicly-owned treatment works (POTW's) are in a unique position to provide local recycling of anaerobically digestable organics, a significant portion of the waste still going to landfills and usually generated in close proximity to a POTW. POTW's have been regulated primarily by the State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (RWQCB) for many years. The operation of receiving, handling, and anaerobically digesting a pre-sorted and pre-processed solid organic waste transported by truck at a POTW is already covered by the SWRCB's regulatory oversight (as verified by SWRCB executive director Thomas Howard's December 6, 2011 letter to CalRecycle, and posted on CalRecycle's website).

Requiring POTW's to take on a whole new set of regulations, they currently do not need and are unfamiliar with, could discourage many POTW's from providing this unique local option for recycling anaerobically digestable organics. These proposed revisions prevent this regulatory overlap from occurring for co-digested anaerobic digesters at POTWs.

4/30/2013
Donald Gray, East Bay Municipal Utility District

CRRC supports the current draft regulatory language which appropriately excludes tank-to-tank transfer of FOG or pre-processed food waste slurries, but not the onsite processing of food waste at a POTW.

Food waste processing facilities have been consistently regulated by use of Full Solid Waste Facilities Permits, where the appropriate levels of environmental review and land use approval have occurred, and proper mitigation methods and controls are employed. Waste discharge requirements for POTWs, approved by the State Water Resources Control Board (SWRCB), largely do not address all of the potential impacts, nor maintenance of the State Minimum Standards required in Title 14, which may result from food material processing operations. This is particularly true given that acceptable levels of contamination in food material has yet to be defined; much of this "source separated" material is essentially mixed municipal solid waste.

4/30/2013
John Synder, State President, California Refuse Recycling Council
Mark Figone, Northern District President, California Refuse Recycling Council

17896.5 Excluded Activities (1) (POTW Treatment Plant): *HWMA recommends that Publicly Owned Treatment Works (POTWs) be required to adopt and maintain Standard Operating Procedures that govern Cleaning (17896.17) and Pre-Digestion Solid Waste Handling (17896.38).* While the discharges and stormwater runoff are regulated by the Regional Water Quality Control Board (RWCB), the receipt and pre-processing of food waste at POTWs would create an unregulated Transfer/Processing facility. In terms of consistency, this sets a higher bar and more rigorous operational requirements for stand-alone digester facilities which are processing the same material and will also be regulated by the RWCBs. CalRecycle identified "receipt, storage, and handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and facilities" as the key areas that need regulations in order to protect public health, safety, and the environment; this exclusion is in direct conflict with this objective.

4/30/2013
Mark Lovelace, Chair, Humboldt Waste Management Authority

§ 17896.5(a)(2) Excluded Activities. Agricultural Material

17896.5(a)2. Excluded Activities. CleanWorld generally supports the exclusion of Dairy or Agricultural Digester facilities, but strongly recommends that CalRecycle require a Dairy or Agricultural Digester to adopt and maintain Standard Operating Procedures that govern Pre-Digestion Solid Waste Handling (17896.38) and Digestate Handling (17896.54) in a manner consistent with a non-exempt regulated facility. CleanWorld also requests that CalRecycle consider the degree to which the exclusion of this activity could favor and create advantage for an Agricultural Digester over a more regulated HSAD system.

4/29/2013
Shawn Garvey, Vice President, Communications and Public Affairs, CleanWorld

§ 17896.5(a)(4) Excluded Activities. Other discrete handling activities…

CASA also recommends that the regulation provide a means to apply for the exclusion for anaerobic digesters at a POTW which 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. Such facilities are

not currently in operation, but are likely to be in the future as POTWs explore additional options for energy production and waste recycling. The following paragraph is recommended to replace section 17896.5 (a)(4):

> (4) Other discrete handling activities that are already subject to equally stringent handling requirements under Federal or State law, as 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).

4/30/2013
Greg Kester, Biosolids Program Manager, California Association of Sanitation Agencies

… Further, for a POTW to accept and anaerobically digest organic wastes, the practice would need to be cost-effective, providing a benefit to their ratepayers. If a POTW was able to anaerobically digest the non-wastewater organics separately from wastewater solids, instead of co-digesting, the digestate produced could be certified as organic. Conversely, due to federal regulations, the co-digested organics could not. The certified organic digestate would have a much greater value than the co-digested digestate, which could not be certified organic, and could tip the economics toward the POTW receiving the organics. We urge you to include POTW dedicated non-wastewater organics digesters, which are otherwise identically operated as and located beside wastewater solids-fed digesters, under your POTW exclusion. We look forward to our continued work with you in this area.

4/30/2013
Donald Gray, East Bay Municipal Utility District

§ 17896.6 Research In-Vessel Digestion Operations

The RCWMD recommends that research in-vessel digestion operations, for example, with a RACT system, conducted at a permitted landfill be exempt from the EA Notification tier. Such a research operation located at an active landfill can be described in an addendum to the landfill's RDSI/JTD and subject to the same inspection frequency as the landfill. A research operation located on an inactive landfill should be described in an addendum to the landfill's post-closure plan and subject to applicable post-closure requirements.

Research in-vessel digestion operation at an active landfill should be exempt from the requirement of an Odor Impact Minimization Plan (OIMP) under§17869.28, provided odor generation, precautions, and remediation are part of the research objectives.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

Specifically, section 17896.6 Research In-vessel Digestion Operations.

1.The draft rule does not set any limitation on size for a research project. WCI would support a threshold like what is found in the compost section. A facility could get out of hand in a very short amount of time with only a EA notification requirement.

2. Timing. The draft Rule does not set any limitation on how long a facility can operate under a "research" EA notification; indefinitely? WCI would recommend limiting the research to 2 yrs.

It is difficult to comment on the Tiers for composting without having full knowledge of what is expected from a "registration Permit" holder vs. "Full Solid Waste Facility Permit" holder however, it is important to note it is capitol intensive to operate a well run composting facility. So, when establishing these Tiers it is preferable to keep the exemptions to a minimum, the research limited on size and time.

4/30/2013

Jody Snyder, Director of Regulatory and Governmental Affairs, Waste Connections Inc.

Page 28, lines 50-52 (§ 17896.6) would preclude POTW's from conducting any research on anaerobically digesting unprocessed mammalian tissue, even if demonstrated to be safe and the best alternative for recycling this material. Please consider adding: "unless approved by CDFA and the State Water Resources Control Board (SWRCB) or the Regional Water Quality Control Board (RWQCB) as appropriate."

4/30/2013
Donald Gray, East Bay Municipal Utility District

§ 17896.7. In-Vessel Dairy Digestion Operation.

17896.7. In Vessel Dairy Digestion Operation. CleanWorld recommends that CalRecycle consider adopting a lesser inspection frequency if it is deemed to not pose an additional risk to public health and safety and the environment and agreed to by LEA.

4/29/2013
Shawn Garvey, Vice President, Communications and Public Affairs, CleanWorld

CCC largely supports the proposed draft regulatory language related to in-vessel digestion, with one glaring exception. We have concerns about the lack of clarity regarding allowable levels of food processing that could occur in conjunction with proposed In-Vessel Dairy Digestion Operations as an EA Notification tier. Similar to our position on POTWs, we believe direct deliveries of food waste to dairy digesters is appropriate at an EA Notification level. However, any onsite processing of food waste should only occur with a Full SWFP where proper regulatory oversight can be conducted on a monthly basis, and where the appropriate levels of environmental review and land use approval have occurred, and proper mitigation methods and controls are employed.

4/30/2013
Neil S.R. Edgar, Executive Director, California Compost Coalition

CRRC largely supports the proposed draft regulatory language related to in-vessel digestion, with one glaring exception. We have concerns about the lack of clarity regarding allowable levels of food processing that could occur in conjunction with proposed In-Vessel Dairy Digestion Operations as an EA Notification tier. Similar to our position on POTWs, we believe direct deliveries of food waste to dairy digesters is appropriate at an EA Notification level. However, any onsite processing of food waste should only occur with a Full SWFP where proper regulatory oversight can be conducted on a monthly basis, and where the appropriate levels of environmental review and land use approval have occurred, and proper mitigation methods and controls are employed.

4/30/2013
John Synder, State President, California Refuse Recycling Council
Mark Figone, Northern District President, California Refuse Recycling Council

§ 17896.9 Medium Volume In-Vessel Digestion Facilities

17896.9 Medium Volume In-Vessel Digestion Facilities: *CalRecycle is encouraged to add "or at an alternate frequency determined by the EA with CalRecycle's concurrence" to the inspection requirements listed for Medium Volume Digester facilities.* The requirement of monthly inspections is unnecessary once the EA has established that the system is complying with the other regulations contained in Title 14, Chapter 3.2. This adjustment can reduce the cost associated with inspection fees for a system that will be virtually unchanging with minimal operational requirements once at a steady state.

4/30/2013
Mark Lovelace, Chair, Humboldt Waste Management Authority

§ 17896.12 (§ 178969.12) In-Vessel Digestion Report.

17896.12. This section for in-vessel digestion report is incorrectly numbered "178969.12"

4/8/2013
Lars Seifert, Environmental Health Services Manager, Imperial County Public Health Department

178969.12. Note typo in section numbering.

4/29/2013
Shawn Garvey, Vice President, Communications and Public Affairs, CleanWorld

§ 17896.18. Drainage and Spill Control

Section 17896.18, "Drainage and Spill Control" – The proposed requirements should be expanded to prohibit any off-site drainage without a NPDES Permit.

3/28/2013
Margaret Clark, Vice-Chair Los Angeles County Solid Waste Management Committee/ Integrated Waste management Task Force and Council Member, City of Rosemead

§17896.20(a) Hazardous, Liquid, and Special Wastes

17896.20 Hazardous, Liquid, and Special Wastes (a): *HWMA recommends adding language to this section that allows for unwanted hazardous materials to be safely aggregated for disposal at regular intervals such as every three months.* Food waste collected from the commercial and residential sector is often contaminated and at times hazardous materials such as batteries are removed during the load checking and pre-processing steps. It is of economic practicality that an In-Vessel Digester facility be allowed to maintain a 5 gallon bucket or equivalent sealed container for the use in aggregating these materials for proper disposal; it is impractical to drive one battery at a time to the Hazardous Waste Receiving facility. This issue is important as it can lead to unnecessary issuance of violations when no threat to public health or the environment is present.

4/30/2013
Mark Lovelace, Chair, Humboldt Waste Management Authority

§ 17896.22. Load Checking

17896.22 Note type in Title.

4/29/2013
Shawn Garvey, Vice President, Communications and Public Affairs, CleanWorld

§ 17896.28 Odor Minimization Plan

§17869.28(f), Odor Impact Minimization Plan (OIMP), should also require a Best Management Practices Feasibility Report, in the event that the OIMP is insufficient to control odors, consistent with §17863.4(f) & §17863.4.1 for open windrow composting facilities/operations.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

§ 17896.31(a) Prohibitions

17896.31(a). Prohibitions. In-vessel digestion of unprocessed mammalian tissue should be expanded to include "residential and commercial food scrap collection" to incorporate office and business food scrap collection programs currently underway.

4/29/2013
Shawn Garvey, Vice President, Communications and Public Affairs, CleanWorld

17896.31(b). Prohibitions. The exception to the mammalian tissue language should include residential and commercial collection of food to allow for the maximum diversion and to maintain consistency with food definition.

4/30/2013
Linda Novick, Project Manager, Harvest Superpowered

Page 14, lines 5-13 (§ 17855.2) and Page 34, lines 53-59 (§ 17896.31) prohibits in-vessel digestion of unprocessed mammalian tissue including blood and other related materials. EBMUD has worked closely with the California Department of Food and Agriculture (CDFA) to first carefully test at bench-scale and then safely feed animal blood to our full-scale wastewater treatment plant digesters, slowly ramping up the amount of animal blood fed, without incident for about 10 years. EBMUD has safely converted this blood waste, which has few alternatives for recycling (and those are high power consumers), into renewable energy and soil amendment. This prohibition unnecessarily removes a best option for recycling this material. Please consider adding: "unless approved by CDFA and the State Water Resources Control Board (SWRCB) or the Regional Water Quality Control Board (RWQCB) as appropriate."

4/30/2013
Donald Gray, East Bay Municipal Utility District

17855.2 – page 14 lines 5 – 13 and 17896.31 page 34 lines 53 – 59. This prohibits all introduction of slaughterhouse waste including blood from composting facilities and anaerobic digestion. Other states successfully compost, and some POTWs in California digest, such waste. Thus, we would recommend an amendment stating "unless authorized by CDFA and the SWRCB" be inserted to these sections.

4/30/2013
Greg Kester, Biosolids Program Manager, California Association of Sanitation Agencies

§17896.37 Site Restoration

§17869.37, Site Restoration, contains general requirements for site cleanup after the in-vessel digestion operation has ceased. However, no financial assurance requirements for site cleanup/restoration are provided for in-vessel digestion operations. It is recommended that some financial assurance requirements for final site restoration be added to the regulations for protection of the Counties and local communities from irresponsible operators.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

§17896.38(a) Pre-Digestion Solid Waste Handling.

17896.38(a). Pre-Digestion Solid Waste Handling.

"Sealed Container" needs to include cans, bottles, boxes, packaged and sealed grocery items, and sealed bags, as per definition above.

The draft language currently allows digestion within 8 hours, or allows the operator remove the material from the site within 48 hours. As written, this would dis-allow good feedstock material from entering the digester after 8 hours – but allow the material to stay on site for an additional 40 hours. CleanWorld recommends that available feedstock can be fed to a Digester for at least the entire 48 hours available.

17896.38(b). Non-Putrescible Wastes.

It is CleanWorld's experience that pre-processing will separate small, even minute, amounts of many types of recyclable or recoverable materials – glass, metals, sand, etc. These non-putrescible wastes should be allowed to be managed on site for 60 days as long as there is no nuisance or public health impact, or otherwise approved by the LEA.

4/29/2013
Shawn Garvey, Vice President, Communications and Public Affairs, CleanWorld

17896.38(a) Putrescible waste be injected into the in-vessel digester, or stored in a sealed container or sealed structure within 8 hours of receipt, and then either moved into the digester or removed from the site within 48 hours of receipt.

4/30/2013

Linda Novick, Project Manager, Harvest Superpowered

17896.38 Pre-Digestion Solid Waste Handling (a) and (b): *Requiring the injection of putrescible wastes within 8 hours is unnecessarily restrictive. HWMA proposes a timeframe of 24 hours to provide for more operational flexibility.* HWMA approves the structure of the removal of non-putrescible wastes within 7 days or at a frequency approved by the EA. It is foreseeable that, like POTWs, unwanted non-putrescible materials would be stored in a bin until the bin is full enough to merit the cost of hauling and disposal.

4/30/2013
Mark Lovelace, Chair, Humboldt Waste Management Authority

§17869.42. Records Keeping Requirements

§17869.42, Records Keeping Requirements, should include the record of jurisdictional origins of the digestible feedstock materials, for purposes of AB 939.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

17896.42 Record Keeping Requirements (d): *HWMA proposes alternate language that would be to require "a log book or file of every special occurrence during operations and methods used to resolve problems arising from theseevents..."* Requiring a "daily log book" of "special occurrences" when no such events occur is a unnecessary record keeping burden that can expose operators to violations that do not threaten public health and safety.

4/30/2013
Mark Lovelace, Chair, Humboldt Waste Management Authority

§ 17896.54. Digestate Handling

§17869.54, Digestate Handling Requirements, basically requires that digestate is either aerobically composted on-site (available only to a Large Volume In-vessel Digestion Facility) or removed to an off-site solid waste facility approved for further handling of the material, including disposal, additional processing, and other uses. This provision needs to clarify whether or not digestate produced at digestion facilities can be accepted by and composted at a Full Permit tiered (windrow) composting facility. If yes, then Table 1 of §17854.1 needs to include "digestate" in the examples of feedstock allowed at Composting Facilities listed under the Full Solid Waste Facility Permit Tier.

The proposed regulations would not allow the option of on-site composting of digestate, an intermediate product, under the Registration Permit tier. Indeed, there is no reason why a Medium Volume In-Vessel Digestion Facility cannot compost digestate on-site but with the right composting technology. One good example of a compatible technology would be the Enclosed/Within-Vessel Composting Process referenced in §17869.57(b)(2). CalRecycle should investigate further the suitability of this on-site composting option for a Registration tiered digestion facility.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

17896.54(a)(1) – Does this wording allow the digestate to be sent to a Compostable Materials Handling Facility for additional processing? It is unclear. Additional processing at a Compostable Materials Handling Facility (other than where digest is produced) should be allowed. It is our opinion that digestion of food material first, and then addition to aerobic feedstock, could greatly reduce odor and this option should be allowed.

4/30/2013
Terry Schmidtbauer, Environmental Health Manager, Solano County

17896.54(a). Digestate Handling.

In CleanWorld's operational experience, there are many existing and developing pathways to utilization of both liquid and solid digestate material that are not accommodated by the strict draft language. Liquid digestate may be delivered to a WWTP, or conditioned and packaged on-site and in-vessel to a liquid fertilizer product as CleanWorld is currently licensed by CDFA. Liquid digestate may also be used as an

ingredient in building materials, packaging, binding, and bio plastics, among others. With additional processing, liquid digestate can be filtered and treated and delivered as potable water.

Solid digestate can be dried (not composted, dried) on site and packaged as a finished soil product to farms, vermin-compost, and mushroom farms.

CleanWorld urges CalRecycle to allow for on-site drying of fully digested material in drying beds for a period up to 7 days. Not allowing dry time for fully digested solid material will eliminate any value to solid digestate and impinge significantly on the ability to successfully commercialize Anaerobic Digestion systems, requiring transportation and unneeded processing at a Compost facility of material that does not require additional composting.

Digestate Handling regulations should be as expansive as possible and acknowledge the fast-changing developments in utilization of liquid and solid digestate material.

4/29/2013
Shawn Garvey, Vice President, Communications and Public Affairs, CleanWorld

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17896.54(a) Digestate Handling. Digestate not contained in an in-vessel digester, sealed container, or sealed structure, shall within 48 hours be… This language is consistent with the transfer processing regulations, and provides time to further process and incorporate in to the aerobic composting process or remove from the site.

4/30/2013
Linda Novick, Project Manager, Harvest Superpowered

17896.54 Digestate Handling (a): *As the full range of marketable materials and markets are not yet known, CalRecycle is strongly requested to revise or remove this limiting language.* In-Vessel Digester facilities should be allowed sufficient time to prepare the digestate materials for the highest value markets, as such this definition should be left as broad as possible. Marketing and use of post-digestion residuals is a key component of organic waste digester system economic viability. In order to allow for maximum flexibility and the development of new markets, CalRecycle should not prescribe what digestate processing activities are allowable at In-Vessel Digestion facilities.

Further, the 8 hour removal requirement is arbitrary and does not inherently ensure the protection of public health and safety. For example, In-Vessel Digesters may wish to use drying beds as a low tech/low cost method of dewatering digestate in preparation for composting (as is common practice at POTWs), production of animal bedding, waddles, and bio-filtration media. In-Vessel Digester systems may also include production of high-value worm castings (which require up to 6 months in worm bins) and liquid fertilizers.

Additionally, on-site composting should not be limited to Large Volume In-Vessel Digester systems only. Requiring that digestate be composted off-site for smaller facilities may unnecessarily add costs and reduces the economic viability of smaller systems. The requirement to process digestate off site adds in trucking costs and a tip fee for processing. The purpose of these regulations should capture the nature of what Is-Vessel Digester facilities include, and post-processing that includes composting is a common way to create a value added product that will return nutrients to local soils. By composting on site, the facilities are self sufficient and can reduce tip fees to be more competitive with landfilling alternatives. Furthermore, operating digesters is a fairly automated process, incorporating a composting process at the tail end of a In-Vessel Digester process can easily be accomplished by operational staff. HWMA has on-site composting in its Mitigated Declaration of Impact (CEQA) and intends to maintain low costs through on site composting. If the goal is to be sure that pathogen reduction

requirements are met, require all In-Vessel Digester Facilities to comply with the requirements set forth in 17896.57.

The point of developing In-Vessel Digestion regulations is to encourage the increased development of organic waste diversion capacity in California. *By allowing greater flexibility in the drying and preparation of digestate, CalRecycle will encourage the development of stand-alone small scale facilities, thereby minimizing the costs of organic waste diversion in rural locations.*

4/30/2013
Mark Lovelace, Chair, Humboldt Waste Management Authority

§ 17896.56. Maximum Metal Concentrations.

As there is no current standard for Chromium, we suggest that CalRecycle not specify "0" as the maximum acceptable metal concentration since this seems to denote that any detect would exceed the standard. Only including the "(see subdivision (a)(1) below)" comment would be more clear.

4/8/2013
Lars Seifert, Environmental Health Services Manager, Imperial County Public Health Department

What is the point of deleting the concentration standard for Chromium in compost, to be consistent with the federal biosolid standards set forth in 503 CFR, and at the same time requiring sampling for Chromium in the compost and documentation of the sampling results? This only sends an ambiguous message to the compost users as to the safety of using compost containing Chromium. CalRecycle should be more resolute on this issue, that is, the regulations being either completely consistent with the US EPA's action on Chromium with no sampling requirements string attached or completely independent of the federal standard and keeping the original Chromium standard and sampling requirements.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

§ 17896.57. Pathogen Reduction

§17869.57(b) appears to set forth different pathogen reduction temperature requirements for 3 main categories of composting processes possibly conducted at an in-vessel digestion facility. However, it is easy for some readers to misinterpret the enclosed/within-vessel composting process mentioned in §17869.57(b)(2) as part of the in-vessel digestion operation. Therefore, language should be added to clarify that all of three composting processes identified in §17869.57(b)(2), (3), & (4) are separate processes from the in-vessel digestion operation, intended to further process the digestate generated from the digestion process to produce final compost on-site .

The temperature monitoring requirements mentioned in §17869.57(c) applies only to the windrow and aerated static pile composting processes described in §17869.57(b)(3) & (4) and not the enclosed/within-vessel composting process described in §17869.57(b)(2). The existing language could easily be misinterpreted to mean that these temperature monitoring requirements are equally applicable to all the three identified composting processes on-site a digestion facility. Some clarification in the language would be appropriate.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

Pages 40-41 all of § 17896.57 "Pathogen Reduction" under Article 6. "Digestate Handling Standards." These requirements are specific to aerobic "pile" composting and does not represent the operation of an anaerobic digester, especially at a POTW, which is regulated by U.S. EPA requirements in 40 CFR 503 that are monitored and enforced by both the RWQCB and the U.S. EPA. EBMUD would be happy to work with CalRecycle to revise these regulations for anaerobic digestion.

4/30/2013
Donald Gray, East Bay Municipal Utility District

Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees

Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities

§18221.6.1 In-Vessel Digestion Report

It is not clear whether or not a Large Volume In-Vessel Digestion Facility would be subject to both requirements of an In-Vessel Digestion Report (§18221.6.1) and a Report of Composting Site Information (§18227), if it also composts on-site. The regulations should allow both reports, if required, be combined into one single report to avoid unnecessary redundancy and a waste of paper. A clarification of this matter would be appropriate.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

§18227 Report of Composting Site Information

It is not clear whether or not a Large Volume In-Vessel Digestion Facility would be subject to both requirements of an In-Vessel Digestion Report (§18221.6.1) and a Report of Composting Site Information (§18227), if it also composts on-site. The regulations should allow both reports, if required, be combined into one single report to avoid unnecessary redundancy and a waste of paper. A clarification of this matter would be appropriate.

The language of §18227(n), Odor Impact Minimization Plan (OIMP), should also reference the requirement of Best Management Practices Feasibility Report, pursuant to §17863.4.1.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

18227(d) – should add requirement for operator to describe leachate collection and treatment systems, not just physical barriers (but catchment and treatment systems for the leachate). Should also add requirement for operator to describe how they will monitor effectiveness not only at the facility, but within the community that may be impacted.

4/30/2013
Terry Schmidtbauer, Environmental Health Manager, Solano County

Title 27. Environmental Protection
Division 2. Solid Waste

Application for Solid Waste Facility Permit/Waste Discharge Requirements (Form E-1-77)

CCC supports the proposed draft form and instructions for the Solid Waste Facility Permit Application (Form E 1-77) which will clarify certain elements of the existing form and account for new in-vessel regulatory additions.

4/30/2013
Neil S.R. Edgar, Executive Director, California Compost Coalition

In the Solid Waste Facility Permit Application, the term “permitted maximum tonnage” should only apply to incoming waste and not material coming in for beneficial reuse. Beneficial use materials, under existing California law should include both non-waste and waste derived materials necessary for the operation of the facility. This would include, but not be limited to materials used for ADC, road construction, landscaping, unit construction, wet-weather pad construction, and building materials. If the term is defined as all material expected to be received per day (including those itemized previously), it will mean

that facilities will not be able to accept material for beneficial reuse because they will be exceeding their maximum daily tonnage. With a diversion goal of 75%, California wants to encourage waste facilities to accept material for reuse instead of importing virgin material. The state does not want to encourage more resource extraction when recycled material can accomplish the same functions as virgin material. This type of beneficial reuse and diversion will not be possible if the definition of "permitted maximum tonnage" includes all types of incoming material because it will prevent facilities from accepting material for reuse purposes. The solid waste facility permitted maximum tonnage should only apply to waste materials that are being brought to the facility for transfer, processing, or disposal. All other materials should be excluded from the permitted maximum tonnage limit.

4/30/2013
Rachel Oster, Director of External Affairs, Recology

CRRC supports the proposed draft form and instructions for the Solid Waste Facility Permit Application (Form E 1-77) which will clarify certain elements of the existing form and account for new in-vessel regulatory additions.

4/30/2013
John Synder, State President, California Refuse Recycling Council
Mark Figone, Northern District President, California Refuse Recycling Council

Part 3 Section A.1.a. Maximum Daily Tonnage or Cubic Yards

Maximum Daily Tonnage or Cubic Yard for Existing and Proposed Facilities (Part 3 Section A.1.a): It is understood that CalRecycle intends to clarify that the Maximum Daily Tonnage/CY an existing facility permitted to receive include ALL materials that pass through the gate and weighing scale as part of normal, day to day operations of the facility. The clarification is necessary in the Application Instructions, so that solid waste facility operators would know that they cannot receive waste and other materials together at an amount that exceeds the permitted Maximum Daily Tonnage limit, and that an exceedance of the maximum daily limit will constitute non-compliance with the SWFP as well as CEQA, since the permitted Maximum Daily Tonnage limit represents the "worst-case" or built-out scenario analyzed to determine the facility's maximum environmental impacts and the necessary mitigation for those impacts. Notwithstanding the conceptual clarification, it is unnecessary to actually require in the Application Form the separate tonnage information on Disposal/Transfer (A.1.a.(1)) and Other (A.1.a.(2)), and it is impossible for an operator to demonstrate that the sum of Disposal/Transfer and Other tonnage is equal to Maximum Daily Tonnage. It is because: (1) "Other" materials, unlike refuse for disposal, are received at a landfill, for example, only on an as-needed and not daily basis; and (2) the "Disposal/Transfer" and "Other" data are only averages calculated from empirical tonnage data, and therefore, they are highly unlikely equal the maximum tonnage number. Since the "not-to-exceed" objective of the permitted Maximum Daily Tonnage/CY information is now clearly presented and understood by the operators, the Application Form should only need just one number to illustrate the permitted daily capacity. The same recommendation applies to proposed facilities (A.2.a)

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

Part 3 Section A.1.b. As-Designed Daily Tonnage or Cubic Yards

The instruction/explanation for As-Designed Daily Tonnage/CY (A.1.b) is very confusing as it talks about maximum material handling capacity that is subject to daily operation variables over an extended period of time. In other words, it is confusing maximum with average, and therefore, a clarification is necessary. To us, it seems that CalRecycle wants to know the "average" operation capacity of the facility (which is already required in Part 3, A.4.a); however, the timeframe for the average capacity is not specified. Landfill operation is very dynamic and subject to many varying factors. As such, the "picture" of an average operation could be very different from one time period to another. Without a specified timeframe, the average capacity "picture" would be arbitrary and represent only a snap shot of the operation, so to speak. Then what purpose does this information serve for CalRecycle? If this is what CalRecycle wants, we recommend a timeframe of 5 years for the average calculations, consistent with the 5-year permit review requirement. This way, CalRecycle would see a general picture of the operation in the last 5 years in its consideration of permitting the operation for the next 5 years. Please be advised that a facility is assessed for environmental impacts and mitigation under CEQA based on Maximum Daily

Tonnage and not As-Designed Daily Tonnage. Therefore, As-designed Daily Tonnage in the Application Form should not be greater than Maximum Daily Tonnage; otherwise, the facility may be at issue with CEQA.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

Part 3 Section A.1.d. Maximum Traffic Volume Per Day (vpd)

Maximum Traffic Volume Per Day (VPD) (Part 3 Section A.1.d): The Instructions should also indicate that the VPD number entry in the Application should be the same as the maximum traffic level evaluated in the facility's CEQA document.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

Part 3 Section A.1.b. Site Capacity Currently Permitted (Airspace) (cu yds)

Site Capacity Currently Permitted (Airspace) (Part 3 Section A.4.b): According to the Application Instructions, the Total/Gross Site Capacity/Airspace is the volume contained between the bottom of the excavation to the top of the final cover. As such, the permitted site capacity/airspace does not truly represent the total usable disposal airspace, because it also includes the final cover, a non-disposal airspace. This could present a consistency problem between the RDSI and the SWFP application, because the permitted airspace volume is not used in the RDSI to project landfill site life. Rather, it is the usable disposal airspace (that is, the total permitted airspace, as currently defined, minus the final cover airspace) that is used, along with refuse density and fill-to-cover ratio, for the landfill life projection in the RDSI. Isn't it more reasonable to define the Total/Gross Site Capacity/Airspace without the inclusion of the final cover, particularly when the final cover is legitimately addressed in the final closure and post-closure process? This is our recommendation.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

Part 3 Section A.1.c. Site Capacity Proposed (Airspace) (cu yds)

Site Capacity Proposed (Airspace) (Part 3 Section A.4.c): It's not clear whether or not this additional site capacity/airspace should include the final cover airspace.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

General Comments

As previously indicated by the Task Force on several occasions starting with our letter of August 13, 2008 (copy enclosed), there is a clear need for CalRecycle to define the terms "organics," "compostable organics," "non-compostable organics." and "inorganics." These terms are being used by CalRecycle throughout the regulatory revisions to Titles 14 and 27 without having defined these terminologies. The Task Force respectfully requests CalRecycle to either define these terms through the regulatory process or avoid further use of these undefined terminologies. Failure to do so would further create confusion among stakeholders and elected officials while furthering the local governments' cost in their attempt to comply with CalRecycle regulations.

3/28/2013
Margaret Clark, Vice-Chair Los Angeles County Solid Waste Management Committee/ Integrated Waste management Task Force and Council Member, City of Rosemead

In general, Waste Connections Inc. (WCI) would support:

1. Minimizing exemptions for operating facilities
2. Having reasonable objective odor standards
3. Setting thresholds for permits at a reasonable level as to preserve and minimize impacts to neighbors of small facilities.

4/30/2013

Jody Snyder, Director of Regulatory and Governmental Affairs, Waste Connections Inc.

Where possible and practical, CalRecycle should insert appropriate Test Methods for the Examination of Compost and Composting (TMECC) methods. This may help clear up confusion and the TMECC is a living document that the USCC updates periodically as dictated by our subcommittee of scientists, laboratories and academics. For example, many specifiers (including CalTrans) require Seal of Testing Assurance (STA) participation on the part of their compost suppliers, but the STA sampling protocols are different than CalRecycles, putting the com poster in a difficult situation. Having CA regs refer to TMECC testing protocols would keep it in sync with STA.

4/30/2013
Lorrie Loder, President, US Composting Council

Odor Complaints Concept

§ 17863.4 and §17863.4.1 Odor Impact Minimization Plan

Section 17863.4 Subsection (f) – Odor Impact Minimization Plan. We strongly recommend specifying a timeframe by which the EA is to direct the operator to prepare and implement a Best Management Practice Feasibility Report (Report) as specified in Section 17863.4.1. We also strongly recommend specifying a timeframe (possibly a week) for the EA to consider 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 elimination of the odor nuisance, then consideration needs to be provided to move the operation to the inside of a structure that operates under negative pressure. As an alternative, the facility's daily waste intake can be gradually reduced until the nuisance is eliminated or reduced to a level that is of no further hazard to the public's health and safety. Needless to say, exposure to odor nuisance is hazardous to human health and safety as well as having significant adverse impacts on human breathing. Therefore, it is imperative that mitigating measures are implemented in a steadfast and efficient manner.

3/28/2013
Margaret Clark, Vice-Chair Los Angeles County Solid Waste Management Committee/ Integrated Waste management Task Force and Council Member, City of Rosemead

While the proposed language requires that the Best Management Practices Feasibility Report (Report) include a plan and schedule for implementing the BMPs, it does not impose any time requirement for the preparation of the Report itself in the odor complaint investigation and mitigation process.

Section 18077(a)(14) appears to put the burden on individual EA's who have odor jurisdiction over existing operations/facilities to prepare a procedural manual on handling odor complaints. Indeed, the burden should be on CalRecycle who oversees all EA's and is in a better position to prepare a standardized odor complaint handling procedural manual for all EA's to follow.

4/29/2013
Sungkey Ma, Riverside County Waste Management Department

17863.4.1- In general, this section continually references the Comprehensive Compost Odor Response Project (CCORP) as a guideline to determine BMPs. While this is a useful document, it was written at a time when food materials where not being diverted to the composting feedstock stream in any great quantities. While it can be argued the same fundamental concepts apply, food material and vegetative food material posses unique attributes (high moisture, high amino acids) associated with putrescible waste that are not readily associated with green waste only. For example, an operator in Solano County did use BMPs contained in the CCORP document for its food scrap composting program and it resulted in immediate upset and significant odor events not predicted by the operator or the compost system manufacturer. This places doubt on the reliability of the CCORP as the sole guidance for a BMP and highlights the true experimental nature of high volume food waste composting operations statewide. CalRecycle and compost operators need to provide adequate compost facilities that can meet the recycling needs of California without impacting communities, especially as composters are being pushed to take more and more highly putrescible food scraps that used to go to landfill in order to meet the 75% diversion goal. The use of anaerobic digestion for food material prior to use in aerobic processes may be

a significant first step to break down the amino acids and to reduce odors.

The extensive use of CCORP document also places an extensive burden on the LEA to make a decision with very little information as to the true effectiveness of the process. Perhaps there should be a requirement for limited demonstration projects prior to full scale implementation of any major feedstock or operational change. CalRecycle should share in the burden to review specific technologies and processes that are demonstrated to be effective in processing food waste at given ratios or volumes.

17863.4.1(b)(3)(A)(4) and 17863.4.1(b)(3)(B)(3) - Under what criteria is the LEA to evaluate financial feasibility of a BMP? This seems odd. If a compost facility operator is creating a significant nuisance, but cannot "afford" to implement a BMP based upon their financial feasibility report, is the nuisance to be allowed to continue? What is the impetus for the operator to improve its operations then? Is CalRecycle going to have the same evaluation for landfill operations? For landfills, a financial assurance statement is required to ensure that there is always adequate money to operate and close the landfill properly, and maintain it after closure. This proposal seems to flip this process and allow a compost operator to demonstrate that they do not have the financial ability to operate their facility in such a manner as to not create a nuisance, so they are allowed to continue.

17863.4.1(d)- Why is it required that the LEA consult with CalRecycle before taking action on a plan, or issuing formal enforcement action through a Notice and Order? CalRecycle seems to be overstepping its authority by limiting the LEA's enforcement powers. Why did CalRecycle certify the LEA if it does not trust the LEA to make proper enforcement decisions? If CalRecycle wants to retain this authority, then it should be more like the Waste Tire Enforcement Program. In that program the local EA performs the inspections and refers the site to CalRecycle if the operator does not correct the violations or if additional enforcement action is needed.

4/30/2013
Terry Schmidtbauer, Environmental Health Manager, Solano County

CCC has reviewed the new proposed Odor Complaint protocol language. The new draft concepts presented are a marked departure from the previous draft. We recommend additional stakeholder workshops that could result in a new protocol that employed some of the structure – provided by the Enhanced Monitoring Plan and Enhanced Operations Plan with an iterative process – from prior draft language. The new concept does not appear to provide enough flexibility to operators and LEAs prior to the need to develop a full study of reasonable and feasible measures, which is required in current text, prior to a finding of compliance.

4/30/2013
Neil S.R. Edgar, Executive Director, California Compost Coalition

In closing, we would like to hold comments on the Odor Complaint Section of the Rule until after the Workshop on May 14, 2013. In general we are hopeful that the Rule will define "reasonable and feasible" measures to minimize odors. We support that CalRecycle has stated that "if you are doing everything you can, you are compliant" however, there is a need to define and understand "everything you can", maybe through a BMP analysis.

4/30/2013
Jody Snyder, Director of Regulatory and Governmental Affairs, Waste Connections Inc.

Compostable materials regulations – odor concept

A) Enhanced Enforcement Policy Program (EPP) requirements for odiferous compost facilities

The proposed amendments provide that within the EPP "the EA must submit, by January 2015, a procedure manual on handling odor complaints, including methodologies used to verify the origin of the odor, the severity of the odor, and validity of the complaint." (See proposed 14CCR § 18077 (a)(14).)

1) In requiring the LEA go into great detail in its EPP regarding its inspection and enforcement policy for handling odiferous compost facilities only, all of which CalRecycle must

approve, CalRecycle can in fact dictate the fine details of the LEA's odor response protocol.

The LEA, as the designated local enforcement agency under Parts 4-6 of the IWMA, has been authorized discretion to carry out its own enforcement program. While CalRecycle can advise the LEA, it should not dictate policy decisions for the LEA or direct the LEA specifically *how* to exercise its discretion. Where enforcement philosophies may differ, there has to be some deference grated to the LEA's decisions. Presumptively, CalRecycle has recognized this historically, as the EPP is generally not a vehicle for the LEA to set out the fine details of its policy.

2) In addition, the discussions at the workshop regarding the need to define in the EPP the methodology the LEA uses to determine "the validity of the complaint" are a huge cause for concern. Industry alleges that the LEA should ignore "false complaints." It appears that CalRecycle is quick to accept the industry's allegations that many complaints are "false." This concept is extremely self-serving on behalf of industry, and assuming complaints are false and do not need investigation can lead to the prejudicial disregard of public concerns. This subject matter should be handled with great care, as directing the LEA to ignore complaints from an individual or group of individuals simply because some of the previous complaints from those individuals could not be verified could be viewed as compromising the public's rights and leaving them without a voice in the regulatory process.

If CalRecycle is contemplating making the LEA list some complainants as chronic, frivolous complainants whom the LEA must ignore, this needs to be spelled out very clearly and distinctly in the regulations themselves, not handled through the EPP approval process.

B) Enforcement process once nuisance odors are shown to come from facility – BMP feasibility report requirement prior to Notice and Order.

1) BMP feasibility report should not relieve the operator from controlling and minimizing nuisance odors.

The "initial draft concept" provided an iterative STOMP process which would have required the facility to identify the sources of chronic odors and propose operational controls to minimize the odors. If subsequent to making these operational changes, an odor nuisance still existed, the operator would have to repeat the STOMP analysis. After going through the STOMP process through multiple odor nuisance events, the initial draft concept allowed the operator to stop taking remedial action and prohibited the LEA from taking additional enforcement action once the operator could show that it had made every "reasonable and feasible" operational change.

Even though the iterative STOMP process from the initial draft concept has been removed, CalRecycle staff is on record construing the "feasibility report" language in the proposed odor regulations as giving a facility with chronic odor issues an "out." As proposed, the regulations require the operator of a facility with chronic odor issues to develop a report describing the Best Management Practices it uses, the effectiveness of each BMP in reducing odor, the BMP's the facility can add to its operations, and the "feasibility" of carrying out each new BMP. (See proposed 14CCR § 17863.4.1.)

The language limiting the LEA from taking any enforcement action after the operator implements all feasible operational controls has been removed from the proposed regulations. However, CalRecycle staff still maintains that should the operator provide the LEA "data" that shows the facility has taken every feasible operational control (in the operator's sole discretion?) then the LEA would be precluded from performing any complaint investigation and taking any further enforcement action on the facility.

Solano County LEA is on record objecting to the STOMP process as defined in the initial draft concept. Nonetheless, if restricting the LEA's ability to enforce is still CalRecycle's intent, then the limitation on the LEA's enforcement power must be spelled out in the regulation. Should the public complain, the LEA can point to the plain language of the regulation prohibiting further enforcement, rather than simply relying on an inference in the wording of the regulation.

Staff's interpretation would also lead to negative unintended consequences. As Citizens Against Waste suggested at the recent workshop, the operator should be looking at ways to improve its operations at all times. The crux of the current status of the odor problem in organics composting facilities is that the development and expansion of these operations has far outpaced odor reducing technology. The operator should be encouraged to seek out new technologies that will reduce the impact of its operations on its neighbors. If indeed, the "feasibility" standard would give the operator an "out," this would have the unintended consequence of discouraging the use of improved technology and better operational controls.

2) Mandatory consultation with CalRecycle prior to the LEA taking formal enforcement is a cause for concern.

In mandating the LEA to "consult" with CalRecycle before issuing a Notice and Order, even after the LEA goes through the BMP feasibility process with the operator and an odor nuisance still exists, CalRecycle is inappropriately inserting itself into the LEA's discretionary enforcement authority. (See proposed 14CCR § 17863.4.1(d).) If CalRecycle can prohibit the LEA from taking enforcement action or dictate exactly which enforcement action may be taken, the LEA will be left with little to no independent authority. As a result, the LEA, which is the local agency accountable to the local citizens, will become a mere figurehead and (ultimately) the public scapegoat, while CalRecycle controls the program behind the scenes. If CalRecycle intends to assert regulatory control over odiferous organic compost facilities, CalRecycle should make this clear in the amended regulations and simply take over the entire compost facility odor program.

Moreover, it is in everyone's interest for the LEA and the operator to have open communication and a functional working relationship. If rather than working with the LEA, the operator knows it can ignore the LEA and go directly to CalRecycle instead, this would lead to extreme dysfunction between the operator and the LEA.

In summary, my concerns on the proposed odor concept boil down to two legal issues: a) potential usurpation of the LEA's discretionary authority and b) CalRecycle's legal interpretations and "guidance" leading to improper underground regulation of the compost odor issue at facilities.

4/30/2013
Lori A. Mazzella, Deputy County Counsel, Solano County

Recology looks forward to continuing to work with CalRecycle staff on developing a comprehensive approach to compost odor standards and odor complaints. Recology will be at the scheduled workshop on May 14, 2013 to discuss the revised concept for addressing chronic odor complaints and identifying odor sources.

4/30/2013
Rachel Oster, Director of External Affairs, Recology

CRRC has reviewed the new proposed Odor Complaint protocol language. The new draft concepts presented are a marked departure from the previous draft. We recommend additional stakeholder workshops that could result in a new protocol that employed some of the structure – provided by the Enhanced Monitoring Plan and Enhanced Operations Plan with an iterative process – from prior draft language. The new concept does not appear to provide enough flexibility to operators and LEAs prior to the need to develop a full study of reasonable and feasible measures that which is required in current text prior to a finding of compliance.

4/30/2013
John Synder, State President, California Refuse Recycling Council
Mark Figone, Northern District President, California Refuse Recycling Council

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1. 17863.4 Odor Minimization Plan
   (a) "All compostable material handling operations and facilities shall prepare, implement and maintain a site specific odor impact minimization plan."
   Comment: There was some discussion during the work shop that this should not apply to In-Vessel Digestion Operations. The handling of feedstock's at any facility, if not properly

handled can cause odors to off-site receptors. WCI would suggest that all facilities handling compostable material and applying for an EA notification or permit application should be required to prepare a Odor Minimization Plan. Understanding that some of the elements of the Plan may not be applicable to an In-Vessel Digestion Operation.

2. 18077 Enforcement Program Plan (EPP)
(14) "EA must submit by Jan 2015, a procedure manual on handling odor complaints, including methodologies used to verify the origin of the odor, the severity of the odor and the validity of the complaint"
Comment: This is key for the community and the operator to live harmoniously. Organic recycling an integral part of the "Statewide Strategy for Reaching the 75 Percent Goal". Therefore, orchestrating an effective odor complaint investigation is essential.
    1. The person making the complaint must demonstrate through the completion of a formal complaint form that they have experienced air contaminant emissions in sufficient quantities and of such characteristics and durations as to unreasonably interfere with use and enjoyment of their property.
    2. The odor must be distinct and definite, with unpleasant characteristics, with the source identified as the facility, with a certain duration (not a whiff)
    3. The odor must be verified at the receptors property
    4. Five or more formal complaints from several individuals must occur in one 12-month period that cannot be attributed to a malfunction, an emergency, or startup/ shutdown operation, prior to enforcement actions initiation.
    5. Proper Documentation from inspector
        a. Your name and contact information.
        b. The date and time of your arrival and departure within the complaint area.
        c. Observations of wind direction and speed. It would be useful to know the general weather conditions such as clouds, fog, high wind speed, humidity, and temperature.
        d. Describe the location where you observed the odor, such as the street address, latitude/longitude, tax parcel number, UTM, etc.
        e. General observations of relevant activities in the area. How are people reacting to the odor? If it is hot outside are their windows open? Are children playing outside?
        f. Names of people contacted while in the area.
        g. If the facility emitting the odor was contacted, record the date, time, and person contacted.
        h. Describe how you connect the odor you have detected with a specific facility.
        i. Describe the odor and surroundings.
            i. Is the odor highly offensive (strong), offensive (objectionable), unpleasant, or not unpleasant?
            ii. How frequently is the odor detected?
            iii. How long does it last on each occurrence?
    6. Determine through correspondence with the facility whether odors were a result of some non-typical operation such as start-up, shutdown, emergency, or upset condition. If the odors are likely to persist longer than 12 hours, investigate solutions.
    7. Best Management Practice Feasibility Report (report)
        Has the source prepared a Report? According to 17863.4.1?
        1. If no, have facility prepare Report. Interim complaints received from the time the request for the Report is ordered until Report is completed and BMP's are in place shall be documented and retained.
            Set specified compliance schedule. After installation of BMP's is complete, EA documents that appropriate enforcement actions were taken and that the interim complaints are closed to further enforcement by way a Notice and Order.

If yes, is the facility following all the BMP's? Subsequent complaints do not constitute a violation, provided

that the source employs BMP's and measures to minimize odors. If odors from the facility still generate odor complaints, or advances in air pollution controls technology occur it may become necessary to re-evaluate whether additional BMP's for minimizing odors can be employed by the facility.

5/17/2013
Jody Snyder, Director of Governmental and Regulatory Affairs, Waste Connections Inc.

Based on the proposed odor concept released on February 28, 2013 (copy enclosed), and the informal workshop on May 14, 2013, we would like to offer the following comments:

- Section 17863.4, Subsection (f) – Odor Impact Minimization Plan. We strongly 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. We also strongly recommend specifying a timeframe within which the EA would review the results of the Report. If the foregoing measures are ineffective in addressing the odor nuisance then alternatives should be considered such as enclosing operations within a structure under negative pressure. As an another 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 does not unduly impact public health and safety.

- The terms "reasonable and feasible" were used frequently in the discussion during the May 14, 2013, workshop. These terms require further clarification so as not to be overly vague and ineffective in promptly resolving odor issues.

- During the May 14, 2013, workshop, CalRecycle's staff mentioned the operator was only required to minimize the odor. Please provide clarification to this statement.

- What is the legal basis upon which CalRecycle's staff is indicating their authority is limited only to minimizing odors rather than eliminating them? What is the role of CEQA if CalRecycle is either the "lead" or "responsible" party?

5/23/2013
Margaret Clark, Vice-Chair, Los Angeles County Solid Waste Management Committee/ Integrated Waste management Task Force and Council Member, City of Rosemead