



## WEST MARIN COMPOST COALITION

7/5/15

Ken Decio  
Waste Permitting, Compliance, and Mitigation Division  
California Department of Resources Recycling and Recovery  
P.O. Box 4025  
Sacramento, CA 95814-4025

Dear Ken;

Thank you for the opportunity to respond to the third round of Changes to Proposed Compostable Materials, Transfer/Processing Regulations. Our few comments and proposed changes are listed below in the order in which the original language appears in the Regulations. We understand CalRecycle staff is only required to respond to comments related to the newly proposed changes to the Regulations, but hope you will consider all our suggested changes below.

P. 7, Line 43. Please consider: “(4.5) “Agricultural By-Product Material” means post-harvest agricultural by-products separated at a processing facility, **including pre-consumer, unprocessed vegetative food material generated at a retail produce facility.**” **Justification:** this material is in no meaningful sense different from the same material classified as *agricultural material* prior to leaving the farm.

P. 7, line 55. **Change “grape” to “fruit.”** This recognizes that fruits other than grapes are similarly processed, (e.g., olives for olive oil, apples for apple juice), beyond their point of origin, yielding a compostable by-product.

P. 8, line 50. (13.5) “Digestate” means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester, as defined in section 17896.2(a)(1214). 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, **except in the case of on-farm digestion of agricultural materials, in accordance with section 17896.6.**

P. 10, line 46. b. On land zoned only for agricultural uses, the compostable material and/or digestate is not applied more frequently than three times during a 12 month period, and, ~~at the time of the land application, the compostable material and/or~~ **digestate** shall not exceed 12 inches in total accumulated depth **per annum** on the land surface. The EA, ~~in~~ **after** consultation with the California Department of Food and Agriculture to determine if the land application is agronomically beneficial and with the Regional Water Quality Control Board regarding water quality, may approve alternative frequencies and depths, if the EA after such consultation determines that the alternative will not adversely affect public health and safety or the environment.



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P. 12, line 21. (38.5) “Vegetative Food Material Composting Facility” is a facility that composts ~~agricultural material, green material,~~ vegetative food material, ~~additives, and/or amendments.~~ A vegetative food material composting facility may also handle manure **and other agricultural material, green material** and paper products. An operation or facility that handles a feedstock that is not agricultural material, green material, vegetative food material, manure, or paper products, shall not be considered a vegetative food material composting facility. “Vegetative Food Material Composting Facility” does not include activities excluded from regulation in section 17855.

P. 14, line 27, forward; please consider: “(4) **Composting green material and agricultural material, alone or in combination, is an excluded activity if the total amount of feedstock and compost on-site at any one time does not exceed 500 cubic yards. The compostable material may include up to 10% food material by volume.**” **Justification:** this adjustment restores previous exemption status for small compost operations, of which many more will be needed to meet emerging diversion goals for California. 500 cubic yards is a very small quantity of compost, yet sufficient to allow small community and on-farm operations to meet small-scale local needs for organics recycling and compost use. Please restore exemption status for this small quantity of material, and allow inclusion of this small percentage of food material to enable small, low risk, local diversion efforts to flourish in California.

P. 29, line 10. Change “grape” to “fruit” to allow other minimally process fruit pomace (eg, olives, apples, etc.) to be included in this category.

P. 34, line 39. Remove this sentence: “No more than an incidental amount of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually.”

P. 34, line 51. Remove this sentence: “No more than an incidental amount of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually.” This is critical to enable proper nutrient balancing on the subject dairy, particularly where co-digestion of imported agricultural material and/or food material is taking place.

Thank you again for the opportunity to respond to the third round of Changes to Proposed Compostable Materials, Transfer/Processing Regulations.

Sincerely,

Jeffrey Creque, Ph.D.  
West Marin Compost Coalition