



JOINT STATE OFFICE

July 14, 2015

**VIA E-MAIL, FAX & U.S. POST**

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Dear Mr. Decio:

**RE: Revision of existing Title 14 and Title 27 regulations regarding compostable materials, transfer/processing, permit application form, and permit exemptions**

The California Refuse Recycling Council (CRRC) appreciates the opportunity to comment on CalRecycle's newly proposed Title 14 and 27 revisions regarding Compostable Materials Handling and Transfer/Processing Regulations, and to participate in the series of informal workshops conducted to date. The CRRC also submitted formal comments on December 4, 2014 and May 6, 2015. We applaud your efforts to update the existing regulations regarding compostable materials and transfer/processing facilities in order to support the crucial and developing infrastructure of organic waste management in California.

We have reviewed the newly proposed regulation changes and note some remaining issues. We recognize that not all stakeholder concerns can be incorporated and therefore reiterate below our most pressing and cost prohibitive issue.

**0.5% Contamination Level Beginning January 1, 2018**

Again, we thank CalRecycle for incorporating a more achievable industry standard of 0.5% contamination by dry weight of physical contaminants greater than 4 millimeters in compost and compostable material. However, we continue to have concerns regarding the testing methodology that will be used to determine this standard, as well as the short introduction time in applying the standard.

As mentioned in our previous letter, CalTrans established a new specification of .5% for plastic, glass and metal physical contaminants (% dry weight) in compost on January 16, 2014. This

specification has been in place for less than a year and the industry has not had time to fully evaluate it; it remains unclear whether this level is actually being applied in practice. Before we become committed to a state standard, we would like to have confidence in a standardized and repeatable lab protocol that can be applied across the state. Until we have this guarantee, a state standard is impracticable and may have unintended consequences on the policy objective and markets.

In addition to a standard that is testable in a reliable manner, time is crucial to educate our customers on what is acceptable material to discard for use at chip and grind, compost and anaerobic digestion facilities. With the passage of 1826 (Chesbro), California will see a ratcheting up of mandatory commercial organics recycling, with a likely expansion in 2021 to cover businesses that generate two cubic yards or more of commercial solid waste per week. This will result in a substantial learning curve over the next five years, as we capture more and more of the commercial organic waste stream. As such, we need time to adjust to this collection and ask that any state standard on contamination of the compostable/digestate material begin January 1, 2020. Moreover, our members consider a 1% contamination level to be an acceptable starting point or prefer the regulations remain silent pending the development of a reliable and cost effective testing methodology. This will provide our industry and customers the time necessary to adjust to these significant changes and work with regulators on this effort.

We would like to thank CalRecycle for the opportunity to provide recommendations to the proposed rule changes. We appreciate you drawing upon the expertise of the industry. As you move toward completion of the rulemaking and the confirmed implementation date for contamination standards, we ask that you continue dialogue and collaboration with the industry to resolve outstanding issues – especially as it relates to sampling and measuring contaminants. This cooperation remains essential as we continue to address the complex issue of organics management in the state of California.

Sincerely,



Kathryn Lynch  
Regulatory Affairs



Ralph Chandler  
Regulatory Affairs

cc: Mark De Bie, Deputy Director, CalRecycle, (Fax: 916-319-7298)  
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CRRC State Executive Committee Members