
From: Thomas <huskertomkat@earthlink.net>
Sent: Sunday, April 19, 2015 1:42 PM
To: Compost Transfer Regs
Subject: Compostable Rulemaking - 15 day Day Written Commentary

TO: CalRecycle

I live 1 mile from the now-closed California BioMass composting facility in Thermal (Riverside County). Myself and neighbors endured CBM's dust, odor – with ensuing nausea, headaches, eye injuries – for over one and half years. Adding to our injury, we were forced to spend each day documenting our nasty experiences to County and State Agencies while these agencies initially balked at our complaints. Following that long, and unjustifiable, journey, if there is genuine advocacy for composting operations, it needs to be in-vessel no matter the initial cost. In absence of in-vessel as a required method in California, I can only offer two material changes to CalRecycle's "Rulemaking" Proposed Changes:

Re: Chapter 3, Article 6, 17402 Definitions

1. Add definition for Odor and it should read:

"Odor" A Smell, Scent, or Aroma detectable by any number of persons

Justifications:

1) *Composting Facilities may use a perfumed "masking agent" – we experienced this awful aroma during the California BioMass debacle. The "masking agent" created stuffy, artificial-smelling air quality yet your LEA deemed it acceptable because it did not smell like garbage, and they felt it was "pleasant".*

Really? Correspondence with LEA asks if there was a definition for Odor and reply was "there is no definition for odor".

2) *Your own LEA personnel were, on many occasions, unable to detect odor – garbage, or air wick – because their frequent exposure at the compost site appeared to make them immune to the offensive air quality. Too many days the LEA personnel left our homes saying they could not smell a thing, all while we residents could simultaneously smell the offensive air. Noteworthy: AQMD personnel– who are air quality pros - were more consistent in their abilities to detect odor simultaneously.*

3) *Odor and dust clouds migrate and the bad air quality wafts with an "in the moment" experience. If a taxpayer resident complains of odor, the State and County have an obligation to accept that complaint if they cannot send a "nose expert" to the scene in a timely fashion.*

2. Amend proposed definition for "Nuisance":

12) "Nuisance" includes anything which:

(A) ~~is injurious to human health;—or,~~ is **annoying or** indecent or offensive to the senses, and interferes with the comfortable enjoyment of life or property, and may be injurious to human health.

(B) affects ~~at the same time an entire community, neighborhood or any considerable number of persons~~—any number of persons ~~in the neighboring communities~~. The extent of annoyance or damage inflicted upon an individual may be unequal.

Justifications:

1) During the California BioMass investigation, there was (wrongly) primary emphasis at the LEA level that the experience “must be harmful to health”. We were told garbage odor does not cause physical harm, it is simply unpleasant. (“Sorry it makes you feel ill, but don’t worry, odor won’t harm you”). That position by government oversight is just wrong.

2) Following other public criticisms of vaguely worded “entire community” “neighborhood” and “any considerable number of persons” are vague characterizations I am urging a change to “any number of persons” because one house affected is one house too many. You cannot “grade” the effect of noxious air because “a considerable number of persons” are vaguely the benchmark when even one house is plagued with wafting and/or settling odor and dust.

Thank you.

Kathleen Housel, La Quinta, CA April 19,2015