



May 6, 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 current iteration of 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. CRRC commends and supports CalRecycle in its efforts to update the existing regulations regarding compostable materials and transfer/processing facilities in order to address the changing nature of organic waste handling throughout California, while protecting public health, safety and the environment.

We have reviewed the newly proposed regulation changes and thank you for the incorporation of key issues and clarification. We acknowledge your hard work in this important undertaking and look forward to finalizing these regulations. As such, we offer the following comments on the newly proposed changes.

Issue 1: 0.5% Contamination Level Beginning January 1, 2018

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 still have concerns about 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 extraneous.

In addition to a standard that is testable in a reliable manner, we need time 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. This will provide our industry and customers the time necessary to adjust to these significant changes.

Issue 2: Odor Best Management Practice Feasibility Report

We commend CalRecycle's efforts in providing an alternative method of managing odor issues should a site-specific odor impact minimization plan not achieve the goals of odor management. However, the timeline of 14 days is not nearly enough time to prepare a suitable report and analysis. We recommend a more reasonable 60 days be provided in order that a comprehensive and accurate report can be completed in an achievable timeline.

Issue 3: Land Application

We appreciate the changes and clarifications incorporated into the "Land Application" definition as it applies to land zoned for agricultural uses. Agricultural businesses now have more flexibility in applying compostable material/digestate up to three times per year. However the proposed language currently reads "at the time of the land application, the compostable material shall not exceed 12 inches in total, accumulated depth on the land surface." The "at the time" inclusion makes it sound as though 12 inches in total can be applied on three separate occasions, therefore leading to a maximum of 36 inches in total accumulated depth. We do not believe this was the intention of the language and recommend clarifying this piece in your next iteration of regulatory language changes.

Issue 4: Chipped and Ground Material

It has come to our attention that no definition of "chipped and ground material" is included in the proposed regulations, though the term is used throughout. We believe this was an oversight and ask that a definition be included in subsequent proposed language changes.

Issue 5: Exclusions at Dairy and Rendering Facilities

While we recognize the importance of expanding organics processing capacity in California, we are concerned about the exclusion of in-vessel digestion at dairy or rendering facilities. First, there is no size limit on these operations and no limit on the amount of imported vegetative material they can accept. Second, there is no guarantee that these facilities will be properly regulated as these facility types will have no regulatory oversight by the LEA. With the increasing amount of organic material diversion in California, we are concerned that this exclusion may provide an unintended and imbalanced pathway that will not fall under the same human health and safety standards these regulations aim to secure. We suggest that these operations fall under a regulatory tier based on their proposed volume of operation.

Issue 6: Recordkeeping at Chipping and Grinding Facilities

We consider the fact that there is no guidance for recordkeeping and reporting under chipping and grinding facilities to be an oversight. Please consider including a reporting and recordkeeping requirement with the LEAs, comparable to the other activities.

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