



May 6, 2015

Mr. Ken Decio
Waste Permitting, Compliance, and Mitigation Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812-4025

Via E-mail: compost.transfer.regs@calrecycle.ca.gov

Subject: Comments on the Proposed Revisions to Existing Title 14 and Title 27 Regulations Regarding Compostable Materials, Transfer/Processing

Dear Mr. Decio,

This letter is in response to the request for comments on the proposed revisions to the existing Title 14 and Title 27 regulations regarding compostable materials and transfer/processing. Recology would like to thank you and your staff for taking on the important task of revising the State's composting regulations to address the evolving markets, technologies, and policies surrounding the waste reduction and recycling industry.

First, the existing regulations propose a 1.0% contamination limit for green material and vegetative food material, but no contamination limit for food material. Recology recommends that all green and food material to be used as compost feedstock be held to a 3.0% contamination limit as measured just prior to active composting.

Second, Recology is concerned about the lack of a land application limit for chipped and ground material. "Land application" as defined applies to compostable material and digestate, but does not, as written, include chipped and ground material. Additionally, the proposed regulations do not include a definition of "chipped and ground material." This may be interpreted to allow unlimited land application of chipped and ground material, an interpretation that may become more and more frequent as we face the challenges of increasing recycling and diversion rates state-wide.

Finally, the term "permitted maximum tonnage" in the Solid Waste Facility Permit Application should apply only to waste materials being brought to a facility for transfer, processing, or disposal and not to materials coming into a facility for beneficial reuse. To include beneficial reuse materials, including those to be used for ADC, road construction, landscaping, unit construction, wet-weather pad construction, and other purposes, in this tonnage limit would put facilities at risk of not being able to accept these materials because they may exceed their maximum daily tonnage. Exclusion of beneficial reuse material from the tonnage limit is particularly important not only to encourage diversion, but also due to the nature of the material

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and how it is received at a facility. Receipt of beneficial reuse material at a facility is not consistent from day to day, could depend on seasonality, and typically is received on a contract by contract basis, therefore a large amount of material may be received and stockpiled one day and very little material may be received the next day. In addition, use of beneficial reuse materials is vital for soil poor landfills to preserve natural resources and minimize environmental and financial impacts. Again, as we continue to work toward higher recycling rates, facilities should not be prevented from accepting material for reuse.

Thank you for the opportunity to comment. We look forward to continuing to work with CalRecycle on these regulatory revisions. If you have any questions, please do not hesitate to contact me at 415-875-1245 or emerrill@recology.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Merrill". The signature is written in a cursive, flowing style.

Erin Merrill
Environmental Planning Manager
Environment and Planning