



May 4, 2015

Mr. Ken Decio
Waste Permitting, Compliance, and Mitigation Division
California Department of Resources Recycling and Recovery
P.O.Box4025
Sacramento, CA 95812-4025
Comments submitted via e-mail

RE: Proposed Compostable Materials and Transfer/Processing Regulations

Dear Mr. Decio:

The California League of Food Processors (CLFP) has reviewed the revised propose Compostable Materials Transfer/Processing Regulations and appreciates the opportunity to submit additional comments. CLFP notes that CalRecycle has amended Sections 4.5 and 24.5 to address some of the main concerns raised in previous comments by CLFP.

CLFP requests clarification from CalRecycle regarding several sections of the proposed regulations.

- Section 24.5(B)4 provides an exemption for land application sites that have a permit, waiver, or resolution issued by a Regional Water Board. CLFP assumes that this would also include a county or municipal organic byproduct recycling program that has been approved by the Regional Water Board. If that is not the case, CLFP requests that the text be clarified regarding this point.
- Section 24.5(A), Section 17868.2, and Section 17868.3(b)(1) describe the pathogen and metals concentration limits. CLFP assumes that sites that are in compliance with Section 24.5(B)4 by having a land application permit from the Regional Water Board would be exempt from CalRecycle's requirements, and only subject to any pathogen and metals limits and testing requirements stipulated in the Regional Water Board permit. If that is not the case, CLFP recommends that the text be amended to avoid duplicative or conflicting requirements.
- The testing requirements for physical contaminants outlined in Section 17868.3.1 require that the site operator must receive the sample testing results prior to removing the material from the facility of origin. CLFP remains concerned that removing food processing byproducts quickly to land application sites to avoid internal temperature

increases that could cause composting may conflict with the time frame needed to obtain the sample results from the testing laboratory. CLFP suggests that the regulations be amended to allow facilities some discretion in terms of holding materials pending the receipt of lab results, or allowing land application sites to temporarily stockpile material until the test results are available.

- Regarding Section 24.5(b), local environmental enforcement agencies should have broad discretion to approve alternative material application depths and frequencies. They are responsible for the health and safety of their communities and have the best understanding of how local environmental resources should be managed.

Land application of food processing byproducts is a beneficial reuse of organic material, and proper use of this practice should be encouraged. CLFP looks forward to continuing to work with CalRecycle to refine the proposed regulations to allow this beneficial reuse to continue.

Please contact me if you have any questions about CLFP's perspective on the proposed regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Neenan", with a long horizontal flourish extending to the right.

Rob Neenan
President/CEO