



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

VIA EMAIL: compost.transfer.regs@calrecycle.ca.gov

RE: Proposed Compostable Materials, Transfer/Processing Regulations

Dear Mr. Decio:

Roll Global, on behalf of Paramount Farming Company LLC ("PFC"), Paramount Farms International LLC ("PFI"), POM Wonderful LLC ("POM"), and Paramount Citrus Holdings LLC ("PCA") (collectively "Paramount"), has reviewed the revisions to the proposed Compostable Materials, Transfer/Processing Regulations ("Compostable Materials Regulation"), and appreciates the opportunity to provide additional comments to the California Department of Resources Recycling and Recovery ("CalRecycle") regarding these proposed amendments.

Paramount farms and markets pistachios, almonds, pomegranates and various citrus varieties across California. As a diverse agricultural operation, we can appreciate the challenges that arise when dealing with unique commodity types, however, we strongly support the conclusion that agricultural materials and their by-product streams do not pose an inherent risk to public health and safety and should be treated as such. It is for this reason that we respectfully request that CalRecycle provide additional clarification regarding the application of the proposed rules to agricultural products and consider the following comments before finalizing the proposed Compostable Materials Regulations.

- **Section 17852(a)(4.5) "Agricultural By-Product Material."** We support the proposed definition of agricultural by-product material, but do not believe that the inclusion of this definition offers clear guidance regarding the intent of CalRecycle to exempt certain agricultural activities from these regulations. The definitions, and corresponding exemptions under section 17855, should be further clarified to make clear that agricultural by-products are not subject to the new rules.

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- **Beneficial Reuse of Compostable Materials.** We again urge CalRecycle to provide a clear exemption for agricultural materials and agricultural by-products intended for beneficial uses (i.e. biomass conversion, biofuel feedstock and animal feed or bedding), from the definition of “compostable materials” under section 17852(a)(11). We support the exclusions discussed under section 17855, but are concerned that the current list of excluded activities does not cover the full breadth of agricultural material and agricultural by-product material derived during post-harvest and processing activities . Therefore, in the absence of a clear exclusion from the definition under 17852(a)(11), these materials, intended for other uses, could end up being subject to portions of the Compostable Materials Regulations, which we do not think is justified, nor do we understand that to be the intent of Cal Recycle in revising these rules.

- **Section 17855 “Excluded Activities.”** We support the exclusion of compostable material from certain compostable material handling rules under section 17855, and suggest that the regulations be further amended to make clear that agricultural by-product materials and agricultural processing facilities fall under these same exclusions. We understand that it is CalRecycle’s intent to apply these rules evenly to both agricultural and agricultural by-product materials, and as such, suggest the following amendments:
 - **Section 17855(a)(1)** – An activity is excluded if it handles agricultural material or agricultural by-product material, derived from an agricultural or agricultural processing site, and returns a similar amount of the material produced to that same agricultural or agricultural processing site, or an agricultural or agricultural processing site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.
 - **Section 17855(a)(5)(E)** - The activity is part of an agricultural or agricultural processing operation and is used to temporarily store or process agricultural material or agricultural by-product material not used in the production of compost or mulch.
 - **Section 17855(a)(5)(G)** - The activity is part of an agricultural or agricultural processing operation used to chip and grind agricultural material or agricultural by-product material produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural or agricultural by-product operation, for use in biomass conversion.

- **Section 17862.1(a) “Chipping and Grinding Operations and Facilities.”** Paramount interprets section 17862.1(a), regarding chipping and grinding operations, to mean that chipped and ground materials derived from an agricultural or agricultural by-product site and returned to the same site or a site leased or owned by the same owner of that site would be excluded from the compostable material handling operations. If this is not how CalRecycle interprets this section, we request that the text be clarified to reflect this point.

In addition to the aforementioned comments, Paramount supports CalRecycle finalizing the Compostable Material Regulations with the additional recommendations made by the Agricultural Council of California and the Almond Hullers and Processors Association.

We appreciate the opportunity to provide additional feedback on these proposed regulations, and are available to discuss our comments should CalRecycle require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Poole', with a stylized flourish at the end.

Melissa Poole
Roll Global
Senior Counsel/Director of Government
Affairs