
From: Eugene Ybarra <eugenebarra@att.net>
Sent: Wednesday, May 06, 2015 3:56 PM
To: Compost Transfer Regs
Cc: jessica@solanacenter.org
Subject: 15-Day Comment Period - REVISIONS to Proposed Compostable Materials, Transfer/Processing Regulations (12/10/2014)

Importance: High

Ken Decio
Waste Permitting, Compliance, and Mitigation Division
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Dear Mr. Decio:

I appreciate the opportunity to comment on the proposed regulations for Compostable Materials, Transfer/Processing ("proposed regulations") for this phase of the rulemaking process.

I am a consultant with a work focus on developing and facilitating partnerships and programs for environmental sustainability at the local community level. My consulting work is based upon a professional experience of over 23 years as a development permit manager within the local government sector and including the cities of Oceanside and Encinitas within North San Diego County.

Based upon the notice of availability and 15-day comment period for the most recent revisions to the proposed regulations (document footer dated April 2015), I understand that CalRecycle staff is only required to respond to comments related to the most-recent revisions to the proposed regulations. While my comments may pertain to other or earlier-revised aspects of the proposed regulations, I nonetheless wanted to submit my concerns and I respectfully and appreciatively request that staff respond to my concerns, as follows:

- I see no clear nexus within the language of the existing or proposed regulations that links the definition of "Enforcement Agency (EA)" (and the permitting responsibilities and obligations thereto) to the local land use and zoning permit authority.
- In the absence of EA responsibilities designated to the local permit agencies, I believe local agencies would have no compelling reason or obligation to adopt local land use and zoning regulations to enable the various Compostable Material Handling Operations and Facilities shown in Table 1 of § 17854.1 of the proposed regulations.
- In my professional opinion, and in the interests of the organizations and programs that I serve, I believe it is fundamentally necessary that the proposed regulations cause local permit agencies to adopt local land use and zoning permit processes to enable compostable materials handling and facilities that are at least commensurate with the proposed tiered requirements for the same. In the absence of such requirements, I believe other associated regulations as mandated by recently adopted AB 1826 will be underserved by the proposed regulations.

In summation, it is my concern is that those local agencies who choose not to adopt local land use and zoning permit processes to enable local and community-based composting operations and facilities will retard all of the environmental and local community benefits that would result from the diversion of compostable materials from traditional and "business as usual" landfilling practices.

I look forward to receiving your responses to my comments and/or directions to me on how to better to proceed with resolving my concerns relative to the rulemaking process for the proposed regulations, thank you.

Regards,

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