



A collective voice for manufacturing interests  
in California's San Joaquin Valley

December 5, 2014

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

Dear Mr. Decio:

The Manufacturers Council of the Central Valley (MCCV) appreciates the opportunity to comment on California's Department of Resources Recycling and Recovery (CalRecycle) Compostable Materials, Transfer/Processing proposed regulations.

Headquartered in Modesto, the MCCV represents a variety of manufacturing industries located throughout the San Joaquin Valley. The majority of our members are food and beverage processors, operating both year-round and on a seasonal basis. The Valley is home to one of the largest, most efficient and sophisticated food manufacturing regions in the entire nation. A recent census shows that California's leading manufacturing sector is food and beverage processing with the vast majority of business occurring in the San Joaquin Valley, generating thousands of jobs and significant economic activity.

We value that the intent of the proposed regulations is to protect public health, safety, and the environment by more effectively regulating solid waste facilities that handle compostable materials. We also share CalRecycle's concern about contaminated municipal green and solid waste being applied to agricultural lands by a minority of non-compliant operators.

However, we are concerned that the proposed definitions and regulation inadvertently describes food processing by-product residue as a "solid waste," and discourages the reuse of the beneficial agricultural material as a soil amendment or feed supplement thus regulating it as a compostable material. **The by-product residue of food processing is not handled, stored, or processed for compost.** Food processing by-product residue does not contain the contaminants such as trash and packaging materials that are often found in municipal, restaurant and grocery waste that CalRecycle is intending to divert from land application. The pre-consumer by-product residue contains valuable nutrients that, when returned to ag land, benefits the soil and helps to sustain the agricultural and food processing industries.

## **DISCUSSION**

The proposed changes offer a redundancy of regulatory oversight. For example, Stanislaus County's Food Processing Residue Use Program is a demonstrated program which deals specifically with **re-use, not disposal**, of by-products of the fruit, nut and vegetable processing

industries. The program regulates the type of residue that can be land applied, requires an annual permit and weekly inspections, along with site specific conditions, application limits, and detailed reporting.

Developed over 30 years ago by the Stanislaus County Department of Environmental Resources (DER), food processors, haulers, land application facilities, direct to feed sites, and feed lots, are all held to Stanislaus County Title 9 Health and Safety, Chapter 9.88 Food Processing By-Products regulations. Participant fees are used by Stanislaus County DER as the LEA to ensure compliance through yearly applications, community oversight, pre-season inspections, documentation, bonds, as well as continuous inspection of all participants. The program has been so successful, the California Regional Water Quality Control Board Central Valley Region granted Stanislaus County an Unconditional Waiver for any waste discharge requirements with regard to food by-products residue.

**During the first two decades of the program, the food processing industry in Stanislaus and surrounding counties diverted from disposal in landfills an estimated 6 million tons food processing by-products without nuisance.**

Beyond land application, food by-product residue is also widely used as feed supplement. With the current drought, especially in the south Central Valley, dairies and cattle ranchers have been crippled by lack of water allocation to grow the crops they need to feed their livestock. This year, many of the south valley ranchers have been compelled to purchase the entire by-products residue streams from food processors in Fresno, Madera, Merced and Stanislaus Counties for the very survival of their livestock. The loss of this valuable commodity due to a waste stream definition would be devastating to many statewide livestock ranchers.

Currently, with the purpose of food safety, the Dairy and Livestock feed industry including the by-product Feed Industry is licensed, regulated, and inspected by the California Department of Food and Agriculture (CDFA). Further, the by-product Feed Industry is regulated locally by programs administered by the Stanislaus County Department of Environmental Resources (DER) to ensure public health and safety. Those programs include the Food By-products Processors Program, Food By-products Direct Feed Program, Dehydration Program, and Small Hauler Program. All programs have been successful in adequately regulating a flourishing industry.

Regulatory control and oversight of food processing by-product in both land application and feed operations already exist, including:

- **The Federal Food and Drug Administration**
- **The California Department of Food and Agriculture**
- **Regional Water Quality Control Boards**
- **San Joaquin Valley Air Pollution Control District**
- **City and county health/environmental departments**
- **City and county zoning laws**
- **Local vector control agencies**

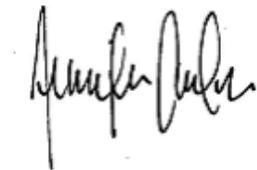
## **RECOMMENDATIONS**

Based on information provided and the issues raised above, the Manufacturers Council of the Central Valley recommends that the Department:

1. Recognize that Stanislaus County's Food Processing By-Product Use Program, a local fee-for-permit program, adequately protects public health, safety, and the environment through its regulation of the land application of food processing by-products;
2. Recognize that the California Department of Food and Agriculture through its Food Safety initiatives in conjunction with its Feed inspection program has provided food safety while supporting California's Dairy and Food Processing Industry through regulation of feed manufacturers and food processors.
3. Amend Section 17852 to provide a definition of a material called "Food Processing By-Products" and define it as: solid or semisolid substances derived from agricultural plant material delivered to a food processor for processing that are not utilized in the final product. Food processing by-products include but are not limited to culls, peelings, seeds, under or over ripe food, skins, cores, pomace, puree, hulls, shells, pits, stems, and leaves.
4. Amend Section 17855 Excluded Activities to exclude land application of food processing by-products as an activity considered as a compostable material handling operations or facilities, if the land application is made as the final disposition of Food Processing By-Products spread on any land, including land zoned only for agricultural uses under the condition they are made under the oversight of a LEA as a participant in a local program approved by the appropriate California Regional Water Quality Control Board.
5. Amend Section 17855 Excluded Activities to exclude food processing by-products as an activity considered as a compostable material handling operations or facilities, if the beneficial reuse is characterized as an animal feed ingredient. The exclusion shall also include any ingredient used for the raising of livestock or animal husbandry inspected and regulated by the California Department of Food and Agriculture.

Thank you for your consideration and the opportunity to participate.

Sincerely,



Jennifer Carlson  
Executive Director  
Manufacturers Council of the Central Valley

Cc:  
Central Valley Ag Group

Bill Lyons, Mape's Ranch  
Brian Terrell, American Recycling Company, LLC  
Jamie Aggers, Stanislaus County Department of Environmental Resources  
Stanislaus County Board of Supervisors  
Stanislaus County Food Processing By-Product Reuse Committee  
Kristen Olsen, Assembly Member  
Adam Gray, Assembly Member  
Cathleen Galgiani, Senator  
Anthony Cannella, Senator