

From: Thomas

Sent: Thursday, October 09, 2014 1:19 PM

To: Compost Transfer Regs

Subject: Suggestions to Rulemaking - starts Oct 10 Fw: Fwd: Formal Rulemaking Begins for Compostable Materials, Transfer/Processing Regulations

To CalRecycle:

Re: Formal Rulemaking changes Title 14 and Title 27 – Composting Regulations – Rulemaking Amendments & Public Hearing Dec. 10 2014

Unable to attend the December 10 public meeting, we respectfully submit two suggestions, with justifications for same.

These come to CalRecycle as a direct result of our “boots on the ground” exposure last year to Facility # 33AA0259, California Bio-Mass in Thermal, Riverside County, California. This facility closed last year on account of our County designation of it as “Public Nuisance”.

2 Suggestions:

1) Add to Definitions (Title 14, Division 7, 1, Article 6, Section 17402) a quantification for “Minimize” with respect to “Odor Minimization”. (footnote 1 justification below).

For example: “Odors will be recognized as having been successfully minimized when there are –0- reported offenses to sensitive receptors.”

2) Add a Joint Co-operation Enforcement provision (not sure where) that empowers LEA to notify RWQCB when LEA issues a Notice of Violation for Leachate. (footnote 2 justification below).

Justifications

1) Operator of #33AA0259 claimed he complied with Odor Minimization protocol because the LEA received fewer complaints during summer months.

The fact was : our neighborhood is seasonal, and fewer residents stay around in the summer. The odors were sustainably offensive but with fewer residents around the number of reports were fewer. Webster’s dictionary defines “minimize” as “to lessen” so the Operator cleverly said the lessened number of reports was proof he was in compliance. (Rivco DEH acknowledged the Operator’s clever catch on “lessened number of reports” was problematic, acknowledged that no definition or quantification for minimization was a problem for them).

We can see you have an excellent definition under 17402 (12) for “Nuisance” and (21) “Putrescible Waste” – thank you. But we urge a statement

defining and quantifying odor minimization in CalRecycle Rules to put some teeth into Odor Minimization. Thank you.

2) The Operator of 33AA0259 had self-reporting obligations under his RWQCB Permit for Leachate. Sadly, although he was a repeat offender for years, he ignored that obligation of self reporting. For years, under Solid Waste permit, he incurred “areas of concern” and “violation” regularly for Leachate; and at least one “Notice of Intent to List” for Leachate. The Water Board, in the meantime, was in the dark – his record was perfect, no leachate.

Eventually, the neighborhood provided RWQCB with the LEA’s violation notices from CalRecycle’s website. That prompted RWQCB to take enforcement action regarding leachate.

But it is unreasonable to expect residents, citizens, to police a situation like this; hence we urge the Joint Cooperation Enforcement to protect our environment.

Thank you for your efforts to improve and revise Title 14 and Title 27. We are counting on you.

Sincerely,

Kathleen Housel