

# Mape's Ranch and Lyons' Investments

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

Sent via Certified Mail & Electronic Mail

Dear Mr. Decio:

The following comments are in response to the California Department of Resources Recycling and Recovery (Department) proposal to amend California Code of Regulations, Title 14, Division 7, Chapters 1, 3, 3.1, and 5 and create Chapter 3.2; and, to amend Title 27, Appendix 1.

Mape's Ranch has land applied food processing by-product on our ranch for over 25 years under the supervision and permit of the Stanislaus County Environmental Resource Department. Many, if not all of the best management practices (e.g. soil testing, material characteristic testing, professional agronomic certification, containment removal, record keeping and reporting) that are now required by the county's fee-for-permit program for land application were developed on our ranch. Our records indicate that thousands of tons of food processing by-product soil amendments were applied during that period in a way that was protective of the environment and did not create a nuisance.

In the mid-2000's we participated in a collaboration with Stanislaus County's Department of Environmental Resources, the Central Valley Water Quality Control Board (CVRWQCB), the food processing industry and other end-users of food processing by-product to develop a county-wide local program to address CVRWQCB's waste discharge requirements for food processing by-product. Almost \$500,000 was spent by both the public and private sector to do the research and implement the program. While it isn't easy to welcome additional regulatory burden to our operation, we recognized the economic importance of land application of food processing by-products to the farmers, the food processing industry, their workers, and the economy of Stanislaus County. In fact, a 2007 report, "The Economic Impact of the Stanislaus County Food Processing Industry and the Food Processing By-Products Use Program" by the California Polytechnic State University—San Luis Obispo found that if regulatory requirements caused land application to no longer be available or economically sensible – that food processors would consider leaving Stanislaus County. The study concluded that the economic effect of one processor leaving Stanislaus County would result in estimated losses to the county from \$482.656 million to \$651.656 million in total economic output. Job losses were estimated from 2,248 to 2,715 a majority from supporting industries in the county.

In 2006, we began land application of food processing by-product under the approval of CVRWQCB and continued supervision of Stanislaus County. The CVRWQCB said "For land application operations, the Program is adequate as currently implemented to prevent creation of nuisance conditions and to prevent impacts to surface water. In addition, nitrogen loading rates appear protective of water quality."

We also collaborated with CVRWQCB's waste characteristics study with the submittal of over 15 years of by-product and soil tests. The CVRWQCB's did not raise any areas of concern for by-product moving from processing facilities to land application, e.g. heavy metals, microbial, toxics, or ph.

In 2009, the CVRWQCB went on to approve the Stanislaus County's Food Processing By-Products Use Program regulation of the land application of food processing by-product per their General Waiver No. R5-2008-0182, "...for purposes of the General Waiver with respect to the use of the material as a soil amendment."

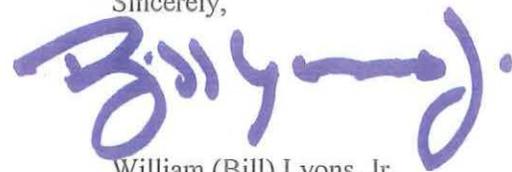
Our review of the proposed regulation and supporting material, specifically the definition of "agricultural materials" "disposal" and "land application" and the Department's white paper, "Agricultural Land Application of Compostable Material" tells us that there are issues with land applications of compostable materials (e.g. urban green waste and woody) and compost some contaminated with municipal urban solid waste with questionable agronomic value, that necessitated better oversight. The problem however is that those proposed changes drag a very thorough and mature local fee-for-permit program that regulates the land application of food processor by-product that ensure environmental protection and prevent nuisances – into a redundant and unnecessary regulatory scheme.

We also question CalRecycle's authority to regulate a land application practice that is officially regulated by CVRWQCB and Stanislaus County with respect to the use of the material as a soil amendment in a manner that protects the environment and prevents nuisances? How can it then be regulated as a compostable material if it isn't being handled, stored, or processed for compost?

Our opinion is that adoption of the regulation as proposed imposes redundant requirements and will for a fact create a burden for food processors and local government – that have a real potential of causing economic harm without adding anything to environmental protection or prevention of nuisances.

We recommend that CalRecycle exempt land application of food processing by-products that occur in programs that mirror Stanislaus County's Food Processing By-Products Use Program.

Sincerely,



William (Bill) Lyons, Jr.

Cc: Jamie Aggers, Stanislaus County  
Jennifer Carlson, Manufacturers Council  
Kristen Olsen, Assembly Member  
Adam Gray, Assembly Member  
Cathleen Galgiani, Senator  
Anthony Cannella, Senator  
Stanislaus County Board of Supervisors  
Stanislaus County Food Processing By-Product Reuse Committee