From: James Murdick <jamesmurdick@gmail.com>
Sent: Wednesday, December 03, 2014 1:38 PM
To: Compost Transfer Regs
Subject: Letter to CalRecycle Regarding Composting Regulations.pdf
Attachments: Letter to CalRecycle Regarding Composting Regulations.pdf; ATT00001.txt

Hi Ken,

I support the views you will find in the attached letter.

Sincerely,

James Murdick

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

From: Solana Center for Environmental Innovation and friends

Date: November 2014

Re: Formal Comments on CalRecycle's Proposed Regulations Concerning Composting Operations

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Our Vision

We would like to see California lead the country in food waste diversion, achieved in part by relaxed permitting and increased incentives for composting. California will support comprehensive food waste diversion systems, with policies that ensure fair and efficient permitting for composting at varying production scales. State-wide adoption will stimulate local job creation within small- and medium-size business sectors.

Mounting Pressures

We are concerned that the current draft rules on composting are not sufficient to adequately respond to the following pressures.

Southern California Environment

Southern California is a unique region with the close proximity of residential areas with agricultural activity. San Diego County has more small family farms than any other county in the US. San Diego has the greatest number of organic farms in the US, creating a **great demand for non-synthetic soil amendments**. These can and should be more efficiently delivered from nearby composting facilities rather than trucked in from out-of-town.

California Legislative Mandates

The California Legislature passed AB 1826 which mandates comprehensive composting of organic waste. The Legislature also passed AB 1594 to monitor progress on organics diversion from landfill, underlining the urgency of stalling our environmental degradation. State-wide infrastructure for diversion of organic matter is inadequate. **California does not have the capacity to enable compliance with legislative mandates**.

Present Drought

We are in a severe drought with no end in sight. Southern Californian **soil requires extensive amendments to assist with water retention**. The typical high winds of Southern California exacerbate soil loss through increased erosion of dry land. San Diego County imports more compost and mulch than it produces, importing a resource that can easily be produced locally. The drought and the cost of transportation associated with amendment delivery create immediate pressures to produce compost locally.

Efforts to Reduce Greenhouse Gases (GHG)

The California Legislature has passed regulations around organic waste diversion in response to the climate disruption resulting from human-generated carbon emissions. **Decomposing organic matter by natural means releases far less GHG** into the environment as compared with landfilling. In addition, keeping composting facilities local will result in fewer transportation miles.

Limited Infrastructure

About 40% of landfill materials in our area are compostable organics. In 2010 we landfilled 1.2 million tons of easily compostable material. We do not have unlimited landfill space. The closest commercial facility that openly accepts food scrap is over 100 miles away. The realities of **constrained landfill space and lack of local composting facilities** argue for decentralized small- and mid-sized composting facilities. The result of community-based composting will be cost-savings, increased local employment, and money injected into local communities.

Recommendations

Our recommendations were arrived at through extensive discussion among experts in the San Diego region. We strongly recommend the changes or additions to the draft regulations in the following four areas:

1. Increase footprint allowance for small, excluded sites

   Overview:

   Specific to SS 17855(4), CalRecycle should delete the 500 square foot (sf) restriction for small, excluded activities.

   Background:

   CalRecycle has proposed excluding small scale composting operations, with no restrictions on feedstock or use of finished compost. This concept of community composting enables us to create closed-loop nutrient cycles locally. Small sites will have the ability to add soil nutrients directly back to their neighborhoods and gardens, demonstrating first-hand the benefits that compost provides.

   However, the 500 sf footprint is too restrictive and will not adequately serve most neighborhoods, especially densely populated ones. A footprint allowance for small sites in California would not work because CalRecycle's existing and proposed regulations do not contain any intermediary permitting mechanisms for sites the "next size up."

   We calculate that a site with small equipment would compost a maximum volume of 35-55 cubic yards, with no accommodation for feedstock processing or working space. Excluded composting sites may have the ability to process up to 100 cubic yards of material, as determined on a case-by-case basis within our own local zoning and jurisdictional approvals. The State of Ohio instituted performance-based permitting mechanisms that enable and encourage urban and community composting activities at larger scales.

   Proposed Solution:

   Specific to SS 17855(4), we request that the 500 sf restriction be deleted and the language be implemented as follows for small, excluded activities:

   > Composting green material, food material, and vegetative food material is an excluded activity if the total amount of feedstock and compost onsite at any one time does not exceed 100 cubic yards.

   SS17867(a) already defines general operating standards for excluded sites. This will give assurance that excluded sites will not be mismanaged or otherwise pose a risk to public health. The State of

Massachusetts includes a burden of proof clause in their composting regulations that applies to all activities (see endnote). Incorporating similar language into the California proposed regulations will further ensure that all composting is conducted with a certain standard of care while still encouraging composting activity.

2. Expand source allowances and inputs at farms and community gardens

Overview:

CalRecycle should revise the language so it is clear that 1) agricultural sites can compost any volume of agricultural material, 2) agricultural sites that use compost onsite are exempt from permitting and those that sell finished compost are required to notify the LEA, and 3) agricultural sites may import green, vegetative/ food material feedstock as part of the permit exemption or EA Notification.

Background:

The proposed regulations do not contain any intermediary permitting mechanisms for composting of vegetative/food material that accounts for the size or relative risk of the activity to the surrounding environment and public health. On-farm composting capacity will amplify organic waste diversion in our region, where agricultural enterprises are often located next to residential areas.

Siting new facilities becomes less of an obstacle when we can take advantage of our expansive agricultural infrastructure. As Massachusetts found, since their organics landfill ban was introduced, 70% of their new composting capacity is at farms composting small volumes of food. These sites are exempt from commercial composting facility permits.[1]

From our research, we believe that a typical small farm in San Diego would need to import 50-60% of their feedstock between growing seasons. Significant offsite feedstock are often needed to produce the carbon:nitrogen balance for composting.

Proposed Solution:

We suggest implementing an allowance for accessory on-farm composting, especially for those farms intending to use their compost onsite. As an example, Massachusetts allows farms to import up to 30 tons per day or 105 tons per week of approved materials, including food.

We have developed alternative language that, if implemented, will clarify and expand on-farm composting allowances:

- Alternative A, Offsite feedstock allowance is based on the farm's size and ability to handle the material:

  SS17855 Excluded Activities
  (1) ~~An activity is excluded if it handles agricultural material derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity~~. If their feedstock is limited to agricultural material, the agricultural site may handle an unlimited quantity of agricultural material. Up to 25% by volume of feedstock onsite at any one time may consist of green material, food material and vegetative food material derived from offsite. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

[1] *Assessing Organics Processing Capacity in Massachusetts.* October 2014, BioCycle Magazine.

SS17856 Agricultural Material Composting Operations
(c) If their feedstock is limited to agricultural material, agricultural material composting operations may handle an unlimited quantity of agricultural material on the site and may sell or give away any or all compost they produce. Up to 25% by volume of feedstock onsite at any one time may consist of green material, food material and vegetative food material derived from offsite. These operations shall be inspected by the EA at least once each calendar year at a time when compostable material on the site is active compost.

- Or Alternative B, Offsite feedstock allowances capped at 500 cubic yards:

SS17855 Excluded Activities
(1) ~~An activity is excluded if it handles agricultural material derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity~~. If their feedstock is limited to agricultural material, the agricultural site may handle an unlimited quantity of agricultural material. Up to 500 cubic yards of green material, food material, and vegetative food material feedstock received from offsite may be onsite at any one time. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

SS17856 Agricultural Material Composting Operations:
(c) If their feedstock is limited to agricultural material, agricultural material composting operations may handle an unlimited quantity of agricultural material on the site and may sell or give away any or all compost they produce. Up to 500 cubic yards of green material, food material, and vegetative food material feedstock received from offsite may be onsite at any one time. These operations shall be inspected by the EA at least once each calendar year at a time when compostable material on the site is active compost.

Similar amendments to SS (d) should be implemented for agricultural operations accepting high volumes of green material. Likewise, SS17857.1 and SS 17857.2 should be amended to allow the specified volumes of vegetative/ food material feedstock.

3. Clarify permitting of in-vessel facilities

Overview:

CalRecycle should clarify the regulation allowing in-vessel facilities to conduct onsite curing and apply compost or solid digestate, so long as in-vessel technology meets temperature and residence time requirements as well as pathogen destruction and metals requirements.

Background:

We request clarification of requirements for small to medium in-vessel facilities composting or curing the digestate it produces. Aerobic in-vessel technologies, along with many anaerobic digesters, typically produce compost, or solid digestate similar to compost, after processing the material at designated temperatures and residence times. Furthermore, solid digestate from aerobic in-vessel digestion is compost and typically requires no further processing other than curing.

Proposed Solution:

The regulations should be clear that facilities can conduct onsite curing and/or apply immediate beneficial use of the compost/solid digestate so long as the in-vessel technology meets temperature and residence time requirements, and meets pathogen destruction and metals requirements. Facilities should follow the sampling protocol and meet the standards outlined in SS17868.1, 17868.2, 17868.3 and 17868.3.

4. <u>Provide guidelines for small- to mid-scale operations</u>

Overview:

CalRecycle should provide a framework for local jurisdictions to institute training, licensing, or guidance programs to ensure that small and on-farm operations produce compost in accordance with typical composting best management practices.

Background:

We recognize that composting is a process that requires knowledge, management and care. Composting is also the catalyst to solve so many of our environmental and social problems. We do not want the risk of mismanaged activities to tarnish the reputation of composting or cause nuisance or harm.

Proposed Solution:

In tandem with this rulemaking process or as soon as possible, we request that CalRecycle or its partners develop a framework for local jurisdictions to institute training, licensing, or similar programs to ensure that small and on-farm operations produce compost in accordance to typical composting best performance measures. This could be simple and similar to low-cost food-handlers licensing programs. As one example, composters could register their activity in a database and complete a simple online tutorial. This database could collect information regarding feedstock, intended use of finished compost, capacity, etc. The database would provide CalRecycle, LEAs, and others valuable information regarding the types and scales of composting activities taking place in California. It would give the public and regulators assurance that even small sites are self-monitoring.

Successful Practices in Other Regions

New York City's history with composting demonstrates that sustainable projects are not necessarily capital-intensive, large, centralized facilities. Facilities can be good neighbors in urban areas, as demonstrated in Boston, MA. A recent piece on NPR[2] highlighted City Soil's composting projects in urban Boston and on farms in response to the state's food waste landfill ban. The State of Massachusetts allows farms to accept up to 30 tons per day off approved feedstock, including food scrap. Programs have developed in states and cities across the USA due to favorable rules that encourage composting. Examples of such exciting programs are provided in the endnotes. California is known to be a leader in environmental issues; however, our own rules make it extremely difficult to start such exciting programs of our own.

We want to address some of the potential public safety issues raised by CalRecycle staff by directing them to a recent article that describes experiences across the country. Other states and several cities across the US have implemented regulations that increased properly managed composting. Eleven states have now revised their rules.[3] The risks that were feared have simply not developed and thus states are moving to expand opportunities for urban sites and on-farm composting.

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[2] http://www.npr.org/blogs/thesalt/2014/11/04/361198951/massachusetts-food-waste-ban-goes-down-easy

[3] *Supportive Rules for Small-Scale Composting,* June 2012, BioCycle Magazine. pp 21-24.

Conclusion

As we move forward to integrate composting into our healthy community and sustainable food systems, we recognize that CalRecycle is an important and vital ally. We look forward to state-level rules that enable us to work within local frameworks to create our own unique composting systems. Thank you for the opportunity to submit comments on the proposed regulations. We welcome any and all feedback.

Sincerely,

Jessica Toth

Jessica Toth
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Executive Director
Solana Center for Environmental Innovation