



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  
[compost.transfer.regs@calrecycle.ca.gov](mailto:compost.transfer.regs@calrecycle.ca.gov)

**Re: CalRecycle Draft Regulatory Revisions to Title 14 and 27 Regarding  
Compostable Materials Handling and Transfer/Processing**

Dear Mr. Decio,

Harvest Power appreciates the opportunity to comment on the CalRecycle draft regulatory revisions to Title 14 and 27, during this comment period and through the series of informal meetings. While this process resulted in a regulatory package that better represents our composting industry, we do have a few unresolved issues to address in order to ensure that these regulations work currently, and over the longer term.

Harvest Power is a North American organics recycling committee. With over 35 permitted facilities across North America, Harvest processes and composts both bulk and bag material, and operates three commercial scale anaerobic digesters. It is this experience with organics, and the regulatory process that provides us with the background, knowledge and experience in organics regulatory practice.

In California, Harvest owns and operates two large scale compost facilities, and we market the all of the compost product we produce (and could sell more if we had it), primarily to very particular agricultural customers, and landscape/horticulture outlets as well. We currently operate both facilities with full composting permits. We have upgraded these permits over the past few years, so are very familiar with the current regulations, as well as the proposed changes. In addition, we are in the process of developing anaerobic digesters.



### Physical Contamination

Ultimately, physical contamination is addressed by the compost markets. In Harvest's experience, it is the composter users who determine the quality of product we produce, custom blends they require, and consistency of the end of product. Therefore, end users determine when the product is no longer a waste and ultimately a soil amendment. For example, at both of our fully permitted facilities in the Central Valley, we sell out of all compost products, green waste and manure and specialty blends. We have never had any issues with customer satisfaction; in fact, the same customers return season after season for our compost products.

While Harvest does not agree that regulation of finished product is required, it has become apparent in numerous discussions that CalRecycle is committed to creating a physical contamination threshold for final compost products. Since this is the case, we are recommending achievable levels that also meet high compost quality standards.

### **Regulatory Language**

Harvest recommends a two-step approach for all compost material handling operations and facilities. First, the EA conducts a visual inspection, and, at the request of the EA, each operation shall take a representative sample of compost for sampling. This language is articulated in section (b) but currently only includes compost materials handling operations and not composting facilities. Harvest recommends that this section be modified to apply to both compost material handling operations and facilities. The language articulated in (b) would be followed: Upon request from the EA, a compostable material handling operation or composting facility shall take a representative sample of compost and send to a laboratory at which physical contamination greater than 4 milliliters shall be collected and weighed and the % of physical contamination determined.

The requirement that finished compost shall not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters is difficult to achieve and does not result in a more marketable compost product. There evidence backing up this number. Additionally, since incoming material that contains food material has not contamination level, the entire responsibility is put on the compost operator.

Harvest is recommending a ramped approach to achieving an acceptable contamination level for CalRecycle. In reality, farmers, landscapers and other compost users are setting this level already. We recommend beginning with a level of 1% contamination by weight, and ramping down to 0.5% in 2020 for all handling operations and facilities. Since there is a current limit of



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1% contamination entering greenwaste only facilities, this number could go down further by 2020. Although with the current emphasis on food waste composting, and allowing food materials into the notification tier, it is expected that the number of these facilities will diminish over time.

The current recommendation of 0.1% contamination is not based on science, or any practical evaluation of the composting industry. It is not even clear that it relates directly to the land application contamination levels since that material is not processed into compost, a process that reduces the capacity by at least 50%. In addition, landowners are generally paid to take this material, so are incentivized to apply it at greater than agronomic rates. Compost from Harvest facilities is sold for use in agriculture and landscape applications.

Screening samples below 3/8" is another technique used to diminish the contamination in the compost. Unfortunately, this is not a product that is appealing to agriculture and therefore would impede the ability to sell the final compost product. In addition, further screening also creates more overs – something we definitely do not need to be creating at our sites.

Harvest levels of contamination are currently well below 1% for mixed food and green materials. We employ a variety of methods to clean the material, and cannot reach the 0.1% contamination level. More importantly, we have never received a complaint about any of our product.

### **Testing Protocol**

In discussions with the Soil Control laboratory, it appears that the actual protocol for both sampling and testing will be required. In order to test for contamination, larger samples and more particular sampling parameter will be required than for pathogen and metals testing, in order to achieve accurate reports. Harvest sends samples to this lab and is in communication with them on the best sampling and testing methodologies. They do not recommend testing samples for levels below 0.5%, because it is difficult to achieve accurate readings. This is because the sampling technique, sample size and technique can diminish accuracy of the sample type. Harvest recommends the development of specific protocols for sample collection and testing associated with the physical contamination testing requirement.

CalRecycle is a leader in not only encouraging organics recycling through incentives such as grants and loans, regulations --and strict regulatory practices. Supporting this industry further would be to trust the producers and users of the final product to assist in determining the levels of contamination that are acceptable in our industry.



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### General Record Keeping Requirements

Harvest is in agreement with the land application regulatory language. The application of food and green material to land does not necessarily occur at agronomic rates, is a material that is unprocessed and thus requires contamination limits and testing parameters.

The general record keeping requirements section states that all compostable materials handling operations and facilities shall retain all record for five (5) years. It appears that chip and grind facilities with materials destined for land application are subject to these same requirements. To clarify this statement, we recommend that chip and grind operations and land application sites be added to the list of regulated facilities under this section.

Thank you for your time in meeting with industry professionals, crafting these regulatory requirements and continuing to be open to issues that enable operators, such as Harvest Power to continue to operate facilities and produce quality organic products. In order to meet upcoming mandates for food and green materials diversion, we need to be able to permit and operate new facilities as well as continue to operate our current sites. Harvest is committed to operating current, and future facilities in full compliance with CalRecycle regulations, and continuing to produce high quality compost products.

If you have any questions, please do not hesitate to contact me at 510-847-0038.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Novick".

Linda Novick  
Regulatory Compliance Manager