

**CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations**

Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
<b>§17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris Regulatory Requirements.</b>							
(d)(2)	453L02	County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency	Karilyn	Merlos	The County of San Diego LEA believes 90 days is too short a storage limit for this type of material and recommends either maintaining the one year limit or providing for additional LEA discretion to extend the storage time.		
	453L03				In addition, the LEA notes that no changes are proposed for storage times of processed debris/materials at Small Volume, Medium Volume or Large Volume CDI/Inert Debris Processing Operations/Facilities. Processed material at these operations and facilities may remain onsite for up to one year pursuant to current regulations. This discrepancy presents an issue with consistency of application of standards.		
<b>§17403.1. Excluded Operations</b>							
(a)(8)	45D02	Sacramento County LEA	Lea	Gibson	14 CCR 17403.1 would exclude co-digestion of anaerobically digestible materials and wastewater at Publicly Owned Treatment Works. The Sacramento County LEA concurs with the proposed exclusion, as these facilities are currently regulated by the Regional Water Quality Control Board.		
	45S01	Hydros Agritech	Patrick	McLafferty	Section 17403.1. (a) (8) of the proposed regulation largely, if not completely, exempts publically owned water treatment facilities (POTWs). Hydros’s systems appear to meet or exceed a higher tier of requirements, being under the requirements of the regional water quality control boards, than those proposed. Hydros suggests that privately owned water treatment systems that treat water from agricultural sources to Title 22 standards be exempted. Rigorous permitting, sampling, inspection, record keeping and reporting, are inherent in the NPDES process and offer necessary and appropriate levels of control and oversight to protect the public.		
	453D05	SF Environmental	Jack	Macy	We generally support the other proposed changes to the regulations as well as the ability to utilizing existing WWTP anaerobic digester capacity under existing WWTP permits.		
<b>§17852. Definitions</b>							
Also: §17850(c); §17852(a) (13.5); §17852(a) (26)	45B01	Los Angeles County Solid Waste Management Committee	Margaret	Clark	There is a clear need for CalRecycle to define the terms “organic”, “organic material,” “nonorganics” and “non-compostable organic”.		
Also: §17862.4.1; §17896.30	45D05	Sacramento County LEA	Lea	Gibson	14 CCR 17862.4.1 and 17896.30 establish the requirements for an Odor Best Management Practice Feasibility Report. The Sacramento County LEA supports the addition of the proposed regulatory sections, which will provide Operators and LEAs with guidance to address chronic odor violations.		

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	451R08	California League of Food Processors	Rob	Neenan	If CalRecycle chooses to define food processing byproducts for the purpose of CLFP's proposed exemption, we recommend the following definition: <i>Food processing byproducts include solid or semi-solid materials from fruit, nut, and vegetable processing facilities such as stems, leaves, seeds, nut hulls and shells, peels, and off-grade or over-ripe or under-ripe produce that could not be used in the finished products. The byproducts may have incidental amounts of residual soil but do not include packaging material, trash, metal, glass, or toxic materials other than in de minimis amounts. Food processing solid byproducts do not include wastewater.</i>		
	452P17	Association of Compost Producers	Jeff	Ziegenbein	Add to section 17853 (17852?) Definitions: New Definition (and perhaps new sub-section elsewhere in the code): "California Compost Standards Working Group" is a working committee formed by CalRecycle that is comprised of 5-9 representatives from the composting and waste management industry, experts in the academic and scientific community, and members of the regulatory community. The function of the working group is to advise CalRecycle on the industry perspective of the phasing and implementation of Title 14 and 27 standards that are both scientifically based and economically feasible. The working group will advise CalRecycle on topics including but not limited to expanded industry economic impact analysis, development of effective, standardized testing methods, and recommendations on revisions to Title 14 and 27.		
	453C16	CR&R	Clarke	Pauley			
	452Z04	Western Agricultural Processors Association	Chris	McGlothlin	After reviewing the language, we also seek clarification as to which category the tree nut processing falls into. We hope that the practice falls into the Agricultural Material definition...However, we believe that Food Material may be used as a definition for the practice of tree nut processing, specifically the blanching of almonds and walnuts.		
	PHH02	Del Monte Foods	Tim	Ruby	We are particularly concerned with the definitions of agricultural materials and land application and imposed role in that these definitions reclassify our plant food processing byproduct as solid waste now subject to your department's jurisdiction.		
	PHJ02	California League of Food Processors	Rob	Neenan	If a peach grower sends a truck of peaches to a cannery and some of those peaches are bruised, they're too green, there may be leaves mixed in with them, rather than send that material to a landfill, a food processor -- whether it's peaches or tomatoes or whatever. We're mostly talking about fruit, vegetable, and nut products here -- will take that material to a farm. It could be their own farm. It could be one of their growers. It's spread thin and mixed in and used as a replacement for conventional fertilizer. It is an activity that is already regulated, as was mentioned by Stanislaus County at least in passing. If you're land applying significant quantities of agricultural material or food processing fruit and vegetable byproducts or nut byproducts, you may be required by the appropriate Regional Water Board to get, what they call, a Waste Discharge Requirement, a permit, to do that.		

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	PHM01	LA County Task Force	Mike	Mohajer	LA County has been very specific asking CalRecycle and also the former Californian Waste Management Board to define as far as the terminology of what it means by organic waste, compostable waste, non-compostable waste, plastic materials.		
(a)	45A01	Self	Kathleen	Housel	Add to Definitions (Title 14, Division 7, 1, Article 6, Section 17402) a quantification for "Minimize" with respect to "Odor Minimization."		
(a)	452D01	Almond Hullers & Processors Association	Kelly	Covello	Define almond hulling, shelling and processing, for purposes of an exclusion, as an activity where an on-farm or off-site facility receives almonds from the field, removes and separates the hulls, shells, and kernels from one another and stores and distributes them for beneficial uses that include but are not limited to animal feed, animal bedding, biomass feedstock, and biofuel feedstock		
(a)	452W05	Dairy Cares	JP	Cativiela	Agency staff indicated it generally should not include trimmings from vegetables, though the definition is not clearly worded in this regard.		
(a)	453I04	West Marin Compost	Jeffrey A.	Creque	This series of definitions (Ag, Food, and Vegetative Food materials) places the same items in several different regulatory categories...Please rewrite these definitions to include, within the Agricultural Materials definition, unprocessed and minimally processed, fruit and vegetables, edible flowers and plants, outdated and spoiled produce, and coffee grounds.		
(a)(1)	452Q06	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...Paramount is concerned that CalRecycle will now interpret this to mean any organic material that has the potential to turn into compost regardless of the intended purpose of the material. We agree with AHPA and other industry groups, that this interpretation would unnecessarily lump the storing and holding of some types of agricultural and food processing by-product material (such as stockpiles waiting to be used as animal feed, animal bedding or biofuel feedstocks) as "compostable material" causing them to be subject to the regulation regardless of risk. We seek clarification on this aspect of the proposed Compostable Materials Regulation and ask that CalRecycle consider narrowing the definition of "compostable material" as to exclude agricultural and food-processing material intended for beneficial uses from "active compost."		
(a)(1)	452W04	Dairy Cares	JP	Cativiela	Based on this language [under section 17852(a)(1)], material that is (1) not accumulated; or (2) or that does not begin to compost and reach temperatures of 122 (or release CO2 at a high rate) degrees should not be considered a "compostable material." On the other hand manure due to its character would likely fall into the active compost category without regard to its eventual use. If it is not "compostable material," it is not subject to the regulations. This suggests that clarifying the definition could help exclude any materials that do not need to be regulated.		
(a)(5)	451S01	City of San Diego, Local Enforcement Agency	William E.	Prinz	The insertion of the word "waste" in this definition seems to be in conflict with viewing composting feedstock as materials or resources. A waste is something deemed to have no further value or use. CalRecycle should consider removing the term "waste" to be consistent with policy objectives and with the Initial Statement of Reasons (ISOR).		

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(a)(5)	452D03	Almond Hullers & Processors Association	Kelly	Covello	AHPA recommends that the Department, for the purposes of uniform application of the agricultural material definition, define almond processing by-product specifically as an "agricultural material" when the almond processing by-products are not being handled or stored as an excluded material (e.g. animal feed, animal bedding, biomass feedstock or biofuel feedstock).		
(a)(5)	452I02	Horizon Nut Company	Andrew	Howe	Horizon supports retaining the existing language in the definition of Agricultural Material [Section 17855 (a)(5)] that includes agricultural production and processing material and expanding the definition to explicitly include material generated during the post-harvest preparation of crops for market or further processing. Further, Horizon supports striking the proposed addition of the term "waste." Agricultural Material is defined as waste material, yet the term "waste" is not defined. Including salable feed, bedding and biomass commodities under the definition of "waste" is an overreach of this regulation.		
(a)(5)	452Q02	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	We are concerned that the proposed amendments to section 17852(a)(5), "agricultural material," will be interpreted to exclude primary harvesting and food processing activities that are essential agricultural activities which do not pose a risk of becoming compostable material. By removing the inclusion of "processing" from the agricultural materials definition, raw agricultural by-products, such as almond and pistachio hulls and shells removed prior to further processing, would no longer be considered an agricultural material. The act of hulling and shelling for example, does not alter the inherent nature of the product and therefore should still be considered an agricultural material for the sake of these regulations.		
(a)(5)	452Q03	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...we suggest that CalRecycle reconsider referring to raw agricultural by-products as "waste" material, as most of the separated material is further used for beneficial purposes such as animal feed and bedding, land applied, biomass feedstock, or another approved method and is not considered unusable trash.		
(a)(5)	452R02	Santa Barbara County Environmental Health Services	Lisa	Sloan	The definition of Agricultural Material should be expanded to include manure derived from the boarding and training of animals that may not be used as a food source. Otherwise, such manure would not be eligible to be composted except at the level of a full compostable materials handling facility permit, even though the handling of horse manure, for example, may not impose the level of environmental nuisance as other materials needed to be processed under a full compostable materials handling facility permit. Suggested language follows: (5) "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural,		

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					vermicultural, or viticultural products, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as "food material" or "vegetative food material" is not agricultural material. Agricultural material includes, including but is not limited to, horse and other animal manures, orchard and vineyard prunings, grape pomace, and crop residues.		
(a)(5)	452X03	Agricultural Council of California	Emily	Rooney	We support the comments made by the Almond Hullers & Processors Association (AHPA) and Paramount Farming Company that the byproducts of tree nut harvesting are not in their nature "odorous," do not have a high likelihood to cause public nuisances nor do they pose a risk to the public health and the environment.... Organic material such as sticks, leaves, hulls and shells should be included in the agricultural material definition.		
(a)(5)	453I03	West Marin Compost	Jeffrey A.	Creque	5) Why is grape pomace singled out here? What about other fruit pomaces, such as olive or apple? <i>A broader exception for minimally processed agricultural material should be included here.</i>		
(a)(6)	452I03	Horizon Nut Company	Andrew	Howe	This definition references compost, which is not defined elsewhere in the regulation and falls short of clearly identifying who is subject to this definition. Initially, this definition reads as though it is only applicable to operations intentionally producing compost, however, it is our understanding that CalRecycle intends for this definition to apply to any operation that could produce compost. Clarification is requested.		
(a)(9)	451Y01	County Sanitation Districts of Los Angeles County	Paul	Prestia	We request the following change to the biosolid definition in Section 17852: <i>"Biosolids" means solids, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and scum or solids removed from primary, secondary, or advanced wastewater treatment processes. Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works. For the purposes of this regulation, biosolids includes sewage sludge co-digested with other anaerobically digestible material in the same digester, which may undergo thickening, dewatering or drying, transfer and temporary storage at a POTW."</i>		
(a)(10)	452I04	Horizon Nut Company	Andrew	Howe	Please clarify that agricultural material such as leaves, sticks, hull and shell that is generated during pre-cleaning activities at food processing operations are not a chipping and grinding operation or facility.		
(a)(10)(C)	452Q07	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...Paramount also asks that CalRecycle expound upon section 17852(a)(10)(C), the definition of "chipping and grinding operations and facilities." We are principally concerned that the time limit associated with this subsection is not practical for material that is stockpiled on-site and waiting immediate removal. For instance, it is often the case that biofuel purchasers are limited		

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(a)(11)	452I05	Horizon Nut Company	Andrew	Howe	It is our understanding that CalRecycle intends for "Compostable Material" to include any organic material that when accumulated could become active compost. Stored food processing byproducts exposed to ambient summer temperatures in the Central Valley could near or exceed the temperature threshold of 122 degrees Fahrenheit as referenced in the definition of active compost and, therefore, might be considered active compost by virtue of ambient temperatures. Please clarify, as we do not believe food processing byproducts awaiting shipment to beneficial reuses to threaten the public health or environment that this regulation is intended to protect.		
(a)(12)	45B03	Los Angeles County Solid Waste Management Committee	Margaret	Clark	The proposed expansion of "compostable materials handling operation or facility" definition to include "vegetative food material composting facilities" may not be allowable since it expands the requirements of AB 1826.		
(a)(13.5)	45W01	Synagro	Layne	Baroldi	Synagro supports the requirement that digestate be composted at a permitted operation or facility, unless otherwise allowed an alternative use by a state agency (like the Department of Food and Agriculture).		
(a)(13.5)	452P02	Association of Compost Producers	Jeff	Ziegenbein	Recommend: "Digestate" means the solid and/or liquid <i>product</i> remaining after organic material has been processed in an in-vessel digester, as defined in section 17896.2(a)...		
	453C02	CR&R	Clarke	Pauley			
(a)(13.5)	453B02	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	Please explain why the digestate may only be handled at a facility that has obtained a Compostable Materials Handling Facility Permit and why the digestate cannot be handled at a Compostable Handling Operation sites such as Green Material Composting Operation or Biosolids Composting Operations at POTW.		
(a)(15) Also: 17855(a)(9)	452Q04	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...Paramount believes that the beneficial uses of agricultural and food processing by-products, which include the use of the material as slope stabilizers and weed suppression as originally included in the exemption under section 17855(a)(9), should continue to be included as an exempted activity in the final Compostable Materials Regulation.		
(a)(15)	452W06	Dairy Cares	JP	Cativiela	These are fairly low numbers [referring to subsection (2) and (3)], implying that many dairies would not be excluded from regulation by this section.		
(a)(15)	452X04	Agricultural Council of California	Emily	Rooney	We share AHPA's comments that, "Storage of almond processing byproducts at a facility or site where they are handled in the manufacture and distribution of animal feed, animal bedding, biomass feedstock or biofuel feedstock should not be held to any of volume and time based storage restrictions in Section 17852(a)(15) of the proposed regulations."		

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(a)(15)	452X05	Agricultural Council of California	Emily	Rooney	California's dairy industry is among the most regulated industry in agriculture, so we respectfully request CalRecycle to consider the state and federal regulations undertaken by dairy, prior to adding another set of potentially conflicting rules.		
(a)(15)(A)	451S02	City of San Diego, Local Enforcement Agency	William E.	Prinz	Does this definition apply only to permitted facilities and operations or does it also apply to illegal dumping at unpermitted locations such as vacant property or agricultural land?		
(a)(15)(D)	453H03	Sonoma County Dept. of Health Services	Jennifer	Lyle	Biosolids require additional feed stocks and handling to meet the definition of active compost. As defined in the regulations, permits would not be required for biosolids field spreading activities. Biosolids are often stored at locations other than POTWs in accordance with land use regulation. The regulations are not clear concerning storage of biosolids at a non-Publicly Owned Treatment Plant site. We suggest that 17855 Excluded Activities (a) (5) (B) be revised to add language" ...or other sites as approved by land use planning."		
(a)(20)	452E06	Integrated Waste Management Consulting, LLC	Matthew	Cotton	I would suggest removing the new, proposed (20)(A) definition and keeping the current definition of food material. CalRecycle has presented no evidence that allowing food material at a lower tier composting facility increases the risk to the public health, safety, and the environment. There is no scientific basis to suggest that food material cannot be handled, nuisance-free at any scale (The impacts of compost facilities, particularly odor, are subjective and probably have significantly more to do with surrounding land use than feedstocks or scale). CalRecycle has a robust infrastructure for approving and enforcing the existing Title 14 and Title 27 regulations. If we are to meet the goals and intent of AB 1826, as well as the larger 75% recycling goal, jurisdictions must have as many possible avenues for recycling or composting food scraps as possible.		
(a)(20)	452I06	Horizon Nut Company	Andrew	Howe	Horizon supports clarifying the definition of food material to include commercial or institutional prepared food waste and specifically exclude post-harvest, pre-manufacturing food processing byproducts.		
(a)(20)	452Z01	Western Agricultural Processors Association	Chris	McGlothlin	This section needs to be modified to be made clear that byproducts from nut hulling, shelling and processing are not regulated materials, unless they are being handled in a deliberate manner for composting. This material would include, but is not limited to sticks, leaves, hulls and shells.		
(a)(20)	453A02	California Cotton Ginners and Growers Association	Chris	McGlothlin	This section needs to be modified to be made clear that byproducts from ginning cotton are not regulated materials, unless they are being handled in a deliberate manner for composting. This material would include, but is not limited to sticks, leaves, seeds and lint.		
(a)(20)(A)	451S08	City of San Diego, Local Enforcement Agency	William E.	Prinz	For example does this preclude spoiled green salad with dressing (fats or oils) added from being a Vegetative Food Material?		

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(a)(20)(A)	453G11	Californians Against Waste	Nick	Lapis	The definition of vegetative food material is unnecessarily restrictive.		
(a)(20)(A)	453G12	Californians Against Waste	Nick	Lapis	These regulations should at least address de minimus quantities of other materials that might inadvertently end up with the vegetative food material.		
(a)(20)(A)	453G13	Californians Against Waste	Nick	Lapis	A composter handling residential materials might only ask for vegetative materials, but they might inadvertently receive small quantities of materials that do not meet the very narrow definition in the regulation. Even salad dressing, tossed in along with the remnants of a salad, would be a violation.		
(a)(20)(A)	453H04	Sonoma County Dept. of Health Services	Jennifer	Lyle	This definition states: "...no salts, preservatives, fats, or oils or adulterants shall be added." Additional testing methodology is needed for the EA to assess levels of salts, preservatives, fats in incoming vegetative food material feedstock.		
(a)(21)	451M04	Sonoma Compost	Will	Bakx	Not currently earmarked for revision is the 1% contamination limit for clean green facilities. In order to maximize diversion of organics in the State we recommend that this will be revised to read 1% after contaminant removal processes at the compost facility before the material is being processed (ground).		
	451N04	Napa Recycling & Waste Services	Tim	Dewey-Mattia			
	451W04	Northern Recycling & Waste Services, LLC	Jennifer	Arbuckle			
	452A04	Sonoma County Waste Management Agency	Henry J.	Mikus			
	451K04	CT Bioenergy	Chris	Trott			
(a)(21)	451Z03	Recology	Erin	Merrill	Finally, the existing regulations propose a 1.0% contamination limit for green material. Recology recommends that both green material and food material to be used as compost feedstock be held to a 3.0% contamination limit.		
(a)(21)	453B03	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	We recommend paper products be removed as a feedstock. It will be very difficult for the LEA to quantify and determine the 1% contamination by weight. Please define the term "paper products" if it will be handled as a feedstock.		
(a)(24.5) Also: (a)(10)(A)(2)	45D03	Sacramento County LEA	Lea	Gibson	Require the generator of the material to complete the testing prior to sending the material offsite for land application. 14 CCR 17852(a)(10)(A)(2) could also be altered to allow the LEA to grant storage extensions beyond seven days for material awaiting lab results at chip and grind facilities. It would be the Operator's responsibility to demonstrate to the LEA that the material could be stored and managed to prevent nuisance conditions and comply with the State Minimum Standards.		

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(a)(24.5)	45W02	Synagro	Layne	Baroldi	The land application of “Stabilized Compost” products containing biosolids are already regulated by the State Water Resource Control Board’s Biosolids General Order requirements (General Order No. 2000-10-DWQ) and individual WDRs. Such intent to only regulate “Compostable Materials” should be clearly distinguished from this section being misinterpreted to apply to “Finished Compost”.		
(a)(24.5)	45W05	Synagro	Layne	Baroldi	This comment is only being made <b>if</b> the proposed language in Section 17582(a) 24.5 is intended by CalRecycle to limit land application of “ <b>Stabilized Compost</b> ”. Please note that Synagro does not believe that it is the intent of CalRecycle to have Section 17582(a) 24.5 apply to “Stabilized Compost”. If Section 17582(a) 24.5 applies to “Stabilized Compost”, restricting its use on a site to <b>once in a 12 month period</b> ; and requires CDFR approval of all land application activities, it will have an unintended chilling effect on the continued recycling of compost products in California in direct contradiction of the State’s policy to encourage such recycling activities.		
(a)(24.5)	45W06	Synagro	Layne	Baroldi	The proposed CalRecycle regulation also appears to be inconsistent with many provisions found in the existing federal, SWRCB, and in some cases local regulations governing the treatment, management, and use of biosolids compost that adequately limit application to the agronomic nitrogen needs of the crop to be grown, and since more than one crop can be grown on a site in California per calendar year, this limit should be deleted in this Section and modified to: <i>“application of biosolids based finished compost shall be limited to the nitrogen needs of the crop to be grown based on the crop year.”</i> Section 17582(a) 24.5 should only apply to “Compostable Materials” as defined in the proposed text.		
(a)(24.5)	451A01	IEDA	Kelly	Astor	As several industry representatives have repeatedly and consistently stated during the informal process of vetting these regulatory changes, such a standard [.1%] is not attainable. Unless it is replaced with a contamination level that is achievable, it will mean the end of land application of compostable materials.		
(a)(24.5)	451A02	IEDA	Kelly	Astor	We respectfully urge that the draft regulation be amended to incorporate a 1% contamination limit for land application.		
(a)(24.5)	451C01	California Farm Bureau Federation	Cynthia	Cory	Add a subdivision C: <u>(C) A person engaged in a line of agricultural business as described in Sector 11, Codes 111 to 113, inclusive of the North American Industry Classification System (NAICS) who file Schedule F, Profit or Loss from Farming, can apply alternative application frequencies and depths of compostable material to their agricultural operations, but shall not exceed an average of 12 inches in total, accumulated depth per year. The compostable material must meet the physical contaminant, maximum metal concentrations and pathogen density limits required in (A) 1-3 above. Upon receipt of a complaint regarding land application of compostable material on an agricultural operation, an EA may request proof that the person who owned the land or authorized the land</u>		

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(a)(24.5)	451C02	California Farm Bureau Federation	Cynthia	Cory	In discussions with the composting industry, it has been brought to our attention that meeting the 0.1% by weight of physical contaminants is not attainable.		
(a)(24.5)	451C03	California Farm Bureau Federation	Cynthia	Cory	A standardized and repeatable lab protocol in combination with a reasonable containment target level of 1% target will meet the health and environmental goals of the regulation and be achievable by the industry.		
(a)(24.5)	451H05	CRRC	Ralph	Chandler	We recommend the formation of an industry committee or working group to assist CalRecycle in addressing the aforementioned issues, and others brought to your attention by stakeholders.		
	PHN04	Association of Compost Producers	Kathy	Lynch			
(a)(24.5)	451M01	Sonoma Compost	Will	Bakx	We believe that the currently-proposed physical contamination limits are unjustified, unachievable (given current and foreseeable compost market conditions and available technology), and will cause significant harm to the financial health of composters statewide...While we would prefer that CalRecycle continue to allow market forces to dictate the level of physical contaminants, we are supportive of a phased---in standard that allows time for jurisdictions and operators to adjust to the significant potential cost increases you have projected in your economic analysis. Specifically, while we agree that a 0.1% limit on physical contaminants may be achievable for green material, we do not believe that a limit below 0.5% can be met consistently, particularly given the increasing levels of food waste that are, and will be, used as feedstock.		
	451N01	Napa Recycling & Waste Services	Tim	Dewey-Mattia			
	451W01	Northern Recycling & Waste Services, LLC	Jennifer	Arbuckle			
	452A01	Sonoma County Waste Management Agency	Henry J.	Mikus			
	451K01	CT Bioenergy	Chris	Trott			
(a)(24.5)	451M02	Sonoma Compost	Will	Bakx	While direct land application of organics with a 0.1% contaminant may seem appropriate, it is remarkable that that same material would not be marketable anymore when processed more responsible at a compost facility where the feedstock will shrink approximately 50% and the operator would now be left with a compost that could now have a 0.2% contaminant rate. Furthermore, while compost is agronomically applied 1/30 – 1/6 of an inch (equivalent to 2---10 tons per acre), agronomic rates for direct land application have been 1---2 feet, up to 720 times as high. Explicitly, this means that up to 720 times the volume of contaminants may be applied to the field in one such application.		
	451N02	Napa Recycling & Waste Services	Tim	Dewey-Mattia			
	451W02	Northern Recycling & Waste Services, LLC	Jennifer	Arbuckle			
	452A02	Sonoma County Waste Management Agency	Henry J.	Mikus			
	451K02	CT Bioenergy	Chris	Trott			
(a)(24.5)	451M03	Sonoma Compost	Will	Bakx	We support the structure that is proposed by the California Compost Coalition whereby in 2020 clean green facilities will meet the .01% and mixed		

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Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
	451N03	Napa Recycling & Waste Services	Tim	Dewey-Mattia	materials .5% contaminant limits. Note that Caltrans just adopted a 0.5% contaminant spec for their materials, which would create uniformity amongst agencies.		
	451W03	Northern Recycling & Waste Services, LLC	Jennifer	Arbuckle			
	452A03	Sonoma County Waste Management Agency	Henry J.	Mikus			
	451K03	CT Bioenergy	Chris	Trott			
	453K03	Marin Sanitary Services	Kimberly	Scheibly			
	453I02	West Marin Compost	Jeffrey A.	Creque			
(a)(24.5)	451Q03	California Association of Sanitation Agencies	Greg	Kester	A note is included at the end of this section stating that biosolids compost is excluded from this section. It is unclear why the language is included as a note but we recommend it be included directly in the rule language. Furthermore, it should be expanded to explicitly state that biosolids and all finished products that contain biosolids as a feedstock are regulated elsewhere under federal and state law.		
(a)(24.5)	451R07	California League of Food Processors	Rob	Neenan	Regarding the definition of land application, CLFP recommends that CalRecycle use the definition already contained in the Food and Agriculture Code (section 14501), which states that <i>“land application means the application of compostable material, excluding food material or mixed solid waste, for the following applications: to forest, agricultural, and range land at agronomic rates”</i> with the understanding that <i>“food material”</i> applies to restaurant or institutional prepared food waste, not commercial food processing byproducts.		
(a)(24.5)	451S03	City of San Diego, Local Enforcement Agency	William E.	Prinz	The LEA is supportive of this restriction that compostable material applied to land shall contain no more than 0.1% by weight of physical contaminants greater than 4 millimeters as specified in 17868.3.1. This will allow only "clean" materials to be applied to land for agricultural purposes. However, enforcement of this definition will be a challenge to determine the small fraction of physical contaminants (see comments above on "Disposal of Compostable Materials"). Another caveat to this strict contamination load may be an increase in illegal dumping of heavily contaminated compostable material that is not economical to clean up. However, the LEA believes this strict contamination limit is necessary to prevent environmental impacts associated with spreading contaminated materials on land and the accumulative effects of this practice.		

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(a)(24.5)	451Y06	County Sanitation Districts of Los Angeles County	Paul	Prestia	<p>As proposed in regulatory notes under Section 17852(a)(24.5), the following activities or compostable products would not be subject to these new land application requirements:</p> <ol style="list-style-type: none"> <li>1. The use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division.</li> <li>2. The use of compostable material for landscaping on a parcel of land 5 acres or less in size.</li> <li>3. The final disposition of compostable material spread on land by a Federal, State, or local government entity, provided the material is applied in accordance with applicable law.</li> <li>4. Beneficial reuse at a solid waste landfill pursuant to the 27 CCR Section 20686.</li> <li>5. Beneficial reuse of biosolids pursuant to 40 CFR Part 503 and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-specific Waste Discharge Requirements or other issued requirements from the State Water Resources Control Board or a Regional Water Quality Control Board having jurisdiction. In addition, as specified in section 17850(d), nothing in these standards shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all authorizations and complying with all requirements of other regulatory agencies, including but not limited to, local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.</li> </ol> <p>We believe that these regulatory notes should be actual exclusions. Notes do not carry the same regulatory weight as exclusions.</p>		
(a)(24.5)	451Y07	County Sanitation Districts of Los Angeles County	Paul	Prestia	<p>We request a 0.5 percent contamination limit for land applied compostable material. CalRecycle can evaluate the effectiveness of a 0.5 percent contamination limit over time and determine at some point in the future if the limit should be reduced further. Consideration should be given to phasing in the new contamination requirement over time to preserve the existing recycling outlets for curbside greenwaste for an interim period. We request that Section 17852 be modified as follows:</p> <ol style="list-style-type: none"> <li>1. The compostable material does not contain more than <del>0.1%</del> <u>0.5%</u> by weight of physical contaminants greater than 4 millimeters as specified in section 17868.3.1.</li> </ol>		
(a)(24.5)	452107	Horizon Nut Company	Andrew	Howe	<p>Horizon Nut supports the explicit exclusion of agricultural material, with the above noted changes, from the requirements for land application. The land application requirements appear to be directed primarily toward biosolids, yet capture “compostable material”, which as discussed above is too broadly defined.</p>		

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(a)(24.5)	452K03	Waste Management	Chuck	White	In summary, the 12-inch limit on accumulated applied materials and once per year limit on application rates should be stricken from the proposed regulations. Instead, the regulations should require the application of compostable materials at agronomically/horticulturally appropriate rates. Normal oversight by the EA will allow enforcement if the application rates or frequency cannot be justified.		
(a)(24.5)	452Q05	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...the newly proposed section 17852(a)(24.5) defining "land application," severely limits the application options that agricultural entities have, and would impose overly prescriptive regulations on farms and facilities choosing to use agricultural and food processing by-product material in this manner. By limiting land application to two rigid pathways, it may result in fewer and fewer establishments reusing this material in a beneficial manner.		
(a)(24.5)	452X06	Agricultural Council of California	Emily	Rooney	We agree with and support the comments and purposed recommendations made by the California League of Food Processors (CLFP) and we think it is important to reiterate some main points.  "Land applied food processing byproducts do <b>not</b> include packaging materials, trash, metals, glass, or toxic materials. The byproducts are solid or semi-solid organic residuals that do <b>not</b> contain wastewater, municipal green waste, restaurant or institutional prepared food waste, or municipal biosolids. The material is segregated by the processors from other waste streams specifically for land application or animal feed. The material is <b>not</b> stored or stockpiled at processing plants for extended periods of time and is <b>not</b> held under time and temperature conditions that would constitute a composting activity. Land application of food processing byproducts is <b>not</b> a waste disposal activity, and it is <b>not</b> a composting activity."		
(a)(24.5)	453G04	Californians Against Waste	Nick	Lapis	The standard (physical contamination limit) must be at least twice as strict for land application of uncomposted materials.		
(a)(24.5)	PHI03	Agricultural Council of California	Rachel	O'Brien	And we believe that the revisions -- the revised definitions of agricultural materials -- disposal, land application -- you know, may have the unintended impacts of beneficial uses of agricultural byproducts if the rules were to go forward as proposed.		
(a)(24.5)(A)	452E01	Integrated Waste Management Consulting, LLC	Matthew	Cotton	I am pleased and wholeheartedly support that CalRecycle is proposing to adopt the provisions of proposed 17852(a)(24.5)(A). However, it is unclear from the "Proposed Regulation Text" exactly how and where these standards will be enforced. I would hope and expect that the standards would be similar to, if not greater than, those for a permitted compost facility, that is, all analytical tests are conducted, and results received prior to material leaving the facility, per every 5,000 cubic yards, properly sampled to assure a random and representative sample, and available at all times for LEA inspection.		

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(a)(24.5)(A)	452Z02	Western Agricultural Processors Association	Chris	McGlothlin	This section should be modified to exclude nut hulling and processing from restrictions due to contaminant levels of pathogens, metal concentrations and spread compostable material depth.		
(a)(24.5)(A)	453A03	California Cotton Ginners and Growers Association	Chris	McGlothlin	This section should be modified to exclude cotton plant discing from restrictions due to contaminant levels of pathogens, metal concentrations and spread compostable material depth.		
(a)(24.5)(A)	453B04	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	It states the compostable material does not contain more than 0.1 % by weight of physical contaminants greater than 4 millimeters. Please explain how it can be quantified and if training and appropriate tools will be available for the LEA. Please clarify if the weight is based on wet or dry physical contaminants.		
(a)(24.5)(A)	453B05	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	Do CalRecycle and CDFA have a protocol/procedure or MOU regarding the arrangement on the agronomically beneficial land application? If this material is agronomically beneficial, will a jurisdictional area that brings in the material get diversion credit?		
(a)(24.5)(A) Also: (a)(24.5)(B)	451F03	Zanker	Greg	Ryan	We are fully supportive of the current language related to land application. Land application continues to undermine potential feedstock sources for the organics processing industry, while increasing the potential for spreading pathogens, physical contamination, and invasive pests throughout the state.		
(a)(24.5)(A)1	451E01	Athens Services	Brian	Johsz	The proposed amendment, defining the composition of compostable material that is suitable for "land application," is onerous in that its required level of physical contaminants is unachievable.		
(a)(24.5)(A)1	451J06	USCC	Al	Rattie	We support your efforts to regulate the heretofore-unregulated land application of uncomposted materials.		
(a)(24.5)(A)1	451U04	Stop Waste	Gary	Wolff	We are supportive of the proposed language related to increasing regulatory oversight of the direct land application of uncomposted green material.		
(a)(24.5)(A)1	452P03	Association of Compost Producers	Jeff	Ziegenbein	Land Application. Physical contamination limit (A) of 0.1% is too onerous. Recommend change to 1% with a phase in to 0.5% or lower, as recommended in general comments.		
	453C03	CR&R	Clarke	Pauley			
(a)(24.5)(A)1	452P04	Association of Compost Producers	Jeff	Ziegenbein	The statement "contaminants greater than 4 millimeters" should not imply that the compostable material should be ground to a size 4 mm or less. We recommend eliminating the particle size limit in these regulatory wording, especially since glass particles less than 4 mm, would not be measured, and we would recommend that they should be.		
(a)(24.5)(A)1	453D04	SF Environmental	Jack	Macy	We generally support the other proposed changes to the regulations, especially increasing standards for direct land application to reduce potential		

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					negative impacts and its unfair regulatory advantage over more beneficial composting.		
(a)(24.5)(A)4	45D04	Sacramento County LEA	Lea	Gibson	Remove the requirement for LEA review and defer the responsibility for document review, approval of alternate land application methods, and enforcement at land application sites to CDFA and/or RWQCB. CDFA has the appropriate expertise and training to evaluate proposed alternative agronomic rates. Alternatively, add land application sites to the regulatory tiers and promulgate additional regulations that will impose State Minimum Standards, instead of incorporating the standards into the definition of Land Application.		
(a)(24.5)(A)4	451E02	Athens Services	Brian	Johsz	The proposed amendment, requiring that compostable material would be prohibited from being used more than one time during a twelve month period, places an unnecessary burden on those that would use compost for agricultural purposes and are pursuing the highest crop yields.		
(a)(24.5)(A)4	451H04	CRRC	Ralph	Chandler	We suggest that a person engaged in agricultural business may apply alternative application frequencies and depths of compostable material to their agricultural operations, but shall not exceed an average of 12 inches in total accumulated depth per year.		
(a)(24.5)(A)4	451P03	Waste Connections, Inc.	Jody L.	Snyder	WCI believes compostable material should be applied at agronomic rates supported by field data not the 12 inches in total, accumulated depth sited in the draft rule.		
(a)(24.5)(A)4	452P05	Association of Compost Producers	Jeff	Ziegenbein	Land Application (A) frequency and depth: we believe the limit of 12 inches and 12 months (presumably on non-agriculturally zoned land) is arbitrary and requires more study. The requirement of EA to explicitly consult with RWQCB to approve alternative application depths and frequency is not necessary; this consultation should be at the EA's discretion.		
	453C04	CR&R	Clarke	Pauley			
(a)(24.5)(A)4	PHS02	Republic Services	Chuck	Helget	I do think there has to be some flexibility to allow for locally appropriate, agronomically approved regs.		
(a)(24.5)(A)5 Also: §17869	452O10	California Compost Coalition	Neil	Edgar	§17852 (a)(24.5)(A)(5) requires that the operator provide verification of compliance with sampling and testing requirements for metals, pathogens, and physical contaminants; this section is vague and needs to be modified to include specific language that any and all sampling and testing results related to compliance with this subsection be subject to the General Record Keeping Requirements found in §17869. We understand that chipping and grinding operations and facilities have restrictive time limits for the storage of materials onsite; however, this time limit need not impact their ability to receive and retain lab results after tested materials have shipped, in order to verify compliance, as noted above, when needed.		
(a)(24.5)(A)5	453G08	Californians Against Waste	Nick	Lapis	CalRecycle should prohibit material from being spread on agricultural land prior to getting the lab results back.		
(a)(24.5)(B)	451R03	California League of Food Processors	Rob	Neenan	The key is applying the material at an established agronomic rate based on the material applied, the soil type at the site, and the crop that is grown there. In many cases multiple applications of material will be permissible, in some cases a single application may fulfill the agronomic rate. This is a site-		

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					specific determination. CalRecycle is arbitrarily proposing that sites be limited to only one application, which may conflict with some Regional Water Board WDR's that would allow multiple applications.		
(a)(24.5)(B)1	452P07	Association of Compost Producers	Jeff	Ziegenbein	Physical contamination limit (B) for land applied material of 0.1% is too onerous. Recommend change to 1% with a phase in as recommended in general comments.		
	453C06	CR&R	Clarke	Pauley			
(a)(24.5)(B)3	452P06	Association of Compost Producers	Jeff	Ziegenbein	Verification of Compliance: This is unclear as to the form of verification of compliance- please specify the form of verification.		
	453C05	CR&R	Clarke	Pauley			
(a)(26)	45B04	Los Angeles County Solid Waste Management Committee	Margaret	Clark	The existing "Mixed Material" definition refers to "non-organics" and "plastics". These terms need to be clearly defined for the purpose of "Compostable Materials Handling Operations and Facilities Regulatory Requirements," and "In-Vessel Digestion Operations and Facilities Regulatory Requirements."		
(a)(26)	452K04	Waste Management	Chuck	White	Other than the requirement to acquire a full solid waste permit, the only other requirement in the proposed regulations appears related to sampling. Any fully permitted facility receiving mixed materials must take one composite sample every 5000 yards of compost produced. We are not aware of any other limitations and restrictions related to the acceptance of "mixed materials" – other than the final compost must meet contaminant levels specified in the regulations. We understand that any materials not meeting these final requirements must be managed for disposal. WM would appreciate further clarification and confirmation that we are interpreting these provisions correctly.		
(a)(27.5)	45F03	California Air Pollution Control Offices Association (CAPCOA)	Alan W.	Abbs	Remove the "entire community or neighborhood" provisions from the definition and include the following language from HSC Section 41700: "discharging quantities of air contaminants or other material that cause injury, detriment, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property".		
(a)(27.5)(A)	451E03	Athens Services	Brian	Johsz	The proposed amendment, defining a "nuisance," is arbitrary and should be defined.		
(a)(27.5)A & (B)	45B05	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand the definition of "Nuisance" to specifically define the term "Entire Community" and factors considered to define the term.		
(a)(27.5)A & (B)	45B06	Los Angeles County Solid Waste	Margaret	Clark	It is strongly recommended the proposed definition ("nuisance") be revised by deleting Subparagraph "B" and deleting the word "and" at the end of the Subparagraph "A." The foregoing is also applicable to Section 17896.2, Subsection (a) (18).		

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		Management Committee					
(a)(27.5)(B)	453B06	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	Please define the term "entire community."		
(a)(27.5)(B)	453F01	County of Orange Department of Environmental Health, Solid Waste Local Enforcement Agency	Kathryn	Cross	Title 14, §17852 (a)(27.5)(B) defines Nuisance as affects at the same time an entire community, neighborhood or any considerable number of persons. The underlined statement is too vague and not defined. It is recommended to state entire community or neighborhood even if it is consistent with §17402(a) (12).		
(a)(38.5)	452C03	Napa County, Environmental Health Division	Greg	Pirie	To make this facility effective in operations, permitting, and enforcement, I think the feedstocks should be limited to vegetative food material and paper products for Registration Permits. The feedstocks should not include manure. The Registration Permit could be problematic if manure (and its possible runoff and odor issues) were allowed with startup of operations with limited "approval", CEQA or Conditional Use Permit, and up to 12,500 cubic yards on-site. The manure feedstock would be more appropriate for the Full Permit over 12.500 cubic yards. Recommendation: Removed manure from the list of feedstock within the Vegetative Food Material Compostable Facilities – Regulations. (Leave in for Full Permit)		
(a)(38.5)	453B07	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	We recommend paper products be removed as a feedstock.		
(a)(41)	451S04	City of San Diego, Local Enforcement Agency	William E.	Prinz	Is it a correct understanding that this definition does not include processes that create biofuels or products other than compost?		
(a)(41) 17855 (a)(4) (CM 100 yd exclusion)	451S05	City of San Diego, Local Enforcement Agency	William E.	Prinz	Will <i>Within- Vessel Composting</i> be considered a sub-category of "Aerobic digestion" defined in Chapter 3.2 §17896.2(a)(7)(A)? Will Within-Vessel Composting be an excluded In-Vessel operation per 17896.6(a)(3)?		

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17896.6 (a)(3) (in-vessel digestion exclusion) Also: §17896.2(a) (7)(A);							
<b>General Comments</b>							
General Comment	45A02	Self	Kathleen	Housel	Add a Joint Co-operation Enforcement provision that empowers LEA to notify RWQCB when LEA issues a Notice of Violation for Leachate.		
	45B02	Los Angeles County Solid Waste Management Committee	Margaret	Clark	The proposed “Joint Permit Application Form” should be modified to indicate if the LEA, CalRecycle, and/or Water Board are the “Responsible Agency”.		
	45D01	Sacramento County LEA	Lea	Gibson	The Sacramento County LEA supports the creation of a separate regulatory tier for In- Vessel Digestion, as the current regulations do not provide a clear regulatory framework for this facility type.		
	45E10	Solana	Jessica	Toth	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.		
	45G06 PHL06	INIKA	Tyla	Montgomery			
	45H10	Pro Trees Arborist	Theron	Winsby			
	45I10	Self	Margaret	Stockton			
	45J10	Jimbo’s ... Naturally	Kelly	Hartford			
	45K10	Self	MC	Hagerty			
	45L10	Self	Barbara	Patterson			
	45N10	Self	Whitney	Dueñez			
	45O10	Solana	Diane	Hazard			
	45P10	Self	James	Murdick			
	45R10	Self	Roberta	Walker			
	45U10	Self	Walt	Sanford			
	45Z10	Self	Barbara	Kennedy			
	451B10	Self	Silka	Kurth			
	451G10	Self	Meaghan	Jones			
	452T10	Self	Evi	Haux			
	451L06	Sustainable Solutions	Jeff	Bishop			
	45M06	OB GreenGold	Anne	Barron			

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	45Q10	SDUSD Recycling Program	Janet	Whited			
	45F01	CAPCOA	Alan W.	Abbs	The ISOR indicates in-vessel composting promotes a reduction in greenhouse gas emissions. However, there is little documentation in the ISOR to quantify greenhouse gas reductions or to specify the basis for comparison to substantiate this claim. We recommend CalRecycle include the calculations and basis for the claimed GHG reductions as an attachment to the ISOR to account for other types of emissions (increased or decreased) as a result of employing the digester technology		
	45F02	CAPCOA	Alan W.	Abbs	CAPCOA would like to recognize and strongly support the numerous requirements in the proposed regulations that require odorous materials to be containerized or otherwise enclosed and encourage CalRecycle to not lessen these requirements in response to others' comments.		
	45F12	CAPCOA	Alan W.	Abbs	Include additional language to indicate other media regulations may apply which may include, but are not limited to, permits, additional air pollution and water pollution controls, etc.		
	45T01	Self	KA	Monty	Please include in the new provisions that Home Owner Associations must allow home site composting especially when parcels are one acre or greater and all golf courses must compost on site and reuse all composted materials they generate.		
	45V01	Mape's Ranch and Lyons Investments	Bill	Lyons Jr.	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.		
	45V02	Mape's Ranch and Lyons Investments	Bill	Lyons Jr.	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?		
	45V03	Mape's Ranch and Lyons Investments	Bill	Lyons Jr.	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.		
	45W03	Synagro	Layne	Baroldi	Synagro is aware that a note is included at the end of this section (17852) stating that biosolids compost is excluded from this section. It is unclear why		

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					the language is included as a note but we recommend it be included directly in the rule language.		
	45W04	Synagro	Layne	Baroldi	It (note at the end of 17852) should be expanded to explicitly state that biosolids and all finished products that contain biosolids as a feedstock are regulated elsewhere under federal and state law.		
	45X01	CSS	Dan	Morash	CalRecycle is to be commended for its efforts to further refine its regulations as they pertain to new and emerging technologies for in-vessel digestion of organics.		
	45X02	CSS	Dan	Morash	CSS appreciates the attempts to clarify the regulatory jurisdictional authority over food material processing that is required to be handled pursuant to California Food and Agricultural Code regulations.		
	451F04	Zanker	Greg	Ryan	These regulations (.1% physical contaminants) should also apply to and be enforced on tree chipping companies that do not hold solid waste facility permits but land apply large volumes of green material to the land in a completely unregulated fashion.		
	451R01	California League of Food Processors	Rob	Neenan	CLFP is most concerned about the revision of the definitions of “agricultural materials” and “land application” to include a presumption that they are “wastes” in the proposed regulation and the possible implications of that designation. As currently drafted, the proposed regulations may be unintentionally pulling unadulterated food processing byproducts into the world of “solid waste,” and regulating an agricultural practice as “disposal of solid waste.” This could subject such beneficial reuse practices to CalRecycle permitting requirements, and, possibly, regulate facilities that only briefly stockpile or store byproducts as “handling facilities.” This added layer of regulation would discourage the very activity that the agency should be promoting; the beneficial reuse of organic material.		
	451R02	California League of Food Processors	Rob	Neenan	Based on our discussions with staff, CalRecycle seems to make a distinction between materials applied to a processor’s own property and what is applied to other properties due to perceived issues with chain of control. CLFP would like to emphasize that <i>no legitimate commercial farming operation would allow toxics or trash to be applied to their land by a processor or a contract hauler</i> due to obvious food safety and environmental concerns, and the potential impact of these types of waste on the crops the farmers grow for their livelihood.		
	451R04	California League of Food Processors	Rob	Neenan	CalRecycle has not presented any substantive information to suggest that there are documented compliance problems specifically associated with any food processing land application sites. Adding new restrictions to those operations will increase compliance costs with no apparent benefit. If there are compliance problems associated with municipal green waste haulers or composting operations, then CalRecycle should focus its regulations and enforcement on those activities, not expand its regulatory purview into areas that do not require additional oversight.		

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	451R05	California League of Food Processors	Rob	Neenan	The overriding policy goal should be to encourage food processors and farmers to reuse organic materials in a beneficial manner rather than dispose of the residuals in landfills. CLFP is not aware of any significant problems associated with land application of food processing byproducts as currently practiced and believes that a sufficient regulatory structure is already in place to deal with any issues that arise.		
	451R09	California League of Food Processors	Rob	Neenan	CLFP defers to agricultural stakeholders to suggest any changes to the proposed regulations regarding agricultural wastes (e.g. orchard or vineyard trimmings, culls, manure, other) that may be land applied or composted. However, CLFP contends that land application of those materials also constitutes a beneficial reuse that should not be discouraged by new regulation.		
	451U01	Stop Waste	Gary	Wolff	Our Agency supports CalRecycle's efforts to update and improve the existing regulations to address the new ways in which organic waste is being handled throughout California, as well as to safely enable the growth needed in the diversion of these materials to meet the 75% Initiative, Strategic Directive 6.1, and other sustainability goals of the state, as well as our own County waste reduction goals.		
	451V01	California Grain and Feed Association	Chris	Zanobini	The justification in the Statement of Reasons for these regulations is very minimal, and in some cases nonexistent. The portion of the regulatory package addressing compostable materials and land application has minimal justification for action. All of these materials are regulated depending on their final use. For example, animal feed is regulated by CDFA, FDA and local health and environmental officers. Rendering materials are regulated by CDFA, FDA and local entities as well. Food and feed safety is a priority for all handlers of this material. Land application of materials is regulated by the Regional Water Quality Control Boards, local enforcement agencies (LEA's), in some counties local ordinances and local/regional air districts. The rationale for regulation based on odors is covered by local nuisance ordinances, state statute, and often state permitting agencies. The justification for regulating these materials and possibly interfering with federal and state food safety rules or local land use and nuisance governance is not supported in this package.		
	451V02	California Grain and Feed Association	Chris	Zanobini	CGFA recommends that the Department amend the regulation to provide an exclusion from the compostable handling operations and facility regulation to CDFA Commercial Feed Licensees that handle or store agricultural and food processing by-product or food material that has been approved by CDFA for use as an animal feed.		
	451Z01	Recology	Erin	Merrill	First, Recology is in support of the comprehensive approach to compost odor standards and complaints CalRecycle staff has developed.		
	452E02	Integrated Waste Management Consulting, LLC	Matthew	Cotton	...I am supportive of the 0.1 percent contamination threshold for inert contaminants in uncomposted green material to be applied directly to agricultural land. As discussed below, I do not agree that the contamination limit for DLA [direct land application] of uncomposted green material be the		

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					same for finished compost. The reason for this largely has to do with the difficulty in overseeing the application of uncomposted green material DLA, the potential for abuse, and also the economic reality of DLA. In many cases owners of the agricultural land where uncomposted green material DLA is applied are compensated. This sets up a financial disincentive for quality control. Conversely, in most cases, finished compost is a desired commodity and most tons are paid for. This is an incredibly important distinction and warrants a different level of regulation.		
	452E03	Integrated Waste Management Consulting, LLC	Matthew	Cotton	There has been no compelling evidence (or any evidence) presented to demonstrate the need for an inerts contamination standard in compost from a permitted facility. No demonstrated threat to public health, no demonstrated threat to safety, no demonstrated threat to the environment.		
	452E04	Integrated Waste Management Consulting, LLC	Matthew	Cotton	The proposed 0.1 percent standard was developed as an extremely low standard for land application to help LEAs make <i>field</i> determinations about contaminants in uncomposted green material applied to agricultural land. It is not a practical or useful standard for finished compost.		
	452E05	Integrated Waste Management Consulting, LLC	Matthew	Cotton	While the Standardized Regulatory Impact Assessment asserts that the proposed contaminant limit will “reduce litter and minimize the amount of plastic entering surface water and the ocean while creating new jobs and increasing the market value of compost” there is no evidence for these assertions. No documentation of litter or surface water or ocean contamination is presented. The Department of Finance (DOF) finds the assertion that higher costs equals more jobs to be suspect; CalRecycle further asserts (in their response to the DOF comment) that the proposed regulation will...“offer greater certainty for investment”. I have no idea how an extremely low contamination standard, which even the analytical labs may find challenging to support, will lead to greater investor certainty. In fact, I think the opposite may be true. Finally, no data whatsoever is presented to document that creating a contaminant standard will have any impact on the end product cost of compost.		
	452F03	Stanislaus County Food Processing By Products Re Use Committee	Martin X.	Reyes	Does the Department intend to develop a state fee structure for those activities?		
	452H01	Stanislaus County Department of Environmental Resources	Bryan	Kumimoto	In summary, the Department requests that programs such as Stanislaus County's established FPBP program, as a model program in beneficial reuse, be amended into the proposed Compostable Materials Transfer/Processing Regulations, Section 17855, as an Excluded Activity for the following reasons: 1) This program is recognized by CalRecycle as an approved waste diversion program; 2) This program is recognized by the RWQCB as adequate to prevent the creation of nuisance conditions and prevents impacts to surface water; 3) This program is exempt from oversight by the SJVAPCDs Organic Material Composting Rule; and 4) This program is sufficiently regulated by a		

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					local ordinance and oversight program such that additional oversight by CalRecycle would only impose unnecessary and redundant requirements .		
	452I01	Horizon Nut Company	Andrew	Howe	Horizon Nut also strongly urges CalRecycle to reconsider regulating activities presently regulated by other agencies and to exempt nut farming and processing in light of best management practices and in consideration of the hindrance this rule places on crucial byproduct commodities that might otherwise be sent to landfills.		
	452M04	Harvest Power	Linda	Novick	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.		
	452O01	California Compost Coalition	Neil	Edgar	The Standardized Regulatory Impact Analysis provided as a section of the Initial Statement of Reasons for this rulemaking is fundamentally flawed as a tool for evaluating the full economic impacts on the compost industry. While the analysis may arguably provide a reasonable range of costs (with a daunting \$31 million median annual average and a range from approximately \$800,000 to over \$53,000,000) resulting from the rulemaking, it fails to evaluate the relevant impact on the composting industry or take into account a number of market forces and looming changes to market conditions expected over the next decade. We do not believe it is nearly enough justification to claim that the potential \$53,000,000 annual price tag is reasonable, even given CalRecycle’s responsibility to protect the public health, safety, and the environment, without further analysis of the compost industry and its markets.		
	452O02	California Compost Coalition	Neil	Edgar	This type of cost increase will cause serious market disruption as a majority of potential buyers will seek alternatives (i.e. organic or synthetic fertilizers) or opt out entirely and not purchase compost or mulch products at all. Compost and mulch products do not have the same inelastic demand of gasoline (few products do) as their agricultural customers and other buyers tend to be highly price- sensitive. While tip fee revenues are not quite as price sensitive, competitive pressures from lower-cost options will still take time to overcome. Much of the current demand for compost and mulch is the result of tireless marketing by industry, with the aid of some policy and market drivers. The potential market disruption will be insurmountable for many operators and lead to a retraction in available organics processing and composting capacity unless there is some phase-in period to allow a gradual price adjustment process to occur.		
	452O03	California Compost Coalition	Neil	Edgar	We would question whether it is reasonable that the “Department expects the proposed regulations to create positive, net job growth”. In our estimation, the likely industry downsizing that would occur from the adoption of current draft regulatory language will cause negative, net job loss.		
	452O07	California Compost Coalition	Neil	Edgar	Preliminary information requested from our industry members (some of which has already been provided to and discussed at length with CalRecycle staff) reveals that current levels of physical contamination range from .01% to		

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					.015% for green material compost and 1.5% to 5% for mixed material compost. While new technology entering the market may be capable of removing contaminants from finished mixed material compost to below 1% levels, the current cost of this equipment appears to make it economically unsuitable for all but the largest volume facilities. Additionally, using conventional screening equipment to remove physical contaminants – likely the best option for most composters and requiring the use of smaller screen sizes (frequently down to 1/4” to 1/8”) – creates product that is too fine for a majority of markets, while also creating significantly more “overs”(meaning lower landfill diversion) and increased production costs. Mechanized sortlines – as proposed in the ISOR, will require significant capitalization and lead in time for composters to install such systems; again, this type of investment will not be suitable for most small and mid-size facilities and will likely be affordable only for large, regional operators.		
	452P01	Association of Compost Producers	Jeff	Ziegenbein	We believe that a more broad-based and in-depth economic analysis is necessary to assess the full range of potential economic impacts to our industry.		
	453C01	CR&R	Clarke	Pauley			
	452Q01	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...we are concerned that the newly proposed regulations cause more confusion than clarity in the agriculture community, and unnecessarily places agricultural and food processing by-products under a regulatory structure that is really intended to regulate composting operations and final deposition of finished composts. Furthermore, we believe that the unintended consequences of the current amendments to the Compostable Materials Regulation may have grave impacts on the beneficial uses of agricultural by-products if the rules go forward as proposed.		
	452R01	Santa Barbara County Environmental Health Services	Lisa	Sloan	The title of the code should indicate the current name of the CalRecycle agency: “California Code of Regulations Title 14. Natural Resources Division 7. California Integrated Waste Management Board Chapter 1. General Provisions”		
	452S01	CCDEH	Rebecca	Ng	CDEH is generally supportive of the draft regulations.		
	452S02	CCDEH	Rebecca	Ng	A field testing methodology needs development (along with guidance and/or training) for LEAs to assure field testing conducted produces results which are standardized and repeatable.		
	452U01	Pine Creek Nutrition Service, Inc.	Jason	Brixey	The proposed rules on such materials that are mentioned above indicate that a better home for these vegetable and fruit products would be either in a land-fill or through a digester to produce energy.		
	452V01	Central Valley Ag Group			Amend 17852 to provide a definition of a compostable material called “Food Processing By- Products” defined 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.		
	452F01	Stanislaus County Food Processing By Products Re Use Committee	Martin X.	Reyes			

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	452L01	Manufacturers Council of the Central Valley	Jennifer	Carlson			
	452V02	Central Valley Ag Group			Amend 17855 to exclude activities associated with the beneficial reuse of Food Processing By- Products and grape pomace as an activity considered under the definitions of a “Compostable Materials Handling Operation or Facility” or “Agricultural Material Composting Operation” 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.		
	452W01	Dairy Cares	JP	Cativiela	Dairy Cares requests that the comment period be extended an additional 45 days to allow for stakeholders to better understand and provide useful comments on the proposed regulation.		
	452W02	Dairy Cares	JP	Cativiela	In our view, CalRecycle has cast its net too wide and created the unintended consequence of regulating materials, at least with respect to the dairy industry, that are already sufficiently controlled.		
	452W03	Dairy Cares	JP	Cativiela	California dairy farms are already regulated with respect to storage and re-use of organic materials, cradle to grave; the proposed regulations would result in added restrictions that would constitute an unnecessary burden.		
	452W07	Dairy Cares	JP	Cativiela	The materials that are handled by dairies, both as feed and manure, are strictly managed under existing regulation. No additional regulation is required. Dairies should be excluded by definition either with respect to their operation or the materials they handle. Likewise, digestible materials are also fully managed and should be exempted as well.		
	452X01	Agricultural Council of California	Emily	Rooney	However, we are concerned that the newly proposed regulations cause more confusion than clarity in the agriculture community, and unnecessarily places agricultural and food processing by-products under a regulatory structure that is really intended to regulate composting operations and final deposition of finished composts.		
	452X02	Agricultural Council of California	Emily	Rooney	We share the concerns of many others in the agricultural community that CalRecycle has cast its net too wide and because of drafting issues and changes to underlying definitions, it is not clear as to the entire scope of these regulations.		
	452X10	Agricultural Council of California	Emily	Rooney	Based on the existing regulations at CDFA and the Water Board of manure digesters all such material is accounted for and should be excluded.		
	452X11	Agricultural Council of California	Emily	Rooney	...due to the highly diverse agricultural industry encompassing more than 350 plant and animal commodities, and the variety of ways these commodities are managed, we respectfully request an extension of 45 days to the deadline of the comment period so that we can continue to analyze the impacts this proposed regulations will have on our membership.		

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	452Y01	Self	Gordon L.	Shackelford	Send someone to smell the odor problems due to green waste recycling and composting along SR 67 north of Lakeside, CA. 92040. Then review your regulations to see what is needed to resolve this type of odor problem.		
	452Y02	Self	Gordon L.	Shackelford	Composting facilities that are regarded as small are, as I understand it, are subject to a ministerial approval process, meaning they, for most practical purposes, they must be approved. This needs to be changed to consider locations in valleys, nearby homes, etc. I would suggest to visit to the site of a proposed 400 cyclic yard per day composing facility at the EverGreen Nursery of Flynn Springs Road in El Cajon (part of the Lakeside planning Area).		
	453A01	California Cotton Ginners and Growers Association	Chris	McGlothlin	...legitimate land application operations conducted by cotton ginners and farmers; activities that are already regulated by other agencies to prevent any harm to the environment or human health should not be subject to these rules. As noted in Governor's Browns signing SB 617 into law in 2011, establishing the streamlining of regulatory activities is an important goal of for California Economic and Environmental sustainability. A related process of that legislation was efforts at the California Economic summit to make necessary regulation and regulatory process improvements by streamlining and/or eliminating mutually contradictory, duplicative, outdated regulations without undermining important environmental and worker protections. This proposed action by CalRecycle conflicts with the streamlining goals in many respects when addressing agricultural biomass materials, such as cotton ginning waste products		
	453B10	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	We recommend Enforcement Agency Notification Form (CIWMB 169) be revised as well.		
	453D01	SF Environmental	Jack	Macy	We appreciate the efforts by CalRecycle to meet the challenge of updating regulations to allow for the beneficial and safe expansion of composting, anaerobic digestion and the use of compost while supporting the imperative of increasing organics diversion to achieve the states 75% Recycling and AB 32 goals.		
	453J01	Self	Barbara	Larson	We have been told that under the current regulations, we are not allowed to use our beautiful and pure compost in our school garden. Please help to create regulation that would permit us to use the compost that we make, in our garden beds.		
	453K01	Marin Sanitary Services	Kimberly	Scheibly	...we firmly believe that proposed contamination limits are too impractical given current and foreseeable compost market conditions and available technologies; and we anticipate that the consequences will be deleterious.		
	453K02	Marin Sanitary Services	Kimberly	Scheibly	While we would prefer that CalRecycle continue to allow market forces to dictate the level of physical contaminants, we are supportive of a phased-in standard that allows time for jurisdictions and operators to adjust to the		

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					potential cost increases projected in your economic analysis. The proposed 0.1% limit on physical contaminants may be achievable for green material but it is unrealistic for co-collected green waste and food waste.		
Also: 17377.2; 17383.3; 17383.4; 17383.7; 17388.3; 17403.2; 17403.3; 17856; 17857.1; 17859.1; 17862; 17896.8; 17896.9; 17896.10; 17896.11; 18083.	453L01	County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency	Karilyn	Merlos	The LEA finds the addition of the condition of obtaining "Department Concurrence" on inspection frequency reductions for EA Notifications unnecessary and duplicative. The EA Notification is not a solid waste facility "permit" and activities operating under the Notification tier are not required to obtain concurrence from CalRecycle in order to initially operate. As the LEA is in the best position to know the site conditions, operational practices and potential impacts on public health, safety and the environment, it should be solely at the discretion of the LEA to determine appropriate inspection frequencies for these operations.		
	PHA01	City of Bakersfield Solid Water Division	Kevin	Barnes	CalRecycle reports have indicated that some composters have met the proposed limit. Before proceeding with the limit, please look into the situations of those composters compared to others who do not report being able to make it. It is likely that the ones that make it have feed stocks that are inherently low in foreign material content. An example might be bio-solids or very selective landscape waste. If the regulation is based on these "easy" situations, it will not consider the reality faced by composters who handle the mass of food waste and curbside green waste feed stocks which inherently contain foreign material. A level playing field is needed to avoid those with "easy" situations gaining a market advantage due to one-size-fits-all regulations.		
	PHA04	City of Bakersfield Solid Water Division	Kevin	Barnes	Fundamentally, the problem of debris in raw, un-composted mulch, which for good reason started this regulatory effort, should not be overlapped with the compost market. Not only is physically impossible to test raw mulch the way compost is tested, but the issues are different. Please consider separating the real issue of debris in raw mulch from that of compost. Millions of tons of <i>successful</i> composting will be inhibited by the proposed regulation, as will the industry's progress toward the new organic waste diversion goals.		
	PHB03	Engel & Gray, Inc.	Robert	Engel	We believe the economic analysis that was completed as part of the Initial Statement of Reasons (ISOR), Appendix B1, greatly under estimated the economic impacts of the proposed rule change to the compost industry. We believe that a more broad-based and in-depth economic analysis is necessary to assess the full range of potential economic impacts to our industry.		

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	PHC01	SF Environment	Kevin	Drew	I believe we need to create a fast-track for organics processing and utilization in order to stimulate the most rapid expansion of compost production and utilization possible. This is crucial to an immediate response to catastrophic climate change.		
	PHD01	California Resource Recovery Association	John	Dane	CRRA supports CalRecycle's efforts to update existing regulations to enable investment in, and construction of sufficient composting capacity in California to meet the 75% Initiative.		
	PHD02	California Resource Recovery Association	John	Dane	CRRA endorses the comments submitted on December 5, 2014 by the California Organic Recycling Council (CORC, a technical council of CRRA).		
	PHH01	Del Monte Foods	Tim	Ruby	We felt it was particularly important to speak at this hearing to urge your Department to closely reevaluate the proposed rules and not rush to adopt the rules in their current form. We state this because the rules as currently drafted will not encourage statewide reuse, recycling of composted materials and will frustrate existing, longstanding, safe, environmental friendly reuse, recycling in various organic byproducts including those generated by our facilities now used to feed farm animals and to fertilize organic farmland soils.		
	PHH03	Del Monte Foods	Tim	Ruby	Please keep in mind that over the restrictive and particularly conflicting, confusing agency roles as proposed could derail all of our company, industry efforts to promote the safe, effective reuse, recycling of food processing byproducts and animal feeding and land application.		
	PHH04	Del Monte Foods	Tim	Ruby	We urge your Department to work more closely with all affected stakeholders including other state agencies, namely, the California Department of Agriculture and the state Water Resources Control Board to develop a sensible, straightforward set of rules that do not disrupt currently effective food processing byproduct reuse, recycling operations and that further encourage statewide organic material composting with minimally restrictive end uses of properly composted materials. In particular, we strongly suggest that your Department work closely with soil scientists, agronomists, and take a scientific, agronomic approach to setting any compost applications rates in a new role and that an overly restrictive, confusing approach would discourage end users of composting materials.		
	PHI01	Agricultural Council of California	Rachel	O'Brien	I'd like to state that we do understand and share CalRecycle's primary concern of protecting public health and safety and mitigating environmental hazards that have been attributed to mishandling final deposition of compost.		
	PHI02	Agricultural Council of California	Rachel	O'Brien	Our review of the proposed regulations reveal concerns that they cause some -- more confusion and clarity in the agricultural community and they unnecessarily place agricultural and food processing byproducts under a regulatory structure that is intended to regulate composting operations and, kind of, final deposition of finished compost.		

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	PHI04	Agricultural Council of California	Rachel	O'Brien	Due to the complexity of the proposed regulations, we do think that significant more time is needed to study the issue, and we have asked in our written comments that the period to comment be extended to additional 45 days to allow our stakeholders to better understand and what we think will provide additional useful comments on the proposed regulation.		
	PHJ01	California League of Food Processors	Rob	Neenan	Our understanding of the background on this issue was that a few years ago, there were some green waste haulers who had truckloads of residential green waste mixed with trash that was applied to some land in several counties with or without the consent of the landowners. I'm not sure about that, and it clearly was an improper activity that should be addressed and not allowed.		
	PHM02	LA County Task Force	Mike	Mohajer	We respectfully request that whenever you adopt a solid waste permit and use the CEQA as a responsible agency, then identify those mitigating measures into your solid waste permit		
	PHM04	LA County Task Force	Mike	Mohajer	Have the operator of a facility identify the origin of that materials and the quantity by the jurisdiction of origin.		
	PHM05	LA County Task Force	Mike	Mohajer	For the record, I have worked with Ken and Bob at least during the past three years and working in this composting regulation, and I really do want to express both the task force and myself, appreciation that they have -- they have done the best they can considering that you get point of view from seven thousand different direction, and no matter what you do, you're wrong.		
	PHN01	Association of Compost Producers	Kathy	Lynch	We do generally support movement forward on a formal rulemaking in this area. We think it's very necessary and timely with the 75 percent goal as well as with the passage of the legislation.		
	PHN02	Association of Compost Producers	Kathy	Lynch	We don't believe that the economic analysis that was complemented as part of the ISOR, the Initial Statement of Reason, in appendix B1 doesn't dig deep enough into the economic impacts of the proposed rule and the impact on the composting industry.		
	PHO01	California Resource Recovery Association	John	Dane	We are supportive of your efforts to revise the regulations in this area.		
	PHP01	Milk Producers Council	Kevin	Abernathy	At minimum, another 45 days to really take a look at the science to make sure that we're able to get out any of those potential unintended consequences.		
	PHP02	Milk Producers Council	Kevin	Abernathy	This may be a very isolated incident where things were put on someone's property, whether it was or was not to their knowledge, of course, that needs to be dealt with. But it certainly doesn't need to be dealt with by creating a whole another level of regulatory compliance for business and industry.		
	PHQ01	California Refuse Recycling Council	Veronica	Pardo	We generally support and absolutely commend the work that you have done on the revision of Title 14 and 27 as it pertains to compostable material, transferring and processing.		
	PHR01	Californians Against Waste	Nick	Lapis	I want to make sure we don't lose sight of the concern we have all had with direct land application of residential green material, which is a different		

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					animal from food processing waste or dairy manure or anything else, and that's where we have this very quick increase in the practice and where we have a very substantial concern, and it's not a one-off situation. It's a pretty common situation. So as we mess around the edges on the ag side of things, let's make sure we don't lose sight of the issue that's brought before us.		
	PHR04	Californians Against Waste	Nick	Lapis	You can't -- as to your economic analysis -- start off with the assumption that the same amount of composting will happen no matter what cost you apply to it and then assume that the same amount of composting happens but now there will be more screeners; we have created jobs. If that was the case, none of us would be worried about the impacts to the composting industry. It's the fact that we're worried that there will be less composting that is really at the heart of the issue.		
	PHT04	California Compost Coalition	Neil	Edgar	I don't know that CalRecycle has any need, want, or desire to be regulating those facilities, but I think where they get into programs where they're accepting food waste from commercial collection programs, residential collection programs that do fall under solid waste regulations, and those facilities need to be adhering to the same standards as other industries in the state.		
<b>§17854.1. Regulatory Tier Requirements</b>							
	452G01	Los Angeles Bureau of Sanitation	Enrique C.	Zaldivar	LASAN recommends that composting facilities handling vegetative and/or other food materials be placed into the same regulatory tier as the biosolids composting operations, i.e., the Enforcement Agency Notification Tier.		
<b>§17855. Excluded Activities</b>							
	45B08	Los Angeles County Solid Waste Management Committee	Margaret	Clark	It has been indicated that composting residential food materials and residuals that may contain unprocessed mammalian tissues, including but not limited to, flesh, organs, hide, bone and marrow do not constitute "compostable material handling operation or facilities." Prior to granting such an exemption, the impact on public health and the environment needs to be addressed.		
	451R06	California League of Food Processors	Rob	Neenan	CLFP maintains that CalRecycle should exempt food processing byproducts from the proposed regulations because most sites are already regulated by other agencies, or the activity poses no threat to the environment or public health. An additional layer of regulation by CalRecycle is not necessary, and could be counter-productive by causing confusion regarding compliance obligations and discouraging land application altogether. Food processors should not be forced to send their byproducts to composting facilities because new regulations give them no viable alternative.		
	452F02	Stanislaus County Food Processing By Products Re Use Committee	Martin X.	Reyes	...amend Section 17855 Excluded Activities by adding a new Subdivision 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 zone 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.		

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					-OR- 3b. Amend the proposed Section 17852(a)(24.5) by adding a new Subdivision that provides a third meaning of “Land Application” as the final deposition of Food Processing By-Products spread on any land, including land zoned only for agricultural uses under the condition that 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.		
	452108	Horizon Nut Company	Andrew	Howe	Horizon Nut supports the clarification of Excluded Activities in Chapter 3.1, Section 17855 (a)(1) to include green waste generated during pre-cleaning (after custody transfer) at a food processing facility and returned to the farmland under common control. Further, we understand that this exclusion is intended to exempt traditional agricultural practices. However, as it is written, it only excludes activities associated with the “compost activity,” yet neither farming or processing are composting activities. Therefore, we support revising the language from “compost activity” to “activity.”		
	452109	Horizon Nut Company	Andrew	Howe	Horizon Nut supports expanding the definition of “agricultural operation” in Excluded Activities, Chapter 3, Section 17855 (a)(5)(E) to include food processing operations used to store process agricultural material not used in the production of compost or mulch (i.e. animal feed or bedding, biomass conversion, etc.).		
	452110	Horizon Nut Company	Andrew	Howe	Horizon supports retaining the 17855 (a)(9) exclusion for beneficial use. The RWQCB, through the adoption of WDRs, has determined that many applications of organic material to land are a beneficial use that does not degrade the environment or pose a public nuisance or hazard.		
	452L02	Manufacturers Council of the Central Valley	Jennifer	Carlson	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.		
	452L03	Manufacturers Council of the Central Valley	Jennifer	Carlson	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.		
	452X07	Agricultural Council of California	Emily	Rooney	This section is confusing when trying to ascertain if certain activities are excluded. Furthermore, it does not fully address issues such as point of transfers. Clarification in the regulations is needed to specify how these types of transfers could be handled.		
	452Z03	Western Agricultural	Chris	McGlothlin	We ask that you add a section that excludes nut hullers and processors if the material is being handled in such a manner that the material is not purposely		

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		Processors Association			being composted. We would propose the following addition to the section on Excluded Activities: <u>Food Material Handling Operations</u> . An activity is excluded if it handles Food Material, derived from an agricultural site, whereby the material is not being stored for the purposes of active composting.		
	453A04	California Cotton Ginners and Growers Association	Chris	McGlothlin	Need to add section here that excludes cotton gins if the material is being handled in such a manner that the material is not purposely being composted. We would propose the following addition to the section on Excluded Activities:  <u>Food Material Handling Operations</u> . An activity is excluded if it handles Food Material, derived from an agricultural site, whereby the material is not being stored for the purposes of active composting.		
	45E04	Solana	Jessica	Toth	CalRecycle should revise the language so it is clear that agricultural sites that use compost on-site are exempt from permitting and those that sell finished compost are required to notify the LEA.		
	45G03	INIKA	Tyla	Montgomery			
	PHL01						
	45H04	Pro Trees Arborist	Theron	Winsby			
	45I04	Self	Margaret	Stockton			
	45J04	Jimbo's ... Naturally	Kelly	Hartford			
	45K04	Self	MC	Hagerty			
	45L04	Self	Barbara	Patterson			
	45N04	Self	Whitney	Dueñez			
	45O04	Solana	Diane	Hazard			
	45P04	Self	James	Murdick			
	45R04	Self	Roberta	Walker			
	45U04	Self	Walt	Sanford			
	45Z04	Self	Barbara	Kennedy			
	451B04	Self	Silka	Kurth			
	451G04	Self	Meaghan	Jones			
	452T04	Self	Evi	Haux			
	451L03	Sustainable Solutions	Jeff	Bishop			
	45M03	OB GreenGold	Anne	Barron			
	45Q04	SDUSD Recycling Program	Janet	Whited			
	PHE01	Stanislaus County Solid Waste Dept.	Brian	Kumimoto	And so today, we're going to be asking that we also receive a similar exemption. It's reuse. It's not composting and we don't want -- we have enough regulations as it is currently.		

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	PHF01	Stanislaus County Solid Waste Dept.	Tom	Wolfe	The vision that I'd like to express this afternoon relevant to the proposed revisions of the existing Title 14 is to amend the county's food processing byproduct program into the proposed regulations, specifically Section 17855, as an excluded activity.		
	PHP03	Milk Producers Council	Kevin	Abernathy	Finally, you know, dairies should be excluded from this type of regulation due to the fact that with a little bit of intel, you'll find that what you're trying to get at has already been done.		
(a)(1)	45E03 45G02 PHL03 451X01 45H03 45I03 45J03 45K03 45L03 45N03 45O03 45P03 45R03 45U03 45Z03 451B03 451G03 452T03 451L02 45M02 45Q03	Solana INIKA The San Diego Food System Alliance Pro Trees Arborist Self Jimbo's ... Naturally Self Self Self Solana Self Self Self Self Self Self Self Sustainable Solutions OB GreenGold SDUSD Recycling Program	Jessica Tyla Richard Theron Margaret Kelly MC Barbara Whitney Diane James Roberta Walt Barbara Silka Meaghan Evi Jeff Anne Janet	Toth Montgomery Winkler Winsby Stockton Hartford Hagerty Patterson Dueñez Hazard Murdick Walker Sanford Kennedy Kurth Jones Haux Bishop Barron Whited	<p>CalRecycle should revise the language so it is clear that agricultural sites can compost any volume of agricultural material with one of 2 scenarios based on comment 45E01:</p> <p><b>Alternative A, Offsite feedstock allowance is based on the farm's size and ability to handle the material:</b>  <b>SS17855 Excluded Activities</b>  <i>(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.</i></p> <p><b>Or Alternative B, Offsite feedstock allowances capped at 500 cubic yards:</b>  <b>SS17855 Excluded Activities</b>  <i>(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.</i></p>		
(a)(1)	452Q09	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	Paramount also seeks further clarification on the intent of the exclusion under section 17855(a)(l). As we interpret this exclusion, green material produced on a farm and re-applied to the farm should be exempt from the regulations. We ask that CalRecycle provide clarity as to situations such as hulling and shelling of tree nuts, where green material is separated from the harvestable portion of the commodity during pre-cleaning at an offsite facility, and then brought back to the farm and land applied for multiple uses. We believe that this situation should still be included in this exemption, as the		

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					activity does not impose any additional risks to the green material regardless of whether the product was transferred to the facility before going back to the farm.		
(a)(1)	452Q10	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	...this exclusion specified that agricultural material derived from an agricultural site and returned to a similar site, "...owned or leased by the owner, parent, or subsidiary of the composting activity" is excluded. Being that neither farming nor processing are composting activities, Paramount seeks further elaboration of this exclusion to explicitly exempt farming and processing activities.		
(a)(4)	45E01	Solana	Jessica	Toth	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: <i>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.</i>		
	45G01 PHL02	INIKA	Tyla	Montgomery			
	45H01	Pro Trees Arborist	Theron	Winsby			
	45I01	Self	Margaret	Stockton			
	45J01	Jimbo's ... Naturally	Kelly	Hartford			
	45K01	Self	MC	Hagerty			
	45L01	Self	Barbara	Patterson			
	45N01	Self	Whitney	Dueñez			
	45O01	Solana	Diane	Hazard			
	45P01	Self	James	Murdick			
	45R01	Self	Roberta	Walker			
	45U01	Self	Walt	Sanford			
	45Z01	Self	Barbara	Kennedy			
	451B01	Self	Silka	Kurth			
	451G01	Self	Meaghan	Jones			
	452T01	Self	Evi	Haux			
	451L01	Sustainable Solutions	Jeff	Bishop			
	45M01	OB GreenGold	Anne	Barron			
45Q012	SDUSD Recycling Program	Janet	Whited				
(a)(4)	45E02	Solana	Jessica	Toth	Massachusetts includes a burden of proof clause in their composting regulations that applies to all activities. 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.		
	45G07	INIKA	Tyla	Montgomery			
	45H02	Pro Trees Arborist	Theron	Winsby			
	45I02	Self	Margaret	Stockton			
	45J02	Jimbo's ... Naturally	Kelly	Hartford			
	45K02	Self	MC	Hagerty			
	45L02	Self	Barbara	Patterson			

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	45N02	Self	Whitney	Dueñez			
	45O02	Solana	Diane	Hazard			
	45P02	Self	James	Murdick			
	45R02	Self	Roberta	Walker			
	45U02	Self	Walt	Sanford			
	45Z02	Self	Barbara	Kennedy			
	451B02	Self	Silka	Kurth			
	451G02	Self	Meaghan	Jones			
	452T02	Self	Evi	Haux			
	451L07	Sustainable Solutions	Jeff	Bishop			
	45M07	OB GreenGold	Anne	Barron			
	45Q02	SDUSD Recycling Program	Janet	Whited			
(a)(4)	451X03	The San Diego Food System Alliance	Richard	Winkler	Is the 500 square-foot footprint a typo and should it be 5,000 square feet? Please provide the references or sources that CalRecycle used to develop this requirement. The 500-square foot footprint requirement will not ensure composting is safe or nuisance free and should be deleted. In turn, CalRecycle should include a “burden of proof” clause in its regulations to require all sites to comply with basic BMPs and nuisance mitigations as a condition of their permit exclusion.		
(a)(4)	453I05	West Marin Compost	Jeffrey A.	Creque	<i>Please increase excluded volume from 100 to 200 cubic yards and area to 1000 sq. ft.</i>		
(a)(5)(G)	452X08	Agricultural Council of California	Emily	Rooney	It appears that shredding and pruning in the field falls in this exclusion but we have concerns on what the impact will be, if any, on those who chip orchards and move the chips to co-gen facilities. If that ability were hampered, we would see an impact on growers when they remove orchards.		
(a)(5)(H)	452Q08	Roll Law Group PC on behalf of Paramount Farming Company	Melissa	Poole	We agree with the exclusion for animal feed activities under section 17855(a)(5)(H) of the proposed Compostable Materials Regulation, but believe that as the rules are currently written, holding or stockpiling material for this intended purpose may still qualify the activity as subject to the regulation. CalRecycle should be clear that the holding requirements under the proposed Compostable Materials Regulation should not be applied to by-product being held for animal feed.		
(a)(5)(J)	452X09	Agricultural Council of California	Emily	Rooney	In this section we share AHPA concerns that it is, “completely counter-intuitive economically to allow tree nut processing byproducts, such as hulls and shells, to actively compost – which would alter their “essential character” and drastically damage their value and returns as animal feed, animal bedding, biomass feedstock or future biofuel feedstock.” It also doesn’t make much sense to be regulated under a composting regulation when the goal of		

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					certain facilities is to store materials under conditions that will NOT allow composting to occur and that are primary end use of those materials is animal feed, animal bedding, biomass feedstock or biofuel feedstock – not compost or storage on its way to land application. We believe that CalRecycle should follow the recommended changes proposed by AHPA.		
(a)(9)	452D02	Almond Hullers & Processors Association	Kelly	Covello	Since almond hull; hull and shell; and, shell when accumulated under normal industry storage conditions do not “actively compost” that the Department exclude almond hulling and processing facilities from compostable handling operations and facility regulation when they: a. Hold a CDFA Feed License and handle or store almond processing by-product for the purposes of manufacture and/or distribution of animal feed; or, b. Handle or store almond processing by-product for purposes of manufacturing and/or distribution of materials that includes but are not limited to animal bedding, biomass feedstock or biofuel feedstock.		
(a)(9)	452D04	Almond Hullers & Processors Association	Kelly	Covello	AHPA recommends that the Department either allow or exclude land application of almond processing by-products that are defined as an agricultural material for purposes excluded in the current Section 17855(a)(9) when: 1. The material does not contain physical contaminants of more than 0.1% by volume of physical contaminants greater than 4 mm; and, 2. Prior to application, CDFA’s Fertilizer Inspection Program has reviewed and approved a fertilizer label for the product being applied. At a minimum the label should comply with the requirements of a packaged soil amendment.		
(a)(9)	452D05	Almond Hullers & Processors Association	Kelly	Covello	For almond processing by-product that doesn’t fall into either subsection 1 or 2 we would recommend that the Department amend Section 17855(a)(9) to add language that allows the LEA, in consultation with the Department the ability to consider other temperature and/or moisture measurements along with the 122 degrees Fahrenheit threshold when determining if low moisture content compostable materials qualify for the exclusion.		
<b>§17856. Agricultural Material Composting Operations</b>							
	45B10	Los Angeles County Solid Waste Management Committee	Margaret	Clark	To assist local governments with the effectiveness of their diversion programs, this Section needs to be expanded to include the following new subsection: “Subsection (e) – These sites shall record the quantities of agricultural materials received, by jurisdiction of origin, and submit the data to the appropriate jurisdictions on a calendar quarterly basis.”		
(a)1 (a)2(A)	453I06	West Marin Compost	Jeffrey A.	Creque	Apparently missing from 1(A) and 2(A) are composting operations that are located on land zoned for agricultural uses and which handle both ag material and green material and wish to sell or give away more than 1000 cubic yards per year. Please allow operations located on land zoned for agricultural uses and which handle both ag material and green material and wish to sell or give away more than 1000 cubic yards per year.		
(c)	45B09	Los Angeles County Solid Waste	Margaret	Clark	Considering that an Agricultural Materials Composting Operation may be a nuisance to adjacent properties due to potential odor generation, there is a		

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		Management Committee			need for more frequent and inspection by the LEA (i.e. at least on a quarterly basis).		
(c)	45E05	Solana	Jessica	Toth	<p>CalRecycle should revise the language so it is clear that agricultural sites may import green, vegetative/ food material feedstock as part of the permit exemption or EA Notification with one of 2 scenarios based on comment 45E01:</p> <p><b>Alternative A, Offsite feedstock allowance is based on the farm's size and ability to handle the material:</b>  <b>SS17856 Agricultural Material Composting Operations:</b>  <i>(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. <u>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.</u> 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.</i></p> <p><b>Or Alternative B, Offsite feedstock allowances capped at 500 cubic yards:</b>  <b>SS17856 Agricultural Material Composting Operations:</b>  <i>(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. <u>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.</u> 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</i></p>		
	45G04 PHL04	INIKA	Tyla	Montgomery			
	451X02	The San Diego Food System Alliance	Richard	Winkler			
	45H05	Pro Trees Arborist	Theron	Winsby			
	45I05	Self	Margaret	Stockton			
	45J05	Jimbo's ... Naturally	Kelly	Hartford			
	45K05	Self	MC	Hagerty			
	45L05	Self	Barbara	Patterson			
	45N05	Self	Whitney	Dueñez			
	45O05	Solana	Diane	Hazard			
	45P05	Self	James	Murdick			
	45R05	Self	Roberta	Walker			
	45U05	Self	Walt	Sanford			
	45Z05	Self	Barbara	Kennedy			
	451B05	Self	Silka	Kurth			
	451G05	Self	Meaghan	Jones			
	452T05	Self	Evi	Haux			
451L04	Sustainable Solutions	Jeff	Bishop				
45M04	OB GreenGold	Anne	Barron				
45Q05	SDUSD Recycling Program	Janet	Whited				
(c)	452P08	Association of Compost Producers	Jeff	Ziegenbein	<p>Recommend change to: "If their feedstock is limited to agricultural material generated from on-site agricultural operations, agricultural material composting operations may handle unlimited quantity of agricultural material on the site from which that the material is generated and may sell or give away any or all compost they produce. <u>If the material is generated off-site and transferred to the compost operation site, then the operation is subject to Article 2, 17854 - Compostable Materials Handling Facility Permit Requirements</u>"</p>		
	453C07	CR&R	Clarke	Pauley			
(d)	45E06	Solana	Jessica	Toth	<p>Similar amendments (taken from 45E05) to SS (d) should be implemented for agricultural operations accepting high volumes of green material.</p>		
	45G08	INIKA	Tyla	Montgomery			
	45H06	Pro Trees Arborist	Theron	Winsby			
	45I06	Self	Margaret	Stockton			

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	45J06	Jimbo's ... Naturally	Kelly	Hartford			
	45K06	Self	MC	Hagerty			
	45L06	Self	Barbara	Patterson			
	45N06	Self	Whitney	Dueñez			
	45O06	Solana	Diane	Hazard			
	45P06	Self	James	Murdick			
	45R06	Self	Roberta	Walker			
	45U06	Self	Walt	Sanford			
	45Z06	Self	Barbara	Kennedy			
	451B06	Self	Silka	Kurth			
	451G06	Self	Meaghan	Jones			
	452T06	Self	Evi	Haux			
	451L08	Sustainable Solutions	Jeff	Bishop			
	45M08	OB GreenGold	Anne	Barron			
	45Q06	SDUSD Recycling Program	Janet	Whited			
<b>§17857.1 Green Material Composting Operations and Facilities</b>							
	45B07	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please provide a list of criterion used for establishing a threshold limit of 12,500 cubic yards for "Green Material Composting Operations" under the "EA Notification Tier" and "Registration Permit Tier."		
	45B11	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Section needs to be expanded to include the following new subsection: "Subsection" (d) - These sites shall record the quantities of green materials received by jurisdiction of origin and submit the data to the appropriate jurisdictions on a calendar quarterly basis."		
	45E07	Solana	Jessica	Toth	SS17857.1 should be amended to allow the specified volumes of vegetative/ food material feedstock. (from 45E05)		
	45G09	INIKA	Tyla	Montgomery			
	45H07	Pro Trees Arborist	Theron	Winsby			
	45I07	Self	Margaret	Stockton			
	45J07	Jimbo's ... Naturally	Kelly	Hartford			
	45K07	Self	MC	Hagerty			
	45L07	Self	Barbara	Patterson			
	45N07	Self	Whitney	Dueñez			
	45O07	Solana	Diane	Hazard			
	45P07	Self	James	Murdick			

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	45R07	Self	Roberta	Walker			
	45U07	Self	Walt	Sanford			
	45Z07	Self	Barbara	Kennedy			
	451B07	Self	Silka	Kurth			
	451G07	Self	Meaghan	Jones			
	452T07	Self	Evi	Haux			
	451L09	Sustainable Solutions	Jeff	Bishop			
	45M09	OB GreenGold	Anne	Barron			
	45Q07	SDUSD Recycling Program	Janet	Whited			
	45F05	CAPCOA	Alan W.	Abbs	Provide criteria for such determinations, such as photographs, enforcement/compliance histories, conditions or parameters of the pile, etc.		
(a)(2)	451S06	City of San Diego, Local Enforcement Agency	William E.	Prinz	How does the LEA gain the necessary discretionary authority over a ministerial action if this section is adopted?...Please explain how this action is ministerial. The LEA believes it would be more prudent for the operator to apply for the appropriate Compostable Materials Handling Facility Permit if the need for additional seasonal storage capacity became necessary. Especially if the request is for storage capacity that exceeds the EA Notification limitation of 12,500 cubic yards of compostable material.		
(a)(2)	452P09	Association of Compost Producers	Jeff	Ziegenbein	We agree that seasonal storage adjustments are warranted for operator flexibility. Recommend extending to 120 days, "The EA may grant one more additional 30-day seasonal storage adjustment not exceeding a total of 120 days per calendar year."		
	453C08	CR&R	Clarke	Pauley			
(b)	451S07	City of San Diego, Local Enforcement Agency	William E.	Prinz	The word "facility" should be changed to "operation".		
(b)	453L04	County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency	Karilyn	Merlos	While the LEA is generally supportive of this "three strikes" approach, it is suggested that if adopted for the EA Notification tier operations, these same conditions should likewise be included for the "Vegetative Food Material Composting Facilities" operating under a Registration Tier.		
(b)(3)	452P10	Association of Compost Producers	Jeff	Ziegenbein	Green Material Composting maximum volumes: mandatory cease and desist too onerous. Recommend change to: "In addition, the EA shall may issue a cease and desist order pursuant to section 18304 directing, among other things, that the operator immediately cease accepting material at the site until the operator has demonstrated to		
	453C09	CR&R	Clarke	Pauley			

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					the EA that it has corrected the violation and eliminated the cause of the violation."		
<b>§17857.2 Vegetative Food Material Composting Facilities</b>							
	45E08	Solana	Jessica	Toth	SS 17857.2 should be amended to allow the specified volumes of vegetative/ food material feedstock. (from 45E05)		
	45G10	INIKA	Tyla	Montgomery			
	45H08	Pro Trees Arborist	Theron	Winsby			
	45I08	Self	Margaret	Stockton			
	45J08	Jimbo's ... Naturally	Kelly	Hartford			
	45K08	Self	MC	Hagerty			
	45L08	Self	Barbara	Patterson			
	45N08	Self	Whitney	Dueñez			
	45O08	Solana	Diane	Hazard			
	45P08	Self	James	Murdick			
	45R08	Self	Roberta	Walker			
	45U08	Self	Walt	Sanford			
	45Z08	Self	Barbara	Kennedy			
	451B08	Self	Silka	Kurth			
	451G08	Self	Meaghan	Jones			
	452T08	Self	Evi	Haux			
	451L10	Sustainable Solutions	Jeff	Bishop			
	45M10	OB GreenGold	Anne	Barron			
	45Q08	SDUSD Recycling Program	Janet	Whited			
	453L06	County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency	Karilyn	Merlos	The list of what may be included in the up to 12,500 cubic yards of material on-site for Vegetative Food Material Composting Facility includes "compost" without specifying active and/or stabilized. In contrast, the description in 17857.1(a) for Green Material Composting Operations specifies compost as both active and stabilized. These two descriptions should be consistent. The LEA recommends specifying both active compost and stabilized compost in both sections to provide further clarity on which materials are included in the 12,500 cubic yard limit.		
<b>§17862. Research Composting Operations</b>							
	45B12	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand to (a) require surface and ground water protection, (b) prohibit any surface water from leaving the property without a NPDES Permit, and (c) control and mitigate any odor nuisances and obtain a permit from the appropriate local air pollution control district/air quality management district.		

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	452O13	California Compost Coalition	Neil	Edgar	We would recommend that the limit of two, two-year periods be removed, with current language retained which leaves the time limit at the discretion of the EA.		
(d)	452P11	Association of Compost Producers	Jeff	Ziegenbein	Research Composting Operations: ACP would like to encourage additional research operations to advance the science of composting. Recommend: "If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for an additional two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870, or apply for an EA Notification or other applicable permit for the site."		
	453C10	CR&R	Clarke	Pauley			
<b>§17862.1. Chipping and Grinding Operations and Facilities</b>							
	452J03	Santa Clara County Department of Environmental Health	Chris	Rummel	Finally, I see a big problem with the tier sizes for the things like wood chipping and grinding. The notification tier for chip & grind should be <20 tons notification, 20 to 100 tons registration, and 100+ full permit. Not <200 TPD as a notification.		
	452O11	California Compost Coalition	Neil	Edgar	...current language suggests that chipping and grinding operations would only be required to sample and test materials upon EA request; we do not support a lower standard for sampling and testing at chipping and grinding operations, as the materials they produce are processed to a much lower level than compost, and represent a significantly higher threat for the spread of pathogens and/or invasive pests. Chipping and grinding operations and facilities should be subject to the same materials sampling and testing requirements as composting operations and facilities. If the CalRecycle goal is to protect the public health, safety, and the environment – as is stated repeatedly in the ISOR – there appears no logical basis for lesser testing requirements for non-composted materials versus composted materials.		
<b>§17863.4. Odor Impact Minimization Plan</b>							
	45F06	CAPCOA	Alan W.	Abbs	The provisions building up to and including an Odor Impact Minimization Plan (OIMP), Section 17863.4, are ambiguous and do not provide specific guidance. Recommendation: Provide clear, specific guidance for developing the OIMP.		
(b)(1)	452P12	Association of Compost Producers	Jeff	Ziegenbein	Odor Impact Minimization Plan: Recommend: Remove "and data collection." This may imply more advanced testing methods than may be necessary. We believe it is reasonable to start with qualitative and then move to quantitative (i.e. lab testing).		
	453C11	CR&R	Clarke	Pauley			
(f)	45B13	Los Angeles County Solid Waste Management Committee	Margaret	Clark	We recommend specifying a timeframe by which the Enforcement Agency (EA) is to direct the operator to prepare and implement a Best Management Practice Feasibility Report (Report) as specified in Section 17863.4.1.		
(f)	45B14	Los Angeles County Solid	Margaret	Clark	We recommend specifying a timeframe (possibly a week) within which the EA would review the results of the Report in order to reduce and eliminate the		

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		Waste Management Committee			time the public is exposed to the odor nuisance. If the foregoing measures are ineffective in addressing the odor nuisance then alternatives should be considered such as enclosing operations within a structure that operates under negative pressure. As an alternative, the facility's permitted daily waste intake can be incrementally reduced until such time the nuisance is eliminated or reduced to a level that is no longer a nuisance to the public.		
(f)	451001	Western Placer Waste Management Authority	Mary	Dietrich	We request section (f) be amended to say "...the EA <del>shall</del> <u>may</u> direct the operator to prepare an Odor Best Management Feasibility Report..." This would give the EA discretion to determine what efforts are necessary, based on the specific circumstances, such as targeted best management practices when odor sources are known, or of a temporary nature, as opposed to a full site wide feasibility report. This would be consistent with other sections (e.g. Section (e)) that provide such EA discretion.		
(f)	452P13	Association of Compost Producers	Jeff	Ziegenbein	Recommend change back to "May direct." We believe that EA should be given latitude to escalate based on individual site, material and receptor circumstances.		
	453C12	CR&R	Clarke	Pauley			
(f)(3)	451002	Western Placer Waste Management Authority	Mary	Dietrich	A public nuisance is very difficult to define; what constitutes offensive or indecent can be very subjective. Often, solid waste related operations that are in full compliance with their permits are subjected to odor complaints as a result of encroaching development that is beyond the control of the operator. For that reason, we recommend that this section be amended to offer some protection for otherwise compliant solid waste management facilities. Specifically, we believe the regulation should provide that <u>no compostable material handling operation or facility conducted in a manner consistent with applicable regulations and permits, shall be considered a nuisance due to any changed condition in local land use (e.g. encroaching development) if it was not a nuisance at the time it began.</u>		
<b>§17863.4.1. Odor Best Management Practice Feasibility Report</b>							
	452012	California Compost Coalition	Neil	Edgar	While we understand that this new Odor Best Management Practice Feasibility Report would be required at a critical time in the compliance and enforcement process for an odor issue, it is highly infeasible that such a report be produced within 14 days, if the goal is to produce a comprehensive plan that may represent the operator's last, best chance to survive. Unless the odor issue is a proven threat to public health and safety – which is rarely the case – we see no good reason why allowing 60 days for proper development and submittal of this report should be a problem.		
	453L05	County of San Diego Department of Environmental Health, Solid Waste	Karilyn	Merlos	It is unclear what criteria or training the LEA will employ in order to evaluate this new report and it is likewise unclear what form "consultation" with CalRecycle should take. Will the consultation require formal concurrence or documentation of approval from CalRecycle, or is verbal discussion adequate? This section needs to be clarified and appropriate guidelines or training on report adequacy should be made available to LEAs for consistency of implementation.		

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		Enforcement Agency					
(a)	451H03	CRRRC	Ralph	Chandler	The new regulations attempt to provide operators and Enforcement Agencies with additional mechanisms to address chronic odor at compostable materials handling facilities and operations. We recognize that this is an important step in mitigating odor issues, but want to ensure that this framework does not lead to a dual regulatory structure whereby composting facilities will be required to create both an Odor Impact Minimization Plan and a Best Management Practice Feasibility Report.		
(a)	451P02	Waste Connections, Inc.	Jody L.	Snyder	WCI would ask that the words consecutive and chronic be defined...Section (1) how will odor severity be determined? Some individuals may find Christmas trees malodorous while others find it pleasant.		
(d)	45F09	CAPCOA	Alan W.	Abbs	"Upon submittal of the Plan by the operator, <u>the EA</u> , within a specified time, <u>shall approve or not approve the Plan</u> . If not approved, then the operator shall resubmit an approvable Plan within a specified amount of time." and "The items in subsection (b) should be <u>required</u> to be contained in the Plan and <u>be implemented</u> upon approval of the Plan." (As opposed its being "guidance" and the operator having the option to explain why certain procedures are not necessary.)		
(d)	451O03	Western Placer Waste Management Authority	Mary	Dietrich	Section (d) be amended to clarify that, in the absence of any compliance issues, <u>implementation of voluntarily reports is not mandatory</u> , and that the operator shall have the discretion of implementing specific measures according to site specific conditions and operational considerations.		
<b>§17868.1 Sampling Requirements</b>							
Also: §17868.2; §17868.3; §17868.3.1	45E09	Solana	Jessica	Toth	The regulations should be clear that facilities can conduct on-site 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 17868.3.1.		
	45G05	INIKA	Tyla	Montgomery			
	45H09	Pro Trees Arborist	Theron	Winsby			
	45I09	Self	Margaret	Stockton			
	45J09	Jimbo's ... Naturally	Kelly	Hartford			
	45K09	Self	MC	Hagerty			
	45L09	Self	Barbara	Patterson			
	45N09	Self	Whitney	Dueñez			
	45O09	Solana	Diane	Hazard			
	45P09	Self	James	Murdick			
	45R09	Self	Roberta	Walker			
	45U09	Self	Walt	Sanford			
	45Z09	Self	Barbara	Kennedy			
	451B09	Self	Silka	Kurth			
	451G09	Self	Meaghan	Jones			
452T09	Self	Evi	Haux				

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	451L05	Sustainable Solutions	Jeff	Bishop			
	45M06	OB GreenGold	Anne	Barron			
	45Q09	SDUSD Recycling Program	Janet	Whited			
Also: §17868.2(a); §17868.3(a)	451Q04	California Association of Sanitation Agencies	Greg	Kester	CASA recommends modifying the language as follows: <i>"should it not be possible to obtain analytical results prior to it being necessary to move biosolids based compost off-site, the permittee may do so, but assumes all liability for site evaluation and remediation if necessary, should the results show non-compliance with any limits."</i>		
	45W07	Synagro	Layne	Baroldi	Proposed language in Sections 17868.1, 17868.2(a), and section 17868.3(a) all require sample results for metals and pathogens be received <b>prior</b> to any compost leaving the site. Some compost and many chip and grind facility permits limit storage of post screened compost and products to seven (7) days thus making it very difficult, if not impossible to obtain analytical results prior to the need to market the compost. Flexibility is provided for this requirement in the proposed rule for all other compost feedstocks except biosolids.		
	45W08	Synagro	Layne	Baroldi	Synagro suggest modifying the language in this Section to be as follows: <i>"should it not be possible to obtain analytical results prior to it being necessary to move bulk biosolids based compost off-site, the permittee may do so, but assumes all liability for site evaluation and remediation if necessary, should the results show non-compliance with any limits."</i>		
(a) Also: §17868.2(a); §17868.3(a); §17868.3.1 (a)	451Y09	County Sanitation Districts of Los Angeles County	Paul	Prestia	We request that the requirement for test results in the aforementioned sections be modified as follows: <u>"...Best efforts will be made by the operator to obtain sampling results must be received by the operator prior to removing compost from the composting operation or facility where it is produced. Sampling results shall be available for review by the EA at the composting site..."</u>		
Also: §17868.3.1	452O04	California Compost Coalition	Neil	Edgar	A larger sample size and standardized collection methodology needs to be agreed upon prior to implementation of rule. TMECC is currently under review and time is ripe to establish new parameters. In addition the testing methodology is rudimentary and may not be able to provide repeatable results. Labs have indicated a much larger sample size than is typically submitted may be needed to adequate assess physical contamination across the broad range of particle sizes, particularly for the larger size products (i.e. 3" minus and above).		
	452O05	California Compost Coalition	Neil	Edgar	A field testing methodology needs development (along with guidance and/or training) for LEAs to assure field testing conducted produces results which are standardized and repeatable.		
(a)(1)	453L08	County of San Diego Department of	Karilyn	Merlos	The LEA suggests that CalRecycle consider modifying the language to potentially include a specified sampling frequency adequate to ensure material		

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		Environmental Health, Solid Waste Enforcement Agency			that moves offsite has been tested and results received prior to shipment of that material. This may include a first sampling once a specified amount of material has been produced, with subsequent sampling frequencies or volume limits to be identified based on the material outputs.		
Also: 17868.2; 17868.3; 17868.3.1	452G03	Los Angeles Bureau of Sanitation	Enrique C.	Zaldivar	LASAN recommends that U.S. EPA's Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846) or similar be required for sampling and testing of compost products. The proposed regulation should include the requirements for minimum numbers and sizes of the randomly-collected mixed samples and the composite samples to be analyzed to ensure the obtained results are statistically reliable. In addition, the same rigorous sampling and testing requirements must be imposed on the compost products marketed in California but produced out-of-state to ensure the public safety and the environment are protected.		
	PHB02	Engel & Gray, Inc.	Robert	Engel	We would support CalRecycle's support and funding to research and support updates to the USCC - TMECC protocols and analysis procedures. All testing should have the requirement to use labs that are in the U.S. Composting Council's "Seal of Testing Assurance" (STA) program "approved list" in the "Compost Analysis Proficiency Program." The TMECC is currently under review by the USCC and we advocate the adoption of new TMECC protocols that can address the proposed sampling, testing, and detection limits that are contemplated in several different classes of material as part of these rule changes.		
<b>§17868.2 Maximum Metal Concentrations</b>							
	45F04	CAPCOA	Alan W.	Abbs	Ensure the proposed limits are consistent with thresholds within DTSC (and any other applicable agency) regulations.		
Also: §17896.59	452J01	Santa Clara County Department of Environmental Health	Chris	Rummel	As I have stated during the last regulation package over a decade ago, some of the metals contamination levels allowed are still too high, especially the lead and copper. And why is molybdenum still removed?		
(a)	452P14	Association of Compost Producers	Jeff	Ziegenbein	The apparent proposed requirement to have all sample results received prior to material leaving the site is impractical. Recommend change to: "Sample results collected at the frequency prescribed in section 17867.1(a)(1) and must be available for review by EA at the composting site."		
	453C13	CR&R	Clarke	Pauley			
(a)	453G07	Californians Against Waste	Nick	Lapis	The requirements for pathogen and metals testing, as well as contaminant limits and depth limits, are very well developed in this regulation. However, there is a lack of enforcement, as well as a problem with addressing problems after they are caught.		
<b>§17868.3. Pathogen Reduction</b>							
(a)	453G10	Californians Against Waste	Nick	Lapis	The lab results should also be automatically reported to the LEA to aide with any potential enforcement.		

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(b)(1)	453G09	Californians Against Waste	Nick	Lapis	There should be parity with composting. CalRecycle doesn't allow composters to sell finished product that isn't tested, and composters are handling the same materials that pose the same risks. If fecal chloroforms are such a concern in a controlled composting process designed to kill them, they ought to be a far greater concern in material that has been only chipped and ground.		
<b>§17868.3.1. Physical Contamination Limits</b>							
	451O04	Western Placer Waste Management Authority	Mary	Dietrich	With food waste being a large component of landfill organics, we encourage revisions to the regulation to prevent unintentional barriers to the expansion of organics diversion programs.		
	451P01	Waste Connections, Inc.	Jody L.	Snyder	WCI would like to ask for the rationale and justification for the .1% contamination limit. We believe the 1% contamination level is achievable and ultimately markets drive the acceptable physical contaminants in finished compost. Our biggest concern as more feedstocks are forced into the compost stream i.e. "biodegradable service ware" and foodwaste a larger percentage of contamination will ensue. If feedstocks are controlled contamination will be controlled.		
	451T03	East Bay Municipal Utility District	Donald	Gray	We recommend that this limit receive more study to select an appropriate contamination limit, before this part of the proposed regulations take effect.		
	451X04	The San Diego Food System Alliance	Richard	Winkler	The proposed requirement may be too strict, especially when other sections of the regulations only specify that physical contaminants in feedstocks not exceed 1.0% by weight. What contaminant limits do other states enforce and what are industry-accepted standards?		
	451X05	The San Diego Food System Alliance	Richard	Winkler	Line 8, the phrase "or otherwise beneficially used" allows CalRecycle to interpret whether all compost produced (even compost used onsite) is required to be tested before use. Please clarify CalRecycle's intended meaning and edit or delete as appropriate.		
	451X06	The San Diego Food System Alliance	Richard	Winkler	Please revise to state exactly which regulatory tiers (Excluded, EA Notification, Registration Permit, and Full Solid Waste Facility Permit) are included and provide an explicit sampling schedule for each tier. Due to the wording of sections (a) and (b), we do not understand if EA Notification Tier facilities (i.e., farms selling/giving away compost) are required to sample for physical contaminants whenever compost leaves the site, or only if requested by the EA. Please also clarify what conditions would prompt the EA to request a sample. The SDFSFA requests clarification that permit-excluded and farms using compost onsite are excluded.		
	451X07	The San Diego Food System Alliance	Richard	Winkler	The sampling protocol does not specify a sample volume.		
	451Y08	County Sanitation	Paul	Prestia	To unify these provisions, we suggest cross-referencing the earlier section: <b>17868.3.1 Physical Contamination Limits</b>		

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		Districts of Los Angeles County			(c) All compostable material handling facilities shall <del>take one representative sample for every 5,000 cubic yards of compost</del> <u>conduct sampling according to the frequency schedule specified in Section 17868.1(a)</u> and send to a laboratory...		
Also: 17896.61	451Z02	Recology	Erin	Merrill	While we do agree with establishing a contamination limit for finished product, we propose a more reasonable contamination limit of 0.5%, which is a limit that is already widely used and accepted. CalRecycle, at its September 25, 2014 workshop, agreed that many other countries implement a contamination limit of 0.5%. Recology contends that a 0.1% contamination limit on finished compost would be near impossible to meet and would impose too great a cost on the producer.		
	452C01	Napa County, Environmental Health Division	Greg	Pirie	Recommendation: Verification of physical contamination limits at point where compost is <u>sold or removed</u> from site no lower than 1.0% by 2017 with agreed upon analytical test methods. Give the EA more discretion when to apply the analytical testing (EHS vs. compost quality)		
	452C02	Napa County, Environmental Health Division	Greg	Pirie	Recommendation: Verification of physical contamination limits at point of <u>land application</u> at 0.5% by 2017 with agreed upon analytical test methods.		
	452J02	Santa Clara County Department of Environmental Health	Chris	Rummel	I further take issue with the method to limit the amount of manmade contaminants in compost product, which I agree is a necessary thing in concept. However, the approach is for practical purposes very hard to implement and needs better explanations. Many things do not make a lot of sense and lacks clarity. There should be a specific testing standard outlined, that answers things like minimum sample size, methodology used to analyze, and 0.1% relative to what? the entire sample, or that which doesn't pass the 4mm screen. Will the sample be dried first before weight determinations? If the sorting and search for contaminants under a microscope requires a water rinse, will the contaminants pulled out be dried again? As discussed, can there be the creation of a set of standardized vials? Even this will be a problem, because many contaminants are coated with silt and dust and do not become visible until rinsed in water.		
	452K01	Waste Management	Chuck	White	Requiring all compost to achieve a 0.1% contaminant level creates a costly and unnecessary burden when a variety of viable markets exist for varying contaminant levels. For example, some agricultural markets and reclamation projects successfully use compost products with greater than 1% contamination levels without causing harm to human health or the environment. In contrast, the bagged product/homeowner markets tolerate minimal to no contaminants. Based on current experience and practice in the US and California, WM recommends that physical contaminant levels be set by the marketplace and the end users of compost products until a better		

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					technical and economic justification can be made to set limits based upon California-specific scientific data and a public review process.		
	452K02	Waste Management	Chuck	White	Should the State require set contamination limits, the sampling for physical contamination should follow the United States Composting Council's (USCC) testing method as specified in the "Test Methods for the Evaluation of Compost and Composting (TMECC)" for physical contaminants, as referred to and defined as <i>total inerts</i> (glass, plastic, metals and sharps). This methodology went through a rigid development phase, and has been accepted by many states and adopted by composting programs and end users throughout the US. It is a standard test included in the USCC "Seal of Testing Assurance (STA) Program". Labs approved to provide testing should be on the USCC's "Approved" list, guaranteeing some quality control in conducting the testing procedure. Furthermore, results and compliance should be specified as reported on a dry weight basis, normalizing the measurement method.		
	452M03	Harvest Power	Linda	Novick	Harvest recommends the development of specific protocols for sample collection and testing associated with the physical contamination testing requirement.		
	452N01	City of San Jose Environmental Services Department	Kristina	McCaffrey	I would prefer CalRecycle continue to let the market determine the acceptable level of physical contaminants in compost. However, if a limit is to be set, feel a physical contaminant level set at 0.75% is far more pragmatic and achievable and is therefore recommended as an alternative. I also recommend adoption of a gradual phase-in of the physical contamination limit over a several year period. A phased-in approach will provide processors time to implement modifications, and provide time for generator behavior to change, thus making implementation of the physical contamination limit more feasible.		
	452O06	California Compost Coalition	Neil	Edgar	<u><i>Phased Implementation Schedule – Green Material Compost and Chip and Grind Mulch</i></u> Adoption of sampling/testing methodologies – December 31, 2017 --- 1% January 1, 2018 – December 31, 2019 --- 0.5% January 1, 2020 --- 0.1%  <u><i>Phased Implementation Schedule – Mixed Material</i></u> Adoption of sampling/testing methodologies – December 31, 2017 --- 2% January 1, 2018 –December 31, 2019 ---1% January 1, 2020 --- 0.5%		
	452P16	Association of Compost Producers	Jeff	Ziegenbein	We propose that CalRecycle form a new "California Compost Standards Working Group," to assess and advise the agency on PCLs. We recommend that this section be revised accordingly.		
	453C15	CR&R	Clarke	Pauley			

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	452P19	Association of Compost Producers	Jeff	Ziegenbein	Create new section § 17868.3.3.: § 17868.3.3.Physical Contamination Limit Phase In (new section). CalRecycle may adopt new Physical Contamination Limits based on the advice and consensus of the California Compost Standards Working Group. The revised Physical Contamination Limits shall be no more than 1 percent, and no less than 0.1 percent by weight of physical contaminants greater than 4 millimeters. The new Physical Contamination Limits shall be adopted on a timeline as recommended by the working group.		
	453C18	CR&R	Clarke	Pauley			
	453I01	West Marin Compost	Jeffrey A.	Creque	We are supportive of a phased-in standard that allows time for jurisdictions and operators to adjust to the significant potential projected cost increases. While we agree that a 0.1% limit on physical contaminants may be achievable for green material, we do not believe that a limit below 0.5% can be met consistently given the increasing levels of food waste being used as compost feedstock.		
	PHA02	City of Bakersfield Solid Waste Division	Kevin	Barnes	Please do not proceed with the regulation until a test method has been established and some real situational results have been obtained and shared.		
	PHA03	City of Bakersfield Solid Waste Division	Kevin	Barnes	With a volumetric approach, an extreme case of too much film plastic would be caught if there was a reasonable limit of this type. It may be more realistic and practical than a weight based limit, but much more consideration is needed.		
	PHB01	Engel & Gray, Inc.	Robert	Engel	We do not see the scientific or operational basis of this particular limit. We believe that the proposed PCL is arbitrary and not based on substantial existing compost operational information in the State. Nor does the economic analysis that was completed as part of the “Initial Statement of Reasons” adequately address the potential economic impact of a 0.1% PCL. Because of this lack of data, we believe that more research is warranted before a PCL number can be justifiably proposed, and reliably met and then enforced. We would propose that CalRecycle staff work with composters such as ourselves to come up with realistic limits. We believe CalRecycle should stay with current language and practices and then work with Industry to come up with workable solutions.		
	PHB04	Engel & Gray, Inc.	Robert	Engel	The economic impact of endeavoring to achieve a 0.1% PCL to our organization, at this time cannot even be estimated as we do not know what analysis would be required. Equipment or processes to achieve the unknown is hard to quantify. A phased in process, which takes into account technology availability, cost, analytical measurement, enforcement, and working with compost manufactures would be something that we would support moving forward.		
	PHQ03	California Refuse Recycling Council	Veronica	Pardo	We are in support of an industry achievable contamination level as well as a standardized and repeatable lab protocol included in your regulations.		

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	PHQ04	California Refuse Recycling Council	Veronica	Pardo	We highly recommend, as other stakeholders, the formation of an industry committee or working group comprised of composters, waste management industry, as well as food and ag representatives, water board, and other affected stakeholders to tackle the salient issues that have been brought up today and in the letter.		
	PHQ05	California Refuse Recycling Council	Veronica	Pardo	These regs really are crucial to reach the 75 percent diversion goals of the state, and as they're written in their current form, specifically around the contamination levels, we believe that it would thwart the goals of the state in reaching those goals, the diversion rate goals.		
	PHR02	Californians Against Waste	Nick	Lapis	The 0.1% doesn't work. There is a compromise in the range of 0.5% to 0.75% with a standard that's an equal playing field for land application and composting in terms of the finished product after the decomposition process also potentially different standards for different inert materials.		
	PHS01	Republic Services	Chuck	Helget	The 0.1 percent is simply unenforceable and economically unfeasible, and we would suggest at least a 0.5 percent threshold.		
	PHT01	California Compost Coalition	Neil	Edgar	The physical contaminate limit, which we believe is untenable. We presented an alternative plan, where clean green material and chip and grind material could adhere likely to a 0.1 percent standard.		
	PHT02	California Compost Coalition	Neil	Edgar	We also have proposed that testing labs be required to utilize the US Composting Council's seal testing assurance program, the TMECC methods. That will provide apples to apples comparison of contaminate levels, and then those labs can report back to CalRecycle over the next several years where the median range and matrix are on the actual contaminate levels or they're present at composting facility.		
	PHT03	California Compost Coalition	Neil	Edgar	We proposed a 0.5 percent standard and, granted, both of these standards would be phased in over a five-year period to allow the industry to adjust, our estimates are that the economic impact ranges somewhere in the 13 to 15 percent of the total market value of all compost and mulch products that are produced right now.		
(a)	45B15	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Revise the second sentence as follows so that disposal is not the first option and rather additional processing shall take place before disposal is considered. "Compost that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters shall be designated for disposal, additional processing, disposal, or other use as approved by local, state or federal agencies having appropriate jurisdiction."		
(a)	45W09	Synagro	Layne	Baroldi	Section 17868.3.1 requires compost to contain less than 0.1% physical contaminants on a dry weight basis. This is exceedingly difficult to achieve, especially if curbside green waste is used as a feedstock. With state objectives to remove green waste from landfills, this requirement will be contradictory with those objectives.		
(a)	45W10	Synagro	Layne	Baroldi	A 1.0% physical contaminant level is far more pragmatic and achievable and is therefore recommended as an alternative.		

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(a)	451E04	Athens Services	Brian	Johsz	The proposed amendment, to not allow compost to contain more than 0.1% by weight of physical contaminants greater than 4 millimeters, is unfeasible and not practically achievable.		
(a)	451H01	CRRC	Ralph	Chandler	The current proposed level of 0.1% by weight of physical contaminants greater than 4 millimeters is impracticable.		
(a)	451H02	CRRC	Ralph	Chandler	CRRC proposes a realistic 1% target physical contamination level.		
(a)	451Q05	California Association of Sanitation Agencies	Greg	Kester	A 0.5% physical contaminant level is far more pragmatic and appears achievable and is therefore recommended as an alternative.		
(a) Also: §17852(a) (24.5)	452B01	California Organic Recycling Council	Matthew	Cotton	We would prefer that CalRecycle continue to allow market forces to dictate the level of acceptable physical contaminants in finished compost. We do not believe that the proposed 0.1 percent standard is based on either science, practice, or other documented study, nor is it in any way necessary for the protection of public health, safety, and/or the environment. CORC has always and continues to promote high quality markets for compost and appreciates the spirit of what CalRecycle may be trying to do, if not the approach. We are reluctantly supportive of a phased-in standard that allows time for jurisdictions and operators to adjust to the significant potential cost increases you have projected in your economic analysis. Specifically, while we agree that a 0.1% limit on physical contaminants <b>*may*</b> be achievable for green material-only composters, we do not believe that a limit below 0.5% can be met consistently, particularly given the increasing levels of food scraps that are, and will be, used as compost feedstock.		
(a)	452P14	Association of Compost Producers	Jeff	Ziegenbein	We believe that the Physical Contamination Limits (PCLs), as proposed, have not been adequately studied to be adopted.		
(a)	452P15	Association of Compost Producers	Jeff	Ziegenbein	We propose that CalRecycle form a new “California Compost Standards Working Group,” to assess and advise the agency on PCLs.		
	453C14	CR&R	Clarke	Pauley			
(a)	452P18	Association of Compost Producers	Jeff	Ziegenbein	Revise section to read: § 17868.3.1. Physical Contamination Limits. (a) Upon adoption, and effective until “Physical Contamination Limit Phase In,” Compost shall not contain more than 1% by weight of physical contaminants greater than 4 millimeters. Compost that contains more than 1% by weight of physical contaminants greater than 4 millimeters shall be designated for disposal, additional processing, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results, collected at the minimum frequency prescribed in section 17868.		
	453C17	CR&R	Clarke	Pauley			
(a)	452S03	CCDEH	Rebecca	Ng	Phased Implementation Schedule-		

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					<p>Green Material Compost and Chip and Grind Mulch Adoption of testing methodologies - December 31, 2017 1% January 1, 2018 -December 31, 2019 0.5% January 1, 2020 0.1%</p> <p>Phased Implementation Schedule - Mixed Material Adoption of testing methodologies - December 31, 2017 2% January 1, 2018 -December 31, 2019 1% January 1, 2020 0.5%</p>		
(a)	452S04	CCDEH	Rebecca	Ng	All lab testing for physical contaminants would be required at labs participating in the USCC's Seal of Testing Assurance Program (STA), employing the TMECC method.		
(a)	453D02	SF Environmental	Jack	Macy	Our primary concern is the proposed 0.1% physical contamination limit for compost. We do not believe that it is currently possible or economically feasible for composters to achieve that limit for those receiving food material, especially post-consumer food scraps, that are the largest material being landfilled and the most critical to increase diversion.		
(a)	453D03	SF Environmental	Jack	Macy	While we would like to see evidence that market forces cannot drive acceptable contamination levels, we are supportive of setting a contamination limit initially at 1%, and then allow, if deemed necessary, a phased-in standard that would go no lower than 0.5% after at least several years to give industry and jurisdictions time to adjust to the significantly higher processing costs as referenced in your economic analysis.		
(a)	453E01	Sector Strategies	Chuck	Helget	We believe that samples should be analyzed on a "dry weight" basis.		
(a)	453E02	Sector Strategies	Chuck	Helget	The contamination threshold is far too low and that they are unachievable (or achievable only at an excessive cost), unenforceable and as such will inhibit the siting and expansion of compost facilities. In other words, the cost of achieving the threshold will drain capital investment away from expanding the composting infrastructure at a time when AB 1826 will require large amounts of new capacity!		
(a)	453E03	Sector Strategies	Chuck	Helget	Therefore, we urge CalRecycle to consider raising the threshold at a minimum to .5% and that there be a phase-in period to allow the industry time to adapt.		
(a)	453G01	Californians Against Waste	Nick	Lapis	The proposed 0.1% contamination standard is unworkable, unsubstantiated, and a barrier to expanding composting and meeting the state's 75% goal.		
(a)	453G02	Californians Against Waste	Nick	Lapis	This requirement seems to be trying to solve a problem that doesn't actually exist. When compost is sold, the market dictates what levels of contamination is acceptable, and cases of heavily contaminated compost have been exceedingly rare.		
(a)	453G03	Californians Against Waste	Nick	Lapis	The threshold (physical contamination limit) should be in the 0.5% - 0.75% range.		

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(a)	453G05	Californians Against Waste	Nick	Lapis	The standard (physical contamination limit) should be phased in over a reasonable period of time to minimize the impact on the industry.		
(a)	453G06	Californians Against Waste	Nick	Lapis	CalRecycle should consider having a different standard (physical contamination limit) for heavy, but inert contaminants (such as glass).		
(a)	453H02	Sonoma County Dept. of Health Services	Jennifer	Lyle	The Sonoma County LEA is supportive of a phased approach to meeting the 0.1% contaminant limits in compost products proposed by the California Compost Coalition.		
(a)	451U02	Stop Waste	Gary	Wolff	The proposed 0.1 percent standard does not appear to be based on documented practice, nor does it appear to be necessary for the protection of public health, safety, and/or the environment.		
(a)	451U03	Stop Waste	Gary	Wolff	We agree with CCC and CORC that market forces should dictate the level of allowable contaminants (except when regulations are necessary to protect public health, safety, or the environment).		
(a)	PHN03	Association of Compost Producers	Kathy	Lynch	We believe that number (0.1%) is an impossible number to reach at this time.		
(a)	PHO02	California Resource Recovery Association	John	Dane	We particularly call attention to the problematic .1 physical contamination limit. We certainly support our technical council's preference that market forces define the level of physical contamination in the finished compost.		
(a)	PHQ02	California Refuse Recycling Council	Veronica	Pardo	We consider the current .01 to be unattainable not only from a cost perspective as economic and fact report estimates a cost scenario of \$50 million but also from a lab testing perspective and that was spoken to today.		
(b)	452M01	Harvest Power	Linda	Novick	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: <i>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.</i>		
(d)	452B02	California Organic Recycling Council	Matthew	Cotton	We are also aware that there are questions within the analytical lab community as to the repeatability and sampling protocol for such a low standard.		
<b>§17868.5. Green Material and Vegetative Food Material Processing Requirements</b>							
(a)	452M02	Harvest Power	Linda	Novick	In reality, farmers, landscapers and other compost users are setting this level already. We recommend beginning with a level of 1% contamination by		

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					weight, and ramping down to 0.5% in 2020 for all handling operations and facilities.		
(a)	453H01	Sonoma County Dept. of Health Services	Jennifer	Lyle	The regulation to meet the 1% contaminant requirement should allow a short time frame for sorting in addition to load checking. . Curbside green cans often have greater than 1% contamination that present difficulty for the operators in meeting the requirement. In addition, 1% contamination on inbound feedstock is difficult to assess. We support the new regulations that propose limits to the percentage of contamination in the end product to 0.1% thereby achieving a clean, viable compost product.		
(a)(1)	45B16	Los Angeles County Solid Waste Management Committee	Margaret	Clark	It is next to impossible to visually measure the level of physical contaminant to 1.0 percent or less by weight. It is recommended that (1) a minimum of 5% of daily incoming feedstock, (b) a percentage established based on a 90% confidence level of the incoming feedstock, or (c) at least one truck load, whichever is the greatest, shall be tested. Each sample shall first be weighed followed by collecting and weighing the physical contaminants. The percentage of physical contaminants shall be determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total weight or if the load contains materials that do not meet the definitions of green material in Section 17852(a)(21) or vegetative food materials in Section 17852(a)(20)(A).		
	452G02	Los Angeles Bureau of Sanitation	Enrique C.	Zaldivar	LASAN recommends that feedstock including green material and/or food material must be visually inspected for the physical contaminants. However, if the load is found to include physical contaminants that exceed 10 percents by weight of the entire load, it then must be taken to a full solid waste permit facility for processing.		
	453L07	County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency	Karilyn	Merlos	The LEA suggests that CalRecycle take the opportunity with this regulatory package to define processing timelines for compostable materials. There should be some consideration of a mandated maximum time these materials may be held on-site prior to physical processing, mixing/blending, placement within a windrow or pile or covered to prevent vector breeding or impacts, odor or dust impacts. There are such requirements in regulation pertaining to operational standards for Construction and Demolition and Inert Debris Transfer/Processing and Municipal Solid Waste Transfer/Processing activities. The LEA suggests processing of green materials within 96 hours of receipt with the option for the LEA to grant up to 7 days with conditions, and processing of vegetative food materials within 48 hours of receipt with the option for the LEA to grant up to 96 hours with conditions.		
<b>§17869. General Record Keeping Requirements</b>							
	452M05	Harvest Power	Linda	Novick	The general record keeping requirements section states that all compostable materials handling operations and facilities 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.		

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<b>§17896.1. Authority and Scope</b>							
(a)	451Y05	County Sanitation Districts of Los Angeles County	Paul	Prestia	Section 17896.1(a) indicates that Chapter 3.2 sets permitting requirements and minimum operating standards for in-vessel digestion operations and facilities that receive and process "solid waste." Since "solid waste" is not defined in Section 17896.2, it may be more appropriate to use the term "digestible organic material" for this chapter. CalRecycle should substitute "solid waste" for "anaerobically digestible material" in Section 17896.1(a).		
(c)	45B17	Los Angeles County Solid Waste Management Committee	Margaret	Clark	It has been stated that digestion of organic materials (both "compostable" such as green materials and "non-compostable" such as landfill plastic liners) can occur naturally. Please refer to the General Comment #1 (45B01) and Section 17896.2(a)(7), and verify the accuracy of the said statement.		
(d)	45B18	Los Angeles County Solid Waste Management Committee	Margaret	Clark	In part, this Subsection states ".....However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter (emphasis added)." Such an authority is far reaching and it is limited to the State Legislative body and not the State Administrative body because the proposal would negatively impact a local jurisdiction's land use decision. As such, the term "conflict" needs to be defined or the statement should be revised to read "....However, no city, county, or special district may promulgate or enforce laws which are less restrictive than the provision of this Chapter."		
<b>§17896.2. Definitions</b>							
(a)	45B19	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand this Subsection to provide definition for the processed mammalian tissue, flesh, organs, hide, blood, bones and marrow.		
(a)	45X03	CSS	Dan	Morash	In order to clarify regulatory jurisdictional authority, CSS recommends the addition of the definition of "Renderer" to section 17896.2 that corresponds to Food and Agricultural Code section 19213 as follows:  19213. "Rendering" means all recycling, processing, and conversion of animal and fish materials and carcasses and inedible kitchen grease into fats, oils, proteins, and other products that are used in the animal, poultry, and pet food industries and other industries.		
(a)	45Y04	CleanWorld	Tracy	Saville	CleanWorld proposes that the wording (from In-Vessel definitions) be changed from "receives" to "feeds".		
(a)(6)	452P20	Association of Compost Producers	Jeff	Ziegenbein	Recommend change the definition to: "Digestate means the solid and/or liquid residual <del>material</del> product remaining after organic material has been processed in an in-vessel digester."		
	453C19	CR&R	Clarke	Pauley			

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(a)(7)(A) (a)(7)(B)	PHL05	INIKA	Tyla	Montgomery	We'd like a better distinction in the rules that distinguishes aerobic in-vessel digesters versus anaerobic digesters because in-vessel aerobic digesters are compost		
(a)(8)	451J04	USCC	Al	Rattie	We are opposed to allowing dairies to take off-farm food scraps for digestion under a simple "notification" tier.		
(a)(8)	451J05	USCC	Al	Rattie	We are also concerned that dairies will be given an unfair competitive advantage as compared to other commercial entities that have to meet more stringent requirements.		
(a)(8)		Agricultural Council of California	Rachel	O'Brien	We furthermore have some serious concerns about the regulations pertaining to the dairy industry specifically dairy digesters. This technology promises the potential to create renewable energy, reduce environmental impacts, and we ask that CalRecycle work with us to help this technology overcome existing barriers and avoid regulatory duplications and overlap with CDFA and the Regional Water Quality Control Board.		
(a)(9)	453B08	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	We recommend the same tonnage limits applied to the Distribution Center In-Vessel Digestion Operation as used for In- Vessel Digestion Operations and Facilities.		
(a)(9)	453B09	Los Angeles County Department of Public Health, Solid Waste Management Program	Shikari	Nakagawa-Ota	For consistency, "putrescible material" mentioned in this section should be changed to "putrescible waste".		
(a)(14)	45Y01	CleanWorld	Tracy	Saville	CleanWorld proposes that the definition's language (Limited Volume In-Vessel Digestions Operation) be changed to reflect a 30-day average requirement.		
(a)(14) (a)(17)	45Y03	CleanWorld	Tracy	Saville	We feel that adding a clause about giving the LEA the flexibility to provide exemptions for digester operations on a case-by-case basis is not an adequate solution to this concern.		
(a)(14) (a)(17)	PHK01	CleanWorld	Cory	Bullis	The current definitions of the maximum tonnage for both limited volume and medium volume in-vessel digestion operations are allowed to receive on a weekly basis severely inhibits the flexibility we need in a digester operation.		
(a)(14) (a)(17)	PHK02	CleanWorld	Cory	Bullis	We propose that the definitions language be changed to reflect a thirty-day rolling average instead of a one-week average to preserve the flexibility in our operations.		
(a)(14) (a)(17)	PHR03	Californians Against Waste	Nick	Lapis	To Cory Bullis' point from CleanWorld, I think he's right. It does seem to make sense to have a thirty-day rolling average for material.		
(a)(17)	45Y02	CleanWorld	Tracy	Saville	This same flexibility (see 45Y01) should be given to medium volume in-vessel digesters.		

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(a)(18)	45B20	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Nuisance. Please refer to the Specific Comment #2 (45B04) for concerns and recommendations.		
(a)(18)	PHM03	LA County Task Force	Mike	Mohajer	So you have got to define the "entire community."		
(a)(27)	452P21	Association of Compost Producers	Jeff	Ziegenbein	Salvaging Definition. This is the same as material recovery. Recommend: Add "(e.g. Material Recovery Facility)."		
	453C20	CR&R	Clarke	Pauley			
<b>§17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities</b>							
	451Y04	County Sanitation Districts of Los Angeles County	Paul	Prestia	We suggest that just tons per day (tpd) be used in Section 17896.5, as shown below.  <u>Notification Tier</u> Limited Volume In-Vessel Digestion Operations (<15 tpd), Section 17896.11 <u>Registration Tier</u> Medium Volume In-Vessel Digestion Operations (≥15 tpd & ≤100 tpd), Section 17896.12 <u>Full Solid Waste Facility Permit</u> Large Volume In-Vessel Digestion Operations (> 100 tpd), Section 17896.13		
	452P22	Association of Compost Producers	Jeff	Ziegenbein	In Vessel Regulatory Tiers: Distribution Center In-vessel Digestion Operations is placed in Notification Tier with no volume limit. This seems like an opportunity for large "Distribution Center" food waste AD to be unregulated. Recommend Change: "Small Distribution Center In-Vessel Digestion Operations (less than 60 yd3 or 15 tpd)" Distribution center in-vessel digestion operations larger than this should be regulated under "Medium Volume" and "Large Volume" requirements.		
	453C21	CR&R	Clarke	Pauley			
<b>§17896.6. Excluded Facilities</b>							
(a)	45X04	CSS	Dan	Morash	And then in Section 17896.6, CSS recommends a Renderer exclusion to this Excluded Activities section as follows:  All in-vessel fresh food digestion processes that are permitted and regulated under the California Department of Food and Agriculture Code qualify as an excluded activity under this section.		
(a)(1)(A)	45C01	Anaergia	David	Schneider	With the proposed regulations, there is no limit on the amount of contaminants that can be received by a POTW. We believe the intent of this exemption is to ensure that a significant proportion of any waste preprocessing take place offsite in a solid waste permitted facility or in an		

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					onsite solid waste permitted facility, but there should be some sort of specification such as not to exceed 5% contaminants greater than 4 mm.		
(a)(1)(A)	45C02	Anaergia	David	Schneider	We would highly recommend that a specification on the amount of contaminants allowed for this exemption be based on a dry basis which considered the total solids in the hauled in organic fraction.		
(a)(1)(A)	451Q01	California Association of Sanitation Agencies	Greg	Kester	Replace with: <i>Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant. Once on site, the anaerobically digestible material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated to enhance the anaerobic digestion process or operation prior to anaerobic digestion, but must be processed and conveyed in a contained system. Any separated material at the POTW that is not suitable for anaerobic digestion and has no beneficial use shall be further managed as a solid waste.</i>		
(a)(1)(D)	451T01	East Bay Municipal Utility District	Donald	Gray	This prohibition unnecessarily removes a best option for recycling this material. Please consider adding: " <i>unless approved by CDFG and the State Water Resources Control Board CSWRCB) or the Regional Water Quality Control Board CRWQCB) as appropriate.</i> "		
(a)(3)	451Y03	County Sanitation Districts of Los Angeles County	Paul	Prestia	As proposed in Section 17896.6(a)(3), an in-vessel digestion facility with 100 cubic yards of total material (solid waste, feedstock, and digestate) onsite at any given time is excluded from the requirements of Chapter 3.2 (In-Vessel Digestion Operations and Facilities Regulatory Requirements). It is unclear, however, why this facility would not be permitted under a Registration Tier or Full Solid Waste Facility Permit Tier given the 100 cubic yard volume. The 100 cubic yards exceeds the 60 cubic yard threshold for a medium volume facility as defined in Section 17896.2(a)(17).		
(a)(4)	451T02	East Bay Municipal Utility District	Donald	Gray	EBMUD also recommends that the regulation provide a means to apply for the exclusion for anaerobic digesters at a POTW that are dedicated to solely accepting hauled-in anaerobically digestible materials and which do not co-digest sewage sludge, as long as they are similarly regulated through the NPDES permit or WDR. The following paragraph is recommended to replace section 17896.6 (a)(4):  (4) <u>Other discrete handling activities that are already subject to equally stringent handling requirements under Federal or State law, as determined by the Department in consultation with the EA and other state agencies as appropriate, are excluded. Furthermore, POTWs with dedicated digesters receiving only hauled-in anaerobically digestible materials without co-digesting with wastewater at POTWs, can submit a request for exclusion in accordance with sub (a)(1)(D).</u>		
(a)(4)	451Q02	California Association of	Greg	Kester	Replace with: <i>Other discrete handling activities that are already subject to equally stringent handling requirements under Federal or State law, as determined by the Department in consultation with the EA and other state</i>		

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		Sanitation Agencies			<i>agencies as appropriate, are excluded. Furthermore, POTWs with dedicated digesters receiving only hauled-in anaerobically digestible materials without co-digesting with wastewater at POTWs, can submit a request for exclusion in accordance with sub (a)(1)(D).</i>		
(a)(4)	451Y02	County Sanitation Districts of Los Angeles County	Paul	Prestia	To allow for different types of anaerobic digestion to be constructed at a POTW, we ask that the following provision be added to Section 17896.6: <u>(a)(4) For the purpose of this exclusion, the Department, in consultation with the State Water Resources Control Board, will on a case-by-case basis, review and consider approval of additional configurations of the anaerobic digestion of digestible organic material within a POTW Treatment Plant.</u>		
<b>§17896.8. Research In-Vessel Digestion Operations</b>							
(c)	45W11	Synagro	Layne	Baroldi	Section 17896.8(c) states that at the conclusion of a research project the operator shall conduct site restoration as the only alternative. Options to continue operation under an appropriate permit or exclusion should also be provided. Demonstration projects can be at full scale so should be allowed to continue operating if successful.		
(c)	451Q06	California Association of Sanitation Agencies	Greg	Kester	Options to continue operation under an appropriate permit or exclusion should also be provided. Demonstration projects can be at full scale so should be allowed to continue operating if successful.		
<b>§17896.9. Dairy In-Vessel Digestion Operations</b>							
	452O08	California Compost Coalition	Neil	Edgar	We recommend that processing not be allowed to occur at these dairy sites without requirements that the food materials received be introduced into the digester within a prescribed time limit (i.e. not to exceed 48 hours) typical of solid waste facilities.		
	453E04	Sector Strategies	Chuck	Helget	We recommend that processing not be allowed at these sites unless the site has an appropriate solid waste facility permit appropriate to the level of processing anticipated at the site.		
	453G14	Californians Against Waste	Nick	Lapis	We are concerned that dairies with co-digestion operations would be able to set up full transfer and processing operations without getting full solid waste facility permits. While these facilities might play a role in our recycling infrastructure in the future, a non-discretionary “notification” tier permit does not seem appropriate for a facility running a sorting and processing operation.		
<b>§17896.12. Medium Volume In-Vessel Digestion Facilities</b>							
(1)	45Y07	CleanWorld	Tracy	Saville	CleanWorld feels that once an anaerobic digester operation is commissioned and has shown successful and consistent compliance with regulations during its first 12 months of inspections, it should have the option of being approved by the EA for a decrease in the rate of inspection of once every three months. Furthermore, after the first 24 months of operation, it should have the option of being approved by the EA for a decrease in the rate of inspection of once per calendar year.		
<b>§17896.13. Large Volume In-Vessel Digestion Facilities</b>							

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(1)	45Y08	CleanWorld	Tracy	Saville	CleanWorld feels that once an anaerobic digester operation is commissioned and has shown successful and consistent compliance with regulations during its first 12 months of inspections, it should have the option of being approved by the EA for a decrease in the rate of inspection of once every three months. Furthermore, after the first 24 months of operation, it should have the option of being approved by the EA for a decrease in the rate of inspection of once per calendar year.		
<b>§17896.19. Biogas Control</b>							
	45F07	CAPCOA	Alan W.	Abbs	CAPCOA is concerned that local permitting requirements for many facilities will require controls and practices beyond those typically associated with "minimizing" emissions. We suggest the following language to indicate to the regulated community that other agencies may require more stringent measures. Recommendation: Edit the proposed language to read: "The operator of an in-vessel digestion operation or facility must take <u>adequate measures</u> <del>precaution</del> to <u>prevent</u> <del>minimize</del> the uncontrolled release of biogas that may have harmful effects on site users and the general public."		
<b>§17896.21. Drainage and Spill Control</b>							
	45B21	Los Angeles County Solid Waste Management Committee	Margaret	Clark	The proposed requirements need to be expanded to prohibit any off-site drainage without a NPDES Permit.		
<b>§17896.30. Odor Best Management Practice Feasibility Report</b>							
	45B22	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Odor Best Management Practice Feasibility Report – Pursuant to Sections 17856 (a) (27.5) and 17896.2 (a) (18), please identify/describe the boundaries of the community that may potentially be affected.		
<b>§17896.31. Odor Minimization Plan.</b>							
(f)	452P23	Association of Compost Producers	Jeff	Ziegenbein	Odor Minimization Plan: Recommend change “shall direct” to “may direct”.		
	453C22	CR&R	Clarke	Pauley			
<b>§17896.39. Scavenging and Salvaging.</b>							
(b)	452P24	Association of Compost Producers	Jeff	Ziegenbein	Recommend: “salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part of the operation ( <u>e.g. Material Recovery Facility</u> ).”		
	453C23	CR&R	Clarke	Pauley			
<b>§17896.40. Signs.</b>							
(a)	452P25	Association of Compost Producers	Jeff	Ziegenbein	Recommend: delete and replace: "(a) The EA may require appropriate in-vessel digestion operation or facility signage if it is determined that such signage may promote public health and safety."		

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	453C24	CR&R	Clarke	Pauley			
<b>§17896.43. Training.</b>							
	452P26	Association of Compost Producers	Jeff	Ziegenbein	Training: recommend, "Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to <u>their job description including solid waste operations...</u> "		
	453C25	CR&R	Clarke	Pauley			
<b>§17896.45. Record Keeping Requirements</b>							
	45B23	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Record Keeping Requirements – Please expand to require each operator to record the quantities/tonnages of incoming waste received and outgoing residual waste, by jurisdiction of origin, and submit the data to the appropriate jurisdictions on a calendar quarterly basis."		
(e)	451S09	City of San Diego, Local Enforcement Agency	William E.	Prinz	The word "written" should be stricken from the text so as to include any and all complaints received by telephone or by any means of communication from any reporting party.		
<b>§17896.57. Digestate Handling</b>							
(a)(2)(A)	45F08	CAPCOA	Alan W.	Abbs	CAPCOA has concerns this requirement will tend to discourage the development of in- vessel digestion. In particular, Yolo-Solano AQMD is aware of an in-vessel digestion operation within its jurisdiction that desires to compost the resulting digestate despite only qualifying as a medium volume in-vessel digestion facility. Recommendation: Suggest revising this to allow approval for medium volume facilities or those with review and approval by the lead agency.		
(a)(2)(A)	453I07	West Marin Compost	Jeffrey A.	Creque	This language would appear to preclude a dairy from aerobically composting its own digestate on-site; please clarify language to allow on-farm composting of digestate from on-farm anaerobic digestion.		
(a)(2)(A)	452O09	California Compost Coalition	Neil	Edgar	...the digestate handling section § 17896.57(a)(2)(A) appears to require unnecessary permitting activity for composting facilities that would be composting digestate from an In-Vessel Digestion Operation which was co-located on-site. We would expect that a composting facility, with a full Solid Waste Facility Permit (SWFP) would also be able to compost digestate without additional permit revision to obtain an In-Vessel Digestion Facility Permit.		
(a)(3)(A)	452P27	Association of Compost Producers	Jeff	Ziegenbein	Suggest: remove "solid waste" Suggest: "(A) transported to another solid waste facility or operation, or facility <u>that has obtained a Compostable Materials Handling Facility Permit pursuant to section 17854</u> for disposal, composting, or additional processing; or".		
	453C26	CR&R	Clarke	Pauley			
(a)(3)(B)	451I01	Environmental Programs Division- LA County	Coby	Skye	In order to promote all landfill diversion technologies, we request that fuel production, as the generation of a marketable product, be added as an acceptable use for unstored or substandard compost/digestate products.		

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(b)	452P28	Association of Compost Producers	Jeff	Ziegenbein	Digestate Handling: Digestate sampling frequency for metals, pathogens, and physical contamination should mirror the compost regulations.(b) should be revised to reflect this sampling/testing standard in section 17896.58		
	453C27	CR&R	Clarke	Pauley			
<b>§17896.58. Sampling Requirements</b>							
(a)	452P29	Association of Compost Producers	Jeff	Ziegenbein	As written this is impractical for in-vessel sites that do not have an attached composting site. Recommend change to: "The sampling of compost and digestate produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall occur at the point (1) where the digestate or compost is removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used, or (2) at the site of final curing, blending, processing or composting at a fully permitted solid waste facility (reference codes). Analytical results indicating compliance with sections 17896.59, 17896.60, and 17896.61 shall be received by the operator within 15 business days of digestate being removed from in-vessel digester. Sample results must be received by the operator prior to removing digestate or compost from the in-vessel digestion facility or final composting site where it was produced."		
	453C28	CR&R	Clarke	Pauley			
(c)(2)(A) (c)(2)(B)	452P30	Association of Compost Producers	Jeff	Ziegenbein	Comment: As with compost sampling protocol, if sampling from a conical pile, it seems like you would be getting too many samples from the top half and none from bottom half. Propose Change: (A) 6 samples from the bottom half of the pile, each at a different cross section and height. (B) 6 samples from the top half of the pile, each at a different cross section and height.		
	453C29	CR&R	Clarke	Pauley			
<b>§17896.59. Maximum Metals Concentration</b>							
(a)	452P31	Association of Compost Producers	Jeff	Ziegenbein	Maximum Metal Concentrations. Recommend, "Compost and Digestate"		
	453C30	CR&R	Clarke	Pauley			
(a)(1)	452P32	Association of Compost Producers	Jeff	Ziegenbein	Maximum Metal Concentrations. Recommend, "Compost and Digestate"		
	453C31	CR&R	Clarke	Pauley			
<b>§17896.60. Pathogen Reduction</b>							
(a)	452P33	Association of Compost Producers	Jeff	Ziegenbein	Pathogen Reduction: Comment: The in-vessel digestion process will serve as its own pathogen reduction method. There should not be an additional requirement for pathogen kill as suggested, which appears to be "cut and pasted" from the composting pathogen reduction section above. "Provided that in-vessel digestion operations operate at thermophilic temperatures for 3 days, or mesophilic for 15 days, AND pass the pathogen lab test, no further pathogen reduction is required."		
	453C32	CR&R	Clarke	Pauley			
(a)	452P34	Association of Compost Producers	Jeff	Ziegenbein	Recommend, "Compost and Digestate"		
	453C33	CR&R	Clarke	Pauley			

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(a)	452P36	Association of Compost Producers	Jeff	Ziegenbein	Pathogen Reduction: Recommend, "Compost and Digestate"		
	453C35	CR&R	Clarke	Pauley			
(a)	452P37	Association of Compost Producers	Jeff	Ziegenbein	Recommend: "Sample results collected at the frequency prescribed in section 17896.58(b)(1) must be received by the operator prior to removing product from the in-vessel digestion facility site, or the site of final curing, blending, processing or composting at a fully permitted solid waste facility (reference codes).		
	453C36	CR&R	Clarke	Pauley			
(b)(2)	452P35	Association of Compost Producers	Jeff	Ziegenbein	Recommend: "Sample results collected at the frequency prescribed in section 17896.58(b)(1) must be received by the operator prior to removing compost or digestate from either the in-vessel digestion facility where it was produced, or at the site of final curing, blending, processing or composting at a fully permitted solid waste facility (reference codes)."		
	453C34	CR&R	Clarke	Pauley			
(b)(2)(A)	452P38	Association of Compost Producers	Jeff	Ziegenbein	Delete and replace with: “(3) Provided substrate temperatures in an in-vessel digestion facility are maintained according to minimum standards prescribed in section 17896.60(b)(2) and sample results prescribed in section 17896.60 (b) are within acceptable limits, no further pathogen reduction of digestate processed in this manner or compost produced from this digestate, shall be required.”		
	453C37	CR&R	Clarke	Pauley			
(b)(4)	452P39	Association of Compost Producers	Jeff	Ziegenbein	Recommend delete (b)(4), as this is redundant with the composting regulations.		
	453C38	CR&R	Clarke	Pauley			
(b)(2), (3) and (4)	451I02	Environmental Programs Division- LA County	Coby	Skye	We recommend the requirements be revised to focus on the performance or outcome being sought rather than impeding operational design.		
<b>§17896.61. Physical Contamination Limits</b>							
(a)	45Y05	CleanWorld	Tracy	Saville	CleanWorld believes this to be an overly burdensome requirement that has no concrete form of objective measurement. Even at greater than 4 millimeters, it will be difficult to fully discern what a contaminant is and what is not.		
(a)	45Y06	CleanWorld	Tracy	Saville	CleanWorld proposes that the contamination limit be adjusted slightly to allow a higher level of contamination, especially to account for any fluctuations in the subjective measurement of the contaminants. We do not have a specific number to suggest.		
(a)	451F01	Zanker	Greg	Ryan	While we would prefer that CalRecycle continue to allow market forces to dictate the level of physical contaminants, we are supportive of a phased-in standard that allows time for jurisdictions and operators to adjust to the significant potential cost increases you have projected in your economic analysis.		

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(a)	451F02	Zanker	Greg	Ryan	While we agree that a 0.1% limit on physical contaminants may be achievable for green material, we do not believe that a limit below 0.5% can be met consistently, particularly given the increasing levels of food waste that are and will be used as feedstock.		
(a)	451I03	Environmental Programs Division- LA County	Coby	Skye	The requirement for compost products to meet a 0.1 percent physical contamination limit will be very challenging for any operation to meet.		
(a)	451I03	Environmental Programs Division- LA County	Coby	Skye	We recommend that CalRecycle work with the composting industry to determine an acceptable level to allow for expansion of the industry yet achieve a safe level of contamination.		
(a)	451J01	USCC	Al	Rattie	We believe that no such documentation (on risk to human health or environment) exists for physical contaminants, other than the obvious threats from glass shards and metal needles.		
(a)	451J02	USCC	Al	Rattie	One of the guiding principles of the USCC is that product quality can only be defined in relation to its intended use. So it should be the purchasers and users of the products—the marketplace—that should set the product quality standards, whether for physical contaminants, product maturity, or any other measure beyond minimum health and safety standards.		
(a)	451J03	USCC	Al	Rattie	Rather than pulling a number "out of thin air", whether it be 0.1%, 1% or anything else, we encourage you to form a multi-stakeholder working group that can study this issue, propose and direct appropriate research, and come to an informed recommendation on physical contamination limits.		
(a)	452P40	Association of Compost Producers	Jeff	Ziegenbein	Recommend change to, "compost and digestate"		
	453C39	CR&R	Clarke	Pauley			
(a)	452P41	Association of Compost Producers	Jeff	Ziegenbein	0.1% contamination limit is too onerous and arbitrary. See comment from Pg. 25, Line 10.		
	453C40	CR&R	Clarke	Pauley			
(b)	452P42	Association of Compost Producers	Jeff	Ziegenbein	Recommend: change to, ". . . compost process <u>or fully permitted solid waste facilities where final curing, blending, processing or composting occurs (reference codes)</u> , shall take one representative sample..."		
	453C41	CR&R	Clarke	Pauley			
<b>§18103.1 Filing Requirements.</b>							
(a)(3)	453F02	County of Orange Department of Environmental Health, Solid Waste Local	Kathryn	Cross	The OC LEA respectful request that written notice <u>to</u> the local planning department in the last sentence of the regulation above, be changed to require written notice <u>from</u> the local planning department. The OC LEA has had problems with local planning department's receiving notification. With 35 local planning departments including the County's and with personnel changes, it is difficult to ensure that proper notification is occurring; other Enforcement Agencies (EAs) are in similar situations. By requiring the writing		

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		Enforcement Agency			notice from the local planning department, EAs can be assured that notification has occurred.		
<b>§18302. Written Complaints of Alleged Violations</b>							
(c)	45B24	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Written Complaints of Alleged Violations – Please revise this Subsection to require the EA investigate any odor complaint by the next business day instead of the stated 15 days.		
(d)	45B25	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand Line # 1 to insert the phrase “but not later than one business day” after “...as soon as practical.”		
(d)	45D06	Sacramento County LEA	Gibson	Lea	Develop a standard complaint form to facilitate submittal of complaint reports, ensure that all of the required information is provided, and guarantee state-wide uniformity. Ideally, a fill-in-the-blank complaint form would be made available on SWIS.		
(d)	45F10	CAPCOA	Alan W.	Abbs	In subsection (d), add a requirement that the <u>"EA shall contact and interview the complainant."</u>		
(d)	451O05	Western Placer Waste Management Authority	Mary	Dietrich	The section (d) reads as if, once an odor complaint is received by the EA, issuance of a violation is predetermined. We request this section be clarified to state the EA will investigate the complaint as soon as practical <u>to determine whether the operator has failed</u> to minimize odor and that, after investigation, the EA <u>may issue violation at their discretion</u> . Again, this will give the EA the discretion they are afforded throughout the regulation.		
(d)	451Y10	County Sanitation Districts of Los Angeles County	Paul	Prestia	We suggest that this section be changed as follows: 18302. Written Complaints of Alleged Violations. (d) Upon receipt of an odor complaint, the EA shall investigate the complaint as soon as practical <del>prior to issuing a violation for failing to minimize odor.</del> The complaint investigation...		
(d)(2)	45B26	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand the Paragraph to require the EA to also collect weather related data for the time that the odor complaint was received.		
(d)(3)(B)	45F11	CAPCOA	Alan W.	Abbs	Add a phrase to the requirement: "Verify the odor event at the complainant's location and ascertain <u>by various means, including by interviewing the complainant</u> , if the odor is interfering with the complainant's use and enjoyment of the property."		
<b>Solid Waste Facility Permit Application Form</b>							
Part 2.D	453L09	County of San Diego Department of Environmental	Karilyn	Merlos	The LEA does not support the removal of the second checkbox indicating that the "Facility is not required to be identified in the Siting Element or Non-disposal Facility Element." Pursuant to Public Resources Code (PRC), Section 50001(b), some facility types are not required to comply with PRC 50001.		

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		Health, Solid Waste Enforcement Agency					
Part 2 E.12	45B27	Los Angeles County Solid Waste Management Committee	Margaret	Clark	MSW- Please expand to define the term “commercial sources” to be consistent with the definition provided by AB 341 (2011), as amended.		
Part 3 A.1.a.	45B28	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand Line 49 by inserting “compost” after “recycle.”		
Part 3 A.2	45B29	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please see comments on Item A.1.a. (45B27) and expand the requirement to also include “compost.”		
Part 3 A.4. “I” and “J”	45B30	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand to describe the disposal footprint by latitude and longitude and expressed in degrees.		
Part 3 c.	451Y11	County Sanitation Districts of Los Angeles County	Paul	Prestia	Facility Size: the area that encompasses the entire area on which solid waste facility activities are authorized by the EA to occur. This includes...		
Part 3 d.	451Y12	County Sanitation Districts of Los Angeles County	Paul	Prestia	Maximum Traffic Volume Per Day (vpd): The maximum number of vehicles authorized by the EA to enter the facility on a daily basis. This number...		
Part 3 e.	451Y13	County Sanitation Districts of Los Angeles County	Paul	Prestia	Days and Hours of Operation: The days and hours that the facility is authorized by the EA to operate and the hours of waste receipt authorized by the EA if different from hours of operation. This information...		
Part 4	451D1	Self	Joyce	Dillard	The form has no adaptation for storm water capture or infiltration language. Water source may be limited to groundwater or surface water yet the Water board now requires storm water to be considered a water supply. Terms used for this planning is Watershed Management Plan and Enhanced Watershed Management Plan.		
Appendix 1	453F03	County of Orange Department of	Kathryn	Cross	Therefore, OC LEA respectfully request an additional change to this section: either remove citation of §21650(a) after the definition of “Date Received”, or add language that excludes permit reviews.		

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		Environmental Health, Solid Waste Local Enforcement Agency					