



December 5, 2014

Mr. Ken Decio
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Dear Mr. Decio:

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

Dear Ken:

CT Bioenergy (CTBC), and the many bioenergy facilities we work with, have long been sourcing energy feedstock from operations that produce compost as well as a variety of other recycled organic products, including biofuels. We appreciate the opportunity to comment on CalRecycle's proposed Title 14 and 27 revisions regarding Compostable Materials Handling and Transfer/Processing Regulations. CTBC commends and supports CalRecycle in its efforts to update the existing regulations regarding compostable materials and transfer/processing facilities in order to address the changing nature of organic waste handling throughout California, as well as safely enable the needed growth in diversion of this waste stream to meet the 75% Initiative, Strategic Directive 6.1, and other sustainability goals of the state.

For many years, CTBC has been concerned about the economic health of the CA composting industry. It seems like California recycling policies, while having the appearance of supporting organic recycling, have in reality favored less environmentally beneficial uses for organics. We are referring to massive regulatory loopholes which have allowed relatively unregulated, and therefore less costly, uses for minimally processed organics which more closely resemble disposal than recycling. These policies have effectively constrained the growth and prosperity of a California organic recycling industry that otherwise could have easily grown to handle the majority of California's compostable materials 10 years ago. We look forward to improvements to the proposed regulations which allow for continued industry growth, provide a level playing field with competitive operations, and set standards that are reachable, yet still provide reasonable protection of the public health, safety, and the environment. CTBC has concerns about inconsistent enforcement of current regulations which has often set composting facilities at a competitive disadvantage to landfills. Given the expectation of tremendous industry investment to meet the imminent policy mandates to be implemented over the next few years, we are hopeful that enhanced enforcement mechanisms can be developed and employed that will keep the composting industry thriving and make our efforts worthwhile.

CTBC believes that CalRecycle's proposed physical contamination limits are unjustified, and very likely unachievable (given current and foreseeable compost market conditions and available technology), and will cause significant harm to the financial health of composters statewide. These limits will continue to stifle industry growth at one of the more critical points in compost history, when multiple policy directives point to approximately 10 million tons of organics being removed from landfills over the next decade. This is organic material that is likely to take years of concerted outreach, education, and processing and technology improvements to clean up. This diversion of additional organics will tremendously increase the demands on organics processing and composting companies to provide service.

While CTBC 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, who are used to the minimal processing requirements for landfill ADC and direct land application, 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.

Additionally, the environmental impacts of CalRecycle's proposed regulations for direct land application are unacceptable. While direct land application of organics with a .1% contaminant may seem appropriate, it is remarkable that that same material would not be marketable anymore when processed more responsibly 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 .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. CTBC believes this is unacceptable and urges CalRecycle to responsibly address this environmental impact.

CTBC is fully supportive of the current language related to land application, with some clarification. 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.

The environmental benefits of compost are well-known and wide ranging with respect to soil health, water quality and quantity, and greenhouse gas reductions. CTBC looks forward to the adoption of sensible regulations that will allow the composting industry to continue providing these beneficial services to their client jurisdictions and their constituents. We support the structure that is proposed by the California Compost Coalition whereby in 2020 clean green facilities will meet the .1% and mixed materials .5% contaminant limits. We note that Caltrans just adopted a .5% contaminant spec for their materials which would create uniformity amongst agencies.

Not currently earmarked for revision is the 1% contamination limit for clean green facilities. In order to maximize diversion of organics in the State CTBC recommends that this be revised to read 1% after contaminant removal processes at the compost facility before the material is being processed (ground).

Thank you for allowing CTBC to weigh in on these critical regulations.

Kind Regards,



Chris Trott
General Manager