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From: San Diego Food System Alliance

Re: Comments of Proposed Regulations: Title 14, Natural Resources--Division 7, CIWMB
Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

Dear CalRecycle,

Officially launched in October 2012, the San Diego Food System Alliance (SDFSA) is a voluntary, multi-stakeholder coalition of individuals and organizations working to create a better food system for everyone in San Diego County. The Alliance is working to take action on the most pressing problems facing the San Diego food system by considering the long-term interests of everyone involved in food and agriculture in San Diego.

From 2009 to 2012, two important reports have been prepared that outlines the important goals for our food system: *Assessing the San Diego County Food System: Indicators for a More Food Secure Future*, December 2010 and, *Final Recommendations of the Urban-Rural Roundtable*, June 2011.

It starts with Soil. If we are to feed people, we have to feed the soil. Over the last few years, local food systems stakeholders have identified composting as a priority in the development of a healthy, resilient food system. Stakeholders have documented their support through the following:

Assessing the San Diego County Food System: Indicators for a More Food Secure Future:

- “Demand for finished compost far outstrips the amount of organic waste making its way to compost facilities.”
- “An increase in the number and capacity of compost facilities across the county is needed both to meet demand and ensure that as much organic material as possible is diverted out of landfills.”

Final Recommendations of the Urban-Rural Roundtable:

Goal: Agricultural stewardship of San Diego County’s environmental resource base:

- 2.5. San Diego County recycles its organic wastes locally and makes compost available for local food production.
 - Action 19: Adopt regulations at city, county and state levels that prohibit the use of compostable green waste in landfills
 - Action 20: Establish a county green waste recycling program and facility that designate compost specifically for local food production
 - Action 21: Increase the collection of food waste from food banks, pantries, restaurants, schools and supermarkets and distribute to urban and rural farms for composting and the improvement of soil quality.
- 2.6. San Diego County reduces food system-related greenhouse gas emissions through its food system.
 - Action 22: Support existing strategies that sequester carbon on-farm.



To be clear, there are some differences between this new era of composting that we envision and conventional industrial commercial organics recycling. While in this letter we support regulations that offer flexibility for compost producers, we anticipate that the majority of on-farm and community composting will be managed and controlled by end users of the finished product.

We support regulations that offer flexibility for our communities and enforcement agencies to develop strategies to get compostable materials out of the landfill and back to the soil. San Diego is a robust agricultural region, despite being an arid region with non-ideal soils for growing. Our demand for compost and mulch outstrips our supply, and we have to import compost from out of county. In 2010, of the 2.8 Million tons of material disposed on landfills county-wide, 1.2 Million tons consisted of compostable material, or roughly 40% of all materials landfilled. These easily compostable materials consisted of food scraps, yard trimmings and manures.

We have one permitted food composting facility, located in the City of San Diego, and it does not have the capacity to compost the food waste generated within the City nor the remainder of the County. We currently have no regional authority taking on organics management and we do not have an organics master plan. AB 1826 inevitably is going to create a demand to handle organic materials. However, we have farms that immediately need soil. Local farms report that they would need to import up to 50-60% of their feedstock in order to produce enough compost to meet their agricultural needs. Has CalRecycle surveyed farmers or performed an agricultural composting assessment to determine on-farm composting needs and capacity in California? What were the results? If not performed, how come?

On-Farm Composting in California

We have a major opportunity to take advantage of our existing agricultural infrastructure and develop on-farm composting capacity in California. Farms, particularly in San Diego, are the first to suffer in drought, being the first users required to restrict water usage. We know and CalRecycle knows that soils amended with compost have reduced on-farm watering requirements. Providing farms with expanded means to produce their own compost gives them an opportunity to build resilience, to help them manage their way through extreme conditions such as drought. The SDFS is charged with building resilience in our agriculture

We understand there are concerns about mismanaged composting activity. And as Food System Alliance, we are also concerned about the safety and health of our food. We do not want mismanaged activity risking our local food production. However, siting large, commercial facilities is very difficult and may not be the best solution for every community. We have extremely prohibitive land use rules that our jurisdictions are slowly addressing. Though we have identified on-farm composting as a component towards a resilient food system, as-is, the CalRecycle rules assume composting is a commercial activity and effectively excludes farms from participating in our composting infrastructure. There needs to be a middle ground.

We urge CalRecycle to develop regulations that allow farms to compost an accessory quantity of vegetative and/or food material in addition to agricultural material. Case studies demonstrate this is safe. Other states have enacted rules to allow or promote on-farm composting.¹ Farms aiming to sell or give away compost are already required to follow standard operating standards outlined in Articles 6 and 7 of Chapter 3.1, which mandates facilities to meet specified pathogen destruction, metals concentrations, and physical contaminant limits. The

¹ *Supportive Rules for Small-Scale Composting, June 2012, Biocycle*



CalRecycle regulations already have mechanisms in place to ensure the protection of public health and the environment.

Local compost advocates have developed amendments to the CalRecycle regulations that would allow farms to compost an accessory volume of imported food or green waste material. While allowing farms to import material as needed, the suggested amendments also more clearly differentiate farms using compost onsite from farms seeking to sell or give away compost. We think the suggestions are reasonable and CalRecycle should implement them. Of the alternatives provided below, we prefer Alternative A because a farm's composting capacity should be based on its scale and ability to manage material onsite. However, we also understand that CalRecycle may be more comfortable with an upper limit such as suggested in Alternative B below.

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

SS17855 Excluded Activities

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

SS17856. Agricultural Material Composting Operations:

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

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

SS17855 Excluded Activities

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

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Community Composting and Excluded Activities

We are pleased that the proposed rules allow more opportunity for small-scale "community composting" by excluding compost activity less than 100 cubic yards from a CalRecycle permit. This will allow community groups to collect organic materials and compost them in small batches and return compost to areas they deem appropriate for their communities. However, compost advocates suggest the 500-square foot footprint



requirement may place undue burden on sites because 100 cubic yards of compost would occupy at least 900 square feet, not including room for equipment and processing. 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.

Physical Contaminants

We have heard that CalRecycle’s proposed 0.1% physical contamination limit on finished compost for sale is a major area of controversy for compost producers. Contamination, rightly so, is a major concern in commercial compost programs costing facilities labor and resources to remove trash and produce a clean product. If a physical contamination limit is enforced, we ask that CalRecycle work with the compost industry to develop guidance and support programs to help facilities meet this requirement. We bring to your attention our additional concerns with SS 17868.3.1:

- 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?
- 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.
- 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 SDFSA requests clarification that permit-excluded and farms using compost onsite are excluded.
- The sampling protocol does not specify a sample volume.

In communities with major compost programs, even residential green waste programs, contamination is a major problem because people do not understand or care about the direct benefits. Part of our work in the food system is to educate and connect people to their food system. Connecting people to the value of their efforts means they will not treat their compost bin like trash. A recent BioCycle article expressed a similar example in Seattle, Washington and its ability to keep the community vested in its compost program.² Without effective outreach campaigns and participation of the generators and haulers, programs place the burden of contamination on the compost producer.

In communities lacking major municipal programs, AB 1826, the local food production movement, and the proliferation of onsite agricultural use will be strong deterrents against contamination. Some regulators and stakeholders justify that “loss of control of feedstock” and contamination of trash, are reasons why farms and small sites should not take in organic materials from their community. AB 1826 will soon require generators to

² <http://www.biocycle.net/2013/05/13/connection-kevin-bacon-compost-equivalents/>



recycle their organics, which will create an immense demand for new venues for organics recycling. If allowed to accept some material from offsite, farms will not be obligated to accept material from any particular generator and will have direct control over their feedstock. Farms and small sites producing and using compost onsite will manage and control the end-use of their product. Farms seeking supplemental income from compost sales are incentivized to minimize incoming contaminants; labor and expense may not justify the farm to allocate resources to remove contaminants. On-farm composting can help place the burden of contamination control on the generators, especially those subject to AB 1826.

Conclusion

The development of diversified composting infrastructure that partners our communities and our farms, keeps people connected to our food system. Knowing that our food scraps are being composted to feed the soil, to grow healthy food... fits in perfectly with our closed-loop local food movement. The net effect of our recommendations is that non-agriculturally zoned sites will be allowed to compost up to 100 cubic yards while agriculturally zoned sites will be allowed to import an accessory volume of material before triggering a commercial composting permit. This will enable urban farms, community gardens, park spaces, and California's agricultural producers to participate in California's local compost movement; building resilience in our agricultural community and returning nutrients directly back to our growing soils.

We thank CalRecycle for this opportunity to submit comments on the proposed regulations. We welcome a conversation with CalRecycle staff to further explore opportunities for agricultural participation in our State's organics diversion and greenhouse gas reduction strategies.

Respectfully,
The San Diego Food System Alliance

Richard Winkler

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