



JOINT STATE OFFICE

August 31, 2009

Sent by email to regview@ciwmb.ca.gov

CIWMB
Attention: Ken Decio
1001 I Street
P.O. Box 4025
Sacramento, CA 95812

Re: Comments regarding the Draft White Paper on Food Waste Composting
Regulations – Regulatory Concepts

Dear Mr. Decio:

The California Refuse Recycling Council (CRRC) is a statewide non-profit trade association comprised of over 120 companies involved in the collection and processing of organic and waste wood products that also operate approximately 20 composting facilities, 50 material recovery facilities (MRFs), 25 construction and demolition (C&D) debris processing facilities, and 12 landfills statewide. Our industry, in partnership with local government, has been instrumental in our state's efforts to attain the recycling mandate of 50% waste diversion from landfills, required by the California Integrated Waste Management Act of 1989 (AB 939), and will remain critical to the attainment of future sustainable goals.

The purpose of this correspondence is to provide comments on the above-referenced project draft White Paper specific to food waste composting.

Compost Quality:

CRRC members were early supporters of the California compost quality council, which eventually lead to the US Composting Council's Seal of Testing assurance (STA Program). CRRC members were also involved with the National Organic Program and the certification process by OMRI. CRRC compost members will continue to support both the STA and OMRI programs, and have been working with the Legislature on AB 856, on labeling of organic products.

Food Waste Composting:

CRRC agrees that the food waste/food material definitions are vague, especially for residentially generated co-collected green waste and food materials, that are only plant based, and do not contain any meats, oils, fats, or greases. CRRC agrees that further discussion is warranted on the best definition that can lead to clarity and consistency, in relation to relative risks and the amount of regulations needed.

The Title 14 regulations promulgated in 2002-2003, set the 1% threshold for food waste composting where a Full Solid Waste Facility Permit (SWFP) would be required, and deleted the Registration and Standardized Solid Waste Facility Permit (SWFP) Tiers. That regulatory action requires that all food waste composting goes to a Full SWFP in all cases, leaving smaller scale food waste processing and composting facilities, with less relative risk, in a regulatory abyss. Meanwhile, the definition and concepts of “food waste” and “food material” have been blurred, where the 1% threshold could include “food material”, where a Full SWFP would be required. The current definition of food material is below.

Section 17852. Definitions. (a)(20) "Food Material" means any material that was acquired for animal or human consumption, is separated from the municipal solid waste stream, and that does not meet the definition of "agricultural material." Food material may include material from food facilities as defined in [Health and Safety Code section 113785](#), grocery stores, institutional cafeterias (such as, prisons, schools and hospitals) or residential food scrap collection.

The Regional Water Quality Control Boards (RWQCB) has defined “food processing waste” as the following:

“Food Processing waste” consist of, or contains, only pre-processed and post-processed waste derived from plants, or food processed or produced at restaurants, hospitals, and food distributors, and does not include any of the following substances: (a) municipal solid waste, (b) sludges, (c) septage, (d) liquid wastes, (e) animal; wastes, (f) oil and grease, and (g) hazardous wastes.

There should be a common definition between both the CIWMB and the RWQCB for “food material” where vegetative food material. The following “food material” definition should be considered for composting as well as transfer and processing facilities in order to common definition among agencies as well as regulatory packages within the same agency.

Section 17852. Definitions. (a)(20) "Food Material" is classified as a “green material” which has been separated from the municipal solid waste stream, and that does not meet the definition of "agricultural material." Food material may include plant and vegetative material from food facilities such as restaurants, hospitals, and food distributors, as well as residential co-collected programs, which does not include any of the following substances: (a) municipal solid waste, (b) sludges, (c)

septage, (d) liquid wastes, (e) animal wastes, (f) meats, fats, oil and grease, and (g) hazardous wastes.

Food materials, including co-collected green waste with food material, processed at centralized locations and then transferred and transported to regional compost facilities, are becoming a model for the compost industry. Should that activity occur at Full SWFP facilities that activity should be allowed by a RFI Amendment process. Other stand alone facilities would need to acquire a SWFP following the regulatory tiered structure that currently exists for Medium Volume Transfer Station and Large Volume Transfer Stations. A food material or food waste processing or transfer facility between 15 TPD to 100 TPD would require a Registration SWFP, as a type of Medium Volume Transfer Station, and over 100 TPD, a Full SWFP would be required as a type of Large Volume Transfer Station.

The following regulatory tiers are proposed for food material processing and transfer operations, and food material composting facilities:

Operations	Exempt	EA Notification	Registration SWFP	Full SWFP
Food Material Processing and Transfer Operations As a Type of "Medium Volume Transfer Station"	Less than 15 TPD	Less than 15 TPD or 60 CYD	15 TPD to 100 TPD	Greater than 100 TPD
Green Material including Food Material Composting Facilities	Less than 15 TPD	Up to 12,500 CYD, not including finish products	N/A	Greater than 12,500 CYD, not including finish products

Should you have any questions, please contact me at (916) 739-1200.

Sincerely,



Evan W.R. Edgar
For the California Refuse Recycling Council



Evan Edgar for
George Eowan
For the California Refuse Recycling Council