

**CalRecycle Responses to 15-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>General Comments</b>							
	115A01	Self	Kathleen	Housel	Add definition for Odor and it should read: "Odor" A Smell, Scent, or Aroma detectable by any number of persons.		
	115A02	Self	Kathleen	Housel	Amend proposed definition for "Nuisance": 12) "Nuisance" includes anything which: (A) is injurious to human health; or, is annoying or indecent or offensive to the senses, and interferes with the comfortable enjoyment of life or property, and may be injurious to human health. (B) affects at the same time an entire community, neighborhood or any considerable number of persons any number of persons in the neighboring communities. The extent of annoyance or damage inflicted upon an individual may be unequal.		
	115C01	Los Angeles County Solid Waste Management Committee	Margaret	Clark	As previously indicated by the Task Force on several occasions starting with our letters of August 13, 2008, December 8, 2008, June 14, 2011, May 15, 2012, November 21, 2012, March 28, 2013, October 10, 2013, and October 30, 2014, there is a clear need for CalRecycle to define the terms "organic", "organic material," "non-organics" and "non-compostable organic," such as plastic material [e.g. Sections 17850(c), 17852(a) (13.5), (26), etc. (emphasis added). These terms are being used by CalRecycle throughout the Draft Regulation Text without having defined their terminology. The Task Force respectfully requests CalRecycle to (1) define these terms through the regulatory process, or (2) avoid further use of these undefined terms.		
	115C02	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" pursuant to the requirements of CEQA and enumerate mitigating measures that these agencies are responsible for monitoring and enforcing (emphasis added).		
	115K02	INIKA	Jessica	Toth	We ask that Cal Recycle encourage LEAs to collaborate with their jurisdictions and be flexible in helping create projects that meet both the interest and unique needs of the community.		
	1151A02		Tyla	Montgomery			
	115K05	INIKA	Jessica	Toth	Finally, we continue to advocate for, and request that CalRecycle provide guidance and support to projects seeking education and training. Projects with some level of training will give assurance to LEAs and local leaders that the project will be properly managed.		
	1151A05		Tyla	Montgomery			
	115L01	Synagro	Layne	Baroldi	Synagro supports the requirement that digestate be composted at a permitted operation or facility, unless otherwise allowed as an alternative use by a state agency (like the California Department of Food and Agriculture).		
	115S03	Almond Hullers & Processors Association	Kelly	Covello	For clarity purposes on a go forward basis, Almond Hullers & Processors Association would appreciate the Department addressing the non-regulation of rocks and soil in the rulemaking's final statement of reasons.		

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	115Y01	Burke, Williams, & Sorensen, LLP	Timothy	Colvig	In general, the City supports amendments that strengthen the ability of CalRecycle and the Local Enforcement Agency to identify odor impacts and nuisances emanating from composting operations, and proactively to require immediate and complete mitigation of such impacts and nuisances through effective enforcement mechanisms.		
	115Y02	Burke, Williams, & Sorensen, LLP	Timothy	Colvig	Remove the word "public" before "nuisance" in Sections 17863.4 and 17896.31		
	1151B05	Wester Agricultural Processors Association	Chris	McGlothlin	The Western Agricultural Processors Association seeks full exemption from any further regulations limiting the use of Agricultural By-Product Material by facilities that are collecting the material through the processing operation.		
	115T02	County of Solano	Jagjinder	Sahota	RE: EA Notifications: The LEA is concerned about this required concurrence from Calrecycle for reduced inspection frequency at these operations. These operations are not under the solid waste facility permit and the LEA thinks that this process will be an unnecessary intrusion into the LEA's discretionary authority for making these adjustments. The LEAs at the local level are more suited to allow the reduced frequency on their own.		
<b>§17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris Regulatory Requirements.</b>							
(d)(2)	115O01	County of San Diego Department of Environmental Health	Karilyn	Merlos	The County of San Diego LEA believes 90 days is too short a storage limit for this type of material and requests modifying the limit to six months.		
<b>§17852. Definitions.</b>							
	115G05	Santa Barbara County Environmental Health Services	Lisa	Sloan	Is there a public health and safety or permitting reason behind the fact that green materials does not include animal manure in the definition?		
	115I03	Waste Less Living	Christine	Lenches-Hinkel	Please consider including a definition for "solid waste" and to consider the following: "Solid waste is defined as any pre-or post-consumer non-recyclable or non-compostable discarded material for landfill disposal and having no other resource value in the marketplace."		
	115I05	Waste Less Living	Christine	Lenches-Hinkel	Please consider the inclusion of the following terms and suggested definitions: "biodegradable" – the biological breakdown of material into very small and distinguishable parts by microorganisms such as bacteria and fungi. Biodegradable is not the same as compostable.		
	115I08	Waste Less Living	Christine	Lenches-Hinkel	Please consider the inclusion of the following terms and suggested definitions: "organic" – any material of, relating to, or derived from living matter.		
	115L02	Synagro	Layne	Baroldi	Synagro recommends that CalRecycle include an express definition in this rule for "stabilized compost" as there is no definition specifically expressed in this proposed rule revision. Please note that under the proposed rule's section for		

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					digesters that digestate is being considered “compost”. There is a definition for “digestate” that should be used throughout the digester section of this proposed rule instead of “compost”. These products are not interchangeable nor the same. Synagro proposed that CalRecycle include in Section 17852 the following definition of “Stabilized Compost”: “Stabilized Compost” means any organic material that has undergone the Process to Further Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced biological activity as indicated by reduced temperature and rate of respiration below that of active compost.”		
	115M01	Self	Jim	Mortensen	I believe the definition (Agricultural By-Product Material) should be amended to include material generated or separated in the field.		
	115X04	California Refuse Recycling Council	Kathryn Ralph	Lynch & Chandler	...no definition of “chipped and ground material” is included in the proposed regulations, though the term is used throughout. We believe this was an oversight and ask that a definition be included in subsequent proposed language changes.		
	1151N07	Waste Management	Chuck	White			
	1151C07	County of Ventura Resource Management Agency	Charles	Genkel	The term "mulch" should be defined and land application should be limited to compostable material that has been mechanically reduced in size through the process of chipping, grinding or screening.		
	1151H01	Humboldt State University	Galen	O’Toole	Recommend adding in: “ <u>Black Soldier Fly Composting</u> ” means an activity producing stabilized compost or stabilized compost leachates using the activity of black soldier fly ( <i>hermetia illucens</i> ) larvae. The EA may determine whether an activity is or is not black soldier fly composting. The handling of compostable material prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered black soldier fly composting. Larvae or protein meal derived from black soldier fly composting is subject to testing and approval for animal feed use pursuant to the California Food and Agricultural Code, Division 7, Chapter 6: 14901-15103.”		
	1151K01	Local Worm Guy Worm Farm	Lloyd L.	Barker, IV			
	1151M03	Recology	Erin	Merrill	...the proposed regulations do not include a definition of “chipped and ground material.”		
(a)(4.5)	115S01	Almond Hullers & Processors Association	Kelly	Covello	We are supportive of the Department’s proposed definition.		
(a)(4.5) (a)(24.5)(B)(4)	115U01	Stanislaus County Food Processing By-Products Re-Use Committee	Martin	Reyes	The amendments recognize that Stanislaus County’s Food Processing By-Product Use Program has and will continue to adequately regulate land application of food processing by-product without unnecessary and duplicative regulatory oversight due to the Department’s rules rightly directed at land application of compostable materials or compost.		

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(a)(4.5)	1151B01	Wester Agricultural Processors Association	Chris	McGlothlin	Wester Agricultural Processors Association appreciates the inclusion of sticks, leaves, hulls and shells in the "Agricultural By-Product Material" section of the revised draft.		
(a)(4.5)	1151B03	Wester Agricultural Processors Association	Chris	McGlothlin	The piles are monitored closely so as to prevent temperature increases which would harm the integrity of the by-product material intended for sale. In summary, an easier path to sell the leftover material to dairies for feed.		
(a)(4.5)	1151C01	County of Ventura Resource Management Agency	Charles	Genkel	The term "Agricultural By-Product Material" conflicts with the definition of "agricultural material" and "food material" as defined in Section 17852. By adding this definition, this material cannot be accepted at an Agricultural or Green Composting Operation and would be limited to land application or a fully permitted composting operation...Refine the definition to identify the acceptable uses other than land application.		
(a)(4.5)	115V01	ROLL global	Melissa	Poole	We support the proposed definition of agricultural by-product material, but do not believe that the inclusion of this definition offers clear guidance regarding the intent of CalRecycle to exempt certain agricultural activities from the these regulations. The definitions, and corresponding exemptions under section 17855, should be further clarified to make clear that agricultural byproducts are not subject to the new rules.		
(a)(5)	115S02	Almond Hullers & Processors Association	Kelly	Covello	<p>“Agricultural Material” means <u>waste material of plant or animal origin, which result 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, 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 or the material generated by and during nut hulling, shelling and processing, 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, manures, orchard and vineyard prunings, grape pomace, and crop residues.</u></p>		
(a)(10)	1151C02	County of Ventura Resource Management Agency	Charles	Genkel	Change the definition to read as follows: "Chipping and Grinding Operations and Facilities" means an operation or facility, that does not produce <u>active</u> compost, that mechanically reduces the size ... "		
(a)(11)	115I06	Waste Less Living	Christine	Lenches-Hinkel	Please consider the inclusion of the following terms and suggested definitions:		

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					“compostable material” – any organic material and/or bio-product meeting the ASTM D6400 standard for compostability and capable of biodegrading and ultimately disintegrating into carbon dioxide, water, inorganic compounds and biomass (aka soil) at a rate similar to paper and which contains no toxic residue. The original organic material being processed is indistinguishable after composting and is an input to making compost.		
(a)(11)	115V02	ROLL global	Melissa	Poole	We again urge CalRecycle to provide a clear exemption for agricultural materials and agricultural by-products intended for beneficial uses (i.e. biomass conversion, biofuel feedstock and animal feed or bedding), from the definition of "compostable materials" under section 17852(a)(11).		
(a)(12)	115C03	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 (Chapter 727 of the 2014 State Statutes) as stipulated in its Section 42649.82, Subsection (d), Paragraphs (1) (B) and (2). AB 1826 was chaptered using the existing “compostable materials handling operation or facility” definition and does not incorporate any future addition and/or deletion. This issue needs to be addressed prior to promulgation of the proposed regulations.		
(a)(12)	115L03	Synagro	Layne	Baroldi	...does not reflect biosolids material composting operation. Biosolids facilities should be reflective as a “compostable materials handling operation” and biosolids are <b>not</b> included in the definitions of those listed. Please consider making the following changes bold and italicized to the wording as shown below: (12) “Compostable Materials Handling Operation” or “Facility” means an operation or facility that processes, transfers, or stores compostable material. Handling of compostable materials results in controlled biological decomposition. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstocks, and chipped and ground materials. “Compostable Materials Handling Operation or Facility” does not include activities excluded from regulation in section 17855. “Compostable Materials Handling Operation or Facility” <b>also</b> includes, <b>but is not limited to</b> : a. agricultural material composting operations; b. green material composting operations and facilities; c. vegetative food material composting facilities; d. research composting operations; <b>and</b> , e. chipping and grinding operations and facilities; <b>and</b> f. <b>biosolids composting operations.</b>		
(a)(13.5) Also: §17868.2	115P01 1151I01	CR&R Environmental Services	Clarke Paul	Pauley Relis	Recommend changing definition of digestate to say means the solid and/or liquid <u>product</u> remaining after organic material has been processed in an in-vessel digester, as defined in section 17896.2(a).		
(a)(18)	1151L01	Rancho Los Encinitos Consulting	Gene	Ybarra	I see no clear...language of the existing or proposed regulations that links the definition of “Enforcement Agency (EA)” (and the permitting responsibilities and obligations thereto) to the local land use and zoning permit authority.		

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(a)(19)	115H01	City of San Diego Local Enforcement Agency	William E.	Prinz	Please consider including digestate in the definition of "Feedstock": §17852. Definitions. (a) For the purposes of this Chapter: (19) "Feedstock " means any compostable organic material used in the production of compost or chipped and ground material including, but not limited to, agricultural material , green material, vegetative food material , food material , biosolids , mixed solid waste material and digestate . Feedstocks shall not be considered as either additives or amendments.		
(a)(20)	115I01	Waste Less Living	Christine	Lenches-Hinkel	Remove any reference of "waste" to "food" ie. (20) "Food Material". "Food scraps" and "organic/compostable material" need to be clearly defined as a "resource" and input to the manufacturing of compost NOT a waste item in need of landfill disposal. Consider excluding "food material" and "organic/compostable material" from solid waste definition.		
(a)(20)	1151C03	County of Ventura Resource Management Agency	Charles	Genkel	Strike the word "dry" in all subsections that refer to contamination by weight in definitions related to feedstock provided to composting operations. Strikeout "of" from subsection (A) "Vegetative food material contains no greater than 1.0 of percent physical contaminants by dry weight, and meets the requirements of section 17868.5."		
(a)(21)	1151S01	California Cotton Ginners and Growers Association	Chris	McGlothlin	CalRecycle utilizes State Water Board/Regional Water Board provisions and regulations pursuant to Waste Discharge Requirements as the allowable guideline in land application...regulated by two separate state agencies for the exact same practice...we ask that you leave the regulation of agricultural practices under the State Water Board's focus.		
(a)(21)	1151M01	Recology	Erin	Merrill	Recology recommends that all green and food material to be used as compost feedstock be held to a 3.0% contamination limit as measured just prior to active composting.		
(a)(24)	115L04	Synagro	Layne	Baroldi	Please consider adding chipped wood to the definition on Insulating Materials: (24) "Insulating Material" means material used for the purpose of minimizing the loss of heat from a compost pile undergoing the "Process to Further Reduce Pathogens" (PFRP), as described in section 17868.3. Insulating material includes, but is not limited to, soil, <u>chipped wood</u> , and stabilized compost.		
(a)(24.5)	115L05	Synagro	Layne	Baroldi	Section 17852(a) 24.5 should not apply to "finished compost". Synagro understands that the language in this section is intended only to apply to "Compostable Material". CalRecycle defines "Compostable Material" as "any organic material that when accumulated will become active compost as defined in section 17852(a)(1)." As such, Synagro understands that Section 24.5 applies only to such organic material that has not gone through a treatment process to be considered "Stabilized Compost". "Stabilized Compost" is defined by CalRecycle as any organic material that has undergone the Process to Further Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced biological activity as indicated by reduced temperature and rate of respiration below that of active compost. Land application of "Stabilized Compost" products containing biosolids are already regulated by the SWRCB's Biosolids General Order		

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					requirements (General Order No. 2000-10-DWQ). Such intent to only regulate "Compostable Materials" should be clearly distinguished from this section being misinterpreted to apply to "Finished Compost".		
(a)(24.5)	115L06	Synagro	Layne	Baroldi	...this limit should be deleted in this Section and modified to: "application of biosolids based finished compost shall be limited to the nitrogen needs of the crop to be grown based on the crop year." Section 17582(a) 24.5 should only apply to "Compostable Materials" as defined in the proposed text.		
(a)(24.5)	1151F01	California Compost Coalition	Neil	Edgar	We are highly supportive of the proposed limits on physical contaminants allowed in compost products (currently set at 0.5%, by weight) and look forward to helping develop the proper sampling and field testing protocol that are needed. However, we do not believe that the proposed implementation deadline of January 1, 2018 is achievable, strongly supporting our recommended January 1, 2020 date.		
(a)(24.5)(A) Also: §17868.2 §17868.3(b)(1)	115B02	California League of Food Processors	Rob	Neenan	Section 24.5(A), Section 17868.2, and Section 17868.3(b)(1) describe the pathogen and metals concentration limits. California League of Food Processors assumes that sites that are in compliance with Section 24.5(B)4 by having a land application permit from the Regional Water Board would be exempt from CalRecycle's requirements, and only subject to any pathogen and metals limits and testing requirements stipulated in the Regional Water Board permit. If that is not the case, CLFP recommends that the text be amended to avoid duplicative or conflicting requirements.		
(a)(24.5)(A)	115E01	County of Sacramento Environmental Management Department	Lea	Gibson	The Sacramento County LEA recommends requiring the generator of the material to send off samples of the material for testing prior to shipping the material offsite for land application. We understand the concern that chip and grind facilities could be in violation of material holding time limits while awaiting lab results, however, the samples could be taken by the Operator and sent to the laboratory, then the material could be shipped offsite and the lab results forwarded to the land owner. This would reduce the time that the land owner would have to store the material while awaiting lab results and reduce the potential for violations.		
(a)(24.5)(A)	115E02	County of Sacramento Environmental Management Department	Lea	Gibson	We also recommend the addition of a section requiring land appliers to maintain physical contamination, pathogen and metals records on site and make the records available to relevant regulatory agencies. Finally, we strongly recommend requiring the land owner to have a contingency plan or agreement with the material provider to ensure removal and proper disposal of any material that exceeds the metals and pathogen density limits.		
(a)(24.5)(A)	115W03	Integrated Waste Management Consulting	Matthew	Cotton	I think you mean "than" not "that".		
(a)(24.5)(A)	115W04	Integrated Waste Management Consulting	Matthew	Cotton	Therefore, verification of compliance (line 53, page 10) should not be "upon request" of the EA, but should be maintained at the point of production, should be kept on file for inspection by the LEA and should be available to any LEA at any time for verification purposes. Further, any chipping and grinding		

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					facility or digestion facility proposing to send compostable material or digestate to land application should be required to maintain a log of locations where material was applied. Why would CalRecycle think it appropriate to require less regulation for land application of compostable material and/or digestate then for compost?		
(a)(24.5)(A)	115W05	Integrated Waste Management Consulting	Matthew	Cotton	Page 10, line 29 (I): I must reiterate that the point of compliance should be at the point of production (as it is for any permitted compost facility), not "at the time of land application". Has the Department, or any of the EAs considered how to properly take a sample from a pile of to-be-land applied compostable material of digestate once it is piled on land? Has the Department considered that "at the time of application" has already occurred once the material is dumped on the application site? In the case that this material does not meet either the metals, pathogens, or inerts contamination requirements, how is it to be handled? Does the Department expect the producer to remove and dispose of the material properly? By not requiring compliance at the point of production, CalRecycle is setting up a very weak system of oversight.		
(a)(24.5)(A)	1151C04	County of Ventura Resource Management Agency	Charles	Genkel	Maintain the proposed contamination level at 0.1% by weight. This section is a prescriptive requirement and should be contained in a separate section for land application. It is not a definition.		
(a)(24.5)(A)	1151M02	Recology	Erin	Merrill	The proposed regulations: lack of a land application limit for chipped and ground material. "Land application" as defined applies to compostable material and digestate, but does not, as written, include chipped and ground material.		
(a)(24.5)(A)(1) Also: §17868.1	115P02 1151I02	CR&R Environmental Services	Clarke Paul	Pauley Relis	The Land Application Phase in time should be extended to January 1, 2020...Land Application physical contamination limits puts an undue burden on the operator for potential frequent PCL testing...With a 0.5% PCL limit, the only way to process virtually all compostable materials will be composting and screening...The requirement that pathogen density limits are met at the time of land application puts an undue burden on the operator for potential frequent pathogen testing. This requirement should be tied back to meeting satisfactory testing results at the frequencies prescribed in section §17868.1.		
(a)(24.5)(A)	1151D01	Californians Against Waste	Nick	Lapis	Regarding direct land ap/chip& Grind requirements: No material should be spread until the lab results are received. It is clearly an improvement to require the regular sampling, but it is not clear what would happen if the lab results came back inconsistent with the requirements after the material has left the facility. The material can be moved off site, but it should not be spread until the lab results come back.		
	1151D03				Chip-and-grind facilities should report where they receive material from and where they take it to.		
	1151D04				The contamination limits for direct land application should NOT be set at the same level as for finished compost. The standards need to take into account		

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					that contaminants account for a significantly greater percentage of fully degraded material than they do of the incoming material, and that the concentrations of contaminants will increase after material is directly land-applied. We recommend a standard for uncomposted material that is no more than half of the standard for finished compost.		
(a)(24.5)(A)4	115E03	County of Sacramento Environmental Management Department	Lea	Gibson	We recommend deferring the responsibility for document review, approval of alternate land application methods, and enforcement at land application sites solely to CDFA and/or RWQCB. Alternatively, land application sites could be added to the regulatory tiers and additional regulations promulgated to impose State Minimum Standards.		
(a)(24.5)(A)4	1151C05	County of Ventura Resource Management Agency	Charles	Genkel	Land application should be limited to parcels zoned as "agriculture or "open space." This section is a prescriptive requirement and should be contained in a separate section for land application. It is not a definition.		
(a)(24.5)(A)4	1151F05	California Compost Coalition	Neil	Edgar	Additionally, the new proposed language in §17852 (a)(24.5)(A)(4)(b) appears to allow up to 36" of compostable materials and/or digestate to be applied on land zoned for agricultural uses in three applications per 12 month period. This effectively triples the previous 12" annual allowance and is wholly contrary to compost industry needs to maintain cost competitive feedstock streams while, at the same time, tripling the aforementioned potential threats to the environment. We certainly hope that is not CalRecycle's intent at that this section can be rewritten to provide more sensible guidelines.		
(a)(24.5)(A)4.a.	1151B02	Wester Agricultural Processors Association	Chris	McGlothlin	There is no evidence that displays any harmful impacts of spreading tree nut sticks, leaves and hulls more than 3 times a year. The major area of concern is the contamination aspect; sticks, leaves, shells and hulls are far below the contamination threshold that has been applied through this draft. We respectfully request that you remove the application frequency from this draft altogether.		
(a)(24.5)(A)4.a.	115X03	California Refuse Recycling Council	Kathryn Ralph	Lynch & Chandler	The proposed language currently reads "at the time of the land application, the compostable material shall not exceed 12 inches in total, accumulated depth on the land surface." The "at the time" inclusion makes it sound as though 12 inches in total can be applied on three separate occasions, therefore leading to a maximum of 36 inches in total accumulated depth. We do not believe this was the intention of the language and recommend clarifying this piece in your next iteration of regulatory language changes.		
	1151N09	Waste Management	Chuck	White			
(a)(24.5)(A)4.b.	1151C06	County of Ventura Resource Management Agency	Charles	Genkel	Land application should be limited to <b>once</b> per year. Modify the following sentence to read, "The EA, <del>in consultation</del> <u>may consult</u> with the California Department of Food and Agriculture to determine if the land application is agronomically beneficial and with the Regional Water Quality Control Board regarding water quality <u>to</u> determine that the alternative will not adversely affect public health and safety or the environment. <u>The property owner may submit to the EA a written request and justification, based upon site-specific conditions, to allow alternative frequencies and depths of land application.</u> "		

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(a)(24.5)(A)(5)	1151F02	California Compost Coalition	Neil	Edgar	...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.		
(a)(24.5)(B)	115B04	California League of Food Processors	Rob	Neenan	...local environmental enforcement agencies should have broad discretion to approve alternative material application depths and frequencies. They are responsible for the health and safety of their communities and have the best understanding of how local environmental resources should be managed.		
(a)(24.5)(B)4	115B01	California League of Food Processors	Rob	Neenan	Section 24.5(B)4 provides an exemption for land application sites that have a permit, waiver, or resolution issued by a Regional Water Board. California League of Food Processors assumes that this would also include a county or municipal organic by-product recycling program that has been approved by the Regional Water Board. If that is not the case, California League of Food Processors requests that the text be clarified regarding this point.		
(a)(24.5)(B)4	1151B04	Wester Agricultural Processors Association	Chris	McGlothlin	We ask that you leave the regulation of agricultural practices with the use of Agricultural By-Product Material under the State Water Board's focus.		
(a)(26)	115C04	Los Angeles County Solid Waste Management Committee	Margaret	Clark	The existing definition refers to “non-organics” and “plastics” (emphasis added). As previously indicated, 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.” (Title 14 of the CCR, Division 7).		
(a)(26)	115N01	OWS, Inc.	Norma	McDonald	We strongly urge this definition be modified to state "(26) "Mixed Solid Waste" means any material that is part of the municipal solid waste stream, and is mixed with or contains non-organics, processed industrial materials, or plastics. A feedstock that is not separated or contains <u>15.0%</u> or more physical contaminants by weight is mixed solid waste."		
(a)(27.5)(A) (a)(2.75)(B)	115C05	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Based on the proposed definition, “nuisance” may be anything that is injurious to human health and affects at the same time an “entire community” (emphasis added). Please expand the definition to specifically define the term “entire community” and factors considered to define the term. For cases such as surface and ground water contamination or “odor” what criteria are to be used to establish the boundaries of the entire affected community?		
(a)(27.5)(A) (a)(2.75)(B)	115C06	Los Angeles County Solid Waste Management Committee	Margaret	Clark	It is strongly recommended the proposed definition be revised by deleting Subparagraph “B” and deleting the word “and” at the end of the Subparagraph “A.”		
(a)(38.5)	115W01	Integrated Waste Management Consulting	Matthew	Cotton	I am not aware of any food-containing material that doesn't meet the new "Agricultural by-Product Material", that meets the new proposed definition and is also something that generators in CA routinely need to send to a compost facility. I have long been an advocate for allowing the lower-tier		

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					facilities to accept food scraps. This definition, which I believe is trying to accomplish this, is so restrictive that it does not serve this purpose (or any purpose I can conceive of). Can the Department provide a practical example of a feedstock routinely generated in CA that meets this definition?		
(a)(38.5)	115W02	Integrated Waste Management Consulting	Matthew	Cotton	Perhaps a better solution is to set a maximum volume of food scraps at a Registration-tier food material composting facility. Since this tier of facility will be limited to less than 12,500 cubic yards on-site, (maybe roughly 100 tons per day) why not allow these facilities to accept up to 25 percent of "food material" (broadly defined) since, I imagine, the bigger concern with these facilities accepting food is odor, not blowing litter or contamination? Additional food scraps composting capacity is critical considering the pending requirements of AB 1826.		
<b>§17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities.</b>							
	115C07	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."		
	1151L02	Rancho Los Encinitos Consulting	Gene	Ybarra	In the absence of EA responsibilities designated to the local permit agencies, I believe local agencies would have no compelling reason or obligation to adopt local land use and zoning regulations to enable the various Compostable Material Handling Operations and Facilities shown in Table 1 of §17854.1 of the proposed regulations...it is fundamentally necessary that the proposed regulations cause local permit agencies to adopt local land use and zoning permit processes to enable compostable materials handling and facilities that are at least commensurate with the proposed tiered requirements for the same.		
<b>§17855. Excluded Activities.</b>							
	115I02	Waste Less Living	Christine	Lenches-Hinkel	Include small to medium in-vessel composting systems as an Excluded Activity that can process between <1 cy to 20 cy of organic material a day , an amount that is significantly below the notification threshold of 5,000 cy.		
	115V03	ROLL global	Melissa	Poole	We support the exclusion of compostable material from certain compostable material handling rules under section 17855, and suggest that the regulations be further amended to make clear that agricultural by-product materials and agricultural processing facilities fall under these same exclusions.		
	1151S02	California Cotton Ginners and Growers Association	Chris	McGlothlin	The California Cotton Ginners and Growers Association respectfully seek a full exemption from being included in future composting regulation.		
(a)	1151H02	Humboldt State University	Galen	O'Toole	Proposed additions:		

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	1151K02	Local Worm Guy Worm Farm	Lloyd L.	Barker, IV	<p><u>“Black soldier fly composting is an excluded activity. The handling of compostable material prior to and after its use as a growth medium during the black soldier fly composting process is not an excluded activity and is subject to the requirements of this chapter or the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is applicable, as follows:</u></p> <p><u>(A) when the compostable material is active compost or is likely to become active compost, as determined by the EA, the requirements of this chapter apply;</u></p> <p><u>(B) at all other times when it is not being used as a growth medium during black soldier fly composting, the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory Requirements.”</u></p>		
(a)(1)	115F01	Dairy Cares	J.P.	Cativiela	Change Section 17855 (a) (1) to read (or add a similar section immediately following): “An activity is excluded if it is located on an agricultural site, and handles exclusively agricultural materials derived from that agricultural site or other agricultural sites. An <u>unlimited amount</u> of compost product derived from such agricultural materials may be given away or sold annually.”		
(a)(1)	115V04	ROLL global	Melissa	Poole	Section 17855(a)(1)- An activity is excluded if it handles agricultural material <u>or agricultural by-product material</u> , derived from an agricultural or <u>agricultural processing</u> site, and returns a similar amount of the material produced to that same agricultural <u>or agricultural processing</u> site, or an agricultural or agricultural processing site owned or leased by the owner, parent, or subsidiary of the com posting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.		
(a)(1)	1151J01	Agriculture Council of California	Emily	Rooney	Change Section §17855(a)(1) to read: “An activity is excluded if it is located on an agricultural site and handles exclusively agricultural materials derived from that agricultural site or other agricultural sites. An unlimited amount of compost product may be given away or sold annually.”		
(a)(5)	115D01	Del Monte Foods, Inc.	Timothy P.	Ruby	<p>...expand to list the following activities as excluded activities for compostable materials handling permitting if:</p> <p><u>(K) the activity is part of a food processing facility and is used to temporarily store, process, and/or transfer agricultural by-product materials not used in the production of compost; or</u></p> <p><u>(L) the activity is part of an authorized State Water Resources Control Board, Regional Water Quality Control Board, and/or County permitted agricultural by-products materials land spreading operation or program.</u></p>		
(a)(5)(E)	115V05	ROLL global	Melissa	Poole	Section 17855(a)(5)(E) - The activity is part of an agricultural <u>or agricultural processing</u> operation and is used to temporarily store or process agricultural material <u>or agricultural by-product material</u> not used in the production of compost or mulch.		
(a)(5)(G)	115V06	ROLL global	Melissa	Poole	Section 17855(a)(5)(G)-The activity is part of an agricultural or <u>agricultural processing</u> operation used to chip and grind agricultural material <u>or agricultural by-product</u> material produced on lands owned or leased by the		

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					owner, parent, or subsidiary of the agricultural <u>or agricultural by-product</u> operation, for use in biomass conversion.		
(a)(5)(K)	115F02	Dairy Cares	J.P.	Cativiela	Add Section 17855 (a) (5) (K) “the activity takes place on a dairy or other confined animal facility regulated under waste discharge requirements or a conditional waiver of waste discharge requirements issued by a Regional Water Quality Control Board, and the materials handled are limited to manure as defined in Section 17852 (a) (25).		
(a)(5)(K)	1151J02	Agriculture Council of California	Emily	Rooney	Change Section §17855(a)(1) to read: “the activity takes places on a dairy or other confined animal facility regulated under waste discharge requirements issued by a Regional Water Quality Control Board, and the materials handled are limited to manure as defined in Section17852(a)(25).”		
(a)(4)	115K01	INIKA	Jessica	Toth	We are excited that the new rules will expand small-scale, community composting for California. We do feel that the proposed 750-square foot footprint could be small for some compost techniques, especially those that utilize flatter, wider piles commonly preferred in biodynamic farming. However, we will support CalRecycle’s proposal moving forward, so long as it is understood that the footprint encompasses the dimensions of only the feedstock and compost piles, and does not include other areas such as aisles and work sheds.		
	1151A01	INIKA	Tyla	Montgomery			
	115K03	INIKA	Jessica	Toth	We have identified a couple of scenarios that could pose problems for farms seeking to participate in their communities' waste diversion strategies, particularly those farms with composting operations larger than the 100 cy/ 750 sf permit exemption. These scenarios include: <ul style="list-style-type: none"> <li>• A farmer backhauling the collective of spoiled produce from a farmers market back to their own farm for composting.</li> <li>• A farmer who distributes directly to restaurants or small markets and backhauls spoils and trimmings for composting.</li> </ul>		
	1151A03	INIKA	Tyla	Montgomery			
	115K04	INIKA	Jessica	Toth	In our previous comment letters, we specifically asked that farms be allotted a small, accessory allowance for offsite material such as food. Let's not shut farms out of the conversation, they should not be required to enroll in a Registration or Full Permit for accepting small volumes of offsite material. And farms theoretically could maintain a 100 cubic yard "excluded" pile, in addition to their ongoing agricultural composting.		
1151A04	INIKA	Tyla	Montgomery				
<b>§17855.2. Prohibitions.</b>							
(a)	115C08	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.		
(a)	1151G01	Baker Commodities Inc.	Doug	Smith	(a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow is prohibited, except when received, <u>unless regulated by the California Department of Food and Agriculture:</u>		

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					(1) from the a food service industry facility as defined in Health and Safety Code section 113789, <del>grocery stores</del> , or residential food scrap collection,; or (2) as part of a research composting operation for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concern, in accordance with section 17862.; or (3) from a source approved by the Department in consultation with the State		
<b>§17856. Agricultural Material Composting Operations.</b>							
(a) Also: §17854	115P03 1151I03	CR&R Environmental Services	Clarke Paul	Pauley Relis	... <i>Recommend change to:</i> "If their feedstock is limited to agricultural material generated from <b>on-site</b> 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. 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."		
(c)	115C09	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Considering that such an operation may be a nuisance to adjacent properties due to potential odor generation, there is a need for more frequent and inspection by the LEA (i.e. at least on a quarterly basis).		
(d)(2)(B)	1151C08	County of Ventura Resource Management Agency	Charles	Genkel	Modify the language to read: "Operations located on land that is not zoned for agricultural uses and operations that sell or give away 1,000 cubic yards or more of compost per year <del>may handle an unlimited amount of agricultural, but may not stockpile more than 12,500 cubic yards of green material feedstock on the site at any time</del> shall be regulated as a green material <u>composting operation.</u> "		
(e)	115C10	Los Angeles County Solid Waste Management Committee	Margaret	Clark	...this section needs to be expanded to include the following new subsection:  "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."		
<b>§17857.1. Green Material Composting Operations and Facilities.</b>							
(b)(3)	115P04 1151I04	CR&R Environmental Services	Clarke Paul	Pauley Relis	Recommend change to: "In addition, the EA <b>may</b> 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 the EA that it has corrected the violation and eliminated the cause of the violation."		
(d)	115C11	Los Angeles County Solid Waste Management Committee	Margaret	Clark	...this 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."		
<b>§17862. Research Composting Operations.</b>							

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	115C12	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 National Pollutant Discharge Elimination System (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.		
	115T03	County of Solano	Jagjinder	Sahota	...clarification in the case of a permitted composting site that would want to run one or a few trial projects on a new material and or process....a full permit should not be avoided by breaking operations into more than one smaller projects.		
<b>§17862.1. Chipping and Grinding Operations and Facilities.</b>							
	115G01	Santa Barbara County Environmental Health Services	Lisa	Sloan	Contaminant sampling requirements in §17862.1 for a chipping and grinding operation or facility should be left to the discretion of the LEA.		
	1151D02	Californians Against Waste	Nick	Lapis	The chip-and-grind facility should have the same long-term record keeping requirements as composting facilities, to allow LEAs to inspect old lab results. This should not be an especially onerous requirement but it would help create an even playing.		
	1151F03	California Compost Coalition	Neil	Edgar	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. Additionally, 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.		
(d)	1151F04	California Compost Coalition	Neil	Edgar	A typo is apparent in §17862.1 (a)(1)(d) which states “the operator shall analyze at least one composite sample of compost”; we believe this is inappropriate for this section.		
(a)	115V07	ROLL global	Melissa	Poole	Paramount interprets section 17862.1(a), regarding chipping and grinding operations, to mean that chipped and ground materials derived from an agricultural or agricultural by-product site and returned to the same site or a site leased or owned by the same owner of that site would be excluded from the compostable material handling operations. If this is not how CalRecycle interprets this section, we request that the text be clarified to reflect this point.		
(a) & (d)	1151C09	County of Ventura	Charles	Genkel	Reduce the volume to require a composite sample for every 1,000 cubic yards of chipped and ground material		

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	1151C10	Resource Management Agency			Strike the word "dry" in all subsections that refer to contamination by weight. Maintain the current contamination level at 0.1% by weight.		
(d)	115E04	County of Sacramento Environmental Management Department	Lea	Gibson	Require the Operator to provide the contamination sample results to the land owner(s) for any material intended for land application.		
(d) & (e)	115P05	CR&R Environmental Services	Clarke	Pauley	The proposed requirement for chip and grind operations to meet PCL of 0.5%, pathogen, and metals requirements if the material will be land applied essentially will be requiring virtually all chip and grind material to be composted and screened prior to being land applied. If this is the intent of CalRecycle, additional permits for new and expanded compost and in-vessel facilities will be necessary to accommodate the additional volume of organics that will be required to be properly processed by this rulemaking.		
	1151I05		Paul	Relis			
(e)	115E05	County of Sacramento Environmental Management Department	Lea	Gibson	We recommend requiring the Chip & Grind Operator to send off samples to the laboratory prior to shipping material offsite for land application and requiring the Operator to provide the land owner with the lab results. Additionally, we recommend a requirement that the Chip and Grind Operator must develop a contingency plan or an agreement with the land owner to ensure proper disposal of any material sent offsite for land application that exceeds the metals and pathogen density limits [see 115E01].		
(d)	1151E12	Association of Compost Producers	Dan	Noble	This regulation implies that these facilities must collect samples and test, thereby generating data on these parameters throughout the year. We highly recommend that this record keeping be required, and/or a reporting loop be set up with each local enforcement agency.		
	1151N06	Waste Management	Chuck	White			
<b>§17863.4. Odor Impact Minimization Plan</b>							
(f)	115C13	Los Angeles County Solid Waste Management Committee	Margaret	Clark	We strongly 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. We also strongly 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 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. Considering odor nuisances are hazardous to public health and safety, it is imperative that mitigation measures be clearly established to ensure such nuisances are addressed in an efficient and timely manner.		

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(f)	115Q01	Western Placer Waste Management Authority	Eric	Oddo	The Western Placer Waste Management Authority previously requested that this section be amended to say " ...the EA shall <del>shall</del> may direct the operator to prepare an Odor Best Management Feasibility Report ... ". The EA should have discretion -consistent with other sections (e.g. Section (e))-to determine necessary efforts based on 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.		
(f)	115X02	California Refuse Recycling Council	Kathryn Ralph	Lynch & Chandler	The timeline of 14 days is not nearly enough time to prepare a suitable report and analysis. We recommend a more reasonable 60 days be provided in order that a comprehensive and accurate report can be completed in an achievable timeline.		
	1151N08	Waste Management	Chuck	White			
(f)(3)	115Q02	Western Placer Waste Management Authority	Eric	Oddo	Section (f)(3) states that an EA may issue a Notice and Order in the event of a public nuisance. A public nuisance is difficult to define, as what is considered 'offensive' or 'indecent' is subjective. Solid waste operations that are in full compliance with permits are often subjected to odor complaints resulting from encroaching development beyond the control of the operator. The WPWMA previously recommended that this section be amended to offer some protection for otherwise compliant solid waste management facilities. Specifically, the regulation should provide that <u>no compostable material handling operation conducted in a manner consistent with applicable regulations and permits 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> Current law provides this protection to other industries, such as agriculture, and similar protection should be provided to essential public services such as solid waste facilities.		
	115Q03	Western Placer Waste Management Authority	Eric	Oddo	The proposed regulation permits an operator to voluntarily prepare an Odor Best Management Practice Feasibility Report, and states that the EA shall determine the components to be implemented for both EA-required and voluntarily-provided reports. Operators submitting voluntary reports should not be automatically required to include and implement LEA-identified components. The Western Placer Waste Management Authority requests Section (d) be amended to clarify that <u>implementation of voluntary reports is not mandatory</u> in the absence of compliance issues, and that the operator shall have the discretion of implementing components according to site-specific conditions and operational considerations.		
<b>§ 17863.4.1. Odor Best Management Practice Feasibility Report</b>							
	1151F06	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		

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					the case – we see no good reason why allowing 60 days for proper development and submittal of this report should be a problem.		
(d)	115Q03	Western Placer Waste Management Authority	Eric	Oddo	The Western Placer Waste Management Authority requests Section (d) be amended to clarify that implementation of voluntary reports is not mandatory in the absence of compliance issues, and that the operator shall have the discretion of implementing components according to site-specific conditions and operational considerations.		
(c) (d)	115T04	County of Solano	Jagjinder	Sahota	This section needs clarification. Please explain what "consultation with CalRecycle" consists of.		
<b>§ 17867. General Operating Standards.</b>							
(a)(2)	115T05	County of Solano	Jagjinder	Sahota	This proposed subsection might lead to confusion about the definition of "nuisance". The LEA recommends removing this definition or just including a simple citation to the Civil Code §3479 as-"Nuisance" includes any condition creating a public nuisance as provided in Civil Code §3479 et seq.		
<b>§ 17868.1. Sampling Requirements.</b>							
(a) Also: §17862 §17863	115P06 1151I06	CR&R Envrinmental Services	Clarke Paul	Pauley Relis	<p>We recommend the section be modified as follows, and then referenced back to throughout the document:</p> <p>(a) Operators shall verify that compost meets the maximum acceptable metal concentration limits specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3. Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall <u>be achieved by</u> taking and analyzing at least one composite sample of compost, following the requirements of this section as follows:</p> <p>(1) An operator who composts agricultural material, green material, food material, vegetative food material, or mixed material shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced. If the compostable material handling operation or facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample of compost produced every 12 month period.</p> <p>(2) (as is)</p> <p>(3) (as is)</p> <p>(4) <u>The above verification sampling and testing shall occur prior to the point where compost is removed from the site, or beneficially used on-site. Sample Test results of verification samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced.</u></p> <p>(c) (alternative methods- as is)</p> <p>(d) (new) [we suggest adding a reference to a yet to be developed guidance document (California Guide to Field and Laboratory Methods for Compost and Digestate Testing, or something similar) that can be co-developed with CalRecycle, academia, industry associations, and private industry and could provide recommended field and laboratory testing methods for compost, chip</p>		

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					and grind, and digestate materials. This guidance document could be updated from time to time as science and industry innovation informs us of new and efficient ways to sample and test these materials for desired results, both in the field and in the laboratory.]		
	115L08	Synagro	Layne	Baroldi	The regulations should be clear that biosolids composting facilities can land apply compost immediately for beneficial use so long as the composting technology meets temperature and residence time requirements for pathogen destruction. Synagro suggest modifying the language in this Section to be as follows: “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.” This would assure CalRecycle that the permittee has enough confidence in its operational experience at the facility and the financial commitment to assume results will be in compliance with all applicable limits in the rule. Sections 17868.2(b) and 17868.3(d) allow alternatives but only at the discretion of the EA. The suggested language above provides certainty for facilities and eliminates ambiguity.		
Also: §17868.2 §17868.3	115R01	California Association of Sanitation Agencies	Greg	Kester	Some permits limit storage of post screened compost to 7 days or less, making it very difficult or impossible to obtain analytical results prior to the need to move compost. Flexibility is provided for this requirement for all other compost feedstocks except biosolids. California Association of Sanitation Agencies recommends modifying the language as follows: “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.”		
	1151E01	Association of Compost Producers	Dan	Noble	Biosolids Composting operations not consistent for different parameters: As written in, §17868.1 (a),(2), large biosolids composters will have to sample monthly for metals and pathogens, but §17868.3.1 (b) requires sampling every 5,000 cubic yards for physical contaminants. We feel this is inconsistent, and unnecessary given the fact that biosolids have not been associated with physical contaminants more than other feedstocks. To resolve this inconsistency and simplify compliance, on Page 26 – 17868.3.1(b), we request referring any statements of sampling frequency to §17868.1 (a)(1&2).		
	1151N01	Waste Management	Chuck	White			
	1151E02	Association of Compost Producers	Dan	Noble	This same protocol should apply to all “compostable material handling operations or facilities”, i.e. chipping and grinding operations, not just compost operations, and the sampling should not be different for any potential contaminant [be they metals, biological or physical (trash)].		
	1151E06	Association of Compost Producers	Dan	Noble	Either 1) “Composite Sampling” be defined in the Definition section (§ 17852. Definitions.(a), and simply put the wording of §17868.1 (b) in there (and refer all “composite sampling” references back to the “composite sampling” definition)		

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					Or 2) include "Chipping and Grinding Operations" in Article 7. Environmental Health Standards, § 17868.1. Sampling Requirements:		
	1151E07	Association of Compost Producers	Dan	Noble	This section starts with "All composting operations ..." and then includes in § 17868.1.(a)(1) "compostable material handling operation or facility". So do these regulations include "Chipping and Grinding Operations", or only "composting operations"?  We strongly recommend simply substituting the phrase "compostable handling material operations" for "composting operation", or adding "composting operation, or chipping and grinding operation" to the "Sampling Requirements" section.		
	1151E10	Association of Compost Producers	Dan	Noble	We recommend that the proposed regulations include reference to a separate, "Guide to Title 14/27 Compliance Methods," that contains the proposed and verified field and lab sampling and testing methods. This guide could be unique to these new regulatory revision testing, but would also include the current industry standard testing methods used by the Seal of Testing Assurance (STA) compost producers promulgated by the US Composting Council's, Testing Methods for the Examination of Composting and Compost (TMECC). CalRecycle could publish and update this guide as new testing methods and standards are introduced with the input of labs, academia, industry associations, and compost operators.		
	1151N04	Waste Management	Chuck	White			
	1151V01	Waste Management	Chuck	White	We simply do not believe that green waste chipping and grinding operations should be held to the same standards. For example, while Waste Management's chipping and grinding operations are typically able to meet 0.1 percent contamination by product weight requirement imposed by Ventura County, Waste Management has certainly not suggested that these standards are appropriate for composting operations. Because of the nature of composting processes, achieving this standard for compost materials is simply not appropriate. Similarly, applying compost test procedures for metals and other parameters for composting are simply not appropriate.		
<b>§17868.2. Maximum Metal Concentrations</b>							
(a)	115P07	CR&R Environmental Services	Clarke	Pauley	...we recommend changing the language to: "...Test results of <u>verification</u> samples <u>collected at the minimum frequency described in § 17868.1</u> must be received by the operator prior to removing compost from the composting operation or facility where it was produced."		
	1151I07		Paul	Relis			
(a)	115L07	Synagro	Layne	Baroldi	We recommend adding molybdenum with a limit of 75 mg/kg to the list of metals for testing. This will allow compost to be in compliance with the risk based federal biosolids standards. We are curious as to CalRecycle's rational for not requiring other non-biosolids composters to meet VAR.		
	115R02	California Association of Sanitation Agencies	Greg	Kester			
(a)	115L09	Synagro	Layne	Baroldi	Synagro recommends changing the language to: "Sample results <u>collected at the frequency prescribed in section 17867.1(a)(1)</u> and must be available for review by EA at the composting site."		
<b>§17868.3.1. Physical Contamination Limits.</b>							

**CalRecycle Responses to 15-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
	115B03	California League of Food Processors	Rob	Neenan	The testing requirements for physical contaminants outlined in Section 17868.3.1 require that the site operator must receive the sample testing results prior to removing the material from the facility of origin. California League of Food Processors remains concerned that removing food processing by-products quickly to land application sites to avoid internal temperature increases that could cause composting may conflict with the time frame needed to obtain the sample results from the testing laboratory. California League of Food Processors suggests that the regulations be amended to allow facilities some discretion in terms of holding materials pending the receipt of lab results, or allowing land application sites to temporarily stockpile material until the test results are available.		
	115G02	Santa Barbara County Environmental Health Services	Lisa	Sloan	Contaminant sampling requirements in 17868.3.1 for a compostable material handling operation or facility should be left to the discretion of the LEA.		
	115P08	CR&R Environmental Services	Clarke	Pauley	...we recommend changing the operative date to <b>January 1, 2020</b> .		
	1151I08		Paul	Relis			
	115Z01	County Sanitation Districts of Los Angeles County	Paul	Prestia	We appreciate Ca!Recycle's change of the maximum physical contamination allowed for finished compostable material from 0.1 to 0.5% of contaminants greater than 4 millimeters, on a dry weight basis.		
	115Z03	County Sanitation Districts of Los Angeles County	Paul	Prestia	CalRecycle should consider adding language in this section that would extend the operative date beyond January 1, 2018, if a reproducible and accurate field test method is not developed by then.		
	115Q04	Western Placer Waste Management Authority	Eric	Oddo	The Western Placer Waste Management Authority previously expressed concerns with the proposal of stricter physical contamination standards for compostable material handling operations. The Western Placer Waste Management Authority appreciates that CaiRecycle amended the proposed language and believes diverting a broader range of organic material would result in higher overall diversion levels and a greater reduction in emissions of greenhouse gases.		
	1151C14	County of Ventura Resource Management Agency	Charles	Genkel	Strike the word "dry" in all subsections that refer to contamination by weight.		
	115T01	County of Solano	Jagjinder	Sahota	The LEA agrees with the comments provided by California Conference Directors of Environmental Health regarding the need for development of a field testing methodology for checking physical contaminant and concurs with California Conference Directors of Environmental Health assessment for the need of a phased approach for physical contaminants as described in their December 5, 2014 letter.		

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Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
	115X01	California Refuse Recycling Council	Kathryn Ralph	Lynch & Chandler	We still have concerns about the testing methodology that will be used to determine this standard, as well as the short introduction time in applying the standard...We need time to adjust to this collection and ask that any state standard on contamination of the compostable/digestate material begin January 1, 2020.		
	1151N07	Waste Management	Chuck	White			
	1151E03	Association of Compost Producers	Dan	Noble	The section should read: "Any sampling conducted to comply with this section shall require a compost sample, as per §17868.1 (b)."		
	1151E08	Association of Compost Producers	Dan	Noble	We recommend that CalRecycle, through the LEA's, authorize chipping and grinding operations to either keep the material longer, otherwise, obtain a compost production permit. (Of course, in most instances, to keep the material longer will necessitate a compost permit, anyway).		
	1151N02	Waste Management	Chuck	White			
	1151E09	Association of Compost Producers	Dan	Noble	We are proposing test protocols to CalRecycle staff that can be performed in the field, and that are not dry mass based. Once these new tests and protocols are validated, calibrated and approved, the tests could be used in lieu of a dry mass based test. We will continue to seek approval from CalRecycle for these alternative testing methods. CalRecycle should consider referring to these alternative, but approved, test methods in these regulations, this would make this new 0.5% physical contaminant standard operationally workable. We would like to also leave the physical contamination testing method open to further innovation, and believe that an additional process of preparing guidance a document as a companion to this regulation package would provide an ongoing process for implementing these regulations, while providing for continuous cost and quality improvements.		
	1151N03	Waste Management	Chuck	White			
(a)(b)(c)	115R03	California Association of Sanitation Agencies	Greg	Kester	California Association of Sanitation Agencies appreciates the change in the physical contaminant level in the revised regulations and the delay of their implementation until January 1, 2018. Please confirm that our understanding is correct that CalRecycle plans to work with the industry to develop methods to assess the contaminant level, which the operator can perform in the field. Furthermore, the only time a sample would be sent to a lab is if the EA upon inspection had reason to doubt the operator's finding. It is also our understanding that CalRecycle will work to ensure there are analytical methods in the lab, which can reliably calculate the contaminant level. Should it not be possible to develop both field and lab methods to determine compliance in time for the 2018 implementation date, we request that the implementation date be delayed until such time as they are available.		
(b)	115P09		Clarke	Pauley			

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Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
	1151I09	CR&R Environmental Services	Paul	Relis	We recommend, as above for clarity to refer back to § 17868.1 for verification sampling. Otherwise, this could be interpreted to mean operators are required to sample every load. If field methods of physical contamination limit sampling are developed, § 17868.1 as we propose, will contain reference to a new testing methods guidance document.		
(b)	115L10	Synagro	Layne	Baroldi	Synagro suggest that CalRecycle develop such a standardized and repeatable on-site testing protocol in combination with a reasonable containment target level of 1% in a manner that will ensure that health and environmental goals of the regulation are met and the testing can be achievable by the compost industry. In the alternative, physical contamination testing frequency pursuant to section 17867.1(a)(1) is recommended.		
(b)	115R04	California Association of Sanitation Agencies	Greg	Kester	We request that the monitoring frequency for this requirement be the same as for metals and pathogens as specified in sub 17868.1(a)(1 & 2). This would make the monitoring frequency for biosolids composting consistent with federal and state requirements for metals, pathogens, and vector attraction reduction and would be appropriate for physical contaminant levels in biosolids.		
(b)	115Z02	County Sanitation Districts of Los Angeles County	Paul	Prestia	(b) The operator of a compostable material handling operation or facility shall <del>sample every 5000 cubic yards of compost produced and</del> determine the percentage of physical contaminants greater than 4 millimeters in the <del>sample product</del> using a <u>field</u> method that provides accurate results and has been approved by the EA. <u>Sampling shall follow the frequency schedule and composite sampling requirements of Section 17868.1. If the compostable material handling operation or facility produce less than 5,000 cubic yards of compost in a 12 period, the operator shall analyze at least one composite sample of compost produced every 12 month period.</u>		
<b>§17869. General Record Keeping Requirements.</b>							
	115X06	California Refuse Recycling Council	Kathryn Ralph	Lynch & Chandler	We consider the fact that there is no guidance for recordkeeping and reporting under chipping and grinding facilities to be an oversight. Please consider including a reporting and recordkeeping requirement with the LEAs, comparable to the other activities.		
	1151N12	Waste Management	Chuck	White			
<b>§17896.1. Authority and Scope.</b>							
(d)	115C15	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>							

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Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
Also: 17852(a)(41)	115107	Waste Less Living	Christine	Lenches-Hinkel	Please consider the inclusion of the following terms and suggested definitions: "in-vessel systems" - "a process in which compostable material is enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost, maintained under uniform conditions of temperature and moisture where air-borne emissions are controlled" – Title 14 CCR, Division 7, Chapter 3.1, Section 17852		
(a)	115C16	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)	115P11	CR&R Environmental Services	Clarke	Pauley	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 anaerobic digestion to be unregulated. Recommend Change: "Small Distribution Center In-Vessel Digestion Operations (less than 60 yd <sup>3</sup> or 15 tpd)" Distribution center in-vessel digestion operations larger than this should be regulated under "Medium Volume" and "Large Volume" requirements.		
(a)(6), (a)(13)	115P10	CR&R Environmental Services	Clarke	Pauley	Recommend change the definition to: "Digestate means the solid and/or liquid residual <u>product</u> remaining after organic material has been processed in an in-vessel digester."		
	1151110		Paul	Relis			
(a)(9)	1151D05	Californians Against Waste	Nick	Lapis	non-land ap issue: ...the regs allow an exclusion for a distribution center digester if the material is backhauled in refrigerated trucks....recommend a broader standard based on minimizing nuisances or something along those lines, but requiring refrigeration seems like an unnecessary cost and source of greenhouse gas emissions.		
(a)(12)	1151G02	Baker Commodities Inc.	Doug	Smith	Remove grocery stores in the definition.		
(a)(12)(A)	1151C15	County of Ventura Resource Management Agency	Charles	Genkel	Strike the word "dry" in all subsections that refer to contamination by weight in definitions related to feedstock provided to composting operations. Strikeout "of" from subsection (A): "Vegetative food material contains no greater than 1.0 <del>of</del> percent physical contaminants by <del>dry</del> weight, and meets the requirements of section 17868.5."		
(a)(15)	1151U03	San Luis Obispo County Integrated Waste Management Authority	William	Worrell	The Integrated Waste Management Authority respectfully requests that the proposed definitions... (15) "Large Volume In-vessel Digestion Facility" means a facility that receives solid waste for digestion in an in-vessel digester. The facility shall not exceed the solid waste daily receiving and storage capacity limitations of the general design of the facility.		
(a)(16)	1151U01	San Luis Obispo County Integrated	William	Worrell	The Integrated Waste Management Authority respectfully requests that the proposed definitions...		

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Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
		Waste Management Authority			(16) "Limited Volume In-vessel Digestion Operation" means an operation that receives less than 105 tons (or 420 cubicyards) per week of solid waste for digestion in an in-vessel digester. Additionally, the operation shall not exceed the solid waste daily receiving and storage capacity limitations of the general design of the facility (whichever is less).		
(a)(19)	1151U02	San Luis Obispo County Integrated Waste Management Authority	William	Worrell	The Integrated Waste Management Authority respectfully requests that the proposed definitions... (19) "Medium Volume In-vessel Digestion Facility" means a facility that receives less than 700 tons (or 2,800 cubic yards) per week of solid waste for digestion in an in-vessel digester. Additionally, the facility shall not exceed the solid waste daily receiving and storage capacity limitations of the general design of the facility(whichever is less).		
(a)(20)	115C17	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please refer to the Specific Comment #2 for concerns and recommendations.		
(a)	115I04	Waste Less Living	Christine	Lenches-Hinkel	Please consider the inclusion of the following terms and suggested definitions: "putrescible waste" – "includes any organic material that is NOT in the process of being properly composted resulting in rapid microbial decomposition causing nuisances such as that of odors, vectors, gases or other offensive conditions.		
<b>§17896.3. Pre-Existing Permits and Notifications.</b>							
(a)	115L11	Synagro	Layne	Baroldi	Synagro request that CalRecycle include similar language for composters. As written, the regulation will provide undue impacts, both financial and operational, to composters as well as the local LEA's that have to review and approve revised OIMP's, etc.		
<b>§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities.</b>							
		FEED Resource Recovery	Ryan	Begin	FEED Resource Recovery Inc. delivers on-site Anaerobic Digestion solutions: we are asking CalRecycle to include projects like ours on the list of Excluded Activities (§ 17896.5. Excluded Activities) that do not require a full solid waste permit, but require EA Notification, maintaining quarterly inspections. This proposed process would be similar to the permit structure of the Research Notification, which has proven successful for our application.		
	1151C11	County of Ventura Resource Management Agency	Charles	Genkel	The conversion of 4 yards per ton of anaerobic digestion feedstock is not accurate since the material is predominantly manure, food and vegetative waste. Considering mixed municipal sources of feedstock can have a moisture content of approximately 74%, the average weight of food waste weight is 1,500 pounds per cubic yard. Revise Table 1 to use a conversion of .75 tons per cubic yard of feedstock. As an alternate, eliminate the volume reference.		
<b>§ 17896.6. Excluded Activities.</b>							
(a)(1)	115J01	IEUA	Sylvie	Lee	We were pleased with the exclusion tier of anaerobic co-digestion material with POTW wastewater.		

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Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
(a)(3)(B)	1151F07	California Compost Coalition	Neil	Edgar	The new proposed language in §17896(a)(3)(B) provides an exclusion for operators who annually sell or give away less than 1,000 cubic yards of compost produced from digestate. It requires that digestate not composted may not be given away or sold. This allows for operators who pay to have digestate – no matter how little that payment – to be land applied without being composted. We would ask that the language be revised to limit the exclusion to include materials for which the operator may pay to land apply the digestate.		
(a)(3) Also: (a)(3)(B)	115P12 1151I12	CR&R Environmental Services	Clarke Paul	Pauley Relis	We see that in this round of proposed edits, that dairy digesters that take in imported agricultural material and vegetative food material are proposed to be excluded from this regulation. We question the merit of this exclusion.. As written, there is a loophole that would allow potentially large scale dairy and agricultural material digesters that could accept outside vegetative food material that would not be subject to these regulations. There are several already identified permitting tiers that these operations could fall under based on the proposed volume of feedstock. Why are these types of facilities proposed to be exempt without limit? Are there not equal public health and safety issues associated with these types of operations as with the other in-vessel operations that are proposed to be regulated?		
(a)(3)(A)	115X05 1151N11	California Refuse Recycling Council  Waste Management	Kathryn Ralph  Chuck	Lynch & Chandler  White	...concerned about the exclusion of in-vessel digestion at dairy or rendering facilities. First, there is no size limit on these operations and no limit on the amount of imported vegetative material they can accept. Second, there is no guarantee that these facilities will be properly regulated as these facility types will have no regulatory oversight by the LEA...We suggest that these operations fall under a regulatory tier based on their proposed volume of operation.		
(a)(3)(B)	1151J03	Agriculture Council of California	Emily	Rooney	Delete Section §17896.6 (a)(3)(B) so as not to restrict the amount of material that could be given away or sold annually.		
(a)(3)(B)(5)	1151E11 1151N05	Assoc. of Compost Producers  Waste Management	Dan  Chuck	Noble  White	Compost producers and other in-vessel digester operations, that use the same “vegetative food material” feedstock, are not exempt from these regulations. They, therefore, have ongoing LEA oversight, to assure that public health and the environment are protected. However, these above exempted facility types [dairy, rendering] will have no regulatory oversight by the LEA, so how will the state, or more importantly the public, know if these facilities are in compliance?		
	115P13		Clarke	Pauley			

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Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
	1151I13	CR&R Environmental Services	Paul	Relis	We see that in-vessel digestion associated with rendering operations are also proposed to be excluded from these regulations. It is not clear why these operations would be categorically excluded from these regulations considering the potential for public health and safety issues arising from in-vessel digestion of rendering material. Imagine the potential odor concerns of a large-scale in-vessel digester operation co-located at a rendering operation? There are several already identified permitting tiers that these operations could fall under based on the proposed volume of feedstock.		
(a)(6)	115R05	California Association of Sanitation Agencies	Greg	Kester	We request a change in this section to read as follows: "Other discrete handling activities that are already subject to <u>equally</u> stringent handling requirements under Federal or State law, as determined by <u>the Department in consultation with the EA and other state agencies as appropriate</u> , are excluded. <u>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)(6)	1151O02	East Bay Municipal Utility District	Donald	Gray	Other discrete handling activities that are already subject to <del>more</del> <u>equally</u> stringent handling requirements under Federal or State law, as determined by the EA in consultation with the Department, are excluded. <u>Furthermore, POTWs with dedicated digesters receiving only hauled-in anaerobically digestible materials without co-digesting with wastewater at POTWs, can submit a request (or exclusion in accordance with Section 17896.6(a)(1)(D).</u>		
(a)(6)	115J02	IEUA	Sylvie	Lee	17896.6(aX6) "Other discrete handling activities that are already subject to <u>equally</u> stringent handling requirements under Federal or State law, as <u>determined</u> by the Department in consultation with the EA, are excluded. <u>Furthermore, dedicated In-vessel Digester, including Large Volume In-vessel Digestion Facility operating at a POTW owned property, and receiving only hauled-in anaerobically digestible materials without co-digesting with wastewater, are exempt."</u>		
<b>§ 17896.7. Prohibitions.</b>							
(a)(3)	1151O01	East Bay Municipal Utility District	Donald	Gray	(3) from a source <u>and processed by a facility</u> approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, <u>on a case-by-case basis ."</u>		
<b>§ 17896.8. Research In-Vessel Digestion Operations.</b>							
	1151F08	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.		
<b>§ 17896.19. Biogas Control.</b>							
	115T06	County of Solano	Jagjinder	Sahota	The hyphenation of on-site creates a grammatical error. Consider adding "to" before on-site as" The operator of an in-vessel digestion operation or facility must take adequate measures to prevent the uncontrolled release of biogas that may have harmful effects to on-site users and the general public".		
<b>§17896.21. Drainage and Spill Control.</b>							

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Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
	115C18	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>							
	115C19	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Pursuant to Sections 17852 (a) (27.5) and 17896.2 (a) (20), please identify/describe the boundaries of the community that may potentially be affected.		
<b>§17896.31. Odor Minimization Plan.</b>							
(f)	115P14	CR&R	Clarke	Pauley	Recommend change "shall direct" to "may direct."		
	1151114	Environmental Services	Paul	Relis			
<b>§17896.45. Record Keeping Requirements.</b>							
	115C20	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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."		
<b>§17896.57. Digestate Handling.</b>							
*Cited wrong section (§17896.56) (a)(2)(A)	1151Q01	JPB Consulting	Juliette	Bohn	Why limit on-site composting of digestate to large facilities only?		
(a)(3)(A) Also: (a)(2)(B)  *Cited wrong section § 17896.45.	115P15 1151115	CR&R Environmental Services	Clarke Paul	Pauley Relis	Digestate is not solid waste, it is a waste derived soil product. Suggest: remove "solid waste" Suggest: "(A) transported to another solid waste facility or operation, or facility that has obtained a Compostable Materials Handling Facility Permit pursuant to section 17854 for disposal, composting, or additional processing; or..."  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 below.		
<b>§17896.58. Sampling Requirements.</b>							
	115P16 1151116	CR&R Environmental Services	Clarke Paul	Pauley Relis	Recommend change to: "The sampling of compost <u>and digestate</u> 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		

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Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
					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.”		
	1151E04	Association of Compost Producers	Dan	Noble	The section should read: “Any sampling conducted to comply with this section shall require a compost sample, as per §17868.1 (b).”		
<b>§17896.59. Maximum Metal Concentrations.</b>							
(a)	115P17	CR&R	Clarke	Pauley	Line 33, 43, and 44. Recommend, “Compost and Digestate”.		
Also:	1151I17	Environmental Services	Paul	Relis			
(a)(1)							
<b>§17896.60. Pathogen Reduction.</b>							
	115P18	CR&R Environmental Services	Clarke	Pauley	We are concerned that no efforts were made in the last round of edits to address any of the recommendations on pathogen reduction that are unique to Anaerobic Digestion versus composting. Line 8-51: Recommend, “Compost and Digestate” Line 13-15: Recommend: “ <u>Sample results collected at the frequency prescribed in section 17896.58(b)(1)</u> 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).” Line 17: Recommend: Recommend: “ <u>Sample results collected at the frequency prescribed in section 17896.58(b)(1)</u> 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).” Line 22: Recommend: “(2) at in-vessel digestion facilities using an enclosed or within-vessel digestion process, active Substrate shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days, or 120 degrees Fahrenheit or higher for a pathogen reduction period of 15 days. Delete (b) 2(A). Line 28: Recommend 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.” Line 32: Recommend Delete (b)(4), as this is redundant with the composting regulations.		
	1151I18		Paul	Relis			
<b>§17896.61. Physical Contamination Limits.</b>							
	115P19	CR&R Environmental Services	Clarke	Pauley	<b>Suggested Revision:</b> <b><u>This section shall become operative January 1, 2020.</u></b> Compost <u>and digestate</u> produced at an in-vessel digestion facility shall not contain more than 0.5% by dry weight of physical contaminants greater than 4 millimeters; no more than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters. Compost <u>and Digestate</u> that contains physical contaminants in excess of		
	1151I19		Paul	Relis			

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Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
					<p>either one or both of these limits shall be designated for, additional processing, disposal, 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 <u>or digestate</u> 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, <u>collected at the minimum frequency prescribed in section 17868.3.1(c)</u>, must be received by the operator prior to removing compost <u>and digestate</u> from the in-vessel digestion facility <u>or associated composting operation facility</u> where it was produced.</p> <p>(b) All in-vessel digestion facilities with an on-site <u>compost process or fully permitted solid waste facilities where final curing, blending, processing or composting occurs (reference codes)</u>, shall take one representative sample for every 5,000 cubic-yards of compost produced and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.</p> <p>(c) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure the physical contaminant requirements of this section are met.</p>		
	115G03	Santa Barbara County Environmental Health Services	Lisa	Sloan	This testing requirement in 17896.61. Physical Contamination Limits may not be necessary, especially for digestate intended as alternative daily cover or disposal.		
	1151C12	County of Ventura Resource Management Agency	Charles	Genkel	Strike the word "dry" in all subsections that refer to contamination by weight.		
	1151E05	Association of Compost Producers	Dan	Noble	The section should read: "Any sampling conducted to comply with this section shall require a compost sample, as per §17868.1 (b)."		
<b>§ 18103.1. Filing Requirements.</b>							
	1151C13	County of Ventura Resource Management Agency	Charles	Genkel	Add section (h) that reads as follows: " <u>If a chipping and grinding operation or facility is observed handling active compost more than three times in a one year period. the operation shall be regulated as a green material composting operation or facility, as set forth in this Chapter. Feedstock piles are excluded from temperature requirements, provided the piles are chipped and ground within same day of receipt.</u> "		
<b>§18302 Written Complaints of Alleged Violations</b>							
	115Y03	Burke, Williams, & Sorensen, LLP	Timothy	Colvig	Revise Section 18302 to require allow the Enforcement Agency, when investigating and taking action in response to odor complaints, to rely upon all material information, including investigations performed by other		

**CalRecycle Responses to 15-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
					regulatory agencies, including investigations by the applicable Regional Air Quality Management District and Regional Water Quality Control Board.		
(c)	115C21	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please revise this Subsection to require the EA investigate any odor complaint by the next business day instead of the stated 15 days		
(d)	115C22	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)	115Q04	Western Placer Waste Management Authority	Eric	Oddo	The Western Placer Waste Management Authority appreciates that Cal Recycle has clarified this section to state that the EA will investigate the complaint as soon as practical to determine whether the operator has failed to minimize odor and that, after investigation, the EA may issue violation at their discretion. We believe this will give the EA the discretion they are afforded throughout the regulation.		
(d)	115Z04	County Sanitation Districts of Los Angeles County	Paul	Prestia	Section 18302(d) implies that the EA will issue a violation to the operator after investigating the odor complaint. This precludes any due process. We request the following change:  (d) Upon receipt of an odor complaint related to a compostable material handling operation or facility, the EA shall investigate the complaint as soon as practical <u>to determine that the compostable material handling operation or facility is the source of the odor and that the odor represents a nuisance condition. Based on these findings, the EA may issue a notice of violation for failing to minimize odors.</u> The odor complaint investigation shall include the following: <del>as soon as practical prior to issuing a violation for failing to minimize odors.</del>		
(d)(2)	115C23	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)	115T07	County of Solano	Jagjinder	Sahota	The LEA is concerned with the change in this section. The LEA staff should not only document, but should make a finding on whether he/she believes the odor is offensive.		
<b>Solid Waste Facility Permit Application Form</b>							
Part 1. A,B,C. 1-6	115G04	Santa Barbara County Environmental Health Services	Lisa	Sloan	Page 64 Application instructions numbering of Part 1. A, B, C.1 through 6 do not coordinate with numbering in the application form itself, which includes Part 1. A, B, C.1 through 5.		

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Section/ Area	Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed
Part 2. E.12	115C24	Los Angeles County Solid Waste Management Committee	Margaret	Clark	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)	1151M04	Recology	Erin	Merrill	...the term “permitted maximum tonnage” in the Solid Waste Facility Permit Application should apply only to waste materials being brought to a facility for transfer, processing, or disposal and not to materials coming into a facility for beneficial reuse. To include beneficial reuse materials, including those to be used for ADC, road construction, landscaping, unit construction, wet-weather pad construction, and other purposes, in this tonnage limit would put facilities at risk of not being able to accept these materials because they may exceed their maximum daily tonnage.		
Part 3 A.1.a.2.	115C25	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand line 8 to also include “compost.”		
Part 3 A.4.	115C26	Los Angeles County Solid Waste Management Committee	Margaret	Clark	Please expand to describe the disposal footprint by latitude and longitude and expressed in degrees, minutes, and seconds, or decimal degrees identifying the boundaries of the waste footprint for existing and/or proposed new areas.		