

## Comments Received Via Email July 31 – August 19, 2009

### Food Waste Composting Comments

Page 14, The last partial sentence in the middle of the page “ which impacts the ability of compost facilities to produce quality and visually-appealing end products.” Should be deleted.

Page 17, 3<sup>rd</sup> paragraph, 2<sup>nd</sup> sentence. For clarification add composting/processing.

Page 23, 2<sup>nd</sup> paragraph, Is the windrow with the finished compost blanket turned during the 14 days of composting? if so, is another compost blanket applied after turning?

Page 24, Table ES1, this table makes no sense to me, it needs to be clearer on what it is showing.

I would like to see more information regarding food waste composting without meat/dairy/oil\* and food waste composting with meat/dairy/oil.

\*(large quantities of oil, not corn & avocados)

I thought the paper was informative, it contains a lot of information.

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Replace the second paragraph of the report with the following:

"The discards stream (40 million tons buried or burned in 2008) includes three major portions which are compostable: Group A: landscape trimmings and wood in several classes, Group B: food debris in several classes, and Group C: soiled papers unsuitable for recycling. The 2004 Waste Characterization Study, which looked at 4x million tons, found 15% of that total to be food debris, xx% of the total to be Group A, and xx% of the total to be Group C, or, in summary, xx% [ARB's guess would be 40-60%] of what's still going into the landfills is compostable.

"Because California does not collect data on materials actually diverted from the landfills but only calculates a generalized diversion rate based on calculated generation less the measured quantities landfilled (i.e., disposal), it is not possible to state what portion of the food waste stream is currently being diverted to composting or mulching. Because only about 40 communities currently collect food debris in with their green cart collections (SWIS reports on communities have separate green waste collections [over 300 do] but not, at present, food waste collections), and because only xx of the xxx permitted composting yards are permitted to receive food debris (such a permit would also allow Group C [soiled papers] in the inflowing materials), it is estimated that at present only about (your guess) xx percent of all food debris generated in California is currently being diverted from landfills [ARB guess: 10-12%]. It should also be remembered that ADC regulations do not allow food debris to be mixed with shredded green waste or MRF fines and then to be used as an ADC."

I think I would also differ with your conclusion that tough permitting is the problem. The problem is rather the board's lack of enforcement against underachieving cities, the scandal of green waste ADC being counted as diversion [which is a problem for the legislature, not the Board], and the continued indifference of local governments in some areas to new programs.

Again, and I will tell the Board this when your report comes up, composters lose the competition from landfills for collected materials based solely on price. The board didn't study that when it was supposed to in 1994 and it's not doing it now.

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Of course we need regulations that are well thought through and based on solid science and common sense, but it is even more important that those regulations be universally and equally enforced! If all players are forced to comply with a bad regulation it will not be long before that regulation is modified. On the other hand if only a few are, life will remain hell for those few. The current paradigm gives the LEA such broad discretion that it practically ensures the regulations will not be evenly enforced. That aspect needs to be changed, or at the very least there needs to be some sort of LEA education and training put on by the Waste Board so that we do not have the current wide disparity.

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I agree that asking for feed back prior to passing the regulations is a good idea. I am disappointed that you limit the feed back to the papers' 'accuracy' 'clarity', or 'usefulness'. At this point in time for California (including the CIWMB, the ARB, the SWRCB and others) to consider adding regulations which are costly (and possibly unnecessary) is not in the best interest of the people of the State of California.

Have we completely forgotten the original discussions brought forth by Wes Chesbro prior to the California Integrated Waste Management Act of 1989? What was accepted as a great idea, *reduce the amount of waste we make*, has been watered down to: "it's okay to make waste, just don't put it in the landfill". There has been no emphasis from Sacramento via regs or otherwise to encourage the reduction of waste, just how to count the diversion.

So my first point would address the question of 'usefulness', and, as written (with no mention of waste reduction) it is not as useful as I was hoping for.

Under the section of Regulatory History of Composting in CA: The following sentence occurs: During the process of developing minimum standards for composting facilities and examining the need to regulate new solid waste handling activities..... "examining the need to regulate" is a phrase that comes up too often from a regulatory body and usually means "let's protect our jobs", or this is a "make-work activity". The paper does not explain who decided, or by what criteria, that there was a new 'need' to regulate. This then becomes a point of the paper not being 'clear'. I am a Public Representative of the Local Task Force of the Butte County Solid Waste Authority. I am often asked "why"?, when the public hears about new regulations. Frequently, the public does not understand proposed changes in regulations and this is often due to regulations not being 'clear'.

As to accuracy, I can't begin to verify all the Statutes, dates, Chpts, etc., but am somewhat concerned that there is a new (2008) survey (page 3) that could have been included instead of data from 2003. A lot has changed in five years. The public (or stakeholders) should have this information included in 'white papers' so it is as accurate as possible before actually submitting it to the board for inclusion into the regs.

Just suppose that the Boards did nothing to change regulations, and all the emphasis was on food waste and green waste generators: restaurants, grocery stores, institutions, landscapers, and homeowners to see organics as *resources* and not *wastes*. Suppose there were more provisions for local composting operations and use of finished product. If there were more emphasis on making less waste in the first place (producer's responsibility, home composting, organic farming, etc.) we could easily see the reduction of organics going to landfill that is specified in SD 6.1 for 2020. Other reductions would follow: fewer trucks on the road going fewer miles; less administrative oversight means fewer tax supported jobs; and by not landfilling organics, there is a huge reduction in methane production.

Landfill operators are already seeing a reduction in scale-house fees. Blame the economy? Yes, but it means we bought less disposable material, so we threw less away; and we ate-out less so restaurants threw less away, and our landscape contractor started composting green waste because his business could not afford to go to the landfill as often as before. And on and on.

Who would ever imagine just a few years ago that the CIWMB would have over 450 employees today? Are they (you) doing anything to reduce waste? Let's have the current facilities that want to increase the materials they can compost, do so now. Encourage new facilities! Re-evaluate in 10 years and see how much cleaner and leaner the landfills are then. And how many 'resources' we put back into our California agricultural soils. We will all be healthier for it.

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The purpose of this letter is to request a change in the regulatory tier structure for agricultural materials composting operations.

Specifically, as currently worded, agricultural materials composting is an excluded activity if:

“ it handles agricultural material derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.”

As written, there is a requirement that all material is derived from the agricultural site, but there is no volume limitation except that associated with sales or gifting of finished compost. The basis of the exclusion is the on-site generation and use of the material.

Similarly,

“ Handling of green material, feedstock, additives, amendments, compost, or chipped and ground material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or given away annually. The compostable material may also include up to 10% food material by volume.”

Here, volume restriction and on-site generation of materials form the basis of the exclusion. Consider an on-farm composting operation that derives much of its feedstock from on-site operations, yet requires agricultural material additives (eg, manures, straw, shavings, etc.) to achieve conditions necessary for proper composting of its on-farm waste stream. No material is given away or sold and all material is used on site. This would be an excluded activity, except that the need for imported manure, for example, to process that material forces it into a notification tier because now not all the material is generated on site.

I would like to suggest an additional excluded agricultural materials composting category, defined as follows:

***“An activity is excluded if it handles agricultural material derived from an agricultural site, and imports not more than an equal volume of agricultural material for co-composting with that on-site material. All compost produced is applied to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. Not more than 500 cubic yards of feedstock and active compost are on site at any one time, and not more than 100 yards of finished compost product is given away or sold annually.”***

I believe this will expand the excluded category without undermining the intent of the regulatory tier. It will encourage the cooperation of local agricultural producers to effect efficient composting of disparate agricultural waste streams, will foster small-scale on-farm composting operations by removing an unnecessary regulatory obstacle, and will free up Local Enforcement Agency personnel to address increasing work loads associated with the proliferation of larger scale composting operations.

## **Anaerobic Digestion Comments**

Why do we allow the shipments of excessive amounts of water in bio solids that go to the landfill or for field application? We live in a state where mechanically aided solar/evaporative drying of bio solids is a no-brainer. 15% solids dried to 60% solids is 3 less trucks on our highways along with their carbon footprints ad nauseam! I find it somewhat amusing that we pay more attention to the minutiae in regulatory c@#p yet ignore simple steps that could be money "saving" regulations that would financially benefit govt. and the environment!

I would be more than willing to go into detail on how this could be done. Sadly between the attitude of WWTP operators ["out of sight, out of mind, out of regulatory scrutiny"] and the willingness of the private sector to take advantage of local inaction the status quo continues! As always politics rule in Sacramento but we need ALL the regulatory agencies on the same page as the CIWMB regarding common sense and the overall environmental and financial well being of our state!

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If I understood the presentation today correctly, the Registration tier is not an option for anaerobic digestion at present. Therefore, I suggest that "Registration Permit" text under the header A Tiered Regulatory Structure on page 4 be deleted unless the statement is qualified for inclusion of that tier.