

WEST MARIN COMPOST

December 5, 2014

Mr. Ken Decio
Senior Integrated Waste Management Specialist
Department of Resources Recycling and Recovery
1001 I Street
PO Box 4025
Sacramento, CA 95812-4025
Fax: (916) 319-7244
Email: compost.transfer.regs@calrecycle.ca.gov

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

Dear Mr. Decio:

Thank you for the opportunity to comment on the CalRecycle Draft Regulatory Revisions to Title 14 and 27 Regarding Compostable Materials Handling and Transfer/Processing.

Our comments refer to specific sections noted below:

§ 17868.3.1. Physical Contamination Limits.

We are supportive of a phased-in standard that allows time for jurisdictions and operators to adjust to the significant potential projected cost increases. While we agree that a 0.1% limit on physical contaminants may be achievable for green material, we do not believe that a limit below 0.5% can be met consistently given the increasing levels of food waste being used as compost feedstock.

While direct land application of organics with a 0.1% contaminant content may seem appropriate, this same material would not, under the proposed regulations, be marketable when processed more responsibly at a compost facility where the feedstock volume will shrink approximately 50% and produce a compost with a 0.2% contaminant rate. Furthermore, while compost is typically applied at the rate of 1/8 to 1/2 inch (equivalent to 10-40 tons per acre), rates for direct land application have been 1-2 feet, or up to 50 times higher. This means that up to 50 times the volume of contaminants may be applied to a field in one such application of unprocessed organics.

We therefore support the structure that is proposed by the California Compost Coalition, whereby in 2020 clean green facilities will meet the 0.1% and mixed materials .5% contaminant limits. Note that Caltrans just adopted a 0.5% contaminant specification for their materials; we urge maintaining uniformity among state agencies.

WEST MARIN COMPOST

§ 17852. Definitions.

(5) "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, 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 but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

(5) Why is grape pomace singled out here? What about other fruit pomaces, such as olive or apple? A broader exception for minimally processed agricultural material should be included here.

(20) "Food Material" means a waste material of plant or animal origin that results from the preparation or processing of food for animal or human consumption, and that is separated from the municipal solid waste stream. Food material includes, but is not limited to, food waste from food facilities as defined in Health and Safety Code section 113789 (such as restaurants), food processing establishments as defined in Health and Safety Code section 111955, grocery stores, institutional cafeterias (such as prisons, schools and hospitals), and residential food scrap collection. Food material does not include any material that is required to be handled only pursuant to the California Food and Agricultural Code and regulations adopted pursuant thereto.

(A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant material and is separated from other food material and the municipal solid waste stream. Vegetative food material may be processed or cooked but must otherwise retain its essential natural character and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and spoiled produce, and coffee grounds.

This series of definitions (Ag, Food, and Vegetative Food materials) places the same items in several different regulatory categories. An orange, apple, or head of lettuce that is composted on farm is Ag material, but the same orange or head of lettuce discarded at a grocery produce department or deli is Vegetative Food Material and regulated differently. Unprocessed and minimally processed vegetable/plant food waste should be treated identically to Agricultural Waste, which indeed it is. For example, a farmer takes produce to a local market. The market stocks the produce shelf with it. As days go by, some of that produce becomes unsalable for one reason or another and is discarded. The farmer would like, and ecologically, should, have the prerogative of returning to the store to retrieve his, and others', outdated produce for return to his on-farm compost operation. Under these categories, his

WEST MARIN COMPOST

agricultural material is now vegetative food waste and cannot be retrieved for on-farm composting under an agricultural materials composting permit.

Please rewrite these definitions to include, within the Agricultural Materials definition, unprocessed and minimally processed, fruit and vegetable pomaces, uncooked vegetable and fruit processing discards, whole fruits and vegetables, edible flowers and plants, outdated and spoiled produce, and coffee grounds.

§ 17855. Excluded Activities.

(4) Composting green material, food material, and vegetative food material is an excluded activity if the total amount of feedstock and compost on-site at any one time does not exceed **200 cubic yards** and **1000 square feet**. *Please increase excluded volume from 100 to 200 cubic yards and area to 1000 sq. ft.*

§ 17856. Agricultural Material Composting Operations.

(d) Agricultural material composting operations whose feedstock is both green material and agricultural material are subject to the following requirements:

(1) Producers located on Agricultural Land:

(A) Operations located on land that is zoned for agricultural uses that sell or give away less than 1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and green material on the site;

(2) Other Producers:

(A) 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 may handle an unlimited amount of agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock on the site at any time.

Apparently missing from 1(A) and 2(A) are composting operations that are located on land zoned for agricultural uses and which handle both ag material and green material and wish to sell or give away more than 1000 cubic yards per year. Please allow operations located on land zoned for agricultural uses and which handle both ag material and green material and wish to sell or give away more than 1000 cubic yards per year.

§ 17896.57. Digestate Handling.

(a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:

(1)

; or

(2) incorporated in an on-site aerobic compost process.

(A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section 17896.4.

This language would appear to preclude a dairy from aerobically composting its own digestate on site; please clarify language to allow on-farm composting of digestate from on-farm anaerobic digestion.

WEST MARIN COMPOST

Once again, thank you for the opportunity to comment on the Draft Regulatory Revisions to Title 14 and 27. At this time of climate crisis, the uniquely beneficial role of compost and organics diversion to composting in the climate change equation should be fully embraced by the State of California. Every effort should be made to facilitate full capture of the state's organic waste stream and its ultimate disposition to land as a soil and climate beneficial compost.

Sincerely,

Jeffrey A. Creque, Ph.D.
Director of Rangeland and Agroecosystem Management
Carbon Cycle Institute
Technical Consultant, Bolinas-Stinson Beach Resource Recovery Project
West Marin Compost
Marin Carbon Project