
From: Nick Lapis <nicklapis@cawrecycles.org>
Sent: Friday, December 05, 2014 4:15 PM
To: Mortensen, Carroll@CalRecycle; Compost Transfer Regs
Cc: Smithline, Scott@CalRecycle; De Bie, Mark@CalRecycle; Holmes, Robert@CalRecycle; Decio, Ken@CalRecycle
Subject: Comments on the Compost Regs

Carroll et al.,

I assume you are getting a ton of great letters on the compost regs, so I will try to keep my comments to the point and focused on the few outstanding issues that need to be addressed.

(That said, I would like to briefly commend the staff, especially Mark, Bob, and Ken, for doing a great job of public outreach on this reg package. It has taken years to get here, but I don't think there is anybody who can honestly say that they did not have a chance to provide input on these. Also, each revision that has come out over the years has addressed some of the concerns that we had previously raised. Kudos!)

Compost Contamination Threshold:

- This is the biggest outstanding issue in the regs. The proposed 0.1% contamination standard is unworkable, unsubstantiated, and a barrier to expanding composting and meeting the state's 75% goal. All of the testing that we have seen has shown that even the cleanest greenwaste streams have a hard time consistently meeting the standard, and composted food waste has not (to my knowledge) been able to meet the standard. While it might not be completely reasonable for me to extrapolate the fact the current practice doesn't meet the requirements to mean that no food waste composter *could* meet standard, the burden is on CalRecycle to show that it is realistically feasible.
- Moreover, this requirement seems to be trying to solve a problem that doesn't actually exist. When compost is sold, the market dictates what levels of contamination is acceptable, and cases of heavily contaminated compost have been exceedingly rare. This cannot be said of material that pays a tip fee (such as directly land-applied greenwaste), and that is where the focus should be.
- Although we do not think a contamination threshold makes sense for finished compost at this point, we realize that CalRecycle will likely adopt some limit. If that is the case, here is a recommendation for a more workable approach:
 - The threshold should be in the 0.5% - 0.75% range. The lowest existing contamination level that we are aware of for finished compost is 0.5%, which is the number required in Washington State, as well as in the specs used by CalTrans and the Oregon and Washington DOTs. There will be a significant, but not catastrophic, cost to the composting industry to uniformly achieve this standard for food waste, and my understanding is that most composters will likely need to buy an additional screen. Any finer standard will not only be cost prohibitive, but will also require composters to screen out a large amount of valuable organic matter.
 - There should be an even playing field for composted material and direct land application. Since directly land-applied material has not been broken down in the composting process, the organic material degrades after being applied, and inert contaminants become an increasingly bigger percentage of the material. (I.e. the exact same amount of contaminants will be a far greater percentage of a finished compost product than an uncomposted product that is land-applied.) In order to have an even playing

field based on the actual environmental impacts of contaminants, the standard must be at least twice as strict for land application of uncomposted materials.

- The standard should be phased in over a reasonable period of time to minimize the impact on the industry. As I said above, there is no urgent crisis that needs to be remedied with contamination in compost, so there is no reason not to implement this standard over a reasonable time frame.
- Not all contaminants are equal. CalRecycle should consider having a different standard for heavy, but inert contaminants (such as glass), similar to what Washington State has implemented. We do not believe these pose the same risk as plastic in the environment.

Land Application Requirements:

- For the most part, the requirements for pathogen and metals testing, as well as contaminant limits and depth limits, are very well developed in this regulation. However, there is a lack of enforcement, as well as a problem with addressing problems after they are caught.
- CalRecycle should prohibit material from being spread on agricultural land prior to getting the lab results back. First of all, it will be nearly impossible to verify whether the pathogen, metals, and contaminant requirements have been met once the material has been spread. Moreover, there are public health risks from material containing pathogens being spread on food crops. There will be no getting the toothpaste back in the tube if we learn that contaminated material has already been spread in an orchard.
- There should be parity with composting. CalRecycle doesn't allow composters to sell finished product that isn't tested, and composters are handling the same materials that pose the same risks. If fecal chloroforms are such a concern in a controlled composting process designed to kill them, they ought to be a far greater concern in material that has been only chipped and ground.
- In addition, the lab results should also be automatically reported to the LEA to aid with any potential enforcement.

Vegetative Food Material:

- The definition of vegetative food material is unnecessarily restrictive. We have long argued that Registration Tier composters should be able to safely take a broad range of materials, and that some "green wastes" (such as grass) can have greater impacts than many food wastes. However, it appears that CalRecycle isn't interested in broadly expanding this definition. Nonetheless, these regulations should at least address de minimus quantities of other materials that might inadvertently end up with the vegetative food material.
- A composter handling residential materials might only ask for vegetative materials, but they might inadvertently receive small quantities of materials that do not meet the very narrow definition in the regulation. Even salad dressing, tossed in along with the remnants of a salad, would be a violation.

Dairy Digesters:

- We are concerned that dairies with co-digestion operations would be able to set up full transfer and processing operations without getting full solid waste facility permits. While these facilities might play a role in our recycling infrastructure in the future, a non-discretionary "notification" tier permit does not seem appropriate for a facility running a sorting and processing operation.

Thanks for taking the time to read through these comments, and for the numerous discussions your staff has had with us about all of these issues. I'd love to discuss anything that isn't clear.

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