

December 5, 2014

Mr. Ken Decio
Waste Permitting, Compliance, and Mitigation Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812-4025

Re: Comments on Proposed Revisions to Title 14 and Title 27 of the California Code of Regulations

Dear Mr Decio:

I appreciate CalRecycle's efforts to revise and adopt new regulations to manage compostable materials in a manner that protects the public's health and safety. San José has been processing and composting yard trimmings from the residential sector since 1989 and mixed organics from the multi-family residences since 2007. Our commercial system sends organics to anaerobic digestion and composting and won a 2013 Governor's Environmental and Economic Leadership Award. These programs help implement our City's Zero Waste Strategic Plan, which is part the City's Green Vision, a 15 year plan for economic growth, environmental sustainability, and an enhanced quality of life for its community. I have reviewed the proposed regulations and offer the following comments regarding Section 17868.3.1.

Section 17868.3.1 requires compost to contain less than 0.1% physical contaminants on a dry weight basis. This will be exceedingly difficult to achieve. Our local organics processors have indicated that even with the best processing equipment available, they cannot meet the 0.1% standard. I am concerned that the 0.1% standard will force processors to dispose of marketable material, thus wasting resources. I am also concerned that processors will pass the additional operating cost on to the City, resulting in increased cost of implementing City programs. Providing cleaner feedstock for composting will necessitate expensive, robust educational outreach, which will take time to become effective.

I would prefer CalRecycle continue to let the market determine the acceptable level of physical contaminants in compost. However, if a limit is to be set, feel a physical contaminant level set at 0.75% is far more pragmatic and achievable and is therefore recommended as an alternative. I also recommend adoption of a gradual phase-in of the physical contamination limit over a several year period. A phased-in approach will provide processors time to implement modifications, and provide time for generator behavior to change, thus making implementation of the physical contamination limit more feasible.

Thank you for this opportunity to comment. Please let me know if you have questions or need further clarification on any of these comments. We look forward to continuing to work with CalRecycle on resolving these important waste management issues.

Sincerely,

A handwritten signature in cursive script that reads "Kristina McCaffrey".

Kristina McCaffrey
Program Manager
Integrated Waste Management
City of San Jose