

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: ***Revision of existing Title 14 and Title 27 regulations regarding compostable materials, transfer/processing, permit application form, and permit exemptions.***

Dear Mr. Decio,

On behalf of the Western Agricultural Processors Association (WAPA) we thank you for the opportunity to provide comments on the proposed revisions to CalRecycle's Compostable Materials Regulations as set forth in Title 14 and Title 27. WAPA is a trade association which represents hullers and processors of almonds, pistachios, walnuts and pecans.

There are many byproducts of the tree nut harvest, including organic material such as sticks, leaves, hulls and shells. There are limited, practical, uses for the sticks and leaves once they have been separated from the nuts themselves. To reduce the amount of piled up material at a huller or processor, these farmers often spread this material back onto the ground in order to provide nutrient material to trees in the field. Over the past decade, the practice of burning the natural waste has been all but eliminated. Sticks and leaves are not the only after product in the tree nut industry. The meat is separated from the protective shell and the hulls that surround the shell. The shells and hulls are also spread across a field for purposes of soil enhancement, and hulls can also be used in dairy feed due to their nutritional value. Outside of those practices, however, there is no other method of usage for this waste.

We are seeking clarification on the proposed changes to the composting regulation. Spreading sticks and shells across a field to replace nutrients should not be considered commercial composting for purposes of this regulation. Discing the material back into the soil is the only process required once the sticks have been spread. We believe that these specific actions should be exempt from the proposed changes to the Compostable Materials Regulations.

Specifically, we would offer the following suggested changes and/or clarifications:

Section 17852 – Definitions

(a)(20) Food Material – This section needs to be modified to be made clear that byproducts from nut hulling, shelling and processing are not regulated materials, unless they are being handled in a deliberate manner for composting. This material would include, but is not limited to sticks, leaves, hulls and shells.

(24.5)(A) Land Application- This section should be modified to exclude nut hulling and processing from restrictions due to contaminant levels of pathogens, metal concentrations and spread compostable material depth.

Section 17855 – Excluded Activities

We ask that you add a section that excludes nut hullers and processors if the material is being handled in such a manner that the material is not purposely being composted. We would propose the following addition to the section on Excluded Activities:

Food Material Handling Operations. An activity is excluded if it handles Food Material, derived from an agricultural site, whereby the material is not being stored for the purposes of active composting.

After reviewing the language, we also seek clarification as to which category the tree nut processing practice falls into. We hope that the practice falls into the Agricultural Material definition:

Agricultural Material – Waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture...and similar activities undertaken for the product 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.

However, we believe that Food Material may be used as a definition for the practice of tree nut processing, specifically the blanching of almonds and walnuts. This process of food preparation involves removing the skins of said tree nuts in preparation for future use. The definition reads as follows:

Food Material – a waste material of plant or animal origin that results from the preparation or processing of food for animal or human consumption.

In closing, we wish to thank you for the opportunity to provide comment on the proposed revisions. We feel strongly that the revisions, as currently proposed, would have significant unintended consequences in regulating activities not intended for composting, and would result in undue burden and regulation on the activities of the tree nut hulling and processing industry. We would respectfully encourage CalRecycle to consider our comments and concerns

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when making changes to the proposed revisions. Should you have any questions regarding our concerns, please feel contact me at (559)455-9272 or via email at chris@agprocessors.org.

Best Regards,

Chris McGlothlin
Director of Technical Services