

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 California Cotton Ginners and Growers Association (CCGGA) 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 cotton harvest, including organic material such as sticks, seeds, remaining lint, as well as the cotton plant itself. There are limited, practical, uses for the sticks and leaves once they have been separated from the cotton themselves. To reduce the threat of pests overwintering in the plants, cotton plants are disced back into the ground every growing season. Once the picked cotton has been processed at a gin, the sticks, leaves, seed and lint are piled on the yard. This residual biomass has limited use once it has been separated from the marketable cotton. Over the past decade, the practice of burning the natural waste has been all but eliminated.

We understand and appreciate that the central purpose of the proposed regulations is to protect public health and the environment by more effectively regulating "compostable materials." However, legitimate land application operations conducted by cotton ginners and farmers; activities that are already regulated by other agencies to prevent any harm to the environment or human health should not be subject to these rules. As noted in Governor's Browns signing SB 617 into law in 2011, establishing the streamlining of regulatory activities is an important goal of for California Economic and Environmental sustainability. A related process of that legislation was efforts at the California Economic summit to make necessary regulation and regulatory process improvements by streamlining and/or eliminating mutually contradictory, duplicative, outdated regulations without undermining important environmental and worker protections. This proposed action by Cal RECYCLE conflicts with the streamlining goals in many respects when addressing agricultural biomass materials, such as cotton ginning waste products

We are seeking clarification on the proposed changes to the composting regulation. Selling gin trash to dairies should not be considered commercial composting for purposes of this regulation. The gin trash is sold to dairies for use as bedding purposes, and thus not a commercial composting process. 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 ginning cotton 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, seeds and lint.

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

Section 17855 – Excluded Activities

Need to add section here that excludes cotton gins 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.

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 cotton ginning industry. We would respectfully encourage CalRecycle to consider our comments and concerns 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