
From: Coby Skye <CSKYE@dpw.lacounty.gov>
Sent: Thursday, December 04, 2014 7:17 PM
To: Compost Transfer Regs; Decio, Ken@CalRecycle
Cc: Pat Proano; Carlos Ruiz; Bahman Hajjaliakbar; Christopher Sheppard
Subject: Comments on CalRecycle's Proposed Regulatory Revisions to CCR Title 14 and 27

Mr. Decio,

I am submitting the following comments on behalf of the Los Angeles County Department of Public Works, Environmental Programs Division. We appreciate the opportunity to comment on CalRecycle's consolidated regulatory revisions to Title 14 and 27 of the California Code of Regulations, dated September 2014, regarding (1) Compostable Materials Handling Operations and Facilities Regulatory Requirements; (2) In-Vessel Digestion Operations and Facilities Regulatory Requirements; (3) Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees; and (4) Joint Permit Application Form. We recognize and appreciate CalRecycle's efforts to revise and adopt new regulations in order to manage compostable organic materials within the State in a manner that protects the public's health and safety. We firmly believe that opening a market for products and byproducts of composting and anaerobic digestion is necessary to conserve natural resources and reduce our dependence on landfilling. In order to encourage a wide range of markets for these materials, which might otherwise be disposed, the proposed regulations should be applied uniformly to all technologies. This would help create a level playing field for all landfill diversion technologies to be successful in the future and help the state achieve the goals established by AB 341 (2011).

We have reviewed the proposed regulations and would like to offer the following comments prior to the public hearing on December 10, 2014:

General Comments:

1. Digestate and compost that is either unstored or substandard is required to be "used or disposed of in a manner approved by local state, and federal agencies having appropriate jurisdiction" as in Section 17896.57, Subsection (a) (3)(B) or "be designated for disposal, additional processing, or other use as approved by local state and federal agencies having appropriate jurisdiction" as in Section 17896.59, subsection (a). This phrase is repeated frequently throughout the regulation. In order to promote all landfill diversion technologies, we request that fuel production, as the generation of a marketable product, be added as an acceptable use for unstored or substandard compost/digestate product.

Specific Comments:

2. Section 17896.60, Subsection (b)(2), (3) and (4) – The requirements for minimum operating temperature, insulation thickness, and pathogen reduction period may be unnecessarily restrictive in these sections. Operation requirements vary by specific technology, scale, feedstock, and other parameters of facility design, and should not be restricted if the design can still achieve performance goals (e.g., pathogen reduction goals set by Section 17896.60, Subsection (b)(1), "Density of Fecal Coliform and Salmonella"). We recommend the requirements be revised to focus on the performance or outcome being sought rather than impeding operational design.
3. Section 17868.5, Subsection (a)(1) – The requirement for compost products to meet a 0.1 percent physical contamination limit will be very challenging for any operation to meet. While we recognize the importance of this standard to protect public health and safety, we believe that achieving such a

restrictive level may be cost prohibitive for the industry and may result in the landfilling of large amounts of compost material. We recommend that CalRecycle work with the composting industry to determine an acceptable level to allow for expansion of the industry yet achieve a safe level of contamination.

We appreciate your consideration of these comments and would be grateful for a response at your earliest convenience. Should you have any questions you may reach me by email, or at the phone number below, Monday - Thursday from 7:00 AM to 5:30 PM.

Coby Skye

Environmental Programs Division

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California is in a drought emergency, and 70% of residential water use goes to lawns. Visit www.SmartGardening.com for water-wise gardening tips.