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October 18, 2019

Delivered via email: SLCP.Organics@calrecycle.ca.gov

Gwen Huff
Materials Management and Local Assistance Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812

Dear Ms. Huff:

**RE: Comments on the Short-lived Climate Pollutants (SLCP): Organic Waste
Reductions Proposed Regulation Text – Third Formal Draft**

The California Compost Coalition (CCC) is a statewide organization representing operators of composting and anaerobic digestion facilities involved in the processing of green and food waste materials derived from municipal solid waste throughout California. CCC is pleased to see CalRecycle pursuing regulatory language that advances sound, economically viable organic materials management which will promote resource recovery markets and help California reach its mandated recycling and composting goals. To this end, CCC is providing our comments here related to the latest draft regulatory language.

We are pleased to see so many sensible revisions which address a significant number of concerns submitted by a wide range of stakeholders. We have a few remaining issues which we would like to see in the next draft of regulations.

Typographical Errors

There is a typo on page 19, line 20: the second “the” in the sentence is superfluous.

Article 12: Procurement of Recovered Organic Waste Products

Developing markets for the materials diverted from landfills is a key concern of many local governments and other policymakers and it certainly makes sense to have them be a part of the solution by mandating procurement of certain byproducts of these efforts. Beyond the benefits to market absorption of these recycled products, the procurement of the products will provide local governments a feedback loop on the quality of available materials and insight into the importance of proper collection techniques, outreach and education, and processor success in meeting market needs.

We support the expanded procurement target for compost and the use of biomethane and biomass for bioenergy or other uses, beyond just its use as transportation fuel. We look forward to language which would mandate that the biomethane be from sources that do not include landfills. Furthermore, we believe that all procurement be required from California-based sources only. Incentivizing activities which do not occur in California will not promote much-needed, in-state market development.

Additionally, we support the addition of mulch as a separate, required procurement category (not as an option on the same menu with compost, biomass energy, or renewable biomethane use) will be needed in order to build markets required to divert lumber and other wood from landfills, given the decline of the biomass industry and expansion of construction/demolition debris programs growing under green building standards implementation, as well as the requirements of these regulations. We would prefer if mulch procurement was required on a separate schedule.

While we support local government procurement requirements, we also believe state agencies and departments, and other non-local entities should be required to be part of the solution for markets and have their own procurement mandates.

Article 6.2 Operating Standards

1. Reducing Contamination in Incoming Materials and Outbound Waste

CCC supports the use of market-based mechanisms which limit contamination in the incoming feedstocks to their facilities. Our members believe that mandating specific contamination limits at processing facilities is impractical and difficult to execute; they would prefer to rely on their discretion to evaluate materials and their ability to work with feedstock suppliers to establish improved practices which will yield meaningful reductions in contamination. We believe that setting an artificial contamination limit (10% or otherwise) will have a significant impact on operators which will unnecessarily limit flexibility in systems design. For example, it is not clear why companies with vertically-integrated operations – who would prefer to invest heavily in pre-processing equipment and manpower mainly at their composting operations – would be forced to duplicate much of that investment at materials recovery facilities, transfer stations, or landfills in order to meet this regulatory burden, where it may have limited utility at substantial cost.

The monitoring and reporting requirements for the conceived schedule of load checks, waste audits and sorts, while less aggressive, will unnecessarily add significant labor costs and slow down processing and transfer of organic inputs and outputs with no apparent material benefit to quality improvement and no change in the status of materials which will still be delivered to another facility for further processing. Operators can (and will) determine which loads contain excessive contamination, beyond the tolerance level for their particular operation, and provide feedback to collectors, who can then push that information back upstream to generators. This market-based feedback loop, where increased fees are accorded to higher contamination levels, is currently (and effectively) working for the large majority of operators.

While we are pleased that the limits on outbound residual bound for disposal have been lifted to 20% for the first two years of the regulatory implementation, we still believe it will be difficult and costly to achieve, and will likely result in the increased disposal of residual overs where market options are limited or capacity limits will not allow for retaining and processing materials on an indefinite basis.

2. Direct Land Application and Enforcement Concepts

CCC has long been working to curtail the illegal land application of organic materials: we are unhappy that this new draft has eliminated the requirements for the recording and reporting of the exact locations and volumes of materials delivered to this questionable practice.

Direct enforcement will be the key to returning land application materials to productive use in a safe, environmentally sound manner. The potential spread of pathogens, physical contamination, and water quality impacts that result from the current land application practice have largely flown under the radar statewide; the overall practice has been largely unquantified, which may be remedied by the reporting required under AB 901.

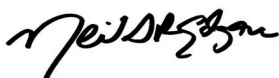
It is our understanding that the Local Enforcement Agencies (LEAs) have significant concerns about their ability to regulate land application sites, given their limited authority to gain access to property where they do not have a clear regulatory authority, and have limited resources with which to undertake this additional activity. We support making land application a clear permitting structure in these regulations, one which would have the LEAs with clear responsibility for the regulation of land application activities.

Following are two concepts for the regulation of materials destined for land application which we support being introduced into SB 1383 regulations:

- Chipping and grinding operations/facilities shall be required to provide notification of Title 14 regulatory requirements for direct land application and/or receive certification from any landowner and operator where they send processed materials which will be land applied. These certifications shall be required to be retained with other records pertaining to the operations and subject to inspection by appropriate agencies.
- Land application operations over a specified tonnage/volume limit (e.g. 100 tons; 1,000 cubic yards; 10 tons/acre) shall be required to provide notification to LEA, regional water board, and county Agriculture Commissioner under a process similar to current EA Notification regulations for other operations in Title 14. This EA Notification process may require landowner/operator to verify the agronomic benefit being derived from the land application activity by use of appropriate soils testing.

We look forward to continued participation in this regulatory process and are happy answer any questions you may have regarding our comments.

Sincerely,



Neil S.R. Edgar
Executive Director