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April 30, 2013

Robert Holmes
CalRecycle
1001 I Street
Sacramento, CA

Subject: Title 14 Revisions

Dear Mr. Holmes:

The US Composting Council (USCC), a 501(c)6 Trade and Professional Association, is the only national organization in the United States dedicated to the development, expansion and promotion of the composting industry. The USCC has over 800 member companies, including private and municipal compost producers, equipment manufacturers, product suppliers, academic institutions, public agencies, nonprofit groups and consulting/engineering firms.

Our Legislative and Environmental Affairs Committee has reviewed the draft changes to Title 14 Compost regulations and has the following comments:

1. Definition of Food Materials. The proposed definition of "Food Material", "a waste material of plant or animal origin that results from the preparation or processing of food for animal or human consumption and is separated from the municipal solid waste stream", should be amended to include paper, fiber or compostable plastic used in the preparation, transportation or consumption of food.

2. Regulatory placement of food materials and vegetative food scraps. The USCC wholeheartedly endorses the placement of food materials at a regulatory tier that is easier to obtain than a full solid waste facility permit. However, we do not agree with how the draft regulations place them. Vegetative food scraps, as they have been narrowly defined, are no more likely to cause problems at a composting facility than grass clippings, and in fact may often be more benign, and as such should be placed in the Enforcement Agency Notification Tier and could be accepted at Agricultural Material Composting Operations (all) (Section 17856) and Green Material Composting Operations (< 12,500 yd³) (Section 17857.1(a)).

Food materials, as they are defined and amended above, should be permitted at the Registration Permit Tier along with Green Materials at facilities under < 12,500 yd³ on site (Section 17857.2 would need to be amended to allow this). We believe that allowing facilities accepting green and food materials into the Registration Tier, which is less costly than the full permit, will be vital for expanding the processing capacity of the state and thus helping to meet California's 75% diversion goal.

While we understand that accepting food materials may present some challenges for some facilities, limiting the facility size, along with a combination of operator and LEA training on feedstock management and operational BMPs, should allow composters with lower tier approvals to handle a broad range of food material. Adding a requirement that Registration Tier facilities have at least one operations manager who has received adequate training would further reduce the risk of these facilities causing problems.

As you know, the USCC has offered 40-hour Compost Facility Operator Training Course in California for the past 4 years. We plan on continuing this practice and are also available should CalRecycle wish to tailor specific training programs to operators and/or regulators (for example, a one-day training on BMPs for managing food scraps at yard trimmings only facilities).

3. End Product Quality. The USCC does not support the proposed 0.1% limit on physical contaminants above 4 mm in finished compost and strongly requests it be removed. One of the fundamental messages that the USCC tries to communicate to operators, regulators and the public is that the specific use for a compost determines what would be acceptable quality, and the quality of a given compost dictates how it best be used. Regulatory agencies like CalRecycle should be concerned with product quality only insofar as it may impact public health, safety, and the environment. Hence our new Model Compost Rule Template (<http://compostingcouncil.org/admin/wp-content/uploads/2013/02/US-Composting-Council-Model-Compost-Rule-Template-v1-1-4-15-13.pdf>) requires final product testing for stability, pathogens and EPA 503 metals. Other product quality parameters, such as electroconductivity, particle size or percent physical contaminants, are best left to the user and seller to determine what is acceptable.

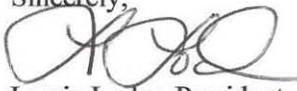
4. Defining "Digestate". The USCC supports the idea of defining digestate (the solids fraction from anaerobic digestion) as something distinct from food material. However, given that digestate is both less energy intensive and more homogeneous than undigested food material, therefore less likely to cause odors or other nuisances, we believe that lower tier facilities should also be allowed to accept digestate as a feedstock. The USCC supports the requirement that digestate be composted at an operation or facility, unless otherwise allowed as an alternative use by a state agency (like the Department of Food and Agriculture).

5. One percent limitation on incoming feedstock contamination. This requirement should be removed for green material compost facilities. This provision has no impact on the ability of compost manufacturers to produce a quality final product. Moreover this requirement makes no sense in the emerging era of food scraps collection and composting, since that feedstock will inevitably have higher than 1% physical contamination.

6. TMECC standards. Where possible and practical, CalRecycle should insert appropriate Test Methods for the Examination of Compost and Composting (TMECC) methods. This may help clear up confusion and the TMECC is a living document that the USCC updates periodically as dictated by our subcommittee of scientists, laboratories and academics. For example, many specifiers (including CalTrans) require Seal of Testing Assurance (STA) participation on the part of their compost suppliers, but the STA sampling protocols are different than CalRecycles, putting the composter in a difficult situation. Having CA regs refer to TMECC testing protocols would keep it in sync with STA.

Should you have any questions, please contact Mr. Cary Oshins, USCC Director of Educational and Annual Conference, cary.oshins@compostingcouncil.org, 484-547-1521

Sincerely,



Lorrie Loder, President