



MARK PESTRELLA, CHAIR
MARGARET CLARK, VICE -CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacounty-swimtf.org

October 25, 2017

Ms. Felicia Marcus,
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Dear Ms. Marcus,

**STATE WATER RESOURCE CONTROL BOARD
LAND APPLICATION OF COMPOSTABLE ORGANIC WASTES**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to express its appreciation for the information that was presented at the September 19, 2017, meeting of the State Water Resources Control Board (Board) on the performance measures, status of enrollment, and discharger compliance in accordance with the reporting requirements of Resolution No. 2015-0054, in relation to the implementation of the Composting General Order WQ 2015-0121-DWQ.

The Task Force appreciates the Board's active and supportive role regarding the diversion of compostable organic wastes, while ensuring proper oversight of composting and anaerobic digestion facilities. However, there are two important issues raised by the Task Force in its August 15, 2016, letter (copy enclosed) which continue to be of concern with regard to land application of compostable organics wastes. These are:

- **Exempting Land Application of Compostable Organic Wastes from Temperature and Time Requirements** – The Task Force remains concerned that land application of compostable organic wastes, whether processed or unprocessed, has been exempted from key pathogen reduction requirements of Section 17868.3 of the California Code of Regulations (CCR). For example, land application of compostable organic wastes (e.g., food waste including meat waste) is not subject to the temperature (131 degrees Fahrenheit or higher) and pathogen reduction period (15 days or longer) requirements of Section 17868.3, subparagraph (3). These requirements are critical in preventing pest infestation, spreading of *E. coli.*, contamination of ground and water, and most importantly public health and safety impacts. The Task Force would like clarification as to the rationale for exempting land application of compostable organic wastes from these requirements.

- **Greenhouse Gas (GHG) Emissions from Land Application of Compostable Organic Wastes** – While the regulations establish measures for quality, thickness, and application frequency to be used to determine when compostable organic waste is being disposed, they also allow spreading of processed and/or unprocessed organic waste, which may include food waste, animal waste and raw meat, in non-agricultural zoned areas (e.g. school grounds) up to a 12-inch layer at the surface on an annual basis , and in areas zoned for “agricultural use” up to three times a year and 12-inch in depth (total of 36 inches/year).

The Task Force remains concerned that such land application of compostable organic wastes will increase GHG emissions and degrade water quality due to the anticipated significant increase in the amount of compostable organic wastes that will be diverted from land disposal and incineration facilities pursuant to SB 1383 and SB 32 (Chapters 395 and 249 of 2016 State Statutes, respectively). The potential increase in GHG emissions and water quality contamination would be contrary to the intent of AB 32 (2006), SB 32 (2016), and the Federal Clean Water Act, and may impact public health due to odors, the negative effects of pathogens, and the potential water contamination from surface run-off or infiltration.

The California Department of Resources Recycling and Recovery (CalRecycle) has advised that the subject “*regulations do not limit the authority of the Regional Water Quality Control Boards to address potential water quality issues.*” Given the aforementioned concerns, we believe that the Board and other applicable State regulatory agencies, including but not limited to, the Department of Food and Agriculture and the Department of Public Health, have a responsibility to establish appropriate regulations and controls for land application activities to protect public health and safety, the well-being of our communities, and the environment.

The Task Force would appreciate a written response to the concerns expressed in this letter. Should you have any questions, please contact Mr. Mike Mohajer, a Member of the Task Force, at MikeMohajer@yahoo.com or (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Council Member, City of Rosemead

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cc: CalEPA (Matt Rodriguez)

Ms. Felicia Marcus

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State Water Resources Control Board (Joaqui Esquivel, Dorene D'Adamo, Tam M. Doduc, Steven Moore, Brianna St. Pierre, Scott Couch)

Los Angeles Regional Water Quality Control Board (Ronji Moffett)

Lahontan Regional Water Quality Control Board (Kathleen Otermat)

CalRecycle (Scott Smithline, Mark De Bie, Robert Holmes, and Ken Decio)

California Air Resources Board (Mary Nichols)

California Department of Food and Agriculture (Kurt Floren, Ken Pellman)

South Coast Air Quality Management District (Wayne Nastri, Larry Israel, Jason Aspell)

Los Angeles County Department of Public Health (Barbara Ferrer, Jackie Taylor, Cynthia Harding, Angelo Bellomo, Terri Williams, Brenda Lopez, Cyrus Rangan, Maurice Pantoja)

Los Angeles County Agricultural Commissioner/Weight and Measures (Kurt Floren, Robert Smice, Ed Williams, and Ken Pellman)

Each Member of the Los Angeles County Integrated Waste Management Task Force

Enc.



GAIL FARBER, CHAIR
MARGARET CLARK, VICE -CHAIR

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August 15, 2016

Mr. Scott Smithline, Director
California Department of Resources Recycling and Recovery (CalRecycle)
P.O. Box 4025
Sacramento, CA 95812-4025

Dear Mr. Smithline:

CALRECYCLE & STATE WATER BOARDS LAND APPLICATION OF COMPOSTABLE MATERIALS

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to express our concern in response to recent regulations adopted by CalRecycle and the State Water Resources Control Board regarding the Land Application of Compostable Materials, which were presented in a joint Education and Outreach Meeting held by the collective agencies on June 23, 2016, in Riverside, California. These regulations can be found in Section 17852 of the Title 14 of the California Code of Regulations (CCR).

The Task Force would like to offer the following comments on these regulations for the protection of the general public in the form of controlling and regulating environmental hazards, such as physical contamination and greenhouse gas emissions.

- The Task Force would like clarification as to why unprocessed and/or processed compostable materials (green material and/or food waste) used for land application would be exempt from the time and temperature requirements of Title 14 of the CCR, Section 17868.3, with regards to regulating pathogen density limits. Time and temperature requirements are crucial in preventing the infestation of pests, and in some cases the spread of E. coli.
- Recently adopted legislations (AB 1594 and AB 1826, Chapters 719 and 727 of the 2014 State Statutes, respectively) have aimed to reduce disposal of compostable materials/waste in order to reduce greenhouse gas (GHG) emissions. As indicated at the June 23, 2016, meeting the adopted regulations would provide for the surface spread of processed and/or unprocessed green material & food waste in areas zoned for "agricultural use" up to three times a years and 12-inch in depth while at the non-agricultural zoned areas the application of these materials can take place not more than once a year. The Task Force is concerned that the land application of compostable materials

could provide an undesirable increase in GHG emissions, due in large to an anticipated increase in the amount of green waste material and food waste that could be available for those affected by AB 1594 and AB 1826. Further, we are concerned with resulting odor from un-processed compostable materials (food waste) as well as the impact on surface water considering that land application of these materials in areas of five acres or less are exempt from the regulations adopted by the said agencies. Due to these concerns, the Task Force recommends inclusion of additional language within land application regulations to ensure that the land application of processed and unprocessed compostable materials do not adversely affect the intentions of AB 32 (2006), the Federal Clean Water Act, and most importantly the public health due to odor and the negative effects of pathogen.

- The Task Force would like an explanation from the agencies on how they intend to enforce the Physical Contaminants Requirements for Land Application (Section 17868.3.1 – CCR, Title 14). As it stands, the recently adopted regulations state that physical contaminants greater than 4 mm cannot exceed 0.5% by dry weight of the total material being land applied, with no more than 20% of these contaminants being composed of film plastic.

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended) and Chapter 3.67 of the Los Angeles County Code, the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

The Task Force respectfully requests that CalRecycle and the State Water Boards consider the above comments and to make appropriate changes for the protection of the environment, especially in light of current state regulations for the diversion of green and vegetative food material/waste from landfills and other disposal facilities.

The Task Force would appreciate written response from your agency as well as the State Water Resource Control Board. In the meantime, should you have any questions, please contact Mr. Mike Mohajer, a Member of the Task Force, at MikeMohajer@yahoo.com or (909) 592-1147.

Mr. Smithline
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Sincerely,

Margaret Clark

Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Council Member, City of Rosemead

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cc: CalEPA (Matt Rodriguez)

State Water Resources Control Board (Felicia Marcus, Thomas Howard, Cris Carrigan,
Melissa Hall, Leslie Graves, and Scott Couch)

CalRecycle (Ken DaRosa, Mark De Bie, Robert Holmes, and Ken Decio)

California Air Resources Board (Mary Nichols)

California Department of Public Health (Dr. Karen Smith)

California Department of Food and Agriculture (Craig McNamara and Annette Whiteford)

South Coast Air Quality Management District (Wayne Nastri, Cher Snyder,
Laki Tisopulos, and Amir Dejbakhsh)

Los Angeles County Department of Public Health (Cynthia Harding, Angelo Bellomo,
Cyrus Rangan, Maurice Pantoja, and Gerardo Villalobos)

Los Angeles County Agricultural Commissioner/Weight and Measures (Kurt Floren,
Robert Smice, Ed Williams, and Ken Pellman)

City of Los Angeles Local Enforcement Agency (David Thompson)

Each Member of the Los Angeles County Integrated Waste Management Task Force