



**ASSOCIATION OF
COMPOST
PRODUCERS**
"We Build Healthy Soil"

Public Comment
Trash Amendments
Deadline: 8/5/14 by 12:00 noon



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July 30, 2014

Dr. Maria de la Paz Carpio-Obeso
State Water Resources Control Board

email: MarielaPaz.Carpio-Obeso@waterboards.ca.gov
phone: (916) 341-5858.

**RE: DRAFT AMENDMENTS TO STATEWIDE WATER QUALITY CONTROL PLANS TO
CONTROL TRASH (Trash Amendments)**

Dear Dr. de la Paz Carpio-Obeso,

The Association of Compost Producers (ACP) is a non-profit association of public and private organizations dedicated to increasing the quality, value and amount of compost being used in California. We do this by promoting activities and regulations that build healthy soil, benefiting people and the environment. ACP is also the State Chapter of the U.S. Composting Council, www.compostingcouncil.org. The USCC is the only national organization committed to the advancement of the composting industry. ACP members, leaders in the California compost industry, work and invest together to increase compost markets and improve compost product and manufacturing standards. The association provides education and communication on compost benefits and proper use through support of scientific research and legislation aligned with developing and expanding quality compost markets.

This past month we became aware of the **Draft Amendments to the Statewide Water Quality Control Plans to Control Trash (Trash Amendments)** and our Association Lobbyist was present at the July 16, 2014 public workshop devoted to this issue. The organics recycling industry (with compost being the central function) is engaged in developing new food scrap collection and composting programs, an essential part in achieving California's 75% recycling goal by 2020. And while our industry members are very supportive of reducing, and ultimately eliminating trash, from California's waters, we would like to collaborate with the Water Board in developing truly workable definitions, methods and controls for doing so.

After reviewing the proposed Trash Amendments and listening and considering the comments of our membership as well as the workshop attendees, we respectfully submit the following comments and requests.

Comments:

- Very Short Comment Period: We are aware of the lengthy timeline that the Water Board has engaged in the development of these Trash Amendments. However, it has resulted in a 311 page document that our industry members have not had sufficient time to review, digest or, most importantly, engage with Water Board staff in a collaborative process to obtain clarification or to provide alternative wording and innovative control measures.
- Unclear Definition of "Trash": While "waste" and "litter" are defined under California Water Code and California Government Code, respectively, the definition of "Trash" is not clear in these Trash Amendments. Our industry participants have already been working with some proposed definitions, and we would like to have the opportunity to engage with the Water Board to help arrive at a definition that works for not only the Water Board, but also communities and industry who will have to implement the policies.
- Close synergy between organics, water and trash with Local Government Jurisdictions: Compost producers work closely with local jurisdictions to beneficially manage their organics; turning an organic residual, into a beneficial product that can save water and manage stormwater by building healthy soil. Compost producers are prepared to work directly with regional Water Boards and local solid waste generators to improve local environments by improving soils, managing trash and managing stormwater, all with the same organic compost based tools. We need an opportunity to share this with you in more detail.
- Engaging with Organics Industry: To date the Water Board hasn't engaged with the organics industry, nor directly with CalRecycle, on the specific crafting of these Trash Amendments. The "Scoping Sessions" which took place over a year ago, prior to the drafting these Amendments, and the Trash Public Advisory Group (PAG, www.waterboards.ca.gov/water_issues/programs/trash_control/pag/), did not include any members from the compost industry, the solid waste or recycling industry, who will be affected by, and directly involved with implementing and managing, this new Policy. Composters in concert with local recycling companies and recycling coordinators in local jurisdictions, will play a pivotal role to both:
 1. Move California from its current 50% recycling rate, toward the 75% recycling goal, meaning more organic material going onto all watershed's soils, and
 2. Be intimately involved in mitigating trash management in the watershed during this process.

The Water Board would be well served to *engage with the organics and general recycling industry directly* on this issue, prior to promulgating these Trash Amendments.

- Other Issues not addressed in this letter: Typically, with more in-depth collaboration, new definitions, methods and control practices will surface during the process. If this is engaged in, it is likely that better, lower cost, more effective policies, statutes and rules can be drafted that will be optimally beneficial to *industry, people and the environment*.

Requests:

For at least the above reasons we request that the Water Board:

1. Extend the "Comment Period" a few months: So that the compost industry working with local jurisdictions, the recycling industry, CalRecycle and the Water Board can have sufficient time to understand and provide clear and compelling input into the Trash Amendments. Since it took over a year to draft these *amendments in isolation from industry, communities and other state agencies*, a few more months to craft a better product seems well worth the time, to achieve a better, more acceptable result.
2. Develop a series of collaborative meetings: With organics management (compost) industry representatives, other recycling industry stakeholders (e.g. community solid waste jurisdictions, recyclers, etc.) and CalRecycle, at a minimum, engage and collaborate to:
 - a. *Define and harmonize* any of the alternative definitions related to the Trash Amendments, e.g. "trash," "waste", "litter", etc.
 - b. *Receive Input that gathers* the best industry, community and state agency thinking regarding the key elements of Trash Amendment ideas on how to control trash that ends up in the water ways, emanating from residential, public, commercial, industrial and agricultural lands.

Thank you for the opportunity to provide our comments and requests. We appreciate your serious consideration of them, and look forward to potentially working with you to make these Trash Amendments the very best possible for enhancing our environment, communities and economy.

Kathryn Lynch, ACP's legislative advocate, will follow up with you regarding these comments and requests. We would look to convene a meeting with your staff to discuss these issues directly. Should you have any questions, please contact Kathryn Lynch directly, at (916) 443-0202 or lynch@lynchlobby.com.

Very truly yours,



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CC: Felicia Marcus, Board Chair, SWRCB
Carol Mortensen, Director, CalRecycle
Howard Levenson, Deputy Director, CalRecycle