



Rulemaking Archives

Mammalian Tissue Composting

On April 24, 2008, the Office of Administrative Law (OAL) approved the regulations. The regulations became effective immediately.

Description

Amendments to existing composting regulations that would allow onsite composting of mammalian tissue when associated with research designed to obtain data on pathogen reduction, and amendments to existing emergency waiver standards that would authorize an Enforcement Agency to waive State minimum standards associated with a locally approved temporary composting activity.

Affected Regulatory Code Sections

California Code of Regulations, Title 14, Division 7, Chapter 3, Article 3; and Chapter 3.1, Article 2 and Article 6.

Rulemaking Documents

Permanent Regulations:

- [Approved Text](#), March 2008: Final text of the regulations approved by OAL on April 24, 2008
- [Updated Informative Digest](#), March 2008: Updated summary of the preceding laws and regulations relating to the regulations and the effect of the regulations.
- [Final Statement of Reasons](#), March 2008: Updated Statement of Reasons explaining the purpose and intent of the regulations.
- [Response to Comments](#), March 2008: Responses to comments received.
- [Adopted Text](#), February 2008: Text adopted by the Board on February 20, 2008.
- [Notice of 15-day Comment Period](#), December 5, 2007: Notice by the CIWMB about an additional comment period running from December 7 through December 28, 2007.
- [Proposed Text](#), December 2007: Proposed regulatory text for the 15-day comment period.
- [Notice of Proposed Rulemaking](#), August 2007: Information published in the California Regulatory Notice Register 45 days prior to the end of the public comment period, which references the proceedings, statutory authority, an informative digest describing existing laws, any mandates and the effect of the proposed action on small business.
- [Initial Statement of Reasons](#), August 2007: A statement of the specific purpose and the rationale for the determination that this regulation is necessary to carry out the purpose for which it is proposed. Any alternatives considered and technical documents are also noted here.
- [Proposed Text](#), August 2007: Proposed regulatory text for 45-day notice.

Emergency Regulations:

- [Text of Emergency Regulations](#), April 2007

Rulemaking History

At its [April 19, 2007](#), meeting the Board adopted emergency regulations. The Office of Administrative Law approved emergency regulations on June 18, 2007; the emergency regulations are effective as of this date.

On [April 9, 2007](#), the Board's Permitting and Compliance Committee directed staff to initiate a 45-day comment period for permanent regulations. A 45-day public comment period on [proposed text](#) ran from September 7 through October 22, 2007. Board staff held a formal public hearing on November 1, 2007, to provide the public an opportunity to comment in person. On [December 3, 2007](#), the Permitting and Compliance Committee directed staff to initiate an additional comment period for changes made to the [proposed text](#) in response to comments received. The comment period ran from December 7 through December 28, 2007. The Board adopted the permanent regulations at its [February 20, 2008](#), meeting.

1 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

2
3 **Article 3. Emergency Waiver of Standards**

4
5 **§ 17210.2 Purpose and Limitation of Emergency Waiver.**

6 (a) An emergency waiver may only be issued when there has been a proclamation of a state of
7 emergency or local emergency, as those terms are defined in this Article.

8 (b) An EA may approve and issue a waiver for the express purpose of enabling an operator of an
9 existing permitted solid waste facility ~~or~~ a locally-approved temporary transfer or processing site, or a
10 locally-approved temporary compostable material handling activity, to accept disaster debris and
11 other nonhazardous wastes, in a manner not consistent with the terms and conditions of the relevant
12 solid waste facilities permit or applicable state minimum standards, during the recovery phase of a
13 state of emergency or local emergency.

14 (c) The waiver may apply to specified state minimum solid waste standards or a specific term or
15 condition of a solid waste facilities permit at an existing solid waste facility ~~or~~ a locally-approved
16 temporary transfer or processing site, or a locally-approved temporary compostable material handling
17 activity, which are related to the following: the origin of waste; the rate of inflow for storage, transfer,
18 processing, or disposal of waste; the type and moisture content of solid waste; the hours of facility
19 operation; and the storage time before transfer, processing, or disposal of nonhazardous waste.

20 (d) The effective period of an initial waiver, once granted by the EA, shall not exceed 120 days.
21 Upon receipt of the reports required in section 17210.5, the EA may extend the effective period of a
22 waiver, as necessary, to assist in the recovery from an emergency.

23 (e) All other state minimum standards and permit conditions which are not the subject of the waiver
24 shall remain in effect.

25 (f) A waiver may be modified, canceled, or revoked by the EA without advance notice should the EA
26 determine that any of the following occurs:

27 (1) The use of such a waiver will cause or contribute to a public health and safety or environmental
28 problem;

29 (2) The terms of the waiver are not being used expressly to handle the state of emergency or local
30 emergency and are not in the best interest of the public health and safety;

31 (3) The waiver is no longer necessary;

32 (4) The solid waste facility operator is not utilizing disaster debris diversion programs to the extent
33 feasible.

34 NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections , 43020, 43021 and 43035,
35 Public Resources Code.

36
37 **§ 17210.4 Granting an Emergency Waiver.**

38 (a) The EA may grant a waiver during a proclamation of emergency upon making the following
39 findings:

40 (1) If the waiver is for an existing permitted solid waste facility operator applying for the waiver
41 holds a valid solid waste facilities permit;

42 (2) The waiver will not pose a threat to public health and safety or the environment;

43 (3) The operator identifies and implements, to the extent feasible, diversion programs to maximize
44 diversion through reuse, recycling, or composting of disaster-related waste.

45 (b) Within 7 days of receipt of the solid waste facility operator's request for a waiver, the EA shall
46 notify the solid waste facility operator in writing whether or not the request for waiver has been
47 granted. If the proposed waiver is not granted, the EA's notification shall contain reasons for the
48 denial. The solid waste facility operator may reapply for the waiver at a later date or submit necessary
49 documentation to receive the waiver immediately.

50 NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections 40002, 43020, 43021 and
51 43035, Public Resources Code.

1 **Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory**
2 **Requirements**

4 **Article 2. Regulatory Tiers for Composting Operations and Facilities**

6 **§ 17855.2. Prohibitions.**

7 (a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs,
8 hide, blood, bone and marrow is prohibited, except when from the food service industry, grocery
9 stores, or residential food scrap collection, or as part of a research composting operation for the
10 purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or
11 environmental concern, in accordance with section 17862. ~~Carcasses of animals with any contagious~~
12 ~~disease shall not be composted, unless approved in writing by the California Department of Food and~~
13 ~~Agriculture, Division of Animal Industry.~~

14 (b) The composting of medical waste is prohibited.

15 (c) The composting of hazardous waste is prohibited.

16 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021,
17 Public Resources Code.

19 **§ 17862. Research Composting Operations.**

20 (a) An operator conducting research composting operations shall not have more than 5,000 cubic-
21 yards of feedstock, additives, amendments, chipped and ground material, and compost on-site at any
22 one time, and shall comply with the EA Notification requirements set forth in Title 14, California Code
23 of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as
24 otherwise provided by this Chapter.

25 (b) An operator conducting research composting operations utilizing within-vessel processing, may
26 exceed 5,000 cubic-yards of feedstock, additives, amendments, chipped and ground material and
27 compost, if the EA determines that such increased volume will not pose additional risk to the public
28 health, safety and the environment.

29 (c) In addition to the EA Notification requirements set forth in Title 14, California Code of
30 Regulations, Division 7, Chapter 5.0, Article 3.0, section 18103.1 (a)(3), the operator shall provide a
31 description of the research to be performed, research objectives, methodology/protocol to be
32 employed, data to be gathered, analysis to be performed, how the requirements of this subchapter
33 will be met, and the projected timeframe for completion of the research operation.

34 (d) The EA Notification for a research composting operation shall be reviewed after each two-year
35 period of operation. Review criteria shall include the results and conclusions drawn from the
36 research.

37 (e) Research composting operations that will be using unprocessed mammalian tissue as a
38 feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal
39 health, safety, or environmental protection concern, shall satisfy the following additional requirements:

40 (1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural
41 operations, and all products derived from unprocessed mammalian tissue shall be beneficially used
42 on-site.

43 (2) The operator shall prepare, implement and maintain a site-specific, research composting
44 operation site security plan. The research composting site security plan shall include a description of
45 the methods and facilities to be employed for the purpose of limiting site access and preventing the
46 movement of unauthorized material on to or off of the site.

47 (3) The EA Notification for the research composting operation using unprocessed mammalian
48 tissue as feedstock and documentation of additional requirements of this section shall be reviewed
49 after each six month period of operation.

50 (f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to
51 the EA with the EA Notification and prior to the composting of any feedstock. The EA shall determine
52 that the EA Notification for research composting operations is complete and correct only if the
53 additional documentation requirements of this section have been met.

54 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021,
55 Public Resources Code.

1 **Article 6. Composting Operating Standards**

2
3 **§ 17867. General Operating Standards.**

4 (a) All compostable materials handling operations and facilities shall meet the following
5 requirements:

6 ~~(1) The composting of mammalian flesh, organs, unprocessed hide, blood, bone, and marrow is~~
7 ~~prohibited, except when from the residential sector or food service industry. Carcasses of animals~~
8 ~~with any contagious disease shall not be composted, unless approved in writing by the California~~
9 ~~Department of Food and Agriculture, Division of Animal Industry, handling activities are prohibited~~
10 ~~from composting any material specified in section 17855.2 of this Chapter.~~

11 (2) All handling activities shall be conducted in a manner that minimizes vectors, odor impacts, litter,
12 hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and
13 transportation of dust, particulates, and pathogenic organisms.

14 (3) Random load checks of feedstocks, additives, and amendments for contaminants shall be
15 conducted.

16 (4) Contamination of compostable materials that has undergone pathogen reduction, pursuant to
17 section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone
18 pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.

19 (5) Unauthorized human or animal access to the facility shall be prevented.

20 (6) Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe
21 manner.

22 (7) All compostable materials handling operations and facilities, that are open for public business,
23 shall post legible signs at all public entrances. These signs shall include the following information:

- 24 (A) name of the operation or facility,
- 25 (B) name of the operator,
- 26 (C) facility hours of operation,
- 27 (D) materials that will and will not be accepted, if applicable,
- 28 (E) schedule of charges, if applicable, and
- 29 (F) phone number where operator or designee can be reached in case of an emergency.

30 (8) The operator shall provide fire prevention, protection and control measures, including, but not
31 limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression,
32 and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided
33 to allow fire control equipment access to all operation areas.

34 (9) The operator shall provide telephone or radio communication capability for emergency
35 purposes.

36 (10) Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground
37 material shall be removed from the site within 7 days and transported to an appropriate facility.

38 (11) Enclosed operations and facilities shall provide ventilation to prevent adverse public health
39 effects from decomposition gases.

40 (12) The operator shall ensure that leachate is controlled to prevent contact with the public.

41 (13) The operator shall prevent or remove physical contaminants in compost and chipped and
42 ground materials that may cause injury to humans.

43 (14) An attendant shall be on duty during business hours if the operation or facility is open to the
44 public.

45 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021,
46 Public Resources Code.

UPDATED INFORMATIVE DIGEST
California Integrated Waste Management Board
March 2008

Existing Law and Regulation: Public Resources Code section 43020 requires the CIWMB to adopt and revise regulations, which set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal. Existing regulations (14 CCR section 17855.2 and 17867) currently prohibits the composting of unprocessed mammalian tissue.

The proposed regulations would allow research projects to compost unprocessed mammalian tissue for the purposes of obtaining data on pathogen reduction, and other public health, animal health, safety, or environmental concern. Additionally, the proposed regulations would allow regulated composting as an emergency measure to handle disaster debris (including unprocessed mammalian tissue) as an alternative to disposal.

FINAL STATEMENT OF REASONS

Deleted: INITIAL

MAMMALIAN TISSUE COMPOSTING

California Integrated Waste Management Board

February 2008

Deleted: August 2007

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION

Title 14: Natural Resources

Division 7: California Waste Management Board

Chapter 3: Minimum Standards for Solid Waste Handling and Disposal

Article 3: Emergency Waiver of Standards

Section 17210.2. Purpose and Limitation of Emergency Waiver.

Subsection (b)

Existing regulations authorize an enforcement agency (EA) to approve and issue a waiver to enable an operator of an existing permitted solid waste facility, or a locally-approved temporary transfer or processing site, to accept disaster debris and other non-hazardous waste during the recovery phase of a state of emergency or local emergency. The purpose of the additions to lines 9 and 10 is to additionally authorize the LEA to approve and issue a waiver for a locally-approved temporary composting activity. The additions are necessary because there are limited options available for the management of solid waste generated by a disaster, particularly dead animals. These additions would provide for an additional management option: composting.

The purpose and necessity for the additions to line 12 is clarity and consistency with subsection (c). Subsection (c) clearly indicates that an emergency waiver applies to state minimum standards.

Subsection (c)

The purpose and necessity for the additions to this subsection are to mirror new text added to subsection (b), lines 9 and 10.

Note

The citation of Section 43002 of the Public Resources Code is improper. Section 43002 does not exist. The correct citation is to Section 40002, which is consistent with other sections in the article.

Section 17210.4. Granting an Emergency Waiver.

Subsection (a)(1)

The purpose for the additions is to this subsection are to make it clear that the prerequisite of holding a valid solid waste facilities permit prior to being granted a waiver applies only to

existing permitted solid waste facilities. The additions are necessary because the activity selected by a local jurisdiction to assist in the recovery phase of a state of emergency or local emergency may not occur at a permitted solid waste facility (e.g., locally-approved temporary transfer or processing site).

Chapter 3.1: Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 2: Regulatory Tiers for Composting Operations and Facilities

Section 17855.2. Prohibitions.

Subsection (a)

The purpose for the additions to lines 9 through 11 is to allow for an exception to the prohibition on composting of mammalian tissue: research composting for the purpose of obtaining data on pathogen reduction and other public health, animal health, safety, or environmental concerns. Research on the composting of mammalian tissue is necessary to determine if composting is a viable alternative disposal option for mammalian tissue.

Deleted: 4 and 5

The original basis for this regulatory prohibition appears to be centered on concerns related to the control of Bovine Spongiform Encephalopathy (BSE) or “Mad Cow Disease.” Recent discussions with animal health specialists at the California Department of Food and Agriculture (CDFA) suggest that BSE should not be considered as a primary justification for a prohibition on the composting of unprocessed mammalian tissue. CDFA has not received any documentation that indicates BSE occurred in California. However, other questions and concerns about the efficacy of the composting process exist (e.g., spore-forming organisms). Questions also remain regarding the potential environmental impacts associated with composting mammalian tissue, such as impacts to air and water quality. Composting may be a viable alternative animal mortality disposal method but additional studies and resultant data are needed to prove that it is safe and effective. Existing, authorized animal mortality disposal methods are currently near or at maximum capacity. Alternative disposal methods are needed. The research could lead to a safe and effective alternative disposal method.

The purpose and necessity for the deletions on lines 11 through 13 is to remove text that is redundant to text found in section 17823.5.

Deleted: 5

Deleted: 7

Section 17862. Research Composting Operations.

Subsection (e)

The purpose for the addition of this subsection is to establish additional requirements for research composting operations that will use unprocessed mammalian tissue as feedstock. The additional requirements are necessary to ensure that unprocessed mammalian tissue is handled in a secure manner for the protection of public health, safety, and the environment. Unprocessed mammalian tissue can contain diseases and other degradation byproducts that can spread to humans or other animals.

Subsection (e)(1)

The purpose for the addition of this subsection is to restrict the source of the animals and the use of the finished compost (i.e., no importation of dead animals to the site and no movement of composted material off-site). The restrictions are necessary to be consistent with the restrictions

on the transportation of dead animals set forth in Food and Agricultural Code section 19348 and 19348.1.

Subsection (e)(2)

The purpose for the additions of this subsection is to require a site security plan. A site security plan is necessary to control the importation of animals to the site (consistent with Food and Agricultural Code section 19348 and 19348.1) and movement of composted material off-site to minimize concern with the spread of pathogens not destroyed in the composting process.

Subsection (f)

The purpose for the addition of this subsection is to ensure that all the requirements of the section are met prior to the composting of any feedstock. The subsection is necessary due to the potential increased risk of harm to public health and safety or the environment posed by mammalian tissue as compared to other feedstocks.

Article 6: Composting Operating Standards

Section 17867. General Operating Standards.

Subsection (a)

The purpose and necessity for changes to this subsection are to remove text that is redundant to text found in section 17855.2 and to refer the reader to one location for all prohibitions.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION

The CIWMB considered the alternative of making no amendment to the regulation and continuing to implement existing practice, but determined that the proposed amendments are necessary to clarify the requirements and determined that no alternative would be as effective and less burdensome to private persons or businesses while at the same time protecting human health and safety and the environment. The CIWMB further determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORT, OR DOCUMENTS

CIWMB did not rely on any technical, theoretical or empirical studies, reports or documents in developing the proposed regulations. CIWMB relied upon the Public Resources Code and applicable regulations adopted pursuant to the Public Resources Code, analysis by CIWMB staff, and written and oral comments and input from other regulatory agencies, including the California Department of Food and Agriculture, CIWMB-certified Enforcement Agencies, the regulated community, and the public.

INITIAL DETERMINATION THAT THE ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CIWMB staff made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California

businesses to compete with businesses in other states. In making this determination, the CIWMB relied upon an analysis by Cal/EPA's Agency-wide Economic Analysis Program.

DUPLICATION OR CONFLICTS WITH CODE OF FEDERAL REGULATIONS

No unnecessary duplication or conflict exists between the proposed regulations and federal regulations because there are no comparable federal requirements.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CIWMB staff determined that the adoption, amendment, or repeal of these regulations do not impose a mandate on school districts. CIWMB staff further determined that the adoption, amendment, or repeal could impose a mandate on local agencies operating landfills or serving as CIWMB-certified local enforcement agencies. The mandate is not reimbursable pursuant to Part 7 (commencing with Section 17500) of Division 4 or the Government Code because the local agencies are authorized by Public Resources Code sections 40057, 40059, 43213, or 44006(c) to recover costs through the imposition of fees.

Response to Comments
Mammalian Tissue Composting
California Integrated Waste Management Board
March 2008

Commenters are identified as follows:

- 45-day Comment Period (9/7/07 – 10/22/07)
 - By Letter (A, B, C, etc.) for each commenter
 - By Number (1, 2, 3, etc.) for each successive comment
 - Example: Comment B2 is the second comment submitted by commenter B.

- Public Hearing (11/1/07)
 - By “PH”
 - By Number (1, 2, 3, etc.) for each successive comment
 - Example: PH1 is first comment received during the public hearing; PH2 is second comment, etc.

- 15-day Comment Period (12/7/07 – 12/28/07)

Note: There were no comments received during the 15-day comment period.

General Comments

Comment: B1 and PH1

Comment in support of the proposed regulations.

Response: B1 and PH1
No response necessary.

Section 17210.2

Comment: A1

The regulations should only allow an enforcement agency to issue a waiver for a “locally-approved temporary compostable material handling activity” when other approved disposal mechanisms do not exist. Where they do exist, this material should be diverted to facilities in the following order: 1) rendering, 2) permitted landfill.

Response: A1
Rendering is already the mandated primary destination pursuant to Food and Agricultural Code section 19348. The State Veterinarian can waive this requirement as necessary. In a proclaimed state or local emergency the State Veterinarian makes this decision within the National Emergency Management System (NEMS). Under NEMS the best disposal method is selected based on the specific circumstances of an emergency. It is not appropriate for the Board to dictate the disposal priority in these regulations, and it is doubtful the Board would have that authority given the role played by the State Veterinarian in animal disposal pursuant to the Food and Agricultural Code.

No change to regulation text necessary.

Section 17210.2 and 17210.4

Comment: C1

The emergency waiver portions of this rulemaking are premature because the recently established multi-agency Emergency Animal Disposal Work Group has not finalized its recommendations.

Response: C1

The Emergency Animal Disposal Work Group has not finalized its recommendations; however, Board staff recognizes that the Work Group is addressing both long-term and short-term needs. Mammalian tissue compost research is a long-term need. There exists a short-term (some say immediate) need for acceptable disposal options during a proclaimed emergency.

Existing composting facilities can be utilized in a proclaimed emergency to handle any disaster-related waste (including mammalian tissue). The proposed regulations would additionally authorize an enforcement agency to waive state minimum standards at a "locally-approved temporary composting activity." Without this regulatory change the temporary composting alternative would not be available during a local emergency [during a state of emergency the Governor can suspend any state law to mitigate an emergency (Government Code Section 8567)]. It is necessary to provide an alternative that is not reliant on existing facilities because there may not be sufficient capacity at existing facilities or, because of threats to public health, animal health, or the environment, there is a desire (or mandate) to not transport the material. For example, if the state or local jurisdiction were to encounter an emergency involving a contagious animal disease, the United States Department of Agriculture and/or the California Department of Food and Agriculture (CDFA) could quarantine the property and restrict any movement of the infected animals and associated wastes. In such a case emergency responders would need to select an on-site disposal alternative (burial/burning/composting).

The Board believes it is appropriate to retain, through this rulemaking, on-site composting as a disposal option during a proclaimed emergency.

No change to regulation text necessary.

Section 17855.2 and 17862

Comment: C2

The research, which is currently limited to the collection of pathogen reduction data, should be expanded to include research on air quality impacts.

Response: C2

Changes made to Sections 17855.2 and 17862 to allow for research on other public health, animal health, safety, or environmental issues.

Economic and Fiscal Impact

Comment: C3

The \$2,500 per year per research project identified in the Notice of Proposed Rulemaking underestimates the costs of conducting a research project. No change necessary.

Response: C3

State agencies are required to prepare an estimate of the costs of complying with regulatory requirements. The \$2,500 cost estimate includes only those costs necessary to comply with the new requirements; it does not include all costs of a research project.

No change to regulation text necessary.

California Environmental Quality Act

Comment: C4

The Board should conduct an Initial Study pursuant to CEQA including an examination of the overall impacts of the regulations on air quality.

Response: C4

The Board complied with CEQA in the adoption of these regulations. The Board determined that the adoption of the regulations is exempt from CEQA on the following grounds: 1) with respect to authorizing an enforcement agency to waive certain terms and conditions of a solid waste facilities permit and applicable state minimum standards during a state-declared or locally-declared emergency, the adoption of the regulations constitutes an action that is necessary to prevent or mitigate an emergency (Public Resources Code Section 21080(b)(4)); 14 California Code of Regulations Section 15269(c)); and 2) with respect to authorizing research composting operations using unprocessed mammalian tissue as a feedstock, the adoption of the regulations constitutes basic data collection, research, experimental management and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource (Public Resources Code Section 21080(b)(9), 14 California Code of Regulations Section 15306).

No change to regulation text necessary.

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3 **Article 3. Emergency Waiver of Standards**

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10 locally-approved temporary compostable material handling activity, to accept disaster debris and other
11 nonhazardous wastes, in a manner not consistent with the terms and conditions of the relevant solid
12 waste facilities permit or applicable state minimum standards, during the recovery phase of a state of
13 emergency or local emergency.

14 (c) The waiver may apply to specified state minimum solid waste standards or a specific term or
15 condition of a solid waste facilities permit at an existing solid waste facility ~~or~~ a locally-approved
16 temporary transfer or processing site, or a locally-approved temporary compostable material handling
17 activity, which are related to the following: the origin of waste; the rate of inflow for storage, transfer,
18 processing, or disposal of waste; the type and moisture content of solid waste; the hours of facility
19 operation; and the storage time before transfer, processing, or disposal of nonhazardous waste.

20 (d) The effective period of an initial waiver, once granted by the EA, shall not exceed 120 days. Upon
21 receipt of the reports required in section 17210.5, the EA may extend the effective period of a waiver, as
22 necessary, to assist in the recovery from an emergency.

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24 shall remain in effect.

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28 problem;

29 (2) The terms of the waiver are not being used expressly to handle the state of emergency or local
30 emergency and are not in the best interest of the public health and safety;

31 (3) The waiver is no longer necessary;

32 (4) The solid waste facility operator is not utilizing disaster debris diversion programs to the extent
33 feasible.

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35 Resources Code.

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38 (a) The EA may grant a waiver during a proclamation of emergency upon making the following findings:

39 (1) If the waiver is for an existing permitted solid waste facility operator applying for the waiver holds a
40 valid solid waste facilities permit;

41 (2) The waiver will not pose a threat to public health and safety or the environment;

42 (3) The operator identifies and implements, to the extent feasible, diversion programs to maximize
43 diversion through reuse, recycling, or composting of disaster-related waste.

44 (b) Within 7 days of receipt of the solid waste facility operator's request for a waiver, the EA shall notify
45 the solid waste facility operator in writing whether or not the request for waiver has been granted. If the
46 proposed waiver is not granted, the EA's notification shall contain reasons for the denial. The solid waste
47 facility operator may reapply for the waiver at a later date or submit necessary documentation to receive
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17 Resources Code.

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20 (a) An operator conducting research composting operations shall not have more than 5,000 cubic-yards
21 of feedstock, additives, amendments, chipped and ground material, and compost on-site at any one time,
22 and shall comply with the EA Notification requirements set forth in Title 14, California Code of
23 Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as otherwise
24 provided by this Chapter.

25 (b) An operator conducting research composting operations utilizing within-vessel processing, may
26 exceed 5,000 cubic-yards of feedstock, additives, amendments, chipped and ground material and
27 compost, if the EA determines that such increased volume will not pose additional risk to the public
28 health, safety and the environment.

29 (c) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations,
30 Division 7, Chapter 5.0, Article 3.0, section 18103.1 (a)(3), the operator shall provide a description of the
31 research to be performed, research objectives, methodology/protocol to be employed, data to be
32 gathered, analysis to be performed, how the requirements of this subchapter will be met, and the
33 projected timeframe for completion of the research operation.

34 (d) The EA Notification for a research composting operation shall be reviewed after each two-year
35 period of operation. Review criteria shall include the results and conclusions drawn from the research.

36 (e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock
37 for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or
38 environmental protection concern, shall satisfy the following additional requirements:

39 (1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural
40 operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-
41 site.

42 (2) The operator shall prepare, implement and maintain a site-specific, research composting operation
43 site security plan. The research composting site security plan shall include a description of the methods
44 and facilities to be employed for the purpose of limiting site access and preventing the movement of
45 unauthorized material on to or off of the site.

46 (3) The EA Notification for the research composting operation using unprocessed mammalian tissue as
47 feedstock and documentation of additional requirements of this section shall be reviewed after each six
48 month period of operation.

49 (f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to the
50 EA with the EA Notification and prior to the composting of any feedstock. The EA shall determine that the
51 EA Notification for research composting operations is complete and correct only if the additional
52 documentation requirements of this section have been met.

53 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public
54 Resources Code.

1 **Article 6. Composting Operating Standards**

2
3 **§ 17867. General Operating Standards.**

4 (a) All compostable materials handling operations and facilities shall meet the following requirements:

5 (1) ~~The composting of mammalian flesh, organs, unprocessed hide, blood, bone, and marrow is~~
6 ~~prohibited, except when from the residential sector or food service industry. Carcasses of animals with~~
7 ~~any contagious disease shall not be composted, unless approved in writing by the California Department~~
8 ~~of Food and Agriculture, Division of Animal Industry, handling activities are prohibited from composting~~
9 ~~any material specified in section 17855.2 of this Chapter.~~

10 (2) All handling activities shall be conducted in a manner that minimizes vectors, odor impacts, litter,
11 hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and
12 transportation of dust, particulates, and pathogenic organisms.

13 (3) Random load checks of feedstocks, additives, and amendments for contaminants shall be
14 conducted.

15 (4) Contamination of compostable materials that has undergone pathogen reduction, pursuant to
16 section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone pathogen
17 reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.

18 (5) Unauthorized human or animal access to the facility shall be prevented.

19 (6) Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe
20 manner.

21 (7) All compostable materials handling operations and facilities, that are open for public business, shall
22 post legible signs at all public entrances. These signs shall include the following information:

- 23 (A) name of the operation or facility,
24 (B) name of the operator,
25 (C) facility hours of operation,
26 (D) materials that will and will not be accepted, if applicable,
27 (E) schedule of charges, if applicable, and
28 (F) phone number where operator or designee can be reached in case of an emergency.

29 (8) The operator shall provide fire prevention, protection and control measures, including, but not limited
30 to, temperature monitoring of windrows and piles, adequate water supply for fire suppression, and the
31 isolation of potential ignition sources from combustible materials. Firelanes shall be provided to allow fire
32 control equipment access to all operation areas.

33 (9) The operator shall provide telephone or radio communication capability for emergency purposes.

34 (10) Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground
35 material shall be removed from the site within 7 days and transported to an appropriate facility.

36 (11) Enclosed operations and facilities shall provide ventilation to prevent adverse public health effects
37 from decomposition gases.

38 (12) The operator shall ensure that leachate is controlled to prevent contact with the public.

39 (13) The operator shall prevent or remove physical contaminants in compost and chipped and ground
40 materials that may cause injury to humans.

41 (14) An attendant shall be on duty during business hours if the operation or facility is open to the public.

42 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public
43 Resources Code.



LINDA S. ADAMS
SECRETARY FOR ENVIRONMENTAL
PROTECTION

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD



ARNOLD SCHWARZENEGGER
GOVERNOR

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812-4025
(916) 341-6000 • WWW.CIWMB.CA.GOV

MARGO REID BROWN
CHAIR
MBROWN@CIWMB.CA.GOV
(916) 341-6051

December 5, 2007

TO: ALL INTERESTED PARTIES

FROM: CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT DIVISION

WESLEY CHESBRO
WCHESBRO@CIWMB.CA.GOV
(916) 341-6039

SUBJECT: NOTICE OF CHANGES TO PROPOSED REGULATIONS FOR
MAMMALIAN TISSUE COMPOSTING (15-DAY COMMENT PERIOD)

JEFFREY DANZINGER
JDANZINGER@CIWMB.CA.GOV
(916) 341-6024

These proposed regulations will make permanent the emergency regulations that have been in effect since June 18, 2007. The regulations, which are found at Title 14 of the California Code of Regulations, §§ 17210.2, 17210.4, 17855.2, 17862 and 17867, allow research projects to compost unprocessed mammalian tissue for the purposes of obtaining data on pathogen reduction and other public health, animal health, safety, or environmental concerns. Additionally, the regulations allow for temporary composting activities for the disposal of disaster debris during a proclaimed emergency.

ROSALIE MULÉ
RMULE@CIWMB.CA.GOV
(916) 341-6016

A 45-day public comment period for these proposed regulations ran from September 7, 2007 through October 22, 2007. California Integrated Waste Management Board (Board) staff held a public hearing on the proposed regulations on November 1, 2007. After considering comments received during the 45-day comment period and comments made at the public hearing, Board staff modified the proposed regulations. On December 3, 2007 the Board's Permitting and Compliance Committee directed staff to initiate an additional 15-day comment period for the proposed changes.

CHERYL PEACE
CPEACE@CIWMB.CA.GOV
(916)341-6010

A copy of the full text of the regulation as originally proposed with the newly proposed changes clearly indicated is available on the Legislation & Regulations page of the Board's internet website at [://www.ciwmb.ca.gov/Rulemaking/Mammalian/](http://www.ciwmb.ca.gov/Rulemaking/Mammalian/). Paper copies may also be obtained by contacting Robert Holmes at the address or fax number listed below. Text shown in double underline (additions) and double strikeout (deletions) depict proposed changes made after the 45-day comment period. Board staff is only required to respond to comments related to the newly proposed changes to the regulations.

GARY PETERSEN
GPETERSEN@CIWMB.CA.GOV
(916) 341-6035

The comment period extends from December 7 through 5:00 p.m. on December 28, 2008.

Please submit your written comments to:

Robert Holmes
California Integrated Waste Management Board
Permitting and Enforcement Division, MS 10A-16
P.O. Box 4025
Sacramento, CA 95812-4025
Phone: (916) 341-6376
FAX: (916) 319-7403



E-mail: rholmes@ciwmb.ca.gov

1 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

2
3 **Article 3. Emergency Waiver of Standards**

4
5 **§ 17210.2 Purpose and Limitation of Emergency Waiver.**

6 (a) An emergency waiver may only be issued when there has been a proclamation of a state of
7 emergency or local emergency, as those terms are defined in this Article.

8 (b) An EA may approve and issue a waiver for the express purpose of enabling an operator of an
9 existing permitted solid waste facility ~~or~~ a locally-approved temporary transfer or processing site, or a
10 locally-approved temporary compostable material handling activity, to accept disaster debris and
11 other nonhazardous wastes, in a manner not consistent with the terms and conditions of the relevant
12 solid waste facilities permit or applicable state minimum standards, during the recovery phase of a
13 state of emergency or local emergency.

14 (c) The waiver may apply to specified state minimum solid waste standards or a specific term or
15 condition of a solid waste facilities permit at an existing solid waste facility ~~or~~ a locally-approved
16 temporary transfer or processing site, or a locally-approved temporary compostable material handling
17 activity, which are related to the following: the origin of waste; the rate of inflow for storage, transfer,
18 processing, or disposal of waste; the type and moisture content of solid waste; the hours of facility
19 operation; and the storage time before transfer, processing, or disposal of nonhazardous waste.

20 (d) The effective period of an initial waiver, once granted by the EA, shall not exceed 120 days.
21 Upon receipt of the reports required in section 17210.5, the EA may extend the effective period of a
22 waiver, as necessary, to assist in the recovery from an emergency.

23 (e) All other state minimum standards and permit conditions which are not the subject of the waiver
24 shall remain in effect.

25 (f) A waiver may be modified, canceled, or revoked by the EA without advance notice should the EA
26 determine that any of the following occurs:

27 (1) The use of such a waiver will cause or contribute to a public health and safety or environmental
28 problem;

29 (2) The terms of the waiver are not being used expressly to handle the state of emergency or local
30 emergency and are not in the best interest of the public health and safety;

31 (3) The waiver is no longer necessary;

32 (4) The solid waste facility operator is not utilizing disaster debris diversion programs to the extent
33 feasible.

34 NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections , 43020, 43021 and 43035,
35 Public Resources Code.

36
37 **§ 17210.4 Granting an Emergency Waiver.**

38 (a) The EA may grant a waiver during a proclamation of emergency upon making the following
39 findings:

40 (1) If the waiver is for an existing permitted solid waste facility operator applying for the waiver
41 holds a valid solid waste facilities permit;

42 (2) The waiver will not pose a threat to public health and safety or the environment;

43 (3) The operator identifies and implements, to the extent feasible, diversion programs to maximize
44 diversion through reuse, recycling, or composting of disaster-related waste.

45 (b) Within 7 days of receipt of the solid waste facility operator's request for a waiver, the EA shall
46 notify the solid waste facility operator in writing whether or not the request for waiver has been
47 granted. If the proposed waiver is not granted, the EA's notification shall contain reasons for the
48 denial. The solid waste facility operator may reapply for the waiver at a later date or submit necessary
49 documentation to receive the waiver immediately.

50 NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections 40002, 43020, 43021 and
51 43035, Public Resources Code.

1 **Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory**
2 **Requirements**

4 **Article 2. Regulatory Tiers for Composting Operations and Facilities**

6 **§ 17855.2. Prohibitions.**

7 (a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs,
8 hide, blood, bone and marrow is prohibited, except when from the food service industry, grocery
9 stores, or residential food scrap collection, or as part of a research composting operation for the
10 purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or
11 environmental concern, in accordance with section 17862. ~~Carcasses of animals with any contagious~~
12 ~~disease shall not be composted, unless approved in writing by the California Department of Food and~~
13 ~~Agriculture, Division of Animal Industry.~~

14 (b) The composting of medical waste is prohibited.

15 (c) The composting of hazardous waste is prohibited.

16 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021,
17 Public Resources Code.

19 **§ 17862. Research Composting Operations.**

20 (a) An operator conducting research composting operations shall not have more than 5,000 cubic-
21 yards of feedstock, additives, amendments, chipped and ground material, and compost on-site at any
22 one time, and shall comply with the EA Notification requirements set forth in Title 14, California Code
23 of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as
24 otherwise provided by this Chapter.

25 (b) An operator conducting research composting operations utilizing within-vessel processing, may
26 exceed 5,000 cubic-yards of feedstock, additives, amendments, chipped and ground material and
27 compost, if the EA determines that such increased volume will not pose additional risk to the public
28 health, safety and the environment.

29 (c) In addition to the EA Notification requirements set forth in Title 14, California Code of
30 Regulations, Division 7, Chapter 5.0, Article 3.0, section 18103.1 (a)(3), the operator shall provide a
31 description of the research to be performed, research objectives, methodology/protocol to be
32 employed, data to be gathered, analysis to be performed, how the requirements of this subchapter
33 will be met, and the projected timeframe for completion of the research operation.

34 (d) The EA Notification for a research composting operation shall be reviewed after each two-year
35 period of operation. Review criteria shall include the results and conclusions drawn from the
36 research.

37 (e) Research composting operations that will be using unprocessed mammalian tissue as a
38 feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal
39 health, safety, or environmental protection concern, shall satisfy the following additional requirements:

40 (1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural
41 operations, and all products derived from unprocessed mammalian tissue shall be beneficially used
42 on-site.

43 (2) The operator shall prepare, implement and maintain a site-specific, research composting
44 operation site security plan. The research composting site security plan shall include a description of
45 the methods and facilities to be employed for the purpose of limiting site access and preventing the
46 movement of unauthorized material on to or off of the site.

47 (3) The EA Notification for the research composting operation using unprocessed mammalian tissue
48 as feedstock and documentation of additional requirements of this section shall be reviewed after
49 each six month period of operation.

50 (f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to
51 the EA with the EA Notification and prior to the composting of any feedstock. The EA shall determine
52 that the EA Notification for research composting operations is complete and correct only if the
53 additional documentation requirements of this section have been met.

54 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021,
55 Public Resources Code.

1
2 **Article 6. Composting Operating Standards**

3
4 **§ 17867. General Operating Standards.**

5 (a) All compostable materials handling operations and facilities shall meet the following
6 requirements:

7 (1) ~~The composting of mammalian flesh, organs, unprocessed hide, blood, bone, and marrow is~~
8 ~~prohibited, except when from the residential sector or food service industry. Carcasses of animals~~
9 ~~with any contagious disease shall not be composted, unless approved in writing by the California~~
10 ~~Department of Food and Agriculture, Division of Animal Industry, handling activities are prohibited~~
11 ~~from composting any material specified in section 17855.2 of this Chapter.~~

12 (2) All handling activities shall be conducted in a manner that minimizes vectors, odor impacts, litter,
13 hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and
14 transportation of dust, particulates, and pathogenic organisms.

15 (3) Random load checks of feedstocks, additives, and amendments for contaminants shall be
16 conducted.

17 (4) Contamination of compostable materials that has undergone pathogen reduction, pursuant to
18 section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone
19 pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.

20 (5) Unauthorized human or animal access to the facility shall be prevented.

21 (6) Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe
22 manner.

23 (7) All compostable materials handling operations and facilities, that are open for public business,
24 shall post legible signs at all public entrances. These signs shall include the following information:

25 (A) name of the operation or facility,

26 (B) name of the operator,

27 (C) facility hours of operation,

28 (D) materials that will and will not be accepted, if applicable,

29 (E) schedule of charges, if applicable, and

30 (F) phone number where operator or designee can be reached in case of an emergency.

31 (8) The operator shall provide fire prevention, protection and control measures, including, but not
32 limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression,
33 and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided
34 to allow fire control equipment access to all operation areas.

35 (9) The operator shall provide telephone or radio communication capability for emergency
36 purposes.

37 (10) Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground
38 material shall be removed from the site within 7 days and transported to an appropriate facility.

39 (11) Enclosed operations and facilities shall provide ventilation to prevent adverse public health
40 effects from decomposition gases.

41 (12) The operator shall ensure that leachate is controlled to prevent contact with the public.

42 (13) The operator shall prevent or remove physical contaminants in compost and chipped and
43 ground materials that may cause injury to humans.

44 (14) An attendant shall be on duty during business hours if the operation or facility is open to the
45 public.

46 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021,
47 Public Resources Code.

NOTICE OF PROPOSED RULEMAKING

Title 14:	Natural Resources
Division 7:	California Integrated Waste Management Board
Chapter 3:	Minimum Standards for Solid Waste Handling and Disposal
Article 3:	Emergency Waiver of Standards
Sections:	17210.2 and 17210.4
Chapter 3.1:	Compostable Materials Handling Operations and Facilities Regulatory Requirements
Article 2:	Regulatory Tiers for Composting Operations and Facilities
Sections:	17855.2 and 17862
Article 6:	Composting Operating Standards
Section:	17867

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (CIWMB) proposes to amend Title 14, California Code of Regulations (14 CCR), §§17210.2, 17210.4, 17855.2, 17862, and 17867. The proposed changes modify the regulations governing: (1) emergency waiver of standards and (2) compostable material handling regulatory requirements.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the CIWMB. **The written comment period for this rulemaking ends at 5:00 p.m. on October 22, 2007.** The CIWMB will also accept oral and written comments during the public hearing described below. Please submit your written comments to:

Robert Holmes
Waste Compliance and Mitigation Program
California Integrated Waste Management Board
P.O. Box 4025, M.S. 10A-16
Sacramento, CA 95812-4025
e-mail: ;rholmes@ciwmb.ca.gov
Fax: (916) 319-7403
Phone: (916) 341-6376

PUBLIC HEARING

A public hearing to receive comments on the proposed rulemaking will be scheduled for November 1, 2007. The hearing will be held in Training Room 1 West/East (First Floor) at the Joe Serna, Jr. Cal/EPA Building, 1001 I Street, Sacramento, California. The hearing will begin at 11:00 a.m. and conclude after the public gives all testimony. The CIWMB requests that persons who make oral comments at the hearing submit written copies of their testimony at the hearing. Training Room 1 West/East is wheelchair accessible.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

Existing Law and Regulation: Public Resources Code section 43020 requires the CIWMB to adopt and revise regulations, which set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal. Existing regulations (14 CCR section 17855.2 and 17867) currently prohibits the composting of unprocessed mammalian tissue.

The proposed regulations would allow research projects to compost unprocessed mammalian tissue for the purposes of obtaining data on pathogen reduction. Additionally, the proposed regulations would allow regulated composting as an emergency measure to handle unprocessed mammalian tissue as an alternative to disposal.

PLAIN ENGLISH REQUIREMENTS

CIWMB staff prepared the proposed regulatory changes pursuant to the standard of clarity provided in Government Code §11349 and the plain English requirements of Government Code §§11342.580 and 11346.2(a)(1). The proposed regulations are considered non-technical and can be easily understood by those who will use them.

AUTHORITY AND REFERENCES

PRC §§40502, 43020, 43021, and 43035 provide authority for this proposed regulation change. The purpose of the proposed regulation is to implement, interpret and make specific PRC §§ 43020, 43021, and 43035.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable standards.

MANDATE ON STATE AGENCIES, LOCAL AGENCIES, OR SCHOOL DISTRICTS

CIWMB staff has determined that adoption of the proposed regulations will place a mandate on local agencies choosing to undertake a research composting operation. CIWMB staff estimates the costs to comply with these regulations to be no more than \$2,500 per year per research operation undertaken. Local governmental agencies are authorized by Public Resources Code, sections 40057 and 40059 to charge a fee for providing these services.

CIWMB staff has further determined that the proposed regulation changes will result in no costs or savings to state agencies, no costs to any school districts that are required to be reimbursed under Part 7 (commencing with §17500) of Division 4 of the Government Code, no other non-discretionary costs or savings on local agencies or school districts, and no costs or savings in federal funding to the state.

FINDING ON NECESSITY OF REPORTS

CIWMB staff have found that the requirement for specific reports are necessary for the health, safety and welfare of the people of the state because it will help to ensure that the standards in the revised regulations are met by operators and are adequately monitored by enforcement agencies.

EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulation changes would not have a significant effect on housing costs.

EFFECT ON BUSINESSES

CIWMB staff made an initial determination that the proposed regulation changes would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

CIWMB staff made an initial determination that the proposed regulation changes would not have a statewide adverse economic impact on small businesses including the ability of California businesses to compete with businesses in other states. Due to the capital investment required, few small businesses own/operate composting operations. Research composting operations are more likely to be run by local government agencies or large businesses with oversight from academic institutions and state agencies. Financial assistance from federal agencies, state agencies, or industry organizations may be available.

EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

CIWMB staff has determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the State of California; 2) the creation of new or the elimination of existing businesses with California; or 3) the expansion of businesses currently doing business with the state.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

CIWMB staff estimates the costs to private persons or business to comply with the proposed regulations to be no more than \$2,500 per year per research operation undertaken.

CONSIDERATION OF ALTERNATIVES

The CIWMB must determine that no reasonable alternative considered by the CIWMB or that has otherwise been identified and brought to the attention of the CIWMB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The CIWMB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed to:

Robert Holmes
Waste Compliance and Mitigation Program
California Integrated Waste Management Board
P.O. Box 4025, M.S. 10A-16
Sacramento, CA 95812-4025
e-mail: <mailto:rholmes@ciwmb.ca.gov>
Fax: (916) 319-7403
Phone: (916) 341-6376

Back-up contact person to whom inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed:

Cara Rothenbaum
Waste Compliance and Mitigation Program
California Integrated Waste Management Board
P.O. Box 4025, M.S. 10A-16
Sacramento, CA 95812-4025
e-mail: <mailto:crothenbaum@ciwmb.ca.gov>
Fax: (916) 319-7162
Phone: (916) 341-6666

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CIWMB will have the entire rulemaking file and all information upon which the proposed regulations are based available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Robert Holmes at the address, e-mail, or telephone number listed above. For more timely access to the proposed text of the regulations and in the interest of waste prevention, interested parties are encouraged to access the CIWMB's website at <http://www.ciwmb.ca.gov/Rulemaking/Mammalian/>. Additionally, the final statement of reasons will be available at the above listed Internet address or you may call the contact persons named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The CIWMB may adopt the proposed regulation changes as described in this notice. If the CIWMB makes modifications which are sufficiently related to the proposed text, it will make the modified text – with changes clearly indicated – available to the public for at least 15 days before the CIWMB adopts the regulations as revised. Requests for the modified text should be made to the contact person. The CIWMB will transmit any modified text to all persons who testify at a public hearing if one is held; all persons who submit written comments at a public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The CIWMB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INITIAL STATEMENT OF REASONS

MAMMALIAN TISSUE COMPOSTING

August 2007

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION

Title 14: Natural Resources

Division 7: California Waste Management Board

Chapter 3: Minimum Standards for Solid Waste Handling and Disposal

Article 3: Emergency Waiver of Standards

Section 17210.2. Purpose and Limitation of Emergency Waiver.

Subsection (b)

Existing regulations authorize an enforcement agency (EA) to approve and issue a waiver to enable an operator of an existing permitted solid waste facility, or a locally-approved temporary transfer or processing site, to accept disaster debris and other non-hazardous waste during the recovery phase of a state of emergency or local emergency. The purpose of the additions to lines 9 and 10 is to additionally authorize the LEA to approve and issue a waiver for a locally-approved temporary composting activity. The additions are necessary because there are limited options available for the management of solid waste generated by a disaster, particularly dead animals. These additions would provide for an additional management option: composting.

The purpose and necessity for the additions to line 12 is clarity and consistency with subsection (c). Subsection (c) clearly indicates that an emergency waiver applies to state minimum standards.

Subsection (c)

The purpose and necessity for the additions to this subsection are to mirror new text added to subsection (b), lines 9 and 10.

Note

The citation of Section 43002 of the Public Resources Code is improper. Section 43002 does not exist. The correct citation is to Section 40002, which is consistent with other sections in the article.

Section 17210.4. Granting an Emergency Waiver.

Subsection (a)(1)

The purpose for the additions to this subsection are to make it clear that the prerequisite of holding a valid solid waste facilities permit prior to being granted a waiver applies only to existing permitted solid waste facilities. The additions are necessary because the activity selected by a local jurisdiction to assist in the recovery phase of a state of emergency or local emergency

may not occur at a permitted solid waste facility (e.g., locally-approved temporary transfer or processing site).

Chapter 3.1: Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 2: Regulatory Tiers for Composting Operations and Facilities

Section 17855.2. Prohibitions.

Subsection (a)

The purpose for the additions to lines 4 and 5 is to allow for an exception to the prohibition on composting of mammalian tissue: research composting for the purpose of obtaining data on pathogen reduction. Research on the composting of mammalian tissue is necessary to determine if composting is a viable alternative disposal option for mammalian tissue.

The original basis for this regulatory prohibition appears to be centered on concerns related to the control of Bovine Spongiform Encephalopathy (BSE) or “Mad Cow Disease.” Recent discussions with animal health specialists at the California Department of Food and Agriculture (CDFA) suggest that BSE should not be considered as a primary justification for a prohibition on the composting of unprocessed mammalian tissue. CDFA has not received any documentation that indicates BSE occurred in California. However, other questions and concerns about the efficacy of the composting process exist (e.g., spore-forming organisms). Composting may be a viable alternative animal mortality disposal method but additional studies and resultant data are needed to prove that it is safe and effective. Existing, authorized animal mortality disposal methods are currently near or at maximum capacity. Alternative disposal methods are needed. The research could lead to a safe and effective alternative disposal method.

The purpose and necessity for the deletions on lines 5 through 7 is to remove text that is redundant to text found in section 17823.5.

Section 17862. Research Composting Operations.

Subsection (e)

The purpose for the addition of this subsection is to establish additional requirements for research composting operations that will use unprocessed mammalian tissue as feedstock. The additional requirements are necessary to ensure that unprocessed mammalian tissue is handled in a secure manner for the protection of public health, safety, and the environment. Unprocessed mammalian tissue can contain diseases and other degradation byproducts that can spread to humans or other animals.

Subsection (e)(1)

The purpose for the addition of this subsection is to restrict the source of the animals and the use of the finished compost (i.e., no importation of dead animals to the site and no movement of composted material off-site). The restrictions are necessary to be consistent with the restrictions on the transportation of dead animals set forth in Food and Agricultural Code section 19348 and 19348.1.

Subsection (e)(2)

The purpose for the additions of this subsection is to require a site security plan. A site security plan is necessary to control the importation of animals to the site (consistent with Food and

Agricultural Code section 19348 and 19348.1) and movement of composted material off-site to minimize concern with the spread of pathogens not destroyed in the composting process.

Subsection (f)

The purpose for the addition of this subsection is to ensure that all the requirements of the section are met prior to the composting of any feedstock. The subsection is necessary due to the potential increased risk of harm to public health and safety or the environment posed by mammalian tissue as compared to other feedstocks.

Article 6: Composting Operating Standards

Section 17867. General Operating Standards.

Subsection (a)

The purpose and necessity for changes to this subsection are to remove text that is redundant to text found in section 17855.2 and to refer the reader to one location for all prohibitions.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION

The CIWMB considered the alternative of making no amendment to the regulation and continuing to implement existing practice, but determined that the proposed amendments are necessary to clarify the requirements and determined that no alternative would be as effective and less burdensome to private persons or businesses while at the same time protecting human health and safety and the environment.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORT, OR DOCUMENTS

CIWMB did not rely on any technical, theoretical or empirical studies, reports or documents in developing the proposed regulations. CIWMB relied upon the Public Resources Code and applicable regulations adopted pursuant to the Public Resources Code, analysis by CIWMB staff, and written and oral comments and input from other regulatory agencies, including the California Department of Food and Agriculture, CIWMB-certified Enforcement Agencies, the regulated community, and the public.

INITIAL DETERMINATION THAT THE ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CIWMB staff made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. In making this determination, the CIWMB relied upon an analysis by Cal/EPA's Agency-wide Economic Analysis Program.

DUPLICATION OR CONFLICTS WITH CODE OF FEDERAL REGULATIONS

No unnecessary duplication or conflict exists between the proposed regulations and federal regulations because there are no comparable federal requirements.

1 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

2
3 **Article 3. Emergency Waiver of Standards**

4
5 **Section 17210.2 Purpose and Limitation of Emergency Waiver.**

6 (a) An emergency waiver may only be issued when there has been a proclamation of a state of
7 emergency or local emergency, as those terms are defined in this Article.

8 (b) An EA may approve and issue a waiver for the express purpose of enabling an operator of an
9 existing permitted solid waste facility ~~or~~, a locally-approved temporary transfer or processing site, or a
10 locally-approved temporary compostable material handling activity, to accept disaster debris and
11 other nonhazardous wastes, in a manner not consistent with the terms and conditions of the relevant
12 solid waste facilities permit or applicable state minimum standards, during the recovery phase of a
13 state of emergency or local emergency.

14 (c) The waiver may apply to specified state minimum solid waste standards or a specific term or
15 condition of a solid waste facilities permit at an existing solid waste facility ~~or~~, a locally-approved
16 temporary transfer or processing site, or a locally-approved temporary compostable material handling
17 activity, which are related to the following: the origin of waste; the rate of inflow for storage, transfer,
18 processing, or disposal of waste; the type and moisture content of solid waste; the hours of facility
19 operation; and the storage time before transfer, processing, or disposal of nonhazardous waste.

20 (d) The effective period of an initial waiver, once granted by the EA, shall not exceed 120 days. Upon
21 receipt of the reports required in section 17210.5, the EA may extend the effective period of a waiver,
22 as necessary, to assist in the recovery from an emergency.

23 (e) All other state minimum standards and permit conditions which are not the subject of the waiver
24 shall remain in effect.

25 (f) A waiver may be modified, canceled, or revoked by the EA without advance notice should the EA
26 determine that any of the following occurs:

- 27 (1) The use of such a waiver will cause or contribute to a public health and safety or environmental
28 problem;
- 29 (2) The terms of the waiver are not being used expressly to handle the state of emergency or local
30 emergency and are not in the best interest of the public health and safety;
- 31 (3) The waiver is no longer necessary;
- 32 (4) The solid waste facility operator is not utilizing disaster debris diversion programs to the extent
33 feasible.

34
35 NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections , 43020, 43021 and 43035,
36 Public Resources Code.

37
38 **Section 17210.4 Granting an Emergency Waiver.**

39 (a) The EA may grant a waiver during a proclamation of emergency upon making the following
40 findings:

- 41 (1) If the waiver is for an existing permitted solid waste facility operator applying for the waiver holds
42 a valid solid waste facilities permit;
- 43 (2) The waiver will not pose a threat to public health and safety or the environment;
- 44 (3) The operator identifies and implements, to the extent feasible, diversion programs to maximize
45 diversion through reuse, recycling, or composting of disaster-related waste.

46 (b) Within 7 days of receipt of the solid waste facility operator's request for a waiver, the EA shall
47 notify the solid waste facility operator in writing whether or not the request for waiver has been
48 granted. If the proposed waiver is not granted, the EA's notification shall contain reasons for the
49 denial. The solid waste facility operator may reapply for the waiver at a later date or submit necessary
50 documentation to receive the waiver immediately.

51
52 NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections 40002, 43020, 43021 and
53 43035, Public Resources Code.

54
55 **Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory**
56 **Requirements**

57
58 **Article 2. Regulatory Tiers for Composting Operations and Facilities**
59

Section 17855.2. Prohibitions.

(a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow is prohibited, except when from the food service industry, grocery stores, or residential food scrap collection, or as part of a research composting operation for the purpose of obtaining data on pathogen reduction in accordance with section 17862. ~~Carcasses of animals with any contagious disease shall not be composted, unless approved in writing by the California Department of Food and Agriculture, Division of Animal Industry.~~

(b) The composting of medical waste is prohibited.

(c) The composting of hazardous waste is prohibited.

NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

Section 17862. Research Composting Operations.

(a) An operator conducting research composting operations shall not have more than 5,000 cubic-yards of feedstock, additives, amendments, chipped and ground material, and compost on-site at any one time, and shall comply with the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as otherwise provided by this Chapter.

(b) An operator conducting research composting operations utilizing within-vessel processing, may exceed 5,000 cubic-yards of feedstock, additives, amendments, chipped and ground material and compost, if the EA determines that such increased volume will not pose additional risk to the public health, safety and the environment.

(c) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, section 18103.1 (a)(3), the operator shall provide a description of the research to be performed, research objectives, methodology/protocol to be employed, data to be gathered, analysis to be performed, how the requirements of this subchapter will be met, and the projected timeframe for completion of the research operation.

(d) The EA Notification for a research composting operation shall be reviewed after each two-year period of operation. Review criteria shall include the results and conclusions drawn from the research.

(e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction shall satisfy the following additional requirements:

(1) Unprocessed mammalian tissue used as feedstock shall be generated from on-site agricultural operations, and all products derived from unprocessed mammalian tissue shall be beneficially used on-site.

(2) The operator shall prepare, implement and maintain a site-specific, research composting operation site security plan. The research composting site security plan shall include a description of the methods and facilities to be employed for the purpose of limiting site access and preventing the movement of unauthorized material on to or off of the site.

(2) The EA Notification for the research composting operation using unprocessed mammalian tissue as feedstock and documentation of additional requirements of this section shall be reviewed after each six month period of operation.

(f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to the EA with the EA Notification and prior to the composting of any feedstock. The EA shall determine that the EA Notification for research composting operations is complete and correct only if the additional documentation requirements of this section have been met.

NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021, Public Resources Code.

Article 6. Composting Operating Standards

Section 17867. General Operating Standards.

(a) All compostable materials handling operations and facilities shall meet the following requirements:

~~(1) The composting of mammalian flesh, organs, unprocessed hide, blood, bone, and marrow is prohibited, except when from the residential sector or food service industry. Carcasses of animals with any contagious disease shall not be composted, unless approved in writing by the California~~

1 ~~Department of Food and Agriculture, Division of Animal Industry,~~ handling activities are prohibited
2 from composting any material specified in section 17855.2 of this Chapter.

3 (2) All handling activities shall be conducted in a manner that minimizes vectors, odor impacts, litter,
4 hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and
5 transportation of dust, particulates, and pathogenic organisms.

6 (3) Random load checks of feedstocks, additives, and amendments for contaminants shall be
7 conducted.

8 (4) Contamination of compostable materials that has undergone pathogen reduction, pursuant to
9 section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone
10 pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.

11 (5) Unauthorized human or animal access to the facility shall be prevented.

12 (6) Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe
13 manner.

14 (7) All compostable materials handling operations and facilities, that are open for public business,
15 shall post legible signs at all public entrances. These signs shall include the following information:

16 (A) name of the operation or facility,

17 (B) name of the operator,

18 (C) facility hours of operation,

19 (D) materials that will and will not be accepted, if applicable,

20 (E) schedule of charges, if applicable, and

21 (F) phone number where operator or designee can be reached in case of an emergency.

22 (8) The operator shall provide fire prevention, protection and control measures, including, but not
23 limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression,
24 and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided
25 to allow fire control equipment access to all operation areas.

26 (9) The operator shall provide telephone or radio communication capability for emergency purposes.

27 (10) Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground
28 material shall be removed from the site within 7 days and transported to an appropriate facility.

29 (11) Enclosed operations and facilities shall provide ventilation to prevent adverse public health
30 effects from decomposition gases.

31 (12) The operator shall ensure that leachate is controlled to prevent contact with the public.

32 (13) The operator shall prevent or remove physical contaminants in compost and chipped and ground
33 materials that may cause injury to humans.

34 (14) An attendant shall be on duty during business hours if the operation or facility is open to the
35 public.

36
37 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021,
38 Public Resources Code.

1 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

2
3 **Article 3. Emergency Waiver of Standards**

4
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10 locally-approved temporary compostable material handling activity, to accept disaster debris and
11 other nonhazardous wastes, in a manner not consistent with the terms and conditions of the relevant
12 solid waste facilities permit or applicable state minimum standards, during the recovery phase of a
13 state of emergency or local emergency.

14 (c) The waiver may apply to specified state minimum solid waste standards or a specific term or
15 condition of a solid waste facilities permit at an existing solid waste facility ~~or~~, a locally-approved
16 temporary transfer or processing site, or a locally-approved temporary compostable material handling
17 activity, which are related to the following: the origin of waste; the rate of inflow for storage, transfer,
18 processing, or disposal of waste; the type and moisture content of solid waste; the hours of facility
19 operation; and the storage time before transfer, processing, or disposal of nonhazardous waste.

20 (d) The effective period of an initial waiver, once granted by the EA, shall not exceed 120 days. Upon
21 receipt of the reports required in section 17210.5, the EA may extend the effective period of a waiver,
22 as necessary, to assist in the recovery from an emergency.

23 (e) All other state minimum standards and permit conditions which are not the subject of the waiver
24 shall remain in effect.

25 (f) A waiver may be modified, canceled, or revoked by the EA without advance notice should the EA
26 determine that any of the following occurs:

27 (1) The use of such a waiver will cause or contribute to a public health and safety or environmental
28 problem;

29 (2) The terms of the waiver are not being used expressly to handle the state of emergency or local
30 emergency and are not in the best interest of the public health and safety;

31 (3) The waiver is no longer necessary;

32 (4) The solid waste facility operator is not utilizing disaster debris diversion programs to the extent
33 feasible.

34
35 NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections 43002, 43020, 43021 and
36 43035, Public Resources Code.

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38 **Section 17210.4 Granting an Emergency Waiver.**

39 (a) The EA may grant a waiver during a proclamation of emergency upon making the following
40 findings:

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42 a valid solid waste facilities permit;

43 (2) The waiver will not pose a threat to public health and safety or the environment;

44 (3) The operator identifies and implements, to the extent feasible, diversion programs to maximize
45 diversion through reuse, recycling, or composting of disaster-related waste.

46 (b) Within 7 days of receipt of the solid waste facility operator's request for a waiver, the EA shall
47 notify the solid waste facility operator in writing whether or not the request for waiver has been
48 granted. If the proposed waiver is not granted, the EA's notification shall contain reasons for the
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18 of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as
19 otherwise provided by this Chapter.

20 (b) An operator conducting research composting operations utilizing within-vessel processing, may
21 exceed 5,000 cubic-yards of feedstock, additives, amendments, chipped and ground material and
22 compost, if the EA determines that such increased volume will not pose additional risk to the public
23 health, safety and the environment.

24 (c) In addition to the EA Notification requirements set forth in Title 14, California Code of Regulations,
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26 the research to be performed, research objectives, methodology/protocol to be employed, data to be
27 gathered, analysis to be performed, how the requirements of this subchapter will be met, and the
28 projected timeframe for completion of the research operation.

29 (d) The EA Notification for a research composting operation shall be reviewed after each two-year
30 period of operation. Review criteria shall include the results and conclusions drawn from the
31 research.

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37 on-site.

38 (2) The operator shall prepare, implement and maintain a site-specific, research composting
39 operation site security plan. The research composting site security plan shall include a description of
40 the methods and facilities to be employed for the purpose of limiting site access and preventing the
41 movement of unauthorized material on to or off of the site.

42 (2) The EA Notification for the research composting operation using unprocessed mammalian tissue
43 as feedstock and documentation of additional requirements of this section shall be reviewed after
44 each six month period of operation.

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46 EA with the EA Notification and prior to the composting of any feedstock. The EA shall determine that
47 the EA Notification for research composting operations is complete and correct only if the additional
48 documentation requirements of this section have been met.

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2 ~~from composting any material specified in section 17855.2 of this Chapter.~~

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33 materials that may cause injury to humans.

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35 public.

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38 Public Resources Code.