This revision of existing Title 14 and Title 27 regulations was related to compostable materials, transfer/processing, permit application form, and permit exemptions. The Office of Administrative Law approved the Compostable Materials, Transfer/Processing regulations on November 10, 2015 and filed the regulations with the Secretary of State on November 10, 2015. The regulations became operative on January 1, 2016.

**Affected Regulatory Code Sections**

- California Code of Regulations, Title 14, Division 7, Chapter 3.1, Article 1 commencing with section 17852
- California Code of Regulations, Title 14, Division 7, Chapter 3, Article 6 commencing with 17402
- California Code of Regulations, Title 27, Division 2, Chapter 4, Article 2 commencing with section 21570

**Historical Information**

If you require assistance in obtaining access to these documents, please use the contact information at the bottom of this page.

**Formal Development**

- **Rulemaking History**
  - The Director adopted the final draft of the proposed Compostable Materials, Transfer/Processing regulations on August 26, 2015 and directed staff to submit the final rulemaking file to the Office of Administrative Law for approval and publishing.
  - CalRecycle adopted the Final Negative Declaration and Initial Study/Negative Declaration on August 26, 2015 and filed a Notice of Determination with the State Clearinghouse on August 28, 2015.
  - Public Meeting on August 18, 2015 to discuss the Negative Declaration and the final draft of the proposed Compostable Materials, Transfer/Processing regulations.
  - CalRecycle prepared a Final Negative Declaration and Initial Study, August 2015 and CalRecycle Response to Comments
  - CalRecycle prepared an Initial Study/Negative Declaration (IS/ND), which evaluates potential environmental impacts associated with the proposed regulations. The IS/ND was available for comment through July 13, 2015.
    - Notice of Intent to Adopt a Negative Declaration, June 2015
    - Initial Study/Negative Declaration, June 2015
  - CalRecycle staff compiled all written stakeholder comments during the additional 15-day comment period from June 29 to July 14, 2015.
  - CalRecycle staff compiled a summary of written stakeholder comments received during the 15-day written comment period which began on April 21, 2015 and ended on May 6, 2015.
  - CalRecycle staff compiled all written stakeholder comments received during the 15-day comment period from April 21 to May 6, 2015.
  - CalRecycle staff compiled a summary of all stakeholder comments received during the 45-day written comment period and the public hearing on December 10, 2014.
  - CalRecycle staff compiled all comments received during the public hearing on December 10, 2014.
  - CalRecycle held a public hearing on December 10, 2014 to receive oral and written comments.
  - CalRecycle staff compiled all written stakeholder comments received during the 45-day written comment period.
  - CalRecycle initiated the formal rulemaking process on October 10, 2014. The 45-day written comment period for this rulemaking closed at 4:00 p.m. on December 5, 2014.
  - At the October 15, 2013 public meeting, the Director approved the “Proposed Compostable Material Handling and In-Vessel Digestion Regulations” and directed staff to submit the regulatory packet to the Office of Administrative Law to
initiate the formal rulemaking process under the California Administrative Procedure Act. Staff will conduct an economic and fiscal impact analysis of the regulations and develop the Initial Statement of Reasons prior to submitting the regulatory packet to the Office of Administrative Law.

Documents

- **Approved Proposed Compostable Materials, Transfer/Processing Regulations**, August 2015. Proposed regulations approved by the Director. No changes were made to the proposed regulations since the Additional 15-Comment Period in June 2015.
- **CalRecycle Response to Comments**
  - 2nd 15-Day Comment Period (June 29, 2015-July 14, 2015)
  - 1st 15-Day Comment Period (April 21, 2015-May 6, 2015)
  - 45-Day Comment Period (October 10, 2014-December 5, 2014)
- **Notice of Additional 15-Day Comment Period**: Public notice of the additional 15-day comment period from June 29 to July 14, 2015.
- **Revised Proposed Regulation, Initial 15-Day Comment Period**, April 2015: Proposed regulatory text that incorporates changes in response to comments from the 45-day comment period and December 10, 2014 public hearing.
- **Notice of 15-Day Comment Period**: Public notice of the initial 15-day comment period from April 21 to May 6, 2015.
- **Notice of Proposed Rulemaking**: Public notice of the 45-day comment period.
- **Initial Statement of Reasons**, September 2014
- **Proposed Regulation Text for the 45-Day Comment Period**, September 2014

Informal Development

- **Stakeholder Input**
  - Informal Workshop on March 3, 2015 to discuss potential changes to the proposed regulations in response to stakeholder comments.
  - Informal Workshop on September 25, 2014 to discuss initiating the formal rulemaking process.
  - Informal Workshop on May 14, 2013 to discuss chronic odor complaints and identifying sources of odor.
  - Informal Workshop on April 16, 2013 to continue the question and answer session held during the March 18, 2013 meeting regarding revisions to Title 14 and Title 27.
  - Informal Workshop on April 11, 2013 to obtain stakeholder input on the in-vessel digestion regulations (pages 23-44 of the consolidated draft regulation text).
  - Status Update on March 18, 2013 to discuss revisions made to the initial discussion draft text in the Title 14 and Title 27 Compostable Materials/Transfer Processing Rulemaking.
  - Informal Workshop on November 15, 2012 to discuss Issue 1 (Food waste definition), Issue 2 (Land application: disposal or beneficial use), and Issue 6 (Green waste contamination)
  - Informal Workshop on October 31, 2012 to discuss Issue 4 (Odor complaints)
  - Informal Workshop on October 23, 2012 to discuss Issue 5 (Regulatory coordination of publicly owned treatment works accepting food waste and fats, oils and grease) and Issue 7 (Anaerobic digestion facility permitting)
  - Informal Workshop on October 3, 2012 to obtain stakeholder input on regulatory issues and potential approaches for future revisions to Title 14 and Title 27. See the presentation for more information.
  - Informal Workshop on September 25, 2012 to obtain stakeholder input on regulatory issues and potential approaches for future revisions to Title 14 and Title 27. See the presentation for more information.
  - Informal Workshop on March 27, 2012 to obtain stakeholder input on Issues 3, 5, 6, and 11 from CalRecycle’s draft document on regulatory issues and potential approaches for future revisions to Title 14 and Title 27. See the
Informal Workshop on February 21, 2012 to obtain stakeholder input on Issues 1, 2, and 4 from CalRecycle’s draft document on regulatory issues and potential approaches for future revisions to Title 14 and Title 27.

Informal Workshop on February 9, 2012 to obtain stakeholder input on Issues 1, 2, and 4 from CalRecycle’s draft document on regulatory issues and potential approaches for future revisions to Title 14 and Title 27.

Informal Workshop on December 21, 2011 to obtain stakeholder input on Issues 1, 2, 3, 4, 6, 7, 9, 11, and 13 from CalRecycle’s draft document on regulatory issues and potential approaches for future revisions to Title 14 and Title 27. See the presentation for more information.

Informal Workshop on December 13, 2011 to obtain stakeholder input on Issues 5, 8, 10, 12, and 14 from CalRecycle’s draft document on regulatory issues and potential approaches for future revisions to Title 14 and Title 27.

Informal Workshop on October 18, 2011 to obtain stakeholder input on CalRecycle’s draft document on regulatory issues and potential approaches for future revisions to Title 14 and Title 27.

See the presentation for more information.

Documents

Consolidated Draft Regulation Text--Third Draft


Consolidated Draft Regulation Text--Third Draft, October 30, 2013. Draft text approved for submittal to the Office of Administrative Law (showing revisions to September 16, 2013 draft text based on comments received).

Application for Solid Waste Facility Permit/Waste Discharge Requirements (E-1-77), September 16, 2013. Revisions to February 28, 2013 draft of Form E-1-77 based on comments received.

Consolidated Draft Regulation Text--Second Draft

CalRecycle staff developed a consolidated set of draft regulations based on comments received on initial discussion draft text for the issues below. Stakeholder comments received on the consolidated draft regulation are published on CalRecycle’s Public Notice website.


Application for Solid Waste Facility Permit/Waste Discharge Requirements--Second Draft (E-1-77), September 16, 2013. Revisions to February 28, 2013 draft of Form E-1-77 based on comments received.

Consolidated Draft Regulation Text--First Draft

CalRecycle staff developed a consolidated set of draft regulations based on comments received on initial discussion draft text for the issues below. Stakeholder comments received on the consolidated draft regulation are published on CalRecycle's Public Notice website.

Consolidated Draft Regulation Text--First Draft, February 28, 2013. Revisions to initial discussion draft text based on comments received.

Application for Solid Waste Facility Permit/Waste Discharge Requirements--First Draft (E-1-77), February 28, 2013. Revisions to initial discussion draft of Form E-1-77 based on comments received.

Odor Concept, February 28, 2013. Revised concept for addressing chronic odor complaints and identifying sources of odor based on comments received.

Initial Discussion Draft Text

Stakeholder comments received on the initial discussion draft text are published on CalRecycle’s Public Notice website. Issues 1 to 12 were developed in September 2011. Issues 13 and 14 were added in December 2011 as the result of further stakeholder/CalRecycle staff comments.

Issue 1--Food waste definition

Initial Discussion Draft Text, May 1, 2012. Expand the definition of food material and create a subcategory called “vegetative food material”. Stakeholders were asked to provide initial comments on this informal draft text by May 31, 2012.

Issue 2--Land application: disposal or beneficial use

Initial Discussion Draft Text, May 1, 2012. Establish criteria for determining when use of compostable material and compost is considered disposal. Stakeholders were asked to provide initial comments on this informal draft text by May 31, 2012.
Issue 3--On-site storage and 12,500 cubic yard limit
Initial Discussion Draft Text, July 3, 2012. Provide the enforcement agency (EA) with discretion to authorize temporary storage of additional material. Stakeholders were asked to provide initial comments on this informal draft text by August 9, 2012.

Issue 4--Odor complaints
Initial Draft Concept and Flowchart, October 12, 2012. Provide operators and local enforcement agencies (LEA) with an objective mechanism to address chronic odor complaints and identify sources of odor. Stakeholders were asked to provide initial comments on this informal draft text by November 16, 2012.

Issue 5--Regulatory coordination of publicly owned treatment works (POTW) accepting food waste and fats, oils and grease (FOG)
Initial Discussion Draft Text, September 12, 2012. Exclude POTW facilities that receive specific types of organic solid waste for co-digestion with POTW wastewater from CalRecycle transfer/processing and in-vessel digestion regulations. Stakeholders were asked to provide initial comments on this informal draft text by October 12, 2012.

Issue 6--Green waste contamination
Initial Discussion Draft Text and Contamination Options, September 13, 2012. Increase visual inspections of incoming green waste loads to reduce physical contaminants, require compostable material products to meet a 0.1% physical contaminant limit by weight, and make clarifying changes regarding sampling and sampling report protocols. Stakeholders were asked to provide initial comments on this informal draft text by October 12, 2012.

Issue 7--Anaerobic Digestion facility permitting
Initial Discussion Draft Text, September 13, 2012. Apply the transfer/processing and compostable material handling and design and operational requirements to all types of in-vessel digestion activities, including anaerobic digestion. Stakeholders were asked to provide initial comments on this informal draft text by October 12, 2012.

Issue 8--Regulatory coordination of meat, fish, and poultry waste

Issue 9--Maximum metal concentrations consistency with federal regulations
Initial Discussion Draft Text, May 1, 2012. Revise regulations limiting the maximum concentrations of metals allowed in compost to reflect the changes adopted by US EPA. Stakeholders were asked to provide initial comments on this informal draft text by May 31, 2012.

Issue 10--Clarify “processing” in agricultural material definition
Initial Discussion Draft Text, May 31, 2012. Revise the definition of Agricultural Material by specifying that Agricultural Material has not been processed in a way that alters its essential character as a waste resulting directly from an agricultural activity. Stakeholders were asked to provide initial comments on this informal draft text by July 2, 2012.

Issue 11--Small-scale composting exclusions
Initial Discussion Draft Text, June 19, 2012. Revise exclusions to facilitate composting of food material and vegetative food material at non-commercial sites, such as community gardens and schools. Stakeholders were asked to provide initial comments on this informal draft text by July 20, 2012.

Issue 12--Clarify “permitted maximum tonnage”
Application for Solid Waste Facility Permits/Waste Discharge Requirements (E-1-77 Form) and E-1-77 Instructions. Update E-1-77 form and instructions and clarify that the total tonnage indicated in the permit application is the maximum amount of waste material that is expected to be received per day. Stakeholders were asked to provide initial comments on this informal draft text by October 12, 2012.

Issue 13--Vermiculture
Initial Discussion Draft Text, June 1, 2012. Clarify the regulatory status of handling compostable material at a vermicomposting operation or facility. Stakeholders were asked to provide initial comments on this informal draft text by July 2, 2012.

Issue 14--EA Notification Inspection frequency language
Initial Discussion Draft Text, May 1, 2012. Revise EA inspection frequency language to ensure consistency throughout Title 14. Stakeholders were asked to provide initial comments on this informal draft text by May 31, 2012.

More Information

- Regulatory Definitions Related to Food Waste and Food Preparation/Processing
- City of San Diego LEA Draft Food Material Definition
City of San Diego LEA Draft Food Material Definition Flow Chart. Please see the previous link above for a text description of this chart.

State Water Resources Control Board Letter Regarding Permitting Issues at POTW's

CalRecycle Response to State Water Resources Control Board Letter Regarding Permitting Issues at POTWs

Regulatory Issues and Potential Approaches

Ventura County Ordinance Code Pertaining to the Regulation of Solid Waste

Program Environmental Impact Report for Anaerobic Digestion Facilities

How Anaerobic Digestion Fits Current Board Regulatory Structure (IWMB-2009-021)

Food Waste Composting Regulations White Paper

Compostable Material Storage Volume Limitations White Paper

Agricultural Land Application of Compostable Material White Paper

California Department of Resources Recycling and Recovery (CalRecycle)
NOTICE OF INTENT TO ADOPT
A NEGATIVE DECLARATION PURSUANT TO
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

This notice is to advise responsible and trustee agencies, interested parties, and those potentially affected by the project that the California Department of Resources Recycling and Recovery (CalRecycle) prepared an Initial Study/ Negative Declaration (IS/ND), which evaluates potential environmental impacts associated with the adoption of revised regulations for the revisions of existing Title 14 and Title 27 regulations regarding compostable materials, transfer/processing, and permit application form.

As mandated by state law, the minimum public review period for this document is 30 days. The proposed IS/ND is available for review at http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm, via walk-in, or by calling, writing, or e-mailing:

Ken Decio
Department of Resources Recycling and Recovery
1001 I Street, P.O. Box 4025 MS 10A-16
Sacramento, California 95812-4025
e-mail: ken.decio@calrecycle.ca.gov
phone: (916) 341-6313
fax: (916) 319-7403

The comment period for this IS/ND begins on June 12, 2015 and ends on July 13, 2015.

**Project Description:** This project is the adoption of proposed regulations revising existing Compostable Material Handling Operations and Facilities Regulatory Requirements and adapting existing regulations to create a stand-alone, standardized regulatory framework for in-vessel digestion activities.

The proposed project clarifies several feedstock definitions and the types of operations and facilities that can accept these materials; revises maximum metal concentrations allowed in compost; provides enforcement agencies with discretion to authorize temporary storage of additional material; revises inspection frequency language to ensure consistency throughout Title 14; provides operators and enforcement agencies with a mechanism to address chronic odor and identify sources of odor; establishes criteria for safe land application of compostable material; requires compost products to meet a physical contaminant limits; and clarifies small-scale composting requirements at sites, such as community gardens and schools.

The proposed project provides a standardized regulatory framework for in-vessel digestion activities. Currently, in-vessel digestion activities are subject to either existing Transfer/Processing Operations and Facilities Regulatory Requirements or Compostable Material Handling Operations and Facilities Regulatory Requirements, depending on the nature of the feedstock and how it is handled. The
Notice of Intent to Adopt a Negative Declaration

proposed regulations combine portions of the transfer/processing and compostable material handling requirements into a stand-alone set of in-vessel digestion regulations.

The proposed project reformats and updates the Application for Solid Waste Facility Permit/Waste Discharge Requirements (Form E-1-77) and instructions.

Lead Agency Name and Address:

Please submit your written comments to:

Department of Resources Recycling and Recovery  
1001 I Street, P.O. Box 4025 MS 10A-16  
Sacramento, California 95812-4025  
Contact: Ken Decio, Ken.Decio@calrecycle.ca.gov  (916) 341-6313

Agency Carrying-Out the Project: Department of Resources Recycling and Recovery

Project Location: Statewide

Findings of Significant Effect on the Environment: None

Local Government Responsibility: None

Other Agencies Approval Required: None
NEGATIVE DECLARATION & INITIAL STUDY

Evaluating

THE ADOPTION OF

REVISED COMPOSTABLE MATERIALS TRANSFER/PROCESSING REGULATIONS

June 2015
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Chapter 1: Introduction

1.1 Prologue

The California Department of Resources Recycling and Recovery\(^a\) (CalRecycle), Waste Permitting, Compliance and Mitigation Division prepared this Initial Study/Negative Declaration (IS/ND) to evaluate the potential environmental effects of CalRecycle’s proposed Compostable Materials and Transfer/Processing regulations. CalRecycle prepared this document in accordance with the California Environmental Quality Act (CEQA), Public Resources Code §21000 \textit{et seq}., and the State CEQA Guidelines, Title 14, California Code of Regulations (CCR) §15000 \textit{et seq}.

An Initial Study (IS) is prepared by a lead agency to determine if a project may have a significant adverse effect on the environment (State CEQA Guidelines Section 15063[a]) and to determine the appropriate environmental document. In accordance with CEQA Guidelines Section 15070, a “public agency shall prepare … a proposed negative declaration or mitigated negative declaration … when: (a) The Initial Study shows that there is no substantial evidence … that the project may have a significant effect on the environment, or (b) The Initial Study identifies potentially significant effects but revisions to the project plans or proposal made by or agreed to by the applicant…would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.” In this circumstance, the lead agency prepares a written statement describing its reasons for concluding that the proposed project would not have a significant adverse effect on the environment and, therefore, does not require the preparation of an Environmental Impact Report (EIR). This IS/ND conforms to these requirements and to the content requirements of CEQA Guidelines Section 15071.

This IS/ND evaluates the environmental effects of the proposed Compostable Materials and Transfer Processing regulations. The proposed project makes clarifying changes to existing compostable materials handling regulations and adapts existing regulations to establish a stand-alone set of in-vessel digestion regulations designed to reduce the amount of pollutants, pathogens and vectors in the environment but does not authorize any specific land use or site-specific uses. Owners/Operators must obtain all required permits, licenses, or other authorizations and must comply with all orders, statutes, regulations, reports, or other requirements of regulatory or enforcement agencies, including but not limited to local health agencies, local land use authorities, fire authorities, air quality management districts or air pollution control districts, the Air Resources Board, the State Water Resources Control Board and the Regional Water Quality Control Boards. It is reasonably foreseeable that any new composting operations would be subject to future, project-specific CEQA analysis, conclusions, and development of mitigation measures by local land use authorities and other public agencies. As such, the conclusions arrived at, as they relate to potential environmental impacts, may be different than those determined in this IS/ND. Therefore, future lead agencies should base their findings on the site-specific information developed for the project and not rely upon the generalized information contained within this IS/ND. The lead agency evaluated the proposed project, which includes this rulemaking package, to ensure that potential impacts, if any, do not exceed less-than-significant levels and potentially positive and significant benefits were considered.

1.2 Lead Agency

The lead agency is the public agency that has the principal responsibility for carrying out or approving the proposed project. [CEQA Guidelines § 15367] CalRecycle is the lead agency for the proposed project since CalRecycle is carrying out the project by adopting the proposed regulations. The contact person for the lead agency is:

Ken Decio  
California Department of Resources Recycling and Recovery  
1001 I Street, P.O. Box 4025, MS 10A-16  
Sacramento, CA 95812  
(916) 341-6313  
ken.decio@calrecycle.ca.gov

\(^a\) Chapter 21 of the Statutes of 2009, created the Department of Resources Recycling and Recovery, which is vested with the duties, powers and jurisdiction of the former California Integrated Waste Management Board.
1.3 Purpose of Document and Document Organization

The central purpose of the proposed regulations is to protect public health, safety, and the environment by more effectively regulating solid waste facilities that handle compostable materials. The proposed regulations modify the existing Compostable Material Handling Operations and Facilities Regulatory Requirements by: clarifying several feedstock definitions and the types of operations and facilities that can accept these materials; revising the maximum concentrations of metals allowed in compost; providing enforcement agencies with discretion to authorize temporary storage of additional material; revising enforcement agency inspection frequency language to ensure consistency throughout Title 14; providing operators and enforcement agencies with a mechanism to address chronic odor and identify sources of odor; establishing criteria for safe land application of compostable material; requiring compost products to meet physical contaminant limits by weight; and clarifying small-scale composting requirements at sites, such as community gardens and schools.

The proposed regulations provide a standardized regulatory framework for in-vessel digestion activities. Currently, in-vessel digestion activities are subject to either existing Transfer/Processing Operations and Facilities Regulatory Requirements or Compostable Material Handling Operations and Facilities Regulatory Requirements, depending on the nature of the feedstock and how it is handled. The proposed regulations combine portions of the transfer/processing and compostable material handling requirements into a stand-alone set of in-vessel digestion regulations designed to reduce the amount of pollutants, pathogens and vectors in the environment but does not authorize any specific land use or site-specific uses.

The proposed regulations also clarify what permitted maximum tonnage means on the application for Solid Waste Facility Permits/Waste Discharge Requirements (CalRecycle E-1-77 Form).

The principal benefit of the proposed regulations is better protection of public health and safety and the environment. Requiring compost products to meet physical contaminant limits will reduce litter and minimize the amount of plastic entering surface water and the ocean while creating new jobs and increasing the market value of compost. Establishing criteria for safe land application of compostable material, digestate, and compost will reduce litter and minimize the amount of plastic entering surface water and the ocean and improve food safety and animal health by reducing toxic metals, disease-causing organisms, physical contaminants, and invasive/noxious species in compostable material, digestate, and compost. Other benefits of the proposed regulations include minimizing odors at compostable material handling operations and facilities and in-vessel digestion operations and facilities; decreasing greenhouse gases, air pollution, and long-distance transportation of organic material; and providing clarity to the regulated community and regulators. Finally, the regulations will ensure safer operations and facilities to handle organic material diverted from landfills as the result of California’s goal to source-reduce, recycle, or compost 75% of the solid waste generated in the State by 2020.

The new in-vessel digestion portion of the proposed regulations will establish a clearer regulatory framework for the digestion of organic material. Digesting organic material will decrease greenhouse gas generation and increases production of biofuels/bioenergy.

This document is organized as follows:

- Chapter 1 - Introduction. This chapter provides an introduction to the project and describes the purpose and organization of this document.
- Chapter 2 - Project Description. This chapter describes the background, location, and key elements of the project.
- Chapter 3 - Environmental Checklist. This chapter identifies and evaluates the potential environmental impacts identified in the CEQA Environmental (Initial Study) Checklist. The conditions of project approval will reduce any potentially significant impacts to a less-than-significant level. This chapter also identifies and summarizes the overall significance of any potential impacts to natural and cultural resources, cumulative impacts, and impact to humans, as identified in the Initial Study.
Chapter 3 is the analysis portion of this Initial Study where Environmental Factors Potentially Affected are evaluated. This section provides an evaluation of the potential environmental impacts of the project. There are eighteen environmental factor subsections within this chapter, including CEQA Mandatory Findings of Significance. The environmental factors subsections, numbered 1 through 18, consist of the following:

1. Aesthetics
2. Agricultural Resources
3. Air Quality
4. Biological Resources
5. Cultural Resources
6. Geology and Soils
7. Greenhouse Gas Emissions
8. Hazards and Hazardous Materials
9. Hydrology and Water Quality
10. Land Use and Planning
11. Mineral Resources
12. Noise
13. Population and Housing
14. Public Services
15. Recreation
16. Transportation/Traffic
17. Utilities and Service Systems
18. Mandatory Findings of Significance

Each environmental factors subsection is organized in the following manner:

The Environmental Setting summarizes the existing conditions at the regional, sub-regional and local level, as appropriate, and identifies applicable plans and technical information for the particular factor area.

The Checklist Discussion/Analysis provides a detailed discussion of each of the environmental factors checklist questions. The level of significance for each topic is determined by considering the predicted magnitude of the impact. Four levels of impact significance are evaluated in this initial study:

**No Impact:** No project-related impact to the environment would occur with project development.

**Less than Significant Impact:** The impact would not result in a substantial and adverse change in the environment. This impact level does not require mitigation measures.

**Less than Significant With Mitigation Incorporated:** An impact that may have a “substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project” (CEQA Guidelines Section 15382). However, the incorporation of mitigation measures that are specified after the analysis would reduce the project-related impact to a less-than-significant level.

**Potentially Significant Impact:** An impact that is "potentially significant" as described above, but for which mitigation measures cannot be immediately suggested or the effectiveness of potential mitigation measures cannot be determined with certainty, because more in-depth analysis of the factors and potential impact is needed. In such cases, an EIR is required.

### 1.4 Summary of Findings

Chapter 3 of this document contains the Environmental Assessment and Analysis, which is commonly referred to as the Environmental Checklist (Initial Study). The IS identifies the potential environmental impacts that may result from the proposed project (organized by environmental factors) and discusses each potential environmental impact. Based on the IS and supporting environmental analysis provided in this document, the adoption of the proposed regulations will result in less-than-significant or no impacts for the following factors: aesthetics, agricultural and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, and utilities and service systems.

In accordance with the CEQA Guidelines, a Negative Declaration should be prepared if the proposed project will not have a significant effect on the environment. Based on the available evidence in the record and the environmental analysis presented in this document, there is no substantial evidence that the proposed project...
would have a significant effect on the environment. Therefore, it is proposed that a Negative Declaration be adopted in accordance with the CEQA Guidelines.
Chapter 2: Project Description

2.1 Background

CalRecycle is authorized pursuant to Public Resources Code (PRC) sections 40502 to adopt regulations to carryout Public Resources Code, Division 30 – Waste Management (section 40000 et seq.). Specifically, PRC 43020 requires CalRecycle to “… adopt and revise regulations which set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal…” The California Integrated Waste Management Board (predecessor of CalRecycle) adopted regulations for compostable material handling operations and facilities in 1995, and twice revised those regulations in 1998 and 2003. This project is a set of proposed regulations that would make clarifying changes to existing compostable material handling regulations and adapt existing regulations to create a stand-alone set of in-vessel digestion regulations to protect public health and safety, and the environment by more effectively regulating solid waste facilities that handle compostable materials.

This will be accomplished by:

- Clarifying several feedstock definitions and the types of operations and facilities that can accept these materials;
- Revising the maximum concentrations of metals allowed in compost;
- Providing Enforcement Agencies with discretion to authorize temporary storage of additional material;
- Revising Enforcement Agency inspection frequency language to ensure consistency throughout Title 14;
- Providing operators and Enforcement Agencies with a mechanism to address chronic odors and identify sources of odor;
- Establishing criteria for safe land application of compostable material, digestate, and compost; requiring compost products to meet physical contaminant limits by weight;
- Clarifying small-scale composting requirements at sites, such as community gardens and schools; and
- Combine the transfer/processing and compostable material handling requirements into a stand-alone set of in-vessel digestion regulations, which will have marginal impacts on in-vessel digestion activities compared to existing regulations.

2.2 Project Location

Statewide.

2.3 Project Description

The proposed revisions to existing Compostable Materials and Transfer Processing regulations establishes standards and regulatory requirements for compostable materials and that the regulations are necessary for the immediate preservation of the public peace, health, safety, or general welfare of the public. Following is a description of the key regulatory changes:

**Food material definition**

The current regulatory definition of a food material is general and it does not distinguish between various food waste types including the difference between a food material and a vegetative food material. The revised definition will create a subcategory called “vegetative food material”. Currently, food material composting requires a full Compostable Materials Handling Facility Permit.

**Land application: disposal or beneficial use**

The revised definition will establish criteria for determining when use of compostable material, digestate, and compost is considered disposal. Under existing regulations, land application is considered “beneficial use” (and not “disposal”) if it is used for slope stabilization, weed suppression, alternative cover, and if it meets California
Department of Food & Agriculture (CDFA) requirements. Multiple examples of land application leading to environmental factors lead to a recognition that a better method to determine the difference between beneficial use and disposal was needed.

**On-site storage and 12,500 cubic yard limit**

The revised definition will provide the enforcement agency with discretion to authorize temporary storage of additional material.

**Odor complaints**

Provide operators and enforcement agencies with an objective mechanism to address chronic odor complaints and identify sources of odor. Approaches to verification of odor complaints at compost sites are not consistent statewide. The goal is to minimize odor impacts by requiring the enforcement agency to investigate odors as soon as practical, and include specified information in the investigation. If the Odor Impact Minimization Plan (OIMP) is being followed but odor impacts are still occurring, the enforcement agency may require the operator to prepare an odor best management practice feasibility report, and employ additional reasonable and feasible measures to minimize odors based on the report.

**Regulatory coordination of publicly owned treatment works (POTW) accepting food waste and fats, oils and grease (FOG)**

The regulations define POTW facilities that receive defined types of organic solid waste for co-digestion with POTW wastewater from CalRecycle’s regulations. POTW receives vehicle-transported anaerobically-digestible material that is co-digested with wastewater at the POTW. Anaerobically digestible material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester at the POTW. POTW develops Standard Operating Procedures (SOPs) for acceptance of anaerobically digestible material and POTW notifies the Regional Water Quality Control Board that SOPs are being implemented and the Standard Provision (permit condition) reflects the acceptance of anaerobically digestible material.

**Compostable material contamination**

Require compostable material products at compostable material handling operations and facilities to meet physical contaminant limits by weight, and make clarifying changes regarding sampling and sampling report protocols. The physical contaminant limit would also apply to all compostable material that is land applied. Included in this revised section are the maximum metals concentrations, pathogen density requirements and standards for land application frequency and depth.

**In-vessel digestion**

Establish new in-vessel digestion regulations based on a combination of the existing Transfer/Processing and Compostable Material Handling regulations.

**Maximum metal concentrations consistency with federal regulations**

Revise regulations limiting the maximum concentrations of metals allowed in compost to be consistent with the Federal requirements that had been used to establish the current regulations.

**Clarify” in agricultural material definition and add agricultural by-product material definition**

Revise the definition of agricultural material and add a new definition for agricultural by-product material to recognize the difference between on-farm and off-farm material handling.

**Small-scale composting exclusions**

Revise exclusions regarding non-commercial sites, such as community gardens and schools.
Clarify “permitted maximum tonnage”

Reformat and update CalRecycle E-1-77 form and instructions. Clarify that the maximum daily tonnage indicated in the permit application is the maximum amount of waste and other material that is authorized to be received as part of the normal day to day operations per day.

EA Notification Inspection frequency language

Revise the enforcement agency inspection frequency language to be consistent throughout Title 14.

To conclude, this IS/ND relies on the best available science in evaluating the impacts associated with the project (revision to regulations). Both the regulatory changes and the implementation of the regulations were considered when evaluating the potential environmental impacts. It was determined that the revised regulations provide for equal or more effective protection of public health, safety, and the environment.
Chapter 3: Environmental Checklist

3.0 Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology /Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities / Service Systems
- Mandatory Findings of Significance

3.2 Determination:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature _______________________________ Date _______________________________
3.3 Evaluation of Environmental Impacts:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
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I. AESTHETICS
Would the project:

a) Have a substantial adverse effect on a scenic vista?               ☒ ☐ ☐ ☒

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? ☒ ☐ ☐ ☒

c) Substantially degrade the existing visual character or quality of the site and its surroundings? ☒ ☐ ☐ ☒

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ☒ ☐ ☐ ☒

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Explanation:
In response to a):
The proposed project would have no impact on scenic vistas.

In response to b):
The proposed project would have no impact on scenic resources.

In response to c):
The proposed project would have no adverse impact on the existing visual character or quality of a site and its surroundings. The establishment of a physical contamination limit for compostable materials, digestate, and compost would reduce the amount of litter and physical contaminants spread onto land; therefore the physical contamination limit would enhance the visual character or quality of the land.

In response to d):
The proposed project would have no impact with regard to light or glare which would adversely affect day or nighttime view.

II. AGRICULTURE AND FORESTRY RESOURCES
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? ☒ ☐ ☐ ☒
### Compostable Materials and Transfer/Processing Regulations

#### Negative Declaration & Initial Study

| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | ☐ | ☐ | ☐ | ☒ |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |

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**Explanation:**

In response to a): The proposed project would have no impact that will convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use.

In response to b): The proposed project would have no impact that will conflict with existing zoning for agricultural use, or a Williamson Act contract.

In response to c): The proposed project would have no impact that will conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned timberland production.

In response to d): The proposed project would have no impact that will result in the loss of forest land or conversion of forest land to non-forest use.

The regulations set standards related to the application of compostable material, digestate, and compost onto land that will reduce the potential of adverse impacts associated with this activity.

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☒ |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | ☐ | ☒ | ☐ |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | ☐ | ☐ | ☐ | ☒ |
| d) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☐ | ☒ |
### IV. BIOLOGICAL RESOURCES

**Would the project:**

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<tbody>
<tr>
<td><strong>a)</strong></td>
<td>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
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<td><strong>b)</strong></td>
<td>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S Fish and Wildlife Service?</td>
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<td><strong>c)</strong></td>
<td>Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
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<td><strong>d)</strong></td>
<td>Interfere substantially with the movement of any native resident or non-native species?</td>
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migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

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Explanation:
In response to a):
The proposed project would have no impact that would result in a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

In response to b):
The proposed project would have no impact that would result in a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.

In response to c):
The proposed project would have no impact that would result in a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means.

In response to d):
The proposed project would have no impact that will interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

The regulations, by requiring limits on pathogen levels for land application of compostable materials, digestate, and compost, will reduce potential impacts to biological resources.

V. CULTURAL RESOURCES

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?
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Explanation:
In response to a):
The proposed project would have no impact that will cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5.

In response to b):
The proposed project would have no impact that will cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.

In response to c):
The proposed project would have no impact that will directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

In response to d):
The proposed project would have no impact that will disturb any human remains, including those interred outside of formal cemeteries.

VI. GEOLOGY AND SOILS
Would the project:
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
   i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
   ii) Strong seismic ground shaking?
   iii) Seismic-related ground failure, including liquefaction?
   iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

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Explanation:
In response to a):
The proposed project would have no impact that will expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known earthquake fault including strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides.

In response to b):
The proposed project would have no impact that will result in substantial soil erosion or the loss of topsoil.

In response to c):
The proposed project would have no impact on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

In response to d):
The proposed project would have no impact on expansive soil creating substantial risks to life or property.

In response to e):
The proposed project would have no impact on soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

VII. GREENHOUSE GAS EMISSIONS

Would the project:
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? ☐ ☐ ☑ ☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? ☐ ☐ ☐ ☑

d) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? ☐ ☐ ☑ ☐
e) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? ☐ ☐ ☐ ☑

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Explanation:
In response to a):
This project will have a less-than-significant greenhouse gas impacts. Compliance with the proposed physical contaminant limit may, in some cases, lead to indirect effects from operators running equipment more often, or for longer periods of time, to separate contaminants from compostable material or in-vessel digestion feedstock. It is uncertain how many facilities will actually be using equipment to meet the proposed physical contaminant limit or whether such equipment may be such that cause or increase releases of greenhouse gases. As a result, any determination of the level of these indirect effects would be entirely speculative. Nevertheless, based on the information available to CalRecycle, the equipment operation time is not expected to be lengthy or frequent enough to cause significant impacts. Particular equipment choices for individual facilities are expected to be a component of project-specific permitting and CEQA analysis by local land use authorities as well as any mitigation requirements if necessary.

Furthermore, these regulations will help ensure the continued effective operation of compostable material handling operations and facilities which are an important organics management alternative to landfiling that results in significant greenhouse gas emission reductions (0.42 MTCO2e per ton of material composted) and avoided methane emissions at landfills.

The in-vessel digestion portion of the regulations require operators to take adequate measures to prevent the uncontrolled release of biogas.

Allowing the small-scale composting and in-vessel digestion of food material and vegetative food material in the proposed regulations would result in an overall reduction of truck trips and related emissions associated with collection and transport of solid wastes to disposal sites (e.g., landfills, transformation) thus promoting source-reduction, recycling, and compost of organic materials.

In response to b):
The proposed project would have no impact that will conflict with an applicable plan, policy or regulation adopted for the
VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ☒ ☒ ☒ ☒ ☒

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ☒ ☒ ☒ ☒ ☒

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ☒ ☒ ☒ ☒ ☒

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ☒ ☒ ☒ ☒ ☒

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? ☒ ☒ ☒ ☒ ☒

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? ☒ ☒ ☒ ☒ ☒

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ☒ ☒ ☒ ☒ ☒

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? ☒ ☒ ☒ ☒ ☒

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Explanation:

In response to a):
The proposed project would have no impact that will create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

In response to b):
The proposed project would have no impact that will create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

In response to c):
The proposed project would have no impact that will emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

In response to d):
The proposed project would have no impact on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
In response to e):
The proposed project would have no impact within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, that would result in a safety hazard for people residing or working in the project area.

In response to f):
The proposed project would have no impact within the vicinity of a private airstrip that would result in a safety hazard for people residing or working in the project area.

In response to g):
The proposed project would have no impact that will impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

In response to h):
The proposed project would have no impact that will expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

IX. HYDROLOGY AND WATER QUALITY

Would the project:
a) Violate any water quality standards or waste discharge requirements?

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

f) Otherwise substantially degrade water quality?

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

j) Inundation by seiche, tsunami, or mudflow?

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Explaination:
In response to a):
The proposed project would have no impact that will violate any water quality standards or waste discharge requirements.

In response to b):
The proposed project would have no impact that will substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

In response to c):
The proposed project would have no impact that will substantially alter the existing drainage pattern of a site or an area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.

In response to d):
The proposed project would have no impact that will substantially alter the existing drainage pattern of a site or an area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

In response to e):
The proposed project would have no impact that will create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

In response to f):
The proposed project would have no impact that will otherwise substantially degrade water quality. The regulations set environmental health standards related to the application of compostable material, digestate, and compost onto land. Establishing criteria for safe land application of compostable material, digestate, and compost will reduce litter and minimize the amount of plastic entering surface water and the ocean and improve food safety and animal health by reducing toxic metals, disease-causing organisms, physical contaminants, and invasive/noxious species in compostable material.

In response to g):
The proposed project would have no impact that will place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

In response to h):
The proposed project would have no impact that will place within a 100-year flood hazard area structures which would impede or redirect flood flows.

In response to i):
The proposed project would have no impact that will expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

In response to j):
The proposed project would have no impact that will cause inundation by seiche, tsunami, or mudflow.

X. LAND USE AND PLANNING
Would the project:
a) Physically divide an established community? □ □ □ x
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? □ □ □ x
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? □ □ □ x

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is not a document meant to analyze environmental effects attributable to the general design, operation, geographic siting, feedstock, and other attributes of individual compostable material handling operations and facilities or in-vessel digestion operations and facilities throughout the State. Such projects will foreseeably be subject to project-specific CEQA analysis. With that in mind, nothing in the proposed regulations obligates compostable material handling operations and facilities or in-vessel digestion operations and facilities to have a particular design or operational parameters that would cause land use and planning impacts.

Explanation:
In response to a):
The proposed project would have no impact that will physically divide an established community.

In response to b):
The proposed project would have no impact that will conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project for the purpose of avoiding or mitigating an environmental effect.

In response to c):
The proposed project would have no impact that will conflict with any applicable habitat conservation plan or natural community conservation plan.

XI. MINERAL RESOURCES

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

This IS/ND analyzes the potential for environmental effects directly attributable to compliance with the proposed regulations. It is not a document meant to analyze environmental effects attributable to the general design, operation, geographic siting, feedstock, and other attributes of individual compostable material handling operations and facilities or in-vessel digestion operations and facilities throughout the State. Such projects will foreseeably be subject to project-specific CEQA analysis. With that in mind, nothing in the proposed regulations obligates compostable material handling operations and facilities or in-vessel digestion operations and facilities to have a particular design or operational parameters that would cause mineral impacts.

Explanation:
In response to a):
The proposed project would have no impact that will result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

In response to b):
The proposed project would have no impact that will result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

XII. NOISE

Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

e) For a project located within an airport land use plan or, where such
a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? ☒

This IS/ND analyzes the potential for environmental effects directly attributable to compliance with the proposed regulations. It is not a document meant to analyze environmental effects attributable to the general design, operation, geographic siting, feedstock, and other attributes of individual compostable material handling operations and facilities or in-vessel digestion operations and facilities throughout the State. Such projects will foreseeably be subject to project-specific CEQA analysis. With that in mind, nothing in the proposed regulations obligates compostable material handling operations and facilities or in-vessel digestion operations and facilities to have a particular design or operational parameters that would cause significant noise impacts.

Explanation:
In response to a):
This project will have less-than-significant noise impacts. Compliance with the proposed physical contaminant limit may, in some cases, lead to indirect effects from operators running equipment more often, or for longer periods of time, to separate contaminants from compostable material or in-vessel digestion feedstock. While it is uncertain how many facilities will actually be using equipment to meet the proposed physical contaminant limit, and it is uncertain whether such equipment may cause or increase noise, the equipment operation time is not expected to cause significant noise impacts. Any noise impacts would be highly dependent upon the general design, siting, and equipment at particular individual compostable material handling operations or facilities or in-vessel digestion operations or facilities that are expected to be subject to project-specific permitting and CEQA analysis by local land use authorities as well as any mitigation requirements if necessary.

In response to b):
The proposed project would have no impact that will cause exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels.

In response to c):
The proposed project would have no impact that will cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

In response to d):
The proposed project would have no impact that will cause substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

In response to e):
The proposed project would have no impact within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, that would expose people residing or working in the project area to excessive noise levels.

In response to f):
The proposed project would have no impact within the vicinity of a private airstrip that would expose people residing or working in the project area to excessive noise levels.

XIII. POPULATION AND HOUSING

Would the project:
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? ☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ☒
This IS/ND analyzes the potential for environmental effects directly attributable to compliance with the proposed regulations. It is not a document meant to analyze environmental effects attributable to the general design, operation, geographic siting, feedstock, and other attributes of individual compostable material handling operations and facilities or in-vessel digestion operations and facilities throughout the State. Such projects will foreseeably be subject to project-specific CEQA analysis.

With that in mind, nothing in the proposed regulations obligates compostable material handling operations and facilities or in-vessel digestion operations and facilities to have a particular design or operational parameters that would cause population and housing impacts.

**Explanation:**  
In response to a):  
The proposed project would have no impact that will induce substantial population growth in an area, either directly or indirectly.

In response to b):  
The proposed project would have no impact that will displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

In response to c):  
The proposed project would have no impact that will displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

### XIV. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire protection?  
- Police protection?  
- Schools?  
- Parks?  
- Other public facilities?

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With that in mind, nothing in the proposed regulations obligates compostable material handling operations and facilities or in-vessel digestion operations and facilities to have a particular design or operational parameters that would cause public services impacts.

**Explanation:**  
In response to a):

The proposed project would have no impact that will result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services including fire protection, police protection, schools, parks and other public facilities.
XV. RECREATION
Would the project:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? ☑

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? ☑

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With that in mind, nothing in the proposed regulations obligates compostable material handling operations and facilities or in-vessel digestion operations and facilities to have a particular design or operational parameters that would cause recreation impacts.

Explanation:
In response to a):
The proposed project would have no impact that will increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of a facility would occur or be accelerated.

In response to b):
The proposed project would have no impact on recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

XVI. TRANSPORTATION/TRAFFIC
Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? ☑

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? ☑

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? ☑

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ☑

e) Result in inadequate emergency access? ☑

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? ☑

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With that in mind, nothing in the proposed regulations obligates compostable material handling operations and facilities or in-
vessel digestion operations and facilities to have a particular design or operational parameters that would cause transportation/traffic impacts.

Explanation:
In response to a):
The proposed project would have no impact that will conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

The proposed physical contamination limit is expected to result in additional source-separation practices at the point of generation, which would lead to cleaner feedstock going to compostable material handling operations and facilities and in-vessel digestion operations and facilities. This would lead to overall reduced emissions and truck trips associated with fewer solid waste materials transported to disposal sites (e.g., landfills, transformation facilities).

Reducing the storage time limit for processed construction and demolition/inert debris material in the proposed regulations is expected to lessen the existing baseline potential for odors, fires, vectors, nuisance, and dust. The truck trips associated with the reduction in storage time for construction and demolition/inert debris material would be unaffected.

Allowing the small-scale composting and in-vessel digestion of food material and vegetative food material in the proposed regulations would result in an overall reduction of truck trips associated with collection and transport of solid wastes to disposal sites (e.g., landfills, transformation) thus promoting the source-reduction, recycling, and compost of organic materials.

In response to b):
The proposed project would have no impact that will conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

In response to c):
Measures will be imposed by applicable local agencies, as needed, to address site-specific significant traffic impacts identified during subsequent facility-specific analyses, implementation of which would reduce those impacts to a less-than-significant level.

In response to d):
The proposed project would have no impact that will substantially increase hazards due to a design feature or incompatible uses.

In response to e):
The proposed project would have no impact that will result in inadequate emergency access.

In response to f):
The proposed project would have no impact that will conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

**XVII. UTILITIES AND SERVICE SYSTEMS**

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity
Compostable Materials and Transfer/Processing Regulations

Negative Declaration & Initial Study

to serve the project’s projected demand in addition to the provider’s existing commitments?
f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? ☑ ☐ ☐ ☑
g) Comply with federal, state, and local statutes and regulations related to solid waste? ☑ ☐ ☐ ☑

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Explanation:
In response to a):
The proposed project would have no impact that will exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

In response to b):
The proposed project would have no impact that will require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

In response to c):
The proposed project would have no impact that will require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

In response to d):
The proposed project would have no impact on water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.

In response to e):
The proposed project would have no impact that will result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.

In response to f):
The proposed project would have no impact on sufficient landfill permitted capacity to accommodate the project’s solid waste disposal needs.

In response to g):
The proposed project would have no impact on compliance with federal, state, and local statutes and regulations related to solid waste.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? ☑ ☐ ☐ ☑
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in
connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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Explanation:
In response to a):
The proposed project would have no impact that will have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

In response to b):
The proposed project would have no impacts that are individually limited, but cumulatively considerable.

In response to c):
The proposed project would have no environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

### Appendix A

The proposed Compostable Materials and Transfer Processing regulations and additional background information can be found at: [www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm](http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm)
## CalRecycle Responses to 15-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

<table>
<thead>
<tr>
<th>Section/Area Comment Number</th>
<th>Commenter Affiliation</th>
<th>First name</th>
<th>Last name</th>
<th>Summary of Comment</th>
<th>CalRecycle Response</th>
<th>Revisions Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>115A01</td>
<td>Self</td>
<td>Kathleen</td>
<td>Housel</td>
<td>Add definition for Odor and it should read: “Odor” A Smell, Scent, or Aroma detectable by any number of persons.</td>
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</tr>
<tr>
<td>115A02</td>
<td>Self</td>
<td>Kathleen</td>
<td>Housel</td>
<td>Amend proposed definition for “Nuisance”: (A) “Nuisance” includes anything which: (A) is injurious to human health, or, is annoying or indecent or offensive to the senses, and interferes with the comfortable enjoyment of life or property, and may be injurious to human health. (B) affects an entire community, neighborhood or any considerable number of persons, any number of persons in the neighboring communities. The extent of annoyance or damage inflicted upon an individual may be unequal.</td>
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<tr>
<td>115C01</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>As previously indicated by the Task Force on several occasions starting with our letters of August 13, 2008, December 8, 2008, June 14, 2011, May 15, 2012, November 21, 2012, March 28, 2013, October 10, 2013, and October 30, 2014, there is a clear need for CalRecycle to define the terms “organic”, “organic material”, “non-organics” and “non-compostable organic,” such as plastic material [e.g. Sections 17850(c), 17852(a) (13.5), (26), etc. (emphasis added). These terms are being used by CalRecycle throughout the Draft Regulation Text without having defined their terminology. The Task Force respectfully requests CalRecycle to (1) define these terms through the regulatory process, or (2) avoid further use of these undefined terms.</td>
<td></td>
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</tr>
<tr>
<td>115C02</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>The proposed “Joint Permit Application Form” should be modified to indicate if the LEA, CalRecycle, and/or Water Board are the “Responsible Agency” pursuant to the requirements of CEQA and enumerate mitigating measures that these agencies are responsible for monitoring and enforcing (emphasis added).</td>
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<tr>
<td>115K02</td>
<td>INIKA</td>
<td>Jessica</td>
<td>Toth</td>
<td>We ask that Cal Recycle encourage LEAs to collaborate with their jurisdictions and be flexible in helping create projects that meet both the interest and unique needs of the community.</td>
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</tr>
<tr>
<td>1151A02</td>
<td>Tyla</td>
<td>Montgomery</td>
<td></td>
<td>Finally, we continue to advocate for, and request that CalRecycle provide guidance and support to projects seeking education and training. Projects with some level of training will give assurance to LEAs and local leaders that the project will be properly managed.</td>
<td></td>
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</tr>
<tr>
<td>115K05</td>
<td>INIKA</td>
<td>Jessica</td>
<td>Toth</td>
<td>Synagro supports the requirement that digestate be composted at a permitted operation or facility, unless otherwise allowed as an alternative use by a state agency (like the California Department of Food and Agriculture).</td>
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<tr>
<td>1151A05</td>
<td>Tyla</td>
<td>Montgomery</td>
<td></td>
<td>For clarity purposes on a go forward basis, Almond Hullers &amp; Processors Association would appreciate the Department addressing the non-regulation of rocks and soil in the rulemaking’s final statement of reasons.</td>
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</table>
### CalRecycle Responses to 15-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

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<tbody>
<tr>
<td>115Y01</td>
<td>01</td>
<td>Burke, Williams, &amp; Sorensen, LLP</td>
<td>Timothy</td>
<td>Colvig</td>
<td>In general, the City supports amendments that strengthen the ability of CalRecycle and the Local Enforcement Agency to identify odor impacts and nuisances emanating from composting operations, and proactively to require immediate and complete mitigation of such impacts and nuisances through effective enforcement mechanisms.</td>
<td></td>
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<tr>
<td>115Y02</td>
<td>02</td>
<td>Burke, Williams, &amp; Sorensen, LLP</td>
<td>Timothy</td>
<td>Colvig</td>
<td>Remove the word “public” before “nuisance” in Sections 17863.4 and 17896.31</td>
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<tr>
<td>115B85</td>
<td>05</td>
<td>Wester Agricultural Processors Association</td>
<td>Chris</td>
<td>McGlothlin</td>
<td>The Western Agricultural Processors Association seeks full exemption from any further regulations limiting the use of Agricultural By-Product Material by facilities that are collecting the material through the processing operation.</td>
<td></td>
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</tr>
<tr>
<td>115T02</td>
<td>01</td>
<td>County of Solano</td>
<td>Jagjinder</td>
<td>Sahota</td>
<td>RE: EA Notifications: The LEA is concerned about this required concurrence from CalRecycle for reduced inspection frequency at these operations. These operations are not under the solid waste facility permit and the LEA thinks that this process will be an unnecessary intrusion into the LEA’s discretionary authority for making these adjustments. The LEAs at the local level are more suited to allow the reduced frequency on their own.</td>
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<tr>
<td>115O01</td>
<td>01</td>
<td>County of San Diego Department of Environmental Health</td>
<td>Karilyn</td>
<td>Merlos</td>
<td>The County of San Diego LEA believes 90 days is too short a storage limit for this type of material and requests modifying the limit to six months.</td>
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<tr>
<td>115G05</td>
<td>01</td>
<td>Santa Barbara County Environmental Health Services</td>
<td>Lisa</td>
<td>Sloan</td>
<td>Is there a public health and safety or permitting reason behind the fact that green materials does not include animal manure in the definition?</td>
<td></td>
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<tr>
<td>115I03</td>
<td>03</td>
<td>Waste Less Living</td>
<td>Christine</td>
<td>Lenches-Hinkel</td>
<td>Please consider including a definition for “solid waste” and to consider the following: “Solid waste is defined as any pre-or post-consumer non-recyclable or non-compostable discarded material for landfill disposal and having no other resource value in the marketplace.”</td>
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<tr>
<td>115I05</td>
<td>05</td>
<td>Waste Less Living</td>
<td>Christine</td>
<td>Lenches-Hinkel</td>
<td>Please consider the inclusion of the following terms and suggested definitions: “biodegradable” – the biological breakdown of material into very small and distinguishable parts by microorganisms such as bacteria and fungi. Biodegradable is not the same as compostable.</td>
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<tr>
<td>115I08</td>
<td>08</td>
<td>Waste Less Living</td>
<td>Christine</td>
<td>Lenches-Hinkel</td>
<td>Please consider the inclusion of the following terms and suggested definitions: “organic” – any material of, relating to, or derived from living matter.</td>
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<tr>
<td>115L02</td>
<td>02</td>
<td>Synagro</td>
<td>Layne</td>
<td>Baroldi</td>
<td>Synagro recommends that CalRecycle include an express definition in this rule for “stabilized compost” as there is no definition specifically expressed in this proposed rule revision. Please note that under the proposed rule’s section for</td>
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<tr>
<td></td>
<td>115M01</td>
<td>Self</td>
<td>Jim</td>
<td>Mortensen</td>
<td>I believe the definition (Agricultural By-Product Material) should be amended to include material generated or separated in the field.</td>
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<tr>
<td></td>
<td>115X04</td>
<td>California Refuse Recycling Council</td>
<td>Kathryn</td>
<td>Lynch &amp; Ralph</td>
<td>...no definition of “chipped and ground material” is included in the proposed regulations, though the term is used throughout. We believe this was an oversight and ask that a definition be included in subsequent proposed language changes.</td>
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<tr>
<td></td>
<td>1151N07</td>
<td>Waste Management</td>
<td>Chuck</td>
<td>White</td>
<td>The term “mulch” should be defined and land application should be limited to compostable material that has been mechanically reduced in size through the process of chipping, grinding or screening.</td>
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<tr>
<td></td>
<td>1151C07</td>
<td>County of Ventura Resource Management Agency</td>
<td>Charles</td>
<td>Genkel</td>
<td>The amendments recognize that Stanislaus County’s Food Processing By-Product Use Program has and will continue to adequately regulate land application of food processing by-product without unnecessary and duplicative regulatory oversight due to the Department’s rules rightly directed at land application of compostable materials or compost.</td>
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<td></td>
<td>1151H01</td>
<td>Humboldt State University</td>
<td>Galen</td>
<td>O'Toole</td>
<td>Recommend adding in: “Black Soldier Fly Composting” means an activity producing stabilized compost or stabilized compost leachates using the activity of black soldier fly (Hermetia illucens) larvae. The EA may determine whether an activity is or is not black soldier fly composting. The handling of compostable material prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered black soldier fly composting. Larvae or protein meal derived from black soldier fly composting is subject to testing and approval for animal feed use pursuant to the California Food and Agricultural Code, Division 7, Chapter 6, 14901-15103.”</td>
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<tr>
<td></td>
<td>1151K01</td>
<td>Local Worm Guy Worm Farm</td>
<td>Lloyd L.</td>
<td>Barker, IV</td>
<td>The amendments recognize that Stanislaus County’s Food Processing By-Product Use Program has and will continue to adequately regulate land application of food processing by-product without unnecessary and duplicative regulatory oversight due to the Department’s rules rightly directed at land application of compostable materials or compost.</td>
<td></td>
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<tr>
<td></td>
<td>1151M03</td>
<td>Recology</td>
<td>Erin</td>
<td>Merrill</td>
<td>...the proposed regulations do not include a definition of “chipped and ground material.”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(4.5)</td>
<td>1155G01</td>
<td>Almond Hullers &amp; Processors Association</td>
<td>Kelly</td>
<td>Covello</td>
<td>We are supportive of the Department’s proposed definition.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(4.5)</td>
<td>115U01</td>
<td>Stanislaus County Food Processing By-Product Re-Use Committee</td>
<td>Martin</td>
<td>Reyes</td>
<td>The amendments recognize that Stanislaus County’s Food Processing By-Product Use Program has and will continue to adequately regulate land application of food processing by-product without unnecessary and duplicative regulatory oversight due to the Department’s rules rightly directed at land application of compostable materials or compost.</td>
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<td>Section/Area</td>
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<tr>
<td>(a)(4.5)</td>
<td>1151B01</td>
<td>Wester Agricultural Processors Association</td>
<td>Chris</td>
<td>McGlothlin</td>
<td>Wester Agricultural Processors Association appreciates the inclusion of sticks, leaves, hulls and shells in the &quot;Agricultural By-Product Material&quot; section of the revised draft.</td>
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<tr>
<td>(a)(4.5)</td>
<td>1151B03</td>
<td>Wester Agricultural Processors Association</td>
<td>Chris</td>
<td>McGlothlin</td>
<td>The piles are monitored closely so as to prevent temperature increases which would harm the integrity of the by-product material intended for sale. In summary, an easier path to sell the leftover material to dairies for feed.</td>
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<tr>
<td>(a)(4.5)</td>
<td>1151C01</td>
<td>County of Ventura Resource Management Agency</td>
<td>Charles</td>
<td>Genkel</td>
<td>The term &quot;Agricultural By-Product Material&quot; conflicts with the definition of &quot;agricultural material&quot; and &quot;food material&quot; as defined in Section 17852. By adding this definition, this material cannot be accepted at an Agricultural or Green Composting Operation and would be limited to land application or a fully permitted composting operation. Refine the definition to identify the acceptable uses other than land application.</td>
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<tr>
<td>(a)(4.5)</td>
<td>115V01</td>
<td>ROLL global</td>
<td>Melissa</td>
<td>Poole</td>
<td>We support the proposed definition of agricultural by-product material, but do not believe that the inclusion of this definition offers clear guidance regarding the intent of CalRecycle to exempt certain agricultural activities from these the regulations. The definitions, and corresponding exemptions under section 17855, should be further clarified to make clear that agricultural byproducts are not subject to the new rules.</td>
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<tr>
<td>(a)(5)</td>
<td>115S02</td>
<td>Almond Hullers &amp; Processors Association</td>
<td>Kelly</td>
<td>Covello</td>
<td>&quot;Agricultural Material&quot; means waste material of plant or animal origin, which result directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, production of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace or the material generated by and during nut hulling, shelling and processing, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as &quot;food material&quot; or &quot;vegetative food material&quot; is not agricultural material. Agricultural material includes, including but not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.</td>
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<tr>
<td>(a)(10)</td>
<td>1151C02</td>
<td>County of Ventura Resource Management Agency</td>
<td>Charles</td>
<td>Genkel</td>
<td>Change the definition to read as follows: &quot;Chipping and Grinding Operations and Facilities&quot; means an operation or facility, that does not produce active compost, that mechanically reduces the size ... &quot;</td>
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<tr>
<td>(a)(11)</td>
<td>115J06</td>
<td>Waste Less Living</td>
<td>Christine</td>
<td>Lenches-Hinkel</td>
<td>Please consider the inclusion of the following terms and suggested definitions:</td>
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<tr>
<td>(a)(11)</td>
<td>115V02</td>
<td>ROLL global</td>
<td>Melissa</td>
<td>Poole</td>
<td>We again urge CalRecycle to provide a clear exemption for agricultural materials and agricultural by-products intended for beneficial uses (i.e. biomass conversion, biofuel feedstock and animal feed or bedding), from the definition of &quot;compostable materials&quot; under section 17852(a)(11).</td>
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<td>(a)(12)</td>
<td>115C03</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>The proposed expansion of &quot;compostable materials handling operation or facility&quot; definition to include &quot;vegetative food material composting facilities&quot; may not be allowable since it expands the requirements of AB 1826 (Chapter 727 of the 2014 State Statutes) as stipulated in its Section 42649.82, Subsection (d), Paragraphs (1) (B) and (2). AB 1826 was chaptered using the existing &quot;compostable materials handling operation or facility&quot; definition and does not incorporate any future addition and/or deletion. This issue needs to be addressed prior to promulgation of the proposed regulations.</td>
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</table>
| (a)(12) | 115L03 | Synagro | Layne | Baroldi | ...does not reflect biosolids material composting operation. Biosolids facilities should be reflective as a “compostable materials handling operation” and biosolids are not included in the definitions of those listed. Please consider making the following changes bold and italicized to the wording as shown below: (12) “Compostable Materials Handling Operation” or “Facility” means an operation or facility that processes, transfers, or stores compostable material. Handling of compostable materials results in controlled biological decomposition. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstocks, and chipped and ground materials. “Compostable Materials Handling Operation or Facility” does not include activities excluded from regulation in section 17855. “Compostable Materials Handling Operation or Facility” also includes, but is not limited to: 
 a. agricultural material composting operations; 
 b. green material composting operations and facilities; 
 c. vegetative food material composting facilities; 
 d. research composting operations; and, 
 e. chipping and grinding operations and facilities; and 
 f. biosolids composting operations. |
<p>| (a)(13.5) | 115P01 | CR&amp;R Environmental Services | Clarke | Pauley | Recommend changing definition of digestate to say means the solid and/or liquid product remaining after organic material has been processed in an in-vessel digester, as defined in section 17896.2(a). |
| (a)(18) | 1151L01 | Rancho Los Encinos Consulting | Gene | Ybarra | I see no clear...language of the existing or proposed regulations that links the definition of “Enforcement Agency (EA)” (and the permitting responsibilities and obligations thereto) to the local land use and zoning permit authority. |</p>
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<tr>
<td>(a)(19)</td>
<td>115H01</td>
<td>City of San Diego Local Enforcement Agency</td>
<td>William E. Prinz</td>
<td>Please consider including digestate in the definition of &quot;Feedstock&quot;. §17852. Definitions. (a) For the purposes of this Chapter: (19) &quot;Feedstock&quot; means any compostable organic material used in the production of compost or chipped and ground material including, but not limited to, agricultural material, green material, vegetative food material, food material, biosolids, mixed solid waste material and digestate. Feedstocks shall not be considered as either additives or amendments.</td>
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<tr>
<td>(a)(20)</td>
<td>115I01</td>
<td>Waste Less Living</td>
<td>Christine Lenches-Hinkel</td>
<td>Remove any reference of &quot;waste&quot; to &quot;food&quot; ie (20) “Food Material”, “Food scraps” and “organic/compostable material” need to be clearly defined as a “resource” and input to the manufacturing of compost NOT a waste item in need of landfill disposal. Consider excluding “food material” and “organic/compostable material” from solid waste definition.</td>
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<tr>
<td>(a)(20)</td>
<td>1151C03</td>
<td>County of Ventura Resource Management Agency</td>
<td>Charles Genkel</td>
<td>Strike the word “dry” in all subsections that refer to contamination by weight in definitions related to feedstock provided to composting operations. Strikeout “of” from subsection (A) &quot;Vegetative food material contains no greater than 1.0 percent physical contaminants by dry weight, and meets the requirements of section 17868.5.&quot;</td>
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<tr>
<td>(a)(21)</td>
<td>1151S01</td>
<td>California Cotton Ginners and Growers Association</td>
<td>Chris McGlothlin</td>
<td>CalRecycle utilizes State Water Board/Regional Water Board provisions and regulations pursuant to Waste Discharge Requirements as the allowable guideline in land application...regulated by two separate state agencies for the exact same practice...we ask that you leave the regulation of agricultural practices under the State Water Board’s focus.</td>
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<tr>
<td>(a)(21)</td>
<td>1151M01</td>
<td>Recology</td>
<td>Erin Merrill</td>
<td>Recology recommends that all green and food material to be used as compost feedstock be held to a 3.0% contamination limit as measured just prior to active composting.</td>
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<tr>
<td>(a)(24)</td>
<td>115L04</td>
<td>Synagro</td>
<td>Layne Baroldi</td>
<td>Please consider adding chipped wood to the definition on Insulating Materials: (24) “Insulating Material” means material used for the purpose of minimizing the loss of heat from a compost pile undergoing the “Process to Further Reduce Pathogens” (PFRP), as described in section 17868.3. Insulating material includes, but is not limited to, soil, chipped wood, and stabilized compost.</td>
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<tr>
<td>(a)(24.5)</td>
<td>115L05</td>
<td>Synagro</td>
<td>Layne Baroldi</td>
<td>Section 17852(a) 24.5 should not apply to “finished compost”. Synagro understands that the language in this section is intended only to apply to “Compostable Material”. CalRecycle defines &quot;Compostable Material&quot; as &quot;any organic material that when accumulated will become active compost as defined in section 17852(a)(1).&quot; As such, Synagro understands that Section 24.5 applies only to such organic material that has not gone through a treatment process to be considered “Stabilized Compost”. “Stabilized Compost” is defined by CalRecycle as any organic material that has undergone the Process to Further Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced biological activity as indicated by reduced temperature and rate of respiration below that of active compost. Land application of “Stabilized Compost” products containing biosolids are already regulated by the SWRCB’s Biosolids General Order.</td>
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CalRecycle Responses to 15-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

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<tr>
<td>(a)(24.5)</td>
<td>115I06</td>
<td>Synagro</td>
<td>Layne</td>
<td>Baroldi</td>
<td>...this limit should be deleted in this Section and modified to: “application of biosolids based finished compost shall be limited to the nitrogen needs of the crop to be grown based on the crop year.” Section 17582(a) 24.45 should only apply to “Compostable Materials” as defined in the proposed text.</td>
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<tr>
<td>(a)(24.5)</td>
<td>115I01</td>
<td>California Compost Coalition</td>
<td>Neil</td>
<td>Edgar</td>
<td>We are highly supportive of the proposed limits on physical contaminants allowed in compost products (currently set at 0.5%, by weight) and look forward to helping develop the proper sampling and field testing protocol that are needed. However, we do not believe that the proposed implementation deadline of January 1, 2018 is achievable, strongly supporting our recommended January 1, 2020 date.</td>
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<tr>
<td>(a)(24.5)(A)</td>
<td>115B02</td>
<td>California League of Food Processors</td>
<td>Rob</td>
<td>Neenan</td>
<td>Section 24.5(A), Section 17868.2, and Section 17868.3(b)(1) describe the pathogen and metals concentration limits. California League of Food Processors assumes that sites that are in compliance with Section 24.5(B)4 by having a land application permit from the Regional Water Board would be exempt from CalRecycle’s requirements, and only subject to any pathogen and metals limits and testing requirements stipulated in the Regional Water Board permit. If that is not the case, CLFP recommends that the text be amended to avoid duplicative or conflicting requirements.</td>
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<tr>
<td>(a)(24.5)(A)</td>
<td>115E01</td>
<td>County of Sacramento Environmental Management Department</td>
<td>Lea</td>
<td>Gibson</td>
<td>The Sacramento County LEA recommends requiring the generator of the material to send off samples of the material for testing prior to shipping the material offsite for land application. We understand the concern that chip and grind facilities could be in violation of material holding time limits while awaiting lab results, however, the samples could be taken by the Operator and sent to the laboratory, then the material could be shipped offsite and the lab results forwarded to the land owner. This would reduce the time that the land owner would have to store the material while awaiting lab results and reduce the potential for violations.</td>
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<tr>
<td>(a)(24.5)(A)</td>
<td>115E02</td>
<td>County of Sacramento Environmental Management Department</td>
<td>Lea</td>
<td>Gibson</td>
<td>We also recommend the addition of a section requiring land appliers to maintain physical contamination, pathogen and metals records on site and make the records available to relevant regulatory agencies. Finally, we strongly recommend requiring the land owner to have a contingency plan or agreement with the material provider to ensure removal and proper disposal of any material that exceeds the metals and pathogen density limits.</td>
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<td>(a)(24.5)(A)</td>
<td>115W03</td>
<td>Integrated Waste Management Consulting</td>
<td>Matthew</td>
<td>Cotton</td>
<td>I think you mean “than” not “that”.</td>
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<tr>
<td>(a)(24.5)(A)</td>
<td>115W04</td>
<td>Integrated Waste Management Consulting</td>
<td>Matthew</td>
<td>Cotton</td>
<td>Therefore, verification of compliance (line 53, page 10) should not be “upon request” of the EA, but should be maintained at the point of production, should be kept on file for inspection by the LEA and should be available to any LEA at any time for verification purposes. Further, any chipping and grinding requirements (General Order No. 2000-10-DWQ). Such intent to only regulate “Compostable Materials” should be clearly distinguished from this section being misinterpreted to apply to “Finished Compost”.</td>
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<td>Facility or digestion facility proposing to send compostable material or digestate to land application should be required to maintain a log of locations where material was applied. Why would CalRecycle think it appropriate to require less regulation for land application of compostable material and/or digestate then for compost?</td>
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<tr>
<td><a href="24.5">a</a>(A)</td>
<td>115W05</td>
<td>Integrated Waste Management Consulting</td>
<td>Matthew</td>
<td>Cotton</td>
<td>Page 10, line 29 (): I must reiterate that the point of compliance should be at the point of production (as it is for any permitted compost facility), not &quot;at the time of land application&quot;. Has the Department, or any of the EAs considered how to properly take a sample from a pile of to-be-land applied compostable material of digestate once it is piled on land? Has the Department considered that &quot;at the time of application&quot; has already occurred once the material is dumped on the application site? In the case that this material does not meet either the metals, pathogens, or inerts contamination requirements, how is it to be handled? Has the Department considered that &quot;at the time of application&quot; has already occurred once the material is dumped on the application site? In the case that this material does not meet either the metals, pathogens, or inerts contamination requirements, how is it to be handled? Does the Department expect the producer to remove and dispose of the material properly? By not requiring compliance at the point of production, CalRecycle is setting up a very weak system of oversight.</td>
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<tr>
<td><a href="24.5">a</a>(A)</td>
<td>1151C04</td>
<td>County of Ventura Resource Management Agency</td>
<td>Charles</td>
<td>Genkel</td>
<td>Maintain the proposed contamination level at 0.1% by weight. This section is a prescriptive requirement and should be contained in a separate section for land application. It is not a definition.</td>
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<tr>
<td><a href="24.5">a</a>(A)</td>
<td>1151M02</td>
<td>Recology</td>
<td>Erin</td>
<td>Merrill</td>
<td>The proposed regulations: lack of a land application limit for chipped and ground material. “Land application” as defined applies to compostable material and digestate, but does not, as written, include chipped and ground material.</td>
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<td><a href="24.5">a</a>(A)(1) Also: §17868.1</td>
<td>115P02</td>
<td>CR&amp;R Environmental Services</td>
<td>Clarke</td>
<td>Pauley</td>
<td>The Land Application Phase in time should be extended to January 1, 2020….Land Application physical contamination limits puts an undue burden on the operator for potential frequent PCL testing….With a 0.5% PCL limit, the only way to process virtually all compostable materials will be composting and screening…The requirement that pathogen density limits are met at the time of land application puts an undue burden on the operator for potential frequent pathogen testing. This requirement should be tied back to meeting satisfactory testing results at the frequencies prescribed in section §17868.1.</td>
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<tr>
<td><a href="24.5">a</a>(A)</td>
<td>1151I02</td>
<td>Paul Relis</td>
<td>Nick</td>
<td>Lapis</td>
<td>Regarding direct land ap/chip&amp; Grind requirements: No material should be spread until the lab results are received. It is clearly an improvement to require the regular sampling, but it is not clear what would happen if the lab results came back inconsistent with the requirements after the material has left the facility. The material can be moved off site, but it should not be spread until the lab results come back.</td>
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<tr>
<td><a href="24.5">a</a>(A)</td>
<td>1151D03</td>
<td>Californians Against Waste</td>
<td>Nick</td>
<td>Lapis</td>
<td>Chip-and-grind facilities should report where they receive material from and where they take it to.</td>
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<tr>
<td><a href="24.5">a</a>(A)</td>
<td>1151D04</td>
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<td>The contamination limits for direct land application should NOT be set at the same level as for finished compost. The standards need to take into account</td>
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<tr>
<td><a href="24.5">a</a>(A)4</td>
<td>115E03</td>
<td>County of Sacramento Environmental Management Department</td>
<td>Lea</td>
<td>Gibson</td>
<td>We recommend deferring the responsibility for document review, approval of alternate land application methods, and enforcement at land application sites solely to CDFA and/or RWQCB. Alternatively, land application sites could be added to the regulatory tiers and additional regulations promulgated to impose State Minimum Standards.</td>
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<tr>
<td><a href="24.5">a</a>(A)4</td>
<td>1151C05</td>
<td>County of Ventura Resource Management Agency</td>
<td>Charles</td>
<td>Genkel</td>
<td>Land application should be limited to parcels zoned as “agriculture or “open space.” This section is a prescriptive requirement and should be contained in a separate section for land application. It is not a definition.</td>
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<td><a href="24.5">a</a>(A)4</td>
<td>1151F05</td>
<td>California Compost Coalition</td>
<td>Neil</td>
<td>Edgar</td>
<td>Additionally, the new proposed language in §17852 (a)(24.5)(A)(4)(b) appears to allow up to 36” of compostable materials and/or digestate to be applied on land zoned for agricultural uses in three applications per 12 month period. This effectively triples the previous 12” annual allowance and is wholly contrary to compost industry needs to maintain cost competitive feedstock streams while, at the same time, tripling the aforementioned potential threats to the environment. We certainly hope that is not CalRecycle’s intent at that this section can be rewritten to provide more sensible guidelines.</td>
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<td><a href="24.5">a</a>(A)4.a</td>
<td>1151B02</td>
<td>Western Agricultural Processors Association</td>
<td>Chris</td>
<td>McGlothlin</td>
<td>There is no evidence that displays any harmful impacts of spreading tree nut sticks, leaves and hulls more than 3 times a year. The major area of concern is the contamination aspect; sticks, leaves, shells and hulls are far below the contamination threshold that has been applied through this draft. We respectfully request that you remove the application frequency from this draft altogether.</td>
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<tr>
<td><a href="24.5">a</a>(A)4.a</td>
<td>115X03</td>
<td>California Refuse Recycling Council</td>
<td>Kathryn</td>
<td>Lynch</td>
<td>The proposed language currently reads “at the time of the land application, the compostable material shall not exceed 12 inches in total, accumulated depth on the land surface.” The “at the time” inclusion makes it sound as though 12 inches in total can be applied on three separate occasions, therefore leading to a maximum of 36 inches in total accumulated depth. We do not believe this was the intention of the language and recommend clarifying this piece in your next iteration of regulatory language changes.</td>
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<tr>
<td><a href="24.5">a</a>(A)4.b</td>
<td>1151C06</td>
<td>County of Ventura Resource Management Agency</td>
<td>Charles</td>
<td>Genkel</td>
<td>Land application should be limited to once per year. Modify the following sentence to read, “The EA, in consultation with the California Department of Food and Agriculture to determine if the land application is agronomically beneficial and with the Regional Water Quality Control Board regarding water quality to determine that the alternative will not adversely affect public health and safety or the environment. The property owner may submit to the EA a written request and justification, based upon site-specific conditions, to allow alternative frequencies and depths of land application.”</td>
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<tr>
<td>(a)(24.5)(A)(5)</td>
<td>1151FO2</td>
<td>California Compost Coalition</td>
<td>Neil</td>
<td>Edgar</td>
<td>...this section is vague and needs to be modified to include specific language that any and all sampling and testing results related to compliance with this subsection be subject to the General Record Keeping Requirements found in §17869.</td>
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<tr>
<td>(a)(24.5)(B)</td>
<td>115B04</td>
<td>California League of Food Processors</td>
<td>Rob</td>
<td>Neenan</td>
<td>...local environmental enforcement agencies should have broad discretion to approve alternative material application depths and frequencies. They are responsible for the health and safety of their communities and have the best understanding of how local environmental resources should be managed.</td>
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</tr>
<tr>
<td>(a)(24.5)(B)(4)</td>
<td>115B01</td>
<td>California League of Food Processors</td>
<td>Rob</td>
<td>Neenan</td>
<td>Section 24.5(B)(4) provides an exemption for land application sites that have a permit, waiver, or resolution issued by a Regional Water Board. California League of Food Processors assumes that this would also include a county or municipal organic by-product recycling program that has been approved by the Regional Water Board. If that is not the case, California League of Food Processors requests that the text be clarified regarding this point.</td>
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<tr>
<td>(a)(24.5)(B)(4)</td>
<td>115B04</td>
<td>Western Agricultural Processors Association</td>
<td>Chris</td>
<td>McGlothlin</td>
<td>We ask that you leave the regulation of agricultural practices with the use of Agricultural By-Product Material under the State Water Board's focus.</td>
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<tr>
<td>(a)(26)</td>
<td>115C04</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>The existing definition refers to &quot;non-organics&quot; and &quot;plastics&quot; (emphasis added). As previously indicated, these terms need to be clearly defined for the purpose of &quot;Compostable Materials Handling Operations and Facilities Regulatory Requirements,&quot; and &quot;In-Vessel Digestion Operations and Facilities Regulatory Requirements.&quot; (Title 14 of the CCR, Division 7).</td>
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<tr>
<td>(a)(26)</td>
<td>115N01</td>
<td>OWS, Inc.</td>
<td>Norma</td>
<td>McDonald</td>
<td>We strongly urge this definition to be modified to state &quot;(26) &quot;Mixed Solid Waste&quot; means any material that is part of the municipal solid waste stream, and is mixed with or contains non-organics, processed industrial materials, or plastics. A feedstock that is not separated or contains 15.0% or more physical contaminants by weight is mixed solid waste.&quot;</td>
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</tr>
<tr>
<td>(a)(27.5)(A)(a)(2.75)(B)</td>
<td>115C05</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Based on the proposed definition, &quot;nuisance&quot; may be anything that is injurious to human health and affects at the same time an &quot;entire community&quot; (emphasis added). Please expand the definition to specifically define the term &quot;entire community&quot; and factors considered to define the term. For cases such as surface and ground water contamination or &quot;odor&quot; what criteria are to be used to establish the boundaries of the entire affected community?</td>
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<tr>
<td>(a)(27.5)(A)(a)(2.75)(B)</td>
<td>115C06</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>It is strongly recommended the proposed definition be revised by deleting Subparagraph &quot;B&quot; and deleting the word &quot;and&quot; at the end of the Subparagraph &quot;A.&quot;</td>
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<tr>
<td>(a)(38.5)</td>
<td>115W01</td>
<td>Integrated Waste Management Consulting</td>
<td>Matthew</td>
<td>Cotton</td>
<td>I am not aware of any food-containing material that doesn't meet the new &quot;Agricultural by-Product Material&quot;, that meets the new proposed definition and is also something that generators in CA routinely need to send to a compost facility. I have long been an advocate for allowing the lower-tier</td>
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CalRecycle Responses to 15-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

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<tbody>
<tr>
<td>(a)(38.5)</td>
<td>115W02</td>
<td>Integrated Waste Management Consulting</td>
<td>Matthew</td>
<td>Cotton</td>
<td>Perhaps a better solution is to set a maximum volume of food scraps at a Registration-tier food material composting facility. Since this tier of facility will be limited to less than 12,500 cubic yards on-site, (maybe roughly 100 tons per day) why not allow these facilities to accept up to 25 percent of &quot;food material&quot; (broadly defined) since, I imagine, the bigger concern with these facilities accepting food is odor, not blowing litter or contamination? Additional food scraps composting capacity is critical considering the pending requirements of AB 1826.</td>
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<tr>
<td>§17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities.</td>
<td>115C07</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Please provide a list of criterion used for establishing a threshold limit of 12,500 cubic yards for “Green Material Composting Operations” under the “EA Notification Tier” and “Registration Permit Tier.”</td>
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<tr>
<td></td>
<td>115L02</td>
<td>Rancho Los Encinitos Consulting</td>
<td>Gene</td>
<td>Ybarra</td>
<td>In the absence of EA responsibilities designated to the local permit agencies, I believe local agencies would have no compelling reason or obligation to adopt local land use and zoning regulations to enable the various Compostable Material Handling Operations and Facilities shown in Table 1 of §17854.1 of the proposed regulations...it is fundamentally necessary that the proposed regulations cause local permit agencies to adopt local land use and zoning permit processes to enable compostable materials handling and facilities that are at least commensurate with the proposed tiered requirements for the same.</td>
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<tr>
<td>§17855. Excluded Activities.</td>
<td>115L02</td>
<td>Waste Less Living</td>
<td>Christine</td>
<td>Lenches-Hinkel</td>
<td>Include small to medium in-vessel composting systems as an Excluded Activity that can process between &lt;1 cy to 20 cy of organic material a day, an amount that is significantly below the notification threshold of 5,000 cy.</td>
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<td></td>
<td>115V03</td>
<td>ROLL global</td>
<td>Melissa</td>
<td>Poole</td>
<td>We support the exclusion of compostable material from certain compostable material handling rules under section 17855, and suggest that the regulations be further amended to make clear that agricultural by-product materials and agricultural processing facilities fall under these same exclusions.</td>
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<tr>
<td></td>
<td>1151S02</td>
<td>California Cotton Ginners and Growers Association</td>
<td>Chris</td>
<td>McGlothlin</td>
<td>The California Cotton Ginners and Growers Association respectfully seek a full exemption from being included in future composting regulation.</td>
<td></td>
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<tr>
<td>(a)</td>
<td>1151H02</td>
<td>Humboldt State University</td>
<td>Galen</td>
<td>O’Toole</td>
<td>Proposed additions:</td>
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<tr>
<td>1151K02</td>
<td>1151K02</td>
<td>Local Worm Guy Worm Farm</td>
<td>Lloyd L.</td>
<td>Barker, IV</td>
<td>“Black soldier fly composting is an excluded activity. The handling of compostable material prior to and after its use as a growth medium during the black soldier fly composting process is not an excluded activity and is subject to the requirements of this chapter or the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is applicable, as follows: (A) when the compostable material is active compost or is likely to become active compost, as determined by the EA, the requirements of this chapter apply; (B) at all other times when it is not being used as a growth medium during black soldier fly composting, the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory Requirements.”</td>
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<tr>
<td>115F01</td>
<td>115F01</td>
<td>Dairy Cares</td>
<td>J.P.</td>
<td>Catviela</td>
<td>Change Section 17855(a)(1) to read (or add a similar section immediately following): “An activity is excluded if it is located on an agricultural site, and handles exclusively agricultural materials derived from that agricultural site or other agricultural sites. An unlimited amount of compost product derived from such agricultural materials may be given away or sold annually.”</td>
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<tr>
<td>115V04</td>
<td>115V04</td>
<td>ROLL global</td>
<td>Melissa</td>
<td>Poole</td>
<td>Section 17855(a)(1): An activity is excluded if it handles agricultural material or agricultural by-product material, derived from an agricultural or agricultural processing site, and returns a similar amount of the material produced to that same agricultural or agricultural processing site, or an agricultural or agricultural processing site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.</td>
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<tr>
<td>1151J01</td>
<td>1151J01</td>
<td>Agriculture Council of California</td>
<td>Emily</td>
<td>Rooney</td>
<td>Change Section §17855(a)(1) to read: “An activity is excluded if it is located on an agricultural site and handles exclusively agricultural materials derived from that agricultural site or other agricultural sites. An unlimited amount of compost product may be given away or sold annually.”</td>
<td></td>
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<tr>
<td>115D01</td>
<td>115D01</td>
<td>Del Monte Foods, Inc.</td>
<td>Timothy P.</td>
<td>Ruby</td>
<td>...expand to list the following activities as excluded activities for compostable materials handling permitting if: (K) the activity is part of a food processing facility and is used to temporarily store, process, and/or transfer agricultural by-product materials not used in the production of compost; or (L) the activity is part of an authorized State Water Resources Control Board, Regional Water Quality Control Board, and/or County permitted agricultural by-products materials land spreading operation or program.</td>
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<tr>
<td>115V05</td>
<td>115V05</td>
<td>ROLL global</td>
<td>Melissa</td>
<td>Poole</td>
<td>Section 17855(a)(5)(E) - The activity is part of an agricultural or agricultural processing operation used to chip and grind agricultural material or agricultural by-product material not used in the production of compost or mulch.</td>
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<tr>
<td>115V06</td>
<td>115V06</td>
<td>ROLL global</td>
<td>Melissa</td>
<td>Poole</td>
<td>Section 17855(a)(5)(G) - The activity is part of an agricultural or agricultural processing operation used to chip and grind agricultural material or agricultural by-product material produced on lands owned or leased by the community or county.</td>
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**CalRecycle Responses to 15-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations**

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<tr>
<td></td>
<td>(a)(5)(K)</td>
<td>Dairy Cares</td>
<td>J.P.</td>
<td>Cativiela</td>
<td>Add Section 17855 (a) (5) (K) “the activity takes place on a dairy or other confined animal facility regulated under waste discharge requirements or a conditional waiver of waste discharge requirements issued by a Regional Water Quality Control Board, and the materials handled are limited to manure as defined in Section 17852 (a) (25).”</td>
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<tr>
<td></td>
<td>(a)(5)(K)</td>
<td>Agriculture Council of California</td>
<td>Emily</td>
<td>Rooney</td>
<td>Change Section §17855(a)(1) to read: “the activity takes places on a dairy or other confined animal facility regulated under waste discharge requirements issued by a Regional Water Quality Control Board, and the materials handled are limited to manure as defined in Section17852(a)(25).”</td>
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<tr>
<td>(a)(4)</td>
<td>115K01</td>
<td>INIKA</td>
<td>Jessica</td>
<td>Toth</td>
<td>We are excited that the new rules will expand small-scale, community composting for California. We do feel that the proposed 750-square foot footprint could be small for some compost techniques, especially those that utilize flatter, wider piles commonly preferred in biodynamic farming. However, we will support CalRecycle’s proposal moving forward, so long as it is understood that the footprint encompasses the dimensions of only the feedstock and compost piles, and does not include other areas such as aisles and work sheds.</td>
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<td></td>
<td>115IA01</td>
<td>INIKA</td>
<td>Tyla</td>
<td>Montgomery</td>
<td>We have identified a couple of scenarios that could pose problems for farms seeking to participate in their communities’ waste diversion strategies, particularly those farms with composting operations larger than the 100 cy/750 sf permit exemption. These scenarios include: • A farmer backhauling the collective of spoiled produce from a farmers market back to their own farm for composting. • A farmer who distributes directly to restaurants or small markets and backhauls spoils and trimmings for composting.</td>
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<tr>
<td></td>
<td>115K03</td>
<td>INIKA</td>
<td>Jessica</td>
<td>Toth</td>
<td>In our previous comment letters, we specifically asked that farms be allotted a small, accessory allowance for offsite material such as food. Let’s not shut farms out of the conversation, they should not be required to enroll in a Registration or Full Permit for accepting small volumes of offsite material. And farms theoretically could maintain a 100 cubic yard “excluded” pile, in addition to their ongoing agricultural composting.</td>
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<td></td>
<td>115IA03</td>
<td>INIKA</td>
<td>Tyla</td>
<td>Montgomery</td>
<td>In our previous comment letters, we specifically asked that farms be allotted a small, accessory allowance for offsite material such as food. Let’s not shut farms out of the conversation, they should not be required to enroll in a Registration or Full Permit for accepting small volumes of offsite material. And farms theoretically could maintain a 100 cubic yard “excluded” pile, in addition to their ongoing agricultural composting.</td>
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<td></td>
<td>115IA04</td>
<td>INIKA</td>
<td>Tyla</td>
<td>Montgomery</td>
<td>It has been indicated that composting residential food materials and residuals that may contain unprocessed mammalian tissues, including but not limited to, flesh, organs, hide, bone and marrow do not constitute “compostable material handling operation or facilities.” Prior to granting such an exemption, the impact on public health and the environment needs to be addressed.</td>
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<td></td>
<td>115IG01</td>
<td>Baker Commodities Inc.</td>
<td>Doug</td>
<td>Smith</td>
<td>(a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow is prohibited, except when received, unless regulated by the California Department of Food and Agriculture.</td>
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§17855.2. Prohibitions.
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<tr>
<td>(a) Also: <a href="#">§17854</a></td>
<td>115P03</td>
<td>CR&amp;R Environmental Services</td>
<td>Clarke</td>
<td>Pauley</td>
<td>Recommend change to: “If their feedstock is limited to agricultural material generated from on-site agricultural operations, agricultural material composting operations may handle unlimited quantity of agricultural material on the site from which that the material is generated and may sell or give away any or all compost they produce. If the material is generated off-site and transferred to the compost operation site, then the operation is subject to Article 2, 17854 - Compostable Materials Handling Facility Permit Requirements.”</td>
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<tr>
<td>(c)</td>
<td>115C09</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Considering that such an operation may be a nuisance to adjacent properties due to potential odor generation, there is a need for more frequent and inspection by the LEA (i.e. at least on a quarterly basis).</td>
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<td>(d)(2)(B)</td>
<td>115C08</td>
<td>County of Ventura Resource Management Agency</td>
<td>Charles</td>
<td>Genkel</td>
<td>Modify the language to read: “Operations located on land that is not zoned for agricultural uses and operations that sell or give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of agricultural, but may not stockpile more than 12,500 cubic yards of green material feedstock on the site at any time shall be regulated as a green material composting operation.”</td>
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<tr>
<td>(e)</td>
<td>115C10</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>...this section needs to be expanded to include the following new subsection: “These sites shall record the quantities of agricultural materials received, by jurisdiction of origin, and submit the data to the appropriate jurisdictions on a calendar quarterly basis.”</td>
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| (b)(3) | 115P04 | CR&R Environmental Services | Clarke | Pauley | Recommend change to: “In addition, the EA may issue a cease and desist order pursuant to section 18304 directing, among other things, that the operator immediately cease accepting material at the site until the operator has demonstrated to the EA that it has corrected the violation and eliminated the cause of the violation.” | | |
| | 115104 | CR&R Environmental Services | Paul | Relis | | | |
| (d) | 115C11 | Los Angeles County Solid Waste Management Committee | Margaret | Clark | ...this Section needs to be expanded to include the following new subsection: “Subsection (d) - These sites shall record the quantities of green materials received by jurisdiction of origin and submit the data to the appropriate jurisdictions on a calendar quarterly basis.” | | |

### §17862. Research Composting Operations.

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<tr>
<td>115C12</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret Clark</td>
<td>Please expand to (a) require surface and ground water protection, (b) prohibit any surface water from leaving the property without a National Pollutant Discharge Elimination System (NPDES) Permit, and (c) control and mitigate any odor nuisances and obtain a permit from the appropriate local air pollution control district/air quality management district.</td>
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<td>115T03</td>
<td>County of Solano</td>
<td>Jagjinder Sahota</td>
<td>...clarification in the case of a permitted composting site that would want to run one or a few trial projects on a new material and or process...a full permit should not be avoided by breaking operations into more than one smaller projects.</td>
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<tr>
<td>115G01</td>
<td>Santa Barbara County Environmental Health Services</td>
<td>Lisa Sloan</td>
<td>Contaminant sampling requirements in §17862.1 for a chipping and grinding operation or facility should be left to the discretion of the LEA.</td>
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<tr>
<td>1151D02</td>
<td>Californians Against Waste</td>
<td>Nick Lapis</td>
<td>The chip-and-grind facility should have the same long-term record keeping requirements as composting facilities, to allow LEAs to inspect old lab results. This should not be an especially onerous requirement but it would help create an even playing.</td>
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<tr>
<td>1151F03</td>
<td>California Compost Coalition</td>
<td>Neil Edgar</td>
<td>We understand that chipping and grinding operations and facilities have restrictive time limits for the storage of materials onsite; however, this time limit need not impact their ability to receive and retain lab results after tested materials have shipped, in order to verify compliance, as noted above, when needed. Additionally, current language suggests that chipping and grinding operations would only be required to sample and test materials upon EA request; we do not support a lower standard for sampling and testing at chipping and grinding operations, as the materials they produce are processed to a much lower level than compost, and represent a significantly higher threat for the spread of pathogens and/or invasive pests. Chipping and grinding operations and facilities should be subject to the same materials sampling and testing requirements as composting operations and facilities.</td>
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<tr>
<td>1151F04</td>
<td>California Compost Coalition</td>
<td>Neil Edgar</td>
<td>A typo is apparent in §17862.1(a)(1)(d) which states “the operator shall analyze at least one composite sample of compost”; we believe this is inappropriate for this section.</td>
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<td>115V07</td>
<td>ROLL global</td>
<td>Melissa Poole</td>
<td>Paramount interprets section 17862.1(a), regarding chipping and grinding operations, to mean that chipped and ground materials derived from an agricultural or agricultural by-product site and returned to the same site or a site leased or owned by the same owner of that site would be excluded from the compostable material handling operations. If this is not how CalRecycle interprets this section, we request that the text be clarified to reflect this point.</td>
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<tr>
<td>1151C09</td>
<td>County of Ventura</td>
<td>Charles Genkel</td>
<td>Reduce the volume to require a composite sample for every 1,000 cubic yards of chipped and ground material.</td>
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<td>1151C10</td>
<td></td>
<td>Resource Management Agency</td>
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<td>Strike the word &quot;dry&quot; in all subsections that refer to contamination by weight. Maintain the current contamination level at 0.1% by weight.</td>
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<tr>
<td>(d)</td>
<td>115E04</td>
<td>County of Sacramento Environmental Management Department</td>
<td>Lea</td>
<td>Gibson</td>
<td>Require the Operator to provide the contamination sample results to the land owner(s) for any material intended for land application.</td>
</tr>
<tr>
<td>(d) &amp; (e)</td>
<td>115P05</td>
<td>CR&amp;R Environmental Services</td>
<td>Clarke</td>
<td>Pauley</td>
<td>The proposed requirement for chip and grind operations to meet PCL of 0.5%, pathogen, and metals requirements if the material will be land applied essentially will be requiring virtually all chip and grind material to be composted and screened prior to being land applied. If this is the intent of CalRecycle, additional permits for new and expanded compost and in-vessel facilities will be necessary to accommodate the additional volume of organics that will be required to be properly processed by this rulemaking.</td>
</tr>
<tr>
<td>(e)</td>
<td>115E05</td>
<td>County of Sacramento Environmental Management Department</td>
<td>Lea</td>
<td>Gibson</td>
<td>We recommend requiring the Chip &amp; Grind Operator to send off samples to the laboratory prior to shipping material offsite for land application and requiring the Operator to provide the land owner with the lab results. Additionally, we recommend a requirement that the Chip and Grind Operator must develop a contingency plan or an agreement with the land owner to ensure proper disposal of any material sent offsite for land application that exceeds the metals and pathogen density limits [see 115E01].</td>
</tr>
<tr>
<td>(d)</td>
<td>1151E12</td>
<td>Association of Compost Producers</td>
<td>Dan</td>
<td>Noble</td>
<td>This regulation implies that these facilities must collect samples and test, thereby generating data on these parameters throughout the year. We highly recommend that this record keeping be required, and/or a reporting loop be set up with each local enforcement agency.</td>
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<tr>
<td>1151N06</td>
<td></td>
<td>Waste Management</td>
<td>Chuck</td>
<td>White</td>
<td>§ 17863.4. Odor Impact Minimization Plan</td>
</tr>
<tr>
<td>(f)</td>
<td>115C13</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>We strongly recommend specifying a timeframe by which the Enforcement Agency (EA) is to direct the operator to prepare and implement a Best Management Practice Feasibility Report (Report) as specified in Section 17863.4.1. We also strongly recommend specifying a timeframe (possibly a week) within which the EA would review the results of the Report in order to reduce and eliminate the time the public is exposed to the odor nuisance. If the foregoing measures are ineffective in addressing the odor nuisance then alternatives should be considered such as enclosing operations within a structure that operates under negative pressure. As an alternative, the facility’s permitted daily waste intake can be incrementally reduced until such time the nuisance is eliminated or reduced to a level that is no longer a nuisance to the public. Considering odor nuisances are hazardous to public health and safety, it is imperative that mitigation measures be clearly established to ensure such nuisances are addressed in an efficient and timely manner.</td>
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<tr>
<td>(f)</td>
<td>115Q01</td>
<td>Western Placer Waste Management Authority</td>
<td>Eric</td>
<td>Oddo</td>
<td>The Western Placer Waste Management Authority previously requested that this section be amended to say &quot;...the EA shall may direct the operator to prepare an Odor Best Management Feasibility Report ...&quot;. The EA should have discretion-consistent with other sections (e.g. Section (e)) to determine necessary efforts based on specific circumstances, such as targeted best-management practices when odor sources are known or of a temporary nature, as opposed to a full site-wide feasibility report.</td>
</tr>
<tr>
<td>(f)</td>
<td>115X02</td>
<td>California Refuse Recycling Council</td>
<td>Kathryn</td>
<td>Lynch &amp; Chandler</td>
<td>The timeline of 14 days is not nearly enough time to prepare a suitable report and analysis. We recommend a more reasonable 60 days be provided in order that a comprehensive and accurate report can be completed in an achievable timeline.</td>
</tr>
<tr>
<td>(f)(3)</td>
<td>115Q02</td>
<td>Western Placer Waste Management Authority</td>
<td>Eric</td>
<td>Oddo</td>
<td>Section (f)(3) states that an EA may issue a Notice and Order in the event of a public nuisance. A public nuisance is difficult to define, as what is considered 'offensive' or 'indecent' is subjective. Solid waste operations that are in full compliance with permits are often subjected to odor complaints resulting from encroaching development beyond the control of the operator. The WPWMA previously recommended that this section be amended to offer some protection for otherwise compliant solid waste management facilities. Specifically, the regulation should provide that no compostable material handling operation conducted in a manner consistent with applicable regulations and permits be considered a nuisance due to any changed condition in local land use (e.g. encroaching development) if it was not a nuisance at the time it began. Current law provides this protection to other industries, such as agriculture, and similar protection should be provided to essential public services such as solid waste facilities.</td>
</tr>
<tr>
<td>(f)(3)</td>
<td>115Q03</td>
<td>Western Placer Waste Management Authority</td>
<td>Eric</td>
<td>Oddo</td>
<td>The proposed regulation permits an operator to voluntarily prepare an Odor Best Management Practice Feasibility Report, and states that the EA shall determine the components to be implemented for both EA-required and voluntarily-provided reports. Operators submitting voluntary reports should not be automatically required to include and implement LEA-identified components. The Western Placer Waste Management Authority requests Section (d) be amended to clarify that implementation of voluntary reports is not mandatory in the absence of compliance issues, and that the operator shall have the discretion of implementing components according to site-specific conditions and operational considerations.</td>
</tr>
<tr>
<td>§ 17863.4.1. Odor Best Management Practice Feasibility Report</td>
<td>1151F06</td>
<td>California Compost Coalition</td>
<td>Neil</td>
<td>Edgar</td>
<td>While we understand that this new Odor Best Management Practice Feasibility Report would be required at a critical time in the compliance and enforcement process for an odor issue, it is highly infeasible that such a report be produced within 14 days, if the goal is to produce a comprehensive plan that may represent the operator’s last, best chance to survive. Unless the odor issue is a proven threat to public health and safety—which is rarely the case—such a plan should be required only after a longer time has passed.</td>
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<tr>
<td>(d)</td>
<td>115Q03</td>
<td>Western Placer Waste Management Authority</td>
<td>Eric</td>
<td>Oddo</td>
<td>The Western Placer Waste Management Authority requests Section (d) be amended to clarify that implementation of voluntary reports is not mandatory in the absence of compliance issues, and that the operator shall have the discretion of implementing components according to site-specific conditions and operational considerations.</td>
</tr>
<tr>
<td>(c) (d)</td>
<td>115T04</td>
<td>County of Solano</td>
<td>Jagjinder</td>
<td>Sahota</td>
<td>This section needs clarification. Please explain what &quot;consultation with CalRecycle&quot; consists of.</td>
</tr>
</tbody>
</table>

§ 17867. General Operating Standards.

(a)(2) 115T05 County of Solano Jagjinder Sahota This proposed subsection might lead to confusion about the definition of "nuisance". The LEA recommends removing this definition or just including a simple citation to the Civil Code §3479 as: "Nuisance" includes any condition creating a public nuisance as provided in Civil Code §3479 et seq.

§ 17868.1. Sampling Requirements.

(a) 115P06 CR&R Environmental Services Clarke Pauley We recommend the section be modified as follows, and then referenced back throughout the document:

(a) Operators shall verify that compost meets the maximum acceptable metal concentration limits specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3. Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall be achieved by taking and analyzing at least one composite sample of compost, following the requirements of this section as follows:

1. An operator who composts agricultural material, green material, food material, vegetative food material, or mixed material shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced. If the compostable material handling operation or facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample of compost produced every 12 month period.

2. (as is)

3. (as is)

4. (new) [we suggest adding a reference to a yet to be developed guidance document (California Guide to Field and Laboratory Methods for Compost and Digestate Testing, or something similar) that can be co-developed with CalRecycle, academia, industry associations, and private industry and could provide recommended field and laboratory testing methods for compost, chip]
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<tr>
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<tr>
<td></td>
<td></td>
<td>Synagro</td>
<td>Layne</td>
<td>Baroldi</td>
<td>The regulations should be clear that biosolids composting facilities can land apply compost immediately for beneficial use so long as the composting technology meets temperature and residence time requirements for pathogen destruction. Synagro suggest modifying the language in this Section to be as follows: “should it not be possible to obtain analytical results prior to it being necessary to move biosolids based compost off-site, the permittee may do so, but assumes all liability for site evaluation and remediation if necessary, should the results show non-compliance with any limits.” This would assure CalRecycle that the permittee has enough confidence in its operational experience at the facility and the financial commitment to assume results will be in compliance with all applicable limits in the rule. Sections 17868.2(b) and 17868.3(d) allow alternatives but only at the discretion of the EA. The suggested language above provides certainty for facilities and eliminates ambiguity.</td>
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<td></td>
<td>115R01</td>
<td>California Association of Sanitation Agencies</td>
<td>Greg</td>
<td>Kester</td>
<td>Some permits limit storage of post screened compost to 7 days or less, making it very difficult or impossible to obtain analytical results prior to the need to move compost. Flexibility is provided for this requirement for all other compost feedstocks except biosolids. California Association of Sanitation Agencies recommends modifying the language as follows: “should it not be possible to obtain analytical results prior to it being necessary to move biosolids based compost off site, the permittee may do so, but assumes all liability for site evaluation and remediation if necessary, should the results show non-compliance with any limits.” Also: §17868.2 §17868.3</td>
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<td></td>
<td>1151E01</td>
<td>Association of Compost Producers</td>
<td>Dan</td>
<td>Noble</td>
<td>Biosolids Composting operations not consistent for different parameters: As written in, §17868.1 (a),(2), large biosolids composters will have to sample monthly for metals and pathogens, but §17868.3.1 (b) requires sampling every 5,000 cubic yards for physical contaminants. We feel this is inconsistent, and unnecessary given the fact that biosolids have not been associated with physical contaminants more than other feedstocks. To resolve this inconsistency and simplify compliance, on Page 26 – 17868.3.1(b), we request referring any statements of sampling frequency to §17868.1 (a)(1&amp;2).</td>
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<tr>
<td></td>
<td>1151N01</td>
<td>Waste Management</td>
<td>Chuck</td>
<td>White</td>
<td>This same protocol should apply to all “compostable material handling operations or facilities”, i.e. chipping and grinding operations, not just compost operations, and the sampling should not be different for any potential contaminant [be they metals, biological or physical (trash)].</td>
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<tr>
<td></td>
<td>1151E02</td>
<td>Association of Compost Producers</td>
<td>Dan</td>
<td>Noble</td>
<td>Either 1) “Composite Sampling” be defined in the Definition section (§ 17852. Definitions.(a), and simply put the wording of §17868.1 (b) in there (and refer all “composite sampling” references back to the “composite sampling” definition)</td>
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<td>Section/Area</td>
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<td></td>
<td>1151E07</td>
<td>Association of Compost Producers</td>
<td>Dan</td>
<td>Noble</td>
<td>This section starts with “All composting operations…” and then includes in §17868.1(a)(1) “compostable material handling operation or facility”. So do these regulations include “Chipping and Grinding Operations”, or only “composting operations”? We strongly recommend simply substituting the phrase “compostable handling material operations” for “composting operation”, or adding “composting operation, or chipping and grinding operation” to the “Sampling Requirements” section.</td>
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<tr>
<td></td>
<td>1151E10</td>
<td>Association of Compost Producers</td>
<td>Dan</td>
<td>Noble</td>
<td>We recommend that the proposed regulations include reference to a separate, “Guide to Title 14/27 Compliance Methods,” that contains the proposed and verified field and lab sampling and testing methods. This guide could be unique to these new regulatory revision testing, but would also include the current industry standard testing methods used by the Seal of Testing Assurance (STA) compost producers promulgated by the US Composting Council’s, Testing Methods for the Examination of Composting and Compost (TMECC). CalRecycle could publish and update this guide as new testing methods and standards are introduced with the input of labs, academia, industry associations, and compost operators.</td>
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<tr>
<td></td>
<td>1151N04</td>
<td>Waste Management</td>
<td>Chuck</td>
<td>White</td>
<td>We simply do not believe that green waste chipping and grinding operations should be held to the same standards. For example, while Waste Management’s chipping and grinding operations are typically able to meet 0.1 percent contamination by product weight requirement imposed by Ventura County, Waste Management has certainly not suggested that these standards are appropriate for composting operations. Because of the nature of composting processes, achieving this standard for compost materials is simply not appropriate. Similarly, applying compost test procedures for metals and other parameters for composting are simply not appropriate.</td>
</tr>
<tr>
<td></td>
<td>1151V01</td>
<td>Waste Management</td>
<td>Chuck</td>
<td>White</td>
<td>We recommend changing the language to: “...Test results of verification samples collected at the minimum frequency described in §17868.1 must be received by the operator prior to removing compost from the composting operation or facility where it was produced.”</td>
</tr>
</tbody>
</table>

§17868.2. Maximum Metal Concentrations

(a) 115P07  CR&R Environmental Services  Clarke  Pauley  ...we recommend changing the language to: “…Test results of verification samples collected at the minimum frequency described in §17868.1 must be received by the operator prior to removing compost from the composting operation or facility where it was produced.”

(a) 115L07  Synagro  Layne  Baroldi  We recommend adding molybdenum with a limit of 75 mg/kg to the list of metals for testing. This will allow compost to be in compliance with the risk based federal biosolids standards. We are curious as to CalRecycle’s rational for not requiring other non-biosolids composters to meet VAR.

(a) 115L09  Synagro  Layne  Baroldi  Synagro recommends changing the language to: “Sample results collected at the frequency prescribed in section 17867.1(a)(1) and must be available for review by EA at the composting site.”

§17868.3.1. Physical Contamination Limits.
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<tr>
<th>Section/Area</th>
<th>Comment Number</th>
<th>Commenter Affiliation</th>
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<th>Last name</th>
<th>Summary of Comment</th>
<th>CalRecycle Response</th>
<th>Revisions Needed</th>
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<tbody>
<tr>
<td>115B03</td>
<td>California League of Food Processors</td>
<td>Rob Neenan</td>
<td>The testing requirements for physical contaminants outlined in Section 17868.3.1 require that the site operator must receive the sample testing results prior to removing the material from the facility of origin. California League of Food Processors remains concerned that removing food processing by-products quickly to land application sites to avoid internal temperature increases that could cause composting may conflict with the time frame needed to obtain the sample results from the testing laboratory. California League of Food Processors suggests that the regulations be amended to allow facilities some discretion in terms of holding materials pending the receipt of lab results, or allowing land application sites to temporarily stockpile material until the test results are available.</td>
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<tr>
<td>115G02</td>
<td>Santa Barbara County Environmental Health Services</td>
<td>Lisa Sloan</td>
<td>Contaminant sampling requirements in 17868.3.1 for a compostable material handling operation or facility should be left to the discretion of the LEA.</td>
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<td>115P08</td>
<td>CR&amp;R Environmental Services</td>
<td>Clarke Pauley</td>
<td>...we recommend changing the operative date to January 1, 2020.</td>
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<tr>
<td>115108</td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul Relis</td>
<td>We appreciate CalRecycle's change of the maximum physical contamination allowed for finished compostable material from 0.1 to 0.5% of contaminants greater than 4 millimeters, on a dry weight basis.</td>
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<tr>
<td>115Z01</td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul Prestia</td>
<td>CalRecycle should consider adding language in this section that would extend the operative date beyond January 1, 2018, if a reproducible and accurate field test method is not developed by then.</td>
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<tr>
<td>115Z03</td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul Prestia</td>
<td>We appreciate CalRecycle's change of the maximum physical contamination allowed for finished compostable material from 0.1 to 0.5% of contaminants greater than 4 millimeters, on a dry weight basis.</td>
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<tr>
<td>115Q04</td>
<td>Western Placer Waste Management Authority</td>
<td>Eric Oddo</td>
<td>The Western Placer Waste Management Authority previously expressed concerns with the proposal of stricter physical contamination standards for compostable material handling operations. The Western Placer Waste Management Authority appreciates that CalRecycle amended the proposed language and believes diverting a broader range of organic material would result in higher overall diversion levels and a greater reduction in emissions of greenhouse gases.</td>
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<tr>
<td>1151C14</td>
<td>County of Ventura Resource Management Agency</td>
<td>Charles Genkel</td>
<td>Strike the word &quot;dry&quot; in all subsections that refer to contamination by weight.</td>
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<tr>
<td>115T01</td>
<td>County of Solano</td>
<td>Jagjinder Sahota</td>
<td>The LEA agrees with the comments provided by California Conference Directors of Environmental Health regarding the need for development of a field testing methodology for checking physical contaminant and concurs with California Conference Directors of Environmental Health assessment for the need of a phased approach for physical contaminants as described in their December 5, 2014 letter.</td>
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<td></td>
<td>115X01</td>
<td>California Refuse Recycling Council</td>
<td>Kathryn</td>
<td>Lynch &amp; Chandler</td>
<td>We still have concerns about the testing methodology that will be used to determine this standard, as well as the short introduction time in applying the standard...We need time to adjust to this collection and ask that any state standard on contamination of the compostable/digestate material begin January 1, 2020.</td>
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<td></td>
<td>1151N07</td>
<td>Waste Management</td>
<td>Chuck</td>
<td>White</td>
<td>The section should read: “Any sampling conducted to comply with this section shall require a compost sample, as per §17868.1(b).”</td>
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<td></td>
<td>1151E03</td>
<td>Association of Compost Producers</td>
<td>Dan</td>
<td>Noble</td>
<td>We recommend that CalRecycle, through the LEA’s, authorize chipping and grinding operations to either keep the material longer, otherwise, obtain a compost production permit. (Of course, in most instances, to keep the material longer will necessitate a compost permit, anyway).</td>
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<tr>
<td></td>
<td>1151E08</td>
<td>Association of Compost Producers</td>
<td>Dan</td>
<td>Noble</td>
<td>We are proposing test protocols to CalRecycle staff that can be performed in the field, and that are not dry mass based. Once these new tests and protocols are validated, calibrated and approved, the tests could be used in lieu of a dry mass based test. We will continue to seek approval from CalRecycle for these alternative testing methods. CalRecycle should consider referring to these alternative, but approved, test methods in these regulations, this would make this new 0.5% physical contaminant standard operationally workable. We would like to also leave the physical contamination testing method open to further innovation, and believe that an additional process of preparing guidance a document as a companion to this regulation package would provide an ongoing process for implementing these regulations, while providing for continuous cost and quality improvements.</td>
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<td></td>
<td>1151N03</td>
<td>Waste Management</td>
<td>Chuck</td>
<td>White</td>
<td>California Association of Sanitation Agencies appreciates the change in the physical contaminant level in the revised regulations and the delay of their implementation until January 1, 2018. Please confirm that our understanding is correct that CalRecycle plans to work with the industry to develop methods to assess the contaminant level, which the operator can perform in the field. Furthermore, the only time a sample would be sent to a lab is if the EA upon inspection had reason to doubt the operator’s finding. It is also our understanding that CalRecycle will work to ensure there are analytical methods in the lab, which can reliably calculate the contaminant level. Should it not be possible to develop both field and lab methods to determine compliance in time for the 2018 implementation date, we request that the implementation date be delayed until such time as they are available.</td>
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<tbody>
<tr>
<td>1151I09</td>
<td></td>
<td>CR&amp;R Environmental Services</td>
<td>Paul</td>
<td>Relis</td>
<td>We recommend, as above for clarity to refer back to § 17868.1 for verification sampling. Otherwise, this could be interpreted to mean operators are required to sample every load. If field methods of physical contamination limit sampling are developed, § 17868.1 as we propose, will contain reference to a new testing methods guidance document.</td>
<td>(b)</td>
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<tr>
<td>115L10</td>
<td></td>
<td>Synagro</td>
<td>Layne</td>
<td>Baroldi</td>
<td>Synagro suggest that CalRecycle develop such a standardized and repeatable on-site testing protocol in combination with a reasonable containment target level of 1% in a manner that will ensure that health and environmental goals of the regulation are met and the testing can be achievable by the compost industry. In the alternative, physical contamination testing frequency pursuant to section 17867.1(a)(1) is recommended.</td>
<td>(b)</td>
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<tr>
<td>115R04</td>
<td></td>
<td>California Association of Sanitation Agencies</td>
<td>Greg</td>
<td>Kester</td>
<td>We request that the monitoring frequency for this requirement be the same as for metals and pathogens as specified in §17868.1(a)(1 &amp; 2). This would make the monitoring frequency for biosolids composting consistent with federal and state requirements for metals, pathogens, and vector attraction reduction and would be appropriate for physical contaminant levels in biosolids.</td>
<td>(b)</td>
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<tr>
<td>115Z02</td>
<td></td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul</td>
<td>Prestia</td>
<td>(b) The operator of a compostable material handling operation or facility shall sample every 5000 cubic yards of compost produced and determine the percentage of physical contaminants greater than 4 millimeters in the sample product using a field method that provides accurate results and has been approved by the EA. Sampling shall follow the frequency schedule and composite sampling requirements of Section 17868.1. If the compostable material handling operation or facility produce less than 5,000 cubic yards of compost in a 12 period, the operator shall analyze at least one composite sample of compost produced every 12 month period.</td>
<td>(b)</td>
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<td>§17869</td>
<td>General Record Keeping Requirements.</td>
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<td>§17869. General Record Keeping Requirements.</td>
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<td>115X06</td>
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<td>California Refuse Recycling Council</td>
<td>Kathryn</td>
<td>Lynch &amp; Chandler</td>
<td>We consider the fact that there is no guidance for recordkeeping and reporting under chipping and grinding facilities to be an oversight. Please consider including a reporting and recordkeeping requirement with the LEAs, comparable to the other activities.</td>
<td>§17896.1. Authority and Scope.</td>
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<td>1151N12</td>
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<td>Waste Management</td>
<td>Chuck</td>
<td>White</td>
<td>§17896.2. Definitions</td>
<td>§17896.2. Definitions</td>
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<td>(d)</td>
<td>115C15</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>In part, this Subsection states &quot;...However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter (emphasis added).&quot; Such an authority is far reaching and it is limited to the State Legislative body and not the State Administrative body because the proposal would negatively impact a local jurisdiction’s land use decision. As such, the term &quot;conflict&quot; needs to be defined or the statement should be revised to read &quot;...However, no city, county, or special district may promulgate or enforce laws which are less restrictive than the provision of this Chapter.&quot;</td>
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<td>Section/Area Comment Area</td>
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<tr>
<td>Also: 17852(a)(41)</td>
<td>115I07</td>
<td>Waste Less Living</td>
<td>Christine</td>
<td>Lenches-Hinkel</td>
<td>Please consider the inclusion of the following terms and suggested definitions: “in-vessel systems” - “a process in which compostable material is enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost, maintained under uniform conditions of temperature and moisture where air-borne emissions are controlled” – Title 14 CCR, Division 7, Chapter 3.1, Section 17852</td>
<td></td>
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</tr>
<tr>
<td>(a) 115C16</td>
<td></td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Please expand this Subsection to provide definition for the processed mammalian tissue, flesh, organs, hide, blood, bones, and marrow.</td>
<td></td>
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<tr>
<td>(a) 115P11</td>
<td></td>
<td>CR&amp;R Environmental Services</td>
<td>Clarke</td>
<td>Pauley</td>
<td>Distribution Center In-vessel Digestion Operations is placed in Notification Tier with no volume limit. This seems like an opportunity for large “Distribution Center” food waste anaerobic digestion to be unregulated. Recommend Change: “Small Distribution Center In-Vessel Digestion Operations (less than 60 yd³ or 15 tpd)” Distribution center in-vessel digestion operations larger than this should be regulated under “Medium Volume” and “Large Volume” requirements.</td>
<td></td>
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</tr>
<tr>
<td>(a)(6),(a)(13)</td>
<td>115P10</td>
<td>CR&amp;R Environmental Services</td>
<td>Clarke</td>
<td>Pauley</td>
<td>Recommend change the definition to: “Digestate means the solid and/or liquid residual product remaining after organic material has been processed in an in-vessel digester.”</td>
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<tr>
<td>(a)(9)</td>
<td>1151D05</td>
<td>Californians Against Waste</td>
<td>Nick</td>
<td>Lapis</td>
<td>non-land ap issue: ...the regs allow an exclusion for a distribution center digester if the material is backhauled in refrigerated trucks....recommend a broader standard based on minimizing nuisances or something along those lines, but requiring refrigeration seems like an unnecessary cost and source of greenhouse gas emissions.</td>
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<tr>
<td>(a)(12)</td>
<td>1151G02</td>
<td>Baker Commodities Inc.</td>
<td>Doug</td>
<td>Smith</td>
<td>Remove grocery stores in the definition.</td>
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<tr>
<td>(a)(12)(A)</td>
<td>1151C15</td>
<td>County of Ventura Resource Management Agency</td>
<td>Charles</td>
<td>Genkel</td>
<td>Strike the word “dry” in all subsections that refer to contamination by weight in definitions related to feedstock provided to composting operations. Strikeout “of” from subsection (A): “Vegetative food material contains no greater than 1.0 percent physical contaminants by dry weight, and meets the requirements of section 17868.5.”</td>
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<tr>
<td>(a)(15)</td>
<td>1151U03</td>
<td>San Luis Obispo County Integrated Waste Management Authority</td>
<td>William</td>
<td>Worrell</td>
<td>The Integrated Waste Management Authority respectfully requests that the proposed definitions... (15) “Large Volume In-vessel Digestion Facility” means a facility that receives solid waste for digestion in an in-vessel digester. The facility shall not exceed the solid waste daily receiving and storage capacity limitations of the general design of the facility.</td>
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<tr>
<td>(a)(16)</td>
<td>1151U01</td>
<td>San Luis Obispo County Integrated</td>
<td>William</td>
<td>Worrell</td>
<td>The Integrated Waste Management Authority respectfully requests that the proposed definitions...</td>
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<td>Section/Area</td>
<td>Comment Number</td>
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<tr>
<td>Waste Management Authority</td>
<td>(16)</td>
<td>William Worrell</td>
<td>Integrated Waste Management Authority</td>
<td>The Integrated Waste Management Authority respectfully requests that the proposed definitions...</td>
<td>(16) &quot;Limited Volume In-vessel Digestion Operation&quot; means an operation that receives less than 105 tons (or 420 cubic yards) per week of solid waste for digestion in an in-vessel digester. Additionally, the operation shall not exceed the solid waste daily receiving and storage capacity limitations of the general design of the facility (whichever is less).</td>
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<tr>
<td>San Luis Obispo County Integrated Waste Management Authority</td>
<td>(19)</td>
<td>Margaret Clark</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Please refer to the Specific Comment #2 for concerns and recommendations.</td>
<td>(19) &quot;Medium Volume In-vessel Digestion Facility&quot; means a facility that receives less than 700 tons (or 2,800 cubic yards) per week of solid waste for digestion in an in-vessel digester. Additionally, the facility shall not exceed the solid waste daily receiving and storage capacity limitations of the general design of the facility (whichever is less).</td>
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<tr>
<td>Waste Less Living</td>
<td>(a)</td>
<td>Christine Lenches-Hinkel</td>
<td></td>
<td>Please consider the inclusion of the following terms and suggested definitions: &quot;putrescible waste&quot; – &quot;includes any organic material that is NOT in the process of being properly composted resulting in rapid microbial decomposition causing nuisances such as that of odors, vectors, gases or other offensive conditions.</td>
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<tr>
<td>Synagro</td>
<td>(a)</td>
<td>Layne Baroldi</td>
<td>Synagro</td>
<td>Synagro request that CalRecycle include similar language for composters. As written, the regulation will provide undue impacts, both financial and operational, to composters as well as the local LEA's that have to review and approve revised OIMP's, etc.</td>
<td>Synagro request that CalRecycle include similar language for composters. As written, the regulation will provide undue impacts, both financial and operational, to composters as well as the local LEA's that have to review and approve revised OIMP's, etc.</td>
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<tr>
<td>FEED Resource Recovery</td>
<td>(a)</td>
<td>Ryan Begin</td>
<td></td>
<td>FEED Resource Recovery Inc. delivers on-site Anaerobic Digestion solutions: we are asking CalRecycle to include projects like ours on the list of Excluded Activities (§ 17896.5. Excluded Activities) that do not require a full solid waste permit, but require EA Notification, maintaining quarterly inspections. This proposed process would be similar to the permit structure of the Research Notification, which has proven successful for our application.</td>
<td>FEED Resource Recovery Inc. delivers on-site Anaerobic Digestion solutions: we are asking CalRecycle to include projects like ours on the list of Excluded Activities (§ 17896.5. Excluded Activities) that do not require a full solid waste permit, but require EA Notification, maintaining quarterly inspections. This proposed process would be similar to the permit structure of the Research Notification, which has proven successful for our application.</td>
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<tr>
<td>County of Ventura Resource Management Agency</td>
<td>(1151C11)</td>
<td>Charles Genkel</td>
<td></td>
<td>The conversion of 4 yards per ton of anaerobic digestion feedstock is not accurate since the material is predominantly manure, food and vegetative waste. Considering mixed municipal sources of feedstock can have a moisture content of approximately 74%, the average weight of food waste weight is 1,500 pounds per cubic yard. Revise Table 1 to use a conversion of .75 tons per cubic yard of feedstock. As an alternate, eliminate the volume reference.</td>
<td>The conversion of 4 yards per ton of anaerobic digestion feedstock is not accurate since the material is predominantly manure, food and vegetative waste. Considering mixed municipal sources of feedstock can have a moisture content of approximately 74%, the average weight of food waste weight is 1,500 pounds per cubic yard. Revise Table 1 to use a conversion of .75 tons per cubic yard of feedstock. As an alternate, eliminate the volume reference.</td>
<td></td>
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<tr>
<td>IEUA</td>
<td>(a)(1)</td>
<td>Sylvie Lee</td>
<td></td>
<td>We were pleased with the exclusion tier of anaerobic co-digestion material with POTW wastewater.</td>
<td>We were pleased with the exclusion tier of anaerobic co-digestion material with POTW wastewater.</td>
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## CalRecycle Responses to 15-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

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<thead>
<tr>
<th>Section/Area</th>
<th>Comment Number</th>
<th>Commenter Affiliation</th>
<th>First name</th>
<th>Last name</th>
<th>Summary of Comment</th>
<th>CalRecycle Response</th>
<th>Revisions Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)(3)(B)</td>
<td>1151F07</td>
<td>California Compost Coalition</td>
<td>Neil</td>
<td>Edgar</td>
<td>The new proposed language in §17896(a)(3)(B) provides an exclusion for operators who annually sell or give away less than 1,000 cubic yards of compost produced from digestate. It requires that digestate not composted may not be given away or sold. This allows for operators who pay to have digestate – no matter how little that payment – to be land applied without being composted. We would ask that the language be revised to limit the exclusion to include materials for which the operator may pay to land apply the digestate.</td>
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<tr>
<td>(a)(3) Also: (a)(3)(B)</td>
<td>115P12</td>
<td>CR&amp;R Environmental Services</td>
<td>Clarke</td>
<td>Pauley</td>
<td>We see that in this round of proposed edits, that dairy digesters that take in imported agricultural material and vegetative food material are proposed to be excluded from this regulation. We question the merit of this exclusion. As written, there is a loophole that would allow potentially large scale dairy and agricultural material digesters that could accept outside vegetative food material that would not be subject to these regulations. There are several already identified permitting tiers that these operations could fall under based on the proposed volume of feedstock. Why are these types of facilities proposed to be exempt without limit? Are there not equal public health and safety issues associated with these types of operations as with the other in-vessel operations that are proposed to be regulated?</td>
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<tr>
<td>(a)(3)(A)</td>
<td>115X05</td>
<td>California Refuse Recycling Council</td>
<td>Kathryn</td>
<td>Lynch &amp; Ralph</td>
<td>...concerned about the exclusion of in-vessel digestion at dairy or rendering facilities. First, there is no size limit on these operations and no limit on the amount of imported vegetative material they can accept. Second, there is no guarantee that these facilities will be properly regulated as these facility types will have no regulatory oversight by the LEA. We suggest that these operations fall under a regulatory tier based on their proposed volume of operation.</td>
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<tr>
<td>(a)(3)(B)</td>
<td>1151J03</td>
<td>Agriculture Council of California</td>
<td>Emily</td>
<td>Rooney</td>
<td>Delete Section §17896.6 (a)(3)(B) so as not to restrict the amount of material that could be given away or sold annually.</td>
<td></td>
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<tr>
<td>(a)(3)(B)(5)</td>
<td>1151E11</td>
<td>Assoc. of Compost Producers</td>
<td>Dan</td>
<td>Noble</td>
<td>Compost producers and other in-vessel digester operations, that use the same “vegetative food material” feedstock, are not exempt from these regulations. They, therefore, have ongoing LEA oversight, to assure that public health and the environment are protected. However, these above exempted facility types (dairy, rendering) will have no regulatory oversight by the LEA, so how will the state, or more importantly the public, know if these facilities are in compliance?</td>
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<td></td>
<td>1151N05</td>
<td>Waste Management</td>
<td>Chuck</td>
<td>White</td>
<td></td>
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<tr>
<td>(a)(3)(B)</td>
<td>115P13</td>
<td>Clarke Pauley</td>
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### CalRecycle Responses to 15-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

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<tbody>
<tr>
<td>115I13</td>
<td>CR&amp;R Environmental Services</td>
<td>Paul Relis</td>
<td>We see that in-vessel digestion associated with rendering operations are also proposed to be excluded from these regulations. It is not clear why these operations would be categorically excluded from these regulations considering the potential for public health and safety issues arising from in-vessel digestion of rendering material. Imagine the potential odor concerns of a large-scale in-vessel digester operation co-located at a rendering operation? There are several already identified permitting tiers that these operations could fall under based on the proposed volume of feedstock.</td>
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<tr>
<td>(a)(6)</td>
<td>115RO5</td>
<td>California Association of Sanitation Agencies</td>
<td>Greg Kester</td>
<td>We request a change in this section to read as follows: “Other discrete handling activities that are already subject to equally stringent handling requirements under Federal or State law, as determined by the Department in consultation with the EA and other state agencies as appropriate, are excluded. Furthermore, POTWs with dedicated digesters receiving only hauled-in anaerobically digestible materials without co-digesting with wastewater at POTWs, can submit a request for exclusion in accordance with sub (a)(1)(D).</td>
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<tr>
<td>(a)(6)</td>
<td>115I02</td>
<td>East Bay Municipal Utility District</td>
<td>Donald Gray</td>
<td>Other discrete handling activities that are already subject to equally stringent handling requirements under Federal or State law, as determined by the EA in consultation with the Department, are excluded. Furthermore, POTWs with dedicated digesters receiving only hauled-in anaerobically digestible materials without co-digesting with wastewater at POTWs, can submit a request (or exclusion in accordance with Section 17896.6(a)(1)(D).</td>
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<tr>
<td>(a)(6)</td>
<td>115J02</td>
<td>IEUA</td>
<td>Sylvie Lee</td>
<td>17896.6(a)(6) “Other discrete handling activities that are already subject to equally stringent handling requirements under Federal or State law, as determined by the Department in consultation with the EA, are excluded. Furthermore, dedicated In-vessel Digester, including Large Volume In-vessel Digestion Facility operating at a POTW owned property, and receiving only hauled-in anaerobically digestible materials without co-digesting with wastewater, are exempt.”</td>
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</table>

### § 17896.7. Prohibitions.

| (a)(3)       | 115I001        | East Bay Municipal Utility District | Donald Gray | (3) from a source and processed by a facility approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, on a case-by-case basis. |

### § 17896.8. Research In-Vessel Digestion Operations.

| 115I08      | California Compost Coalition | Neil Edgar | We would recommend that the limit of two, two-year periods be removed, with current language retained which leaves the time limit at the discretion of the EA. |


| 115T06      | County of Solano | Jagjinder Sahota | The hyphenation of on-site creates a grammatical error. Consider adding "to" before on-site as: "The operator of an in-vessel digestion operation or facility must take adequate measures to prevent the uncontrolled release of biogas that may have harmful effects to on-site users and the general public". |

### §17896.21. Drainage and Spill Control.
<table>
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<tr>
<th>Section/Area</th>
<th>Comment Number</th>
<th>Commenter Affiliation</th>
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<th>Summary of Comment</th>
<th>CalRecycle Response</th>
<th>Revisions Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret Clark</td>
<td>The proposed requirements need to be expanded to prohibit any off-site drainage without a NPDES Permit.</td>
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<tr>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret Clark</td>
<td>Pursuant to Sections 17852 (a) (27.5) and 17896.2 (a) (20), please identify/describe the boundaries of the community that may potentially be affected.</td>
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<td></td>
<td>115P14</td>
<td>CR&amp;R Environmental Services</td>
<td>Clarke Pauley</td>
<td>Recommend change “shall direct” to “may direct.”</td>
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<td></td>
<td>115I14</td>
<td></td>
<td>Paul Relis</td>
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<tr>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret Clark</td>
<td>Please expand to require each operator to record the quantities/tonnages of incoming waste received and outgoing residual waste, by jurisdiction of origin, and submit the data to the appropriate jurisdictions on a calendar quarterly basis.”</td>
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<td></td>
<td>115P15</td>
<td>CR&amp;R Environmental Services</td>
<td>Clarke Pauley</td>
<td>Digestate is not solid waste, it is a waste derived soil product. Suggest: remove “solid waste” Suggest: &quot;(A) transported to another solid waste facility or operation, or facility that has obtained a Compostable Materials Handling Facility Permit pursuant to section 17854 for disposal, composting, or additional processing; or...&quot; Digestate sampling frequency for metals, pathogens, and physical contamination should mirror the compost regulations.(b) should be revised to reflect this sampling/testing standard in section 17896.58 below.</td>
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<td></td>
<td>115I15</td>
<td></td>
<td>Paul Relis</td>
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<tr>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret Clark</td>
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<td></td>
<td>115P16</td>
<td>CR&amp;R Environmental Services</td>
<td>Clarke Pauley</td>
<td>Recommend change to: &quot;The sampling of compost and digestate produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall occur at the point (1) where the digestate or compost is removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used; or (2) at the site of final curing, blending, processing or composting at a fully permitted solid waste facility (reference codes). Analytical results indicating compliance with sections 17896.59, 17896.60, and 17896.61 shall be received by the operator within 15 business days of digestate being removed from in-vessel digester. Sample results must be submitted within 15 business days of receipt. Reflect the sampling/testing standard in section 17896.58 below.</td>
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### §17896.59. Maximum Metal Concentrations.

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<th>Commenter Affiliation</th>
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<tr>
<td>115P17</td>
<td>CR&amp;R Environmental Services</td>
<td>Clarke</td>
<td>Pauley</td>
<td>Line 33, 43, and 44. Recommend, “Compost and Digestate”.</td>
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<tr>
<td>115I17</td>
<td>Paul Relis</td>
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<td></td>
<td>§17896.59. Maximum Metal Concentrations.</td>
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### §17896.60. Pathogen Reduction.

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<th>Commenter Affiliation</th>
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<tbody>
<tr>
<td>115P18</td>
<td>CR&amp;R Environmental Services</td>
<td>Clarke</td>
<td>Pauley</td>
<td>We are concerned that no efforts were made in the last round of edits to address any of the recommendations on pathogen reduction that are unique to Anaerobic Digestion versus composting.</td>
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<tr>
<td>115I18</td>
<td>Paul Relis</td>
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<td>§17896.60. Pathogen Reduction.</td>
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### §17896.61. Physical Contamination Limits.

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<tbody>
<tr>
<td>115P19</td>
<td>CR&amp;R Environmental Services</td>
<td>Clarke</td>
<td>Pauley</td>
<td>Suggested Revision: This section shall become operative January 1, 2020. Compost and digestate produced at an in-vessel digestion facility shall not contain more than 0.5% by dry weight of physical contaminants greater than 4 millimeters; no more than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters. Compost and Digestate that contains physical contaminants in excess of</td>
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<td></td>
<td>115G03</td>
<td>Santa Barbara County Environmental Health Services</td>
<td>Lisa</td>
<td>Sloan</td>
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<td></td>
<td>1151C12</td>
<td>County of Ventura Resource Management Agency</td>
<td>Charles</td>
<td>Genkel</td>
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<td></td>
<td>1151E05</td>
<td>Association of Compost Producers</td>
<td>Dan</td>
<td>Noble</td>
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§ 18103.1. Filing Requirements.

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<tr>
<td></td>
<td>1151C13</td>
<td>County of Ventura Resource Management Agency</td>
<td>Charles</td>
<td>Genkel</td>
<td>Add section (h) that reads as follows: “If a chipping and grinding operation or facility is observed handling active compost more than three times in a one year period, the operation shall be regulated as a green material composting operation or facility, as set forth in this Chapter. Feedstock piles are excluded from temperature requirements, provided the piles are chipped and ground within same day of receipt.”</td>
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§18302 Written Complaints of Alleged Violations

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<tbody>
<tr>
<td></td>
<td>115Y03</td>
<td>Burke, Williams, &amp; Sorensen, LLP</td>
<td>Timothy</td>
<td>Colvig</td>
<td>Revise Section 18302 to require allow the Enforcement Agency, when investigating and taking action in response to odor complaints, to rely upon all material information, including investigations performed by other</td>
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<td>Section/Area</td>
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<td>(c)</td>
<td>115C21</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Please revise this Subsection to require the EA investigate any odor complaint by the next business day instead of the stated 15 days</td>
</tr>
<tr>
<td>(d)</td>
<td>115C22</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Please expand Line #1 to insert the phrase “but not later than one business day” after “…as soon as practical,”</td>
</tr>
<tr>
<td>(d)</td>
<td>115Q04</td>
<td>Western Placer Waste Management Authority</td>
<td>Eric</td>
<td>Oddo</td>
<td>The Western Placer Waste Management Authority appreciates that Cal Recycle has clarified this section to state that the EA will investigate the complaint as soon as practical to determine whether the operator has failed to minimize odor and that, after investigation, the EA may issue violation at their discretion. We believe this will give the EA the discretion they are afforded throughout the regulation.</td>
</tr>
<tr>
<td>(d)</td>
<td>115Z04</td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul</td>
<td>Prestia</td>
<td>Section 18302(d) implies that the EA will issue a violation to the operator after investigating the odor complaint. This precludes any due process. We request the following change: (d) Upon receipt of an odor complaint related to a compostable material handling operation or facility, the EA shall investigate the complaint as soon as practical to determine that the compostable material handling operation or facility is the source of the odor and that the odor represents a nuisance condition. Based on these findings, the EA may issue a notice of violation for failing to minimize odor. The odor complaint investigation shall include the following: as soon as practical prior to issuing a violation for failing to minimize odor.</td>
</tr>
<tr>
<td>(d)(2)</td>
<td>115C23</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Please expand the paragraph to require the EA to also collect weather related data for the time that the odor complaint was received.</td>
</tr>
<tr>
<td>(d)(3)(B)</td>
<td>115T07</td>
<td>County of Solano</td>
<td>Jagjinder</td>
<td>Sahota</td>
<td>The LEA is concerned with the change in this section. The LEA staff should not only document, but should make a finding on whether he/she believes the odor is offensive.</td>
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</tbody>
</table>

### Solid Waste Facility Permit Application Form

<table>
<thead>
<tr>
<th>Section/Area</th>
<th>Comment Number</th>
<th>Commenter Affiliation</th>
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<tbody>
<tr>
<td>Part 2. E.12</td>
<td>115C24</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Please expand to define the term “commercial sources” to be consistent with the definition provided by AB 341 (2011), as amended.</td>
<td></td>
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</tr>
<tr>
<td>Part 3. (A)(1)(a)</td>
<td>1151M04</td>
<td>Recology</td>
<td>Erin</td>
<td>Merrill</td>
<td>...the term “permitted maximum tonnage” in the Solid Waste Facility Permit Application should apply only to waste materials being brought to a facility for transfer, processing, or disposal and not to materials coming into a facility for beneficial reuse. To include beneficial reuse materials, including those to be used for ADC, road construction, landscaping, unit construction, wet-weather pad construction, and other purposes, in this tonnage limit would put facilities at risk of not being able to accept these materials because they may exceed their maximum daily tonnage.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part 3 A.1.a.2.</td>
<td>115C25</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Please expand line 8 to also include “compost.”</td>
<td></td>
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</tr>
<tr>
<td>Part 3 A.4.</td>
<td>115C26</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Please expand to describe the disposal footprint by latitude and longitude and expressed in degrees, minutes, and seconds, or decimal degrees identifying the boundaries of the waste footprint for existing and/or proposed new areas.</td>
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<tr>
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<tr>
<td>§17381.1.</td>
<td>(d)(2)</td>
<td>County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency</td>
<td>Karilyn</td>
<td>Merlos</td>
<td>The County of San Diego LEA believes 90 days is too short a storage limit for this type of material and recommends either maintaining the one year limit or providing for additional LEA discretion to extend the storage time.</td>
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<td>In addition, the LEA notes that no changes are proposed for storage times of processed debris/materials at Small Volume, Medium Volume or Large Volume CD/Inert Debris Processing Operations/Facilities. Processed material at these operations and facilities may remain onsite for up to one year pursuant to current regulations. This discrepancy presents an issue with consistency of application of standards.</td>
<td></td>
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</tr>
<tr>
<td>§17403.1.</td>
<td>(a)(8)</td>
<td>Sacramento County LEA</td>
<td>Lea</td>
<td>Gibson</td>
<td>14 CCR 17403.1 would exclude co-digestion of anaerobically digestible materials and wastewater at Publicly Owned Treatment Works. The Sacramento County LEA concurs with the proposed exclusion, as these facilities are currently regulated by the Regional Water Quality Control Board.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Hydros Agritech</td>
<td>Patrick</td>
<td>McLaugherty</td>
<td>Section 17403.1. (a) (8) of the proposed regulation largely, if not completely, exempts publically owned water treatment facilities (POTWs). Hydros's systems appear to meet or exceed a higher tier of requirements, being under the requirements of the regional water quality control boards, than those proposed. Hydros suggests that privately owned water treatment systems that treat water from agricultural sources to Title 22 standards be exempted.</td>
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<tr>
<td></td>
<td></td>
<td>SF Environmental</td>
<td>Jack</td>
<td>Macy</td>
<td>We generally support the other proposed changes to the regulations as well as the ability to utilizing existing WWTP anaerobic digester capacity under existing WWTP permits.</td>
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<thead>
<tr>
<th>§17852. Definitions</th>
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<tbody>
<tr>
<td>Also: §1785(c); §1785(a) (13.5); §1785(a) (26)</td>
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<tr>
<td>45B01</td>
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<tr>
<td>Also: §17862.4.1; §17896.30</td>
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<td>45D05</td>
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<td>Section/Area Comment Number</td>
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<td>451R08</td>
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<tr>
<td><a href="5">a</a></td>
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</table>
| [a](5)       | 452R02         | Santa Barbara County Environmental Health Services | Lisa       | Sloan     | The definition of Agricultural Material should be expanded to include manure derived from the boarding and training of animals that may not be used as a food source. Otherwise, such manure would not be eligible to be composted except at the level of a full compostable materials handling facility permit, even though the handling of horse manure, for example, may not impose the level of environmental nuisance as other materials needed to be processed under a full compostable materials handling facility permit. Suggested language follows: (5) “Agricultural Material” means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural,
CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

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<tr>
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<tr>
<td><a href="5">a</a></td>
<td>452X03</td>
<td>Agricultural Council of California</td>
<td>Emily</td>
<td>Rooney</td>
<td>We support the comments made by the Almond Hullers &amp; Processors Association (AHPA) and Paramount Farming Company that the byproducts of tree nut harvesting are not in their nature &quot;odorous,&quot; do not have a high likelihood to cause public nuisances nor do they pose a risk to the public health and the environment. Organic material such as sticks, leaves, hulls and shells should be included in the agricultural material definition.</td>
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<tr>
<td><a href="5">a</a></td>
<td>453I03</td>
<td>West Marin Compost</td>
<td>Jeffrey A.</td>
<td>Creque</td>
<td>5) Why is grape pomace singled out here? What about other fruit pomaces, such as olive or apple? A broader exception for minimally processed agricultural material should be included here.</td>
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<tr>
<td><a href="6">a</a></td>
<td>452I03</td>
<td>Horizon Nut Company</td>
<td>Andrew</td>
<td>Howe</td>
<td>This definition references compost, which is not defined elsewhere in the regulation and falls short of clearly identifying who is subject to this definition. Initially, this definition reads as though it is only applicable to operations intentionally producing compost, however, it is our understanding that CalRecycle intends for this definition to apply to any operation that could produce compost. Clarification is requested.</td>
<td></td>
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<tr>
<td><a href="9">a</a></td>
<td>451Y01</td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul</td>
<td>Prestia</td>
<td>We request the following change to the biosolid definition in Section 17852: “Biosolids” means solids, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and scum or solids removed from primary, secondary, or advanced wastewater treatment processes. Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works. For the purposes of this regulation, biosolids includes sewage sludge co-digested with other anaerobiically digestible material in the same digester, which may undergo thickening, dewatering or drying, and temporary storage at a POTW.”</td>
<td></td>
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<tr>
<td><a href="10">a</a></td>
<td>452I04</td>
<td>Horizon Nut Company</td>
<td>Andrew</td>
<td>Howe</td>
<td>Please clarify that agricultural material such as leaves, sticks, hull and shell that is generated during pre-cleaning activities at food processing operations are not a chipping and grinding operation or facility.</td>
<td></td>
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</tr>
<tr>
<td><a href="10">a</a>[c]</td>
<td>452Q07</td>
<td>Roll Law Group PC on behalf of Paramount Farming Company</td>
<td>Melissa</td>
<td>Poole</td>
<td>...Paramount also asks that CalRecycle expound upon section 17852<a href="10">a</a>[c], the definition of “chipping and grinding operations and facilities.” We are principally concerned that the time limit associated with this subsection is not practical for material that is stockpiled on-site and waiting immediate removal. For instance, it is often the case that biofuel purchasers are limited</td>
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</tbody>
</table>

vermiculotic, or viticultural products, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as "food material" or "vegetative food material" is not agricultural material. Agricultural material includes, including but is not limited to, horse and other animal manures, orchard and vineyard prunings, grape pomace, and crop residues.
CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

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<tr>
<td>(a)(11)</td>
<td>452I05</td>
<td>Horizon Nut Company</td>
<td>Andrew</td>
<td>Howe</td>
<td>It is our understanding that CalRecycle intends for &quot;compostable material&quot; to include any organic material that when accumulated could become active compost. Stored food processing byproducts exposed to ambient summer temperatures in the Central Valley could near or exceed the temperature threshold of 122 degrees Fahrenheit as referenced in the definition of active compost and, therefore, might be considered active compost by virtue of ambient temperatures. Please clarify, as we do not believe food processing byproducts awaiting shipment to beneficial reuses to threaten the public health or environment that this regulation is intended to protect.</td>
<td></td>
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<tr>
<td>(a)(12)</td>
<td>45B03</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>The proposed expansion of &quot;compostable materials handling operation or facility&quot; definition to include &quot;vegetative food material composting facilities&quot; may not be allowable since it expands the requirements of AB 1826.</td>
<td></td>
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</tr>
<tr>
<td>(a)(13.5)</td>
<td>45W01</td>
<td>Synagro</td>
<td>Layne</td>
<td>Baroldi</td>
<td>Synagro supports the requirement that digestate be composted at a permitted operation or facility, unless otherwise allowed an alternative use by a state agency (like the Department of Food and Agriculture).</td>
<td></td>
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</tr>
<tr>
<td>(a)(13.5)</td>
<td>452P02</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Recommend: “Digestate” means the solid and/or liquid product remaining after organic material has been processed in an in-vessel digester, as defined in section 17896.2(a)…</td>
<td></td>
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</tr>
<tr>
<td>(a)(13.5)</td>
<td>45JQ02</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
<td>Please explain why the digestate may only be handled at a facility that has obtained a Compostable Materials Handling Facility Permit and why the digestate cannot be handled at a Compostable Handling Operation sites such as Green Material Composting Operation or Biosolids Composting Operations at POTW.</td>
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</tr>
<tr>
<td>(a)(15/A)</td>
<td>17855(a)(9)</td>
<td>Rol Law Group PC on behalf of Paramount Farming Company</td>
<td>Melissa</td>
<td>Poole</td>
<td>Paramount believes that the beneficial uses of agricultural and food processing by-products, which include the use of the material as slope stabilizers and weed suppression as originally included in the exemption under section 17855(a)(9), should continue to be included as an exempted activity in the final Compostable Materials Regulation.</td>
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<tr>
<td>(a)(15)</td>
<td>452W06</td>
<td>Dairy Cares</td>
<td>JP</td>
<td>Catviela</td>
<td>These are fairly low numbers (referring to subsection (2) and (3)), implying that many dairies would not be excluded from regulation by this section.</td>
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</tr>
<tr>
<td>(a)(15)</td>
<td>452X04</td>
<td>Agricultural Council of California</td>
<td>Emily</td>
<td>Rooney</td>
<td>We share AHPA’s comments that, “Storage of almond processing byproducts at a facility or site where they are handled in the manufacture and distribution of animal feed, animal bedding, biomass feedstock or biofuel feedstock should not be held to any of volume and time based storage restrictions in Section 17852(a)(15) of the proposed regulations.”</td>
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<tr>
<td>(a)(15)</td>
<td>452X05</td>
<td>Agricultural Council of California</td>
<td>Emily</td>
<td>Rooney</td>
<td>California’s dairy industry is among the most regulated industry in agriculture, so we respectfully request CalRecycle to consider the state and federal regulations undertaken by dairy, prior to adding another set of potentially conflicting rules.</td>
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<tr>
<td>(a)(15)(A)</td>
<td>451S02</td>
<td>City of San Diego, Local Enforcement Agency</td>
<td>William E.</td>
<td>Prinz</td>
<td>Does this definition apply only to permitted facilities and operations or does it also apply to illegal dumping at unpermitted locations such as vacant property or agricultural land?</td>
<td></td>
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</tr>
<tr>
<td>(a)(15)(D)</td>
<td>453H03</td>
<td>Sonoma County Dept. of Health Services</td>
<td>Jennifer</td>
<td>Lyle</td>
<td>Biosolids require additional feed stocks and handling to meet the definition of active compost. As defined in the regulations, permits would not be required for biosolids field spreading activities. Biosolids are often stored at locations other than POTWs in accordance with land use regulation. The regulations are not clear concerning storage of biosolids at a non-Publicly Owned Treatment Plant site. We suggest that 17855 Excluded Activities (a) (5) (B) be revised to add language…</td>
<td></td>
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</tr>
<tr>
<td>(a)(20)</td>
<td>452E06</td>
<td>Integrated Waste Management Consulting, LLC</td>
<td>Matthew</td>
<td>Cotton</td>
<td>I would suggest removing the new, proposed (20)(A) definition and keeping the current definition of food material. CalRecycle has presented no evidence that allowing food material at a lower tier composting facility increases the risk to the public health, safety, and the environment. There is no scientific basis to suggest that food material cannot be handled, nuisance-free at any scale (The impacts of compost facilities, particularly odor, are subjective and probably have significantly more to do with surrounding land use than feedstocks or scale). CalRecycle has a robust infrastructure for approving and enforcing the existing Title 14 and Title 27 regulations. If we are to meet the goals and intent of AB 1826, as well as the larger 75% recycling goal, jurisdictions must have as many possible avenues for recycling or composting food scraps as possible.</td>
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<tr>
<td>(a)(20)</td>
<td>452106</td>
<td>Horizon Nut Company</td>
<td>Andrew</td>
<td>Howe</td>
<td>Horizon supports clarifying the definition of food material to include commercial or institutional prepared food waste and specifically exclude post-harvest, pre-manufacturing food processing byproducts.</td>
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<tr>
<td>(a)(20)</td>
<td>452201</td>
<td>Western Agricultural Processors Association</td>
<td>Chris</td>
<td>McGlothlin</td>
<td>This section needs to be modified to be made clear that byproducts from nut hulling, shelling and processing are not regulated materials, unless they are being handled in a deliberate manner for composting. This material would include, but is not limited to sticks, leaves, hulls and shells.</td>
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<tr>
<td>(a)(20)</td>
<td>453A02</td>
<td>California Cotton Ginners and Growers Association</td>
<td>Chris</td>
<td>McGlothlin</td>
<td>This section needs to be modified to be made clear that byproducts from ginning cotton are not regulated materials, unless they are being handled in a deliberate manner for composting. This material would include, but is not limited to sticks, leaves, seeds and lint.</td>
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<tr>
<td>(a)(20)(A)</td>
<td>451S08</td>
<td>City of San Diego, Local Enforcement Agency</td>
<td>William E.</td>
<td>Prinz</td>
<td>For example does this preclude spoiled green salad with dressing (fats or oils) added from being a Vegetative Food Material?</td>
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<tr>
<td>(a)(20)(A)</td>
<td>453G11</td>
<td>Californians Against Waste</td>
<td>Nick</td>
<td>Lapis</td>
<td>The definition of vegetative food material is unnecessarily restrictive.</td>
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<tr>
<td>(a)(20)(A)</td>
<td>453G12</td>
<td>Californians Against Waste</td>
<td>Nick</td>
<td>Lapis</td>
<td>These regulations should at least address de minimus quantities of other materials that might inadvertently end up with the vegetative food material.</td>
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</tr>
<tr>
<td>(a)(20)(A)</td>
<td>453G13</td>
<td>Californians Against Waste</td>
<td>Nick</td>
<td>Lapis</td>
<td>A composter handling residential materials might only ask for vegetative materials, but they might inadvertently receive small quantities of materials that do not meet the very narrow definition in the regulation. Even salad dressing, tossed in along with the remnants of a salad, would be a violation.</td>
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</tr>
<tr>
<td>(a)(20)(A)</td>
<td>453H04</td>
<td>Sonoma County Dept. of Health Services</td>
<td>Jennifer</td>
<td>Lyle</td>
<td>This definition states: &quot;...no salts, preservatives, fats, or oils or adulterants shall be added.&quot; Additional testing methodology is needed for the EA to assess levels of salts, preservatives, fats in incoming vegetative food material feedstock.</td>
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<tr>
<td>(a)(21)</td>
<td>451M04</td>
<td>Sonoma Compost</td>
<td>Will</td>
<td>Balck</td>
<td>Not currently earmarked for revision is the 1% contamination limit for clean green facilities. In order to maximize diversion of organics in the State we recommend that this will be revised to read 1% after contaminant removal processes at the compost facility before the material is being processed (ground).</td>
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<tr>
<td>451N04</td>
<td>Napa Recycling &amp; Waste Services</td>
<td>Tim</td>
<td>Dewey-Mattia</td>
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<td>451W04</td>
<td>Northern Recycling &amp; Waste Services, LLC</td>
<td>Jennifer</td>
<td>Arbuckle</td>
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<tr>
<td>452A04</td>
<td>Sonoma County Waste Management Agency</td>
<td>Henry J.</td>
<td>Mikus</td>
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<td>451K04</td>
<td>CT Bioenergy</td>
<td>Chris</td>
<td>Trott</td>
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<tr>
<td>(a)(21)</td>
<td>451Z03</td>
<td>Recology</td>
<td>Erin</td>
<td>Merrill</td>
<td>Finally, the existing regulations propose a 1.0% contamination limit for green material. Recology recommends that both green material and food material to be used as compost feedstock be held to a 3.0% contamination limit.</td>
<td></td>
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</tr>
<tr>
<td>(a)(21)</td>
<td>453B03</td>
<td>Los Angeles County Department of Public Health, Solid Waste Management Program</td>
<td>Shikari</td>
<td>Nakagawa-Ota</td>
<td>We recommend paper products be removed as a feedstock. It will be very difficult for the LEA to quantify and determine the 1% contamination by weight. Please define the term “paper products” if it will be handled as a feedstock.</td>
<td></td>
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</tr>
<tr>
<td>(a)(24.5)</td>
<td>Also: (a)(10)(A)(2)</td>
<td>Sacramento County LEA</td>
<td>Lea</td>
<td>Gibson</td>
<td>Require the generator of the material to complete the testing prior to sending the material offsite for land application. 14 CCR 17852(a)(10)(A)(2) could also be altered to allow the LEA to grant storage extensions beyond seven days for material awaiting lab results at chip and grind facilities. It would be the Operator’s responsibility to demonstrate to the LEA that the material could be stored and managed to prevent nuisance conditions and comply with the State Minimum Standards.</td>
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<tr>
<td>(a)(24.5)</td>
<td>45W02</td>
<td>Synagro</td>
<td>Layne</td>
<td>Baroldi</td>
<td>The land application of “Stabilized Compost” products containing biosolids are already regulated by the State Water Resource Control Board’s Biosolids General Order requirements (General Order No. 2000-10-DWQ) and individual WDRs. Such intent to only regulate “Compostable Materials” should be clearly distinguished from this section being misinterpreted to apply to “Finished Compost”.</td>
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<tr>
<td>(a)(24.5)</td>
<td>45W05</td>
<td>Synagro</td>
<td>Layne</td>
<td>Baroldi</td>
<td>This comment is only being made if the proposed language in Section 17582(a) 24.5 is intended by CalRecycle to limit land application of “Stabilized Compost”. Please note that Synagro does not believe that it is the intent of CalRecycle to have Section 17582(a) 24.5 apply to “Stabilized Compost”. If Section 17582(a) 24.5 applies to “Stabilized Compost”, restricting its use on a site to once in a 12 month period; and requires CDFA approval of all land application activities, it will have an unintended chilling effect on the continued recycling of compost products in California in direct contradiction of the State’s policy to encourage such recycling activities.</td>
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<tr>
<td>(a)(24.5)</td>
<td>45W06</td>
<td>Synagro</td>
<td>Layne</td>
<td>Baroldi</td>
<td>The proposed CalRecycle regulation also appears to be inconsistent with many provisions found in the existing federal, SWRCB, and in some cases local regulations governing the treatment, management, and use of biosolids compost that adequately limit application to the agronomic nitrogen needs of the crop to be grown, and since more than one crop can be grown on a site in California per calendar year, this limit should be deleted in this Section and modified to: “application of biosolids based finished compost shall be limited to the nitrogen needs of the crop to be grown based on the crop year.” Section 17582(a) 24.5 should only apply to “Compostable Materials” as defined in the proposed text.</td>
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<tr>
<td>(a)(24.5)</td>
<td>451A01</td>
<td>IEDA</td>
<td>Kelly</td>
<td>Astor</td>
<td>As several industry representatives have repeatedly and consistently stated during the informal process of vetting these regulatory changes, such a standard [.1%] is not attainable. Unless it is replaced with a contamination level that is achievable, it will mean the end of land application of compostable materials.</td>
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<tr>
<td>(a)(24.5)</td>
<td>451A02</td>
<td>IEDA</td>
<td>Kelly</td>
<td>Astor</td>
<td>We respectfully urge that the draft regulation be amended to incorporate a 1% contamination limit for land application.</td>
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<tr>
<td>(a)(24.5)</td>
<td>451C01</td>
<td>California Farm Bureau Federation</td>
<td>Cynthia</td>
<td>Cory</td>
<td>Add a subdivision C: (C) A person engaged in a line of agricultural business as described in Sector 11, Codes 111 to 113, inclusive of the North American Industry Classification System (NAICS) who file Schedule F, Profit or Loss from Farming, can apply alternative application frequencies and depths of compostable material to their agricultural operations, but shall not exceed an average of 12 inches in total, accumulated depth per year. The compostable material must meet the physical contaminant, maximum metal concentrations and pathogen density limits required in (A) 1-3 above. Upon receipt of a complaint regarding land application of compostable material on an agricultural operation, an EA may request proof that the person who owned the land or authorized the land</td>
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<tr>
<td>(a)(24.5)</td>
<td>451CO2</td>
<td>California Farm Bureau Federation</td>
<td>Cynthia</td>
<td>Cory</td>
<td>In discussions with the composting industry, it has been brought to our attention that meeting the 0.1% by weight of physical contaminants is not attainable.</td>
<td>application filed Schedule F within the current tax period and the compostable material met the requirements in (A) 1-3.</td>
<td></td>
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<tr>
<td>(a)(24.5)</td>
<td>451CO3</td>
<td>California Farm Bureau Federation</td>
<td>Cynthia</td>
<td>Cory</td>
<td>A standardization and repeatable lab protocol in combination with a reasonable containment target level of 1% target will meet the health and environmental goals of the regulation and be achievable by the industry.</td>
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<tr>
<td>(a)(24.5)</td>
<td>451H05</td>
<td>CRRC</td>
<td>Ralph</td>
<td>Chandler</td>
<td>We recommend the formation of an industry committee or working group to assist CalRecycle in addressing the aforementioned issues, and others brought to your attention by stakeholders.</td>
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<tr>
<td>(a)(24.5)</td>
<td>451M01</td>
<td>Sonoma Compost</td>
<td>Will</td>
<td>Bakx</td>
<td>We believe that the currently-proposed physical contamination limits are unjustified, unachievable (given current and foreseeable compost market conditions and available technology), and will cause significant harm to the financial health of composters statewide...While we would prefer that CalRecycle continue to allow market forces to dictate the level of physical contaminants, we are supportive of a phased—inde standard that allows time for jurisdictions and operators to adjust to the significant potential cost increases you have projected in your economic analysis. Specifically, while we agree that a 0.1% limit on physical contaminants may be achievable for green material, we do not believe that a limit below 0.5% can be met consistently, particularly given the increasing levels of food waste that are, and will be, used as feedstock.</td>
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<tr>
<td>(a)(24.5)</td>
<td>451N01</td>
<td>Napa Recycling &amp; Waste Services</td>
<td>Tim</td>
<td>Dewey-Mattia</td>
<td>While direct land application of organics with a 0.1% contaminant may seem appropriate, it is remarkable that that same material would not be marketable anymore when processed more responsible at a compost facility where the feedstock will shrink approximately 50% and the operator would now be left with a compost that could now have a 0.2% contaminant rate. Furthermore, while compost is agronomically applied 1/30 – 1/6 of an inch (equivalent to 2–10 tons per acre), agronomic rates for direct land application have been 1–2 feet, up to 720 times as high. Explicitly, this means that up to 720 times the volume of contaminants may be applied to the field in one such application.</td>
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<td>(a)(24.5)</td>
<td>451W01</td>
<td>Northern Recycling &amp; Waste Services, LLC</td>
<td>Jennifer</td>
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<td>(a)(24.5)</td>
<td>452A01</td>
<td>Sonoma County Waste Management Agency</td>
<td>Henry J.</td>
<td>Mikus</td>
<td>We support the structure that is proposed by the California Compost Coalition whereby in 2020 clean green facilities will meet the .01% and mixed</td>
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<td>(a)(24.5)</td>
<td>451K02</td>
<td>CT Bioenergy</td>
<td>Chris</td>
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<td>While direct land application of organics with a 0.1% contaminant may seem appropriate, it is remarkable that that same material would not be marketable anymore when processed more responsible at a compost facility where the feedstock will shrink approximately 50% and the operator would now be left with a compost that could now have a 0.2% contaminant rate. Furthermore, while compost is agronomically applied 1/30 – 1/6 of an inch (equivalent to 2–10 tons per acre), agronomic rates for direct land application have been 1–2 feet, up to 720 times as high. Explicitly, this means that up to 720 times the volume of contaminants may be applied to the field in one such application.</td>
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<td></td>
<td>451N03</td>
<td>Napa Recycling &amp; Waste Services</td>
<td>Tim</td>
<td>Dewey-Mattia</td>
<td>materials .5% contaminant limits. Note that Caltrans just adopted a 0.5% contaminant spec for their materials, which would create uniformity amongst agencies.</td>
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<td></td>
<td>453K03</td>
<td>Marin Sanitary Services</td>
<td>Kimberly</td>
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<td></td>
<td>453I02</td>
<td>West Marin Compost</td>
<td>Jeffrey A.</td>
<td>Creque</td>
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<tr>
<td></td>
<td>(a)(24.5)</td>
<td>451Q03</td>
<td>California Association of Sanitation Agencies</td>
<td>Greg</td>
<td>Kester</td>
<td>A note is included at the end of this section stating that biosolids compost is excluded from this section. It is unclear why the language is included as a note but we recommend it be included directly in the rule language. Furthermore, it should be expanded to explicitly state that biosolids and all finished products that contain biosolids as a feedstock are regulated elsewhere under federal and state law.</td>
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<tr>
<td></td>
<td>(a)(24.5)</td>
<td>451R07</td>
<td>California League of Food Processors</td>
<td>Rob</td>
<td>Neenan</td>
<td>Regarding the definition of land application, CLFP recommends that CalRecycle use the definition already contained in the Food and Agriculture Code (section 14501), which states that &quot;land application means the application of compostable material, excluding food material or mixed solid waste, for the following applications: to forest, agricultural, and range land at agronomic rates&quot; with the understanding that &quot;food material&quot; applies to restaurant or institutional prepared food waste, not commercial food processing byproducts.</td>
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<tr>
<td></td>
<td>(a)(24.5)</td>
<td>451S03</td>
<td>City of San Diego, Local Enforcement Agency</td>
<td>William E.</td>
<td>Prinz</td>
<td>The LEA is supportive of this restriction that compostable material applied to land shall contain no more than 0.1% by weight of physical contaminants greater than 4 millimeters as specified in 17868.3.1. This will allow only &quot;clean&quot; materials to be applied to land for agricultural purposes. However, enforcement of this definition will be a challenge to determine the small fraction of physical contaminants (see comments above on &quot;Disposal of Compostable Materials&quot;). Another caveat to this strict contamination load may be an increase in illegal dumping of heavily contaminated compostable material that is not economical to clean up. However, the LEA believes this strict contamination limit is necessary to prevent environmental impacts associated with spreading contaminated materials on land and the accumulative effects of this practice.</td>
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CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

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<tr>
<td>451Y06</td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul Prestia</td>
<td>As proposed in regulatory notes under Section 17852(a)(24.5), the following activities or compostable products would not be subject to these new land application requirements: 1. The use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division. 2. The use of compostable material for landscaping on a parcel of land 5 acres or less in size. 3. The final disposition of compostable material spread on land by a Federal, State, or local government entity, provided the material is applied in accordance with applicable law. 4. Beneficial reuse at a solid waste landfill pursuant to the 27 CCR Section 20686. 5. Beneficial reuse of biosolids pursuant to 40 CFR Part 503 and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-specific Waste Discharge Requirements or other issued requirements from the State Water Resources Control Board or a Regional Water Quality Control Board having jurisdiction. In addition, as specified in section 17850(d), nothing in these standards shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all authorizations and complying with all requirements of other regulatory agencies, including but not limited to, local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.</td>
<td>We believe that these regulatory notes should be actual exclusions. Notes do not carry the same regulatory weight as exclusions.</td>
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<tr>
<td>451Y07</td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul Prestia</td>
<td>We request a 0.5 percent contamination limit for land applied compostable material. CalRecycle can evaluate the effectiveness of a 0.5 percent contamination limit over time and determine at some point in the future if the limit should be reduced further. Consideration should be given to phasing in the new contamination requirement over time to preserve the existing recycling outlets for curbside greenwaste for an interim period. We request that Section 17852 be modified as follows: 1. The compostable material does not contain more than 0.5% by weight of physical contaminants greater than 4 millimeters as specified in section 17868.3.1.</td>
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<tr>
<td>452I07</td>
<td>Horizon Nut Company</td>
<td>Andrew Howe</td>
<td>Horizon Nut supports the explicit exclusion of agricultural material, with the above noted changes, from the requirements for land application. The land application requirements appear to be directed primarily toward biosolids, yet capture “compostable material”, which as discussed above is too broadly defined.</td>
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<tr>
<td>(<a href="24.5">a</a>)</td>
<td>452K03</td>
<td>Waste Management</td>
<td>Chuck</td>
<td>White</td>
<td>In summary, the 12-inch limit on accumulated applied materials and once per year limit on application rates should be stricken from the proposed regulations. Instead, the regulations should require the application of compostable materials at agronomically/ horticulturally appropriate rates. Normal oversight by the EA will allow enforcement if the application rates or frequency cannot be justified.</td>
</tr>
<tr>
<td>(<a href="24.5">a</a>)</td>
<td>452Q05</td>
<td>Roll Law Group PC on behalf of Paramount Farming Company</td>
<td>Melissa</td>
<td>Poole</td>
<td>...the newly proposed section 17852(a)(24.5) defining “land application,” severely limits the application options that agricultural entities have, and would impose overly prescriptive regulations on farms and facilities choosing to use agricultural and food processing by-product material in this manner. By limiting land application to two rigid pathways, it may result in fewer and fewer establishments reusing this material in a beneficial manner.</td>
</tr>
<tr>
<td>(<a href="24.5">a</a>)</td>
<td>452X06</td>
<td>Agricultural Council of California</td>
<td>Emily</td>
<td>Rooney</td>
<td>We agree with and support the comments and proposed recommendations made by the California League of Food Processors (CLFP) and we think it is important to reiterate some main points. “Land applied food processing byproducts do not include packaging materials, trash, metals, glass, or toxic materials. The byproducts are solid or semi-solid organic residuals that do not contain wastewater, municipal green waste, restaurant or institutional prepared food waste, or municipal biosolids. The material is segregated by the processors from other waste streams specifically for land application or animal feed. The material is not stored or stockpiled at processing plants for extended periods of time and is not held under time and temperature conditions that would constitute a composting activity. Land application of food processing byproducts is not a waste disposal activity, and it is not a composting activity.”</td>
</tr>
<tr>
<td>(<a href="24.5">a</a>)</td>
<td>453G04</td>
<td>Californians Against Waste</td>
<td>Nick</td>
<td>Lapis</td>
<td>The standard (physical contamination limit) must be at least twice as strict for land application of uncomposted materials.</td>
</tr>
<tr>
<td>(<a href="24.5">a</a>)</td>
<td>PHI03</td>
<td>Agricultural Council of California</td>
<td>Rachel</td>
<td>O’Brien</td>
<td>And we believe that the revisions -- the revised definitions of agricultural materials -- disposal, land application -- you know, may have the unintended impacts of beneficial uses of agricultural byproducts if the rules were to go forward as proposed.</td>
</tr>
<tr>
<td>(<a href="24.5">a</a>(A))</td>
<td>452E01</td>
<td>Integrated Waste Management Consulting, LLC</td>
<td>Matthew</td>
<td>Cotton</td>
<td>I am pleased and wholeheartedly support that CalRecycle is proposing to adopt the provisions of proposed 17852(a)(24.5)(A). However, it is unclear from the “Proposed Regulation Text” exactly how and where these standards will be enforced. I would hope and expect that the standards would be similar to, if not greater than, those for a permitted compost facility, that is, all analytical tests are conducted, and results received prior to material leaving the facility, per every 5,000 cubic yards, properly sampled to assure a random and representative sample, and available at all times for LEA inspection.</td>
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<tr>
<td>(a)<a href="A">24.5</a></td>
<td>452202</td>
<td>Western Agricultural Processors Association</td>
<td>Chris</td>
<td>McGlothlin</td>
<td>This section should be modified to exclude nut hulling and processing from restrictions due to contaminant levels of pathogens, metal concentrations and spread compostable material depth.</td>
</tr>
<tr>
<td>(a)<a href="A">24.5</a></td>
<td>453A03</td>
<td>California Cotton Ginners and Growers Association</td>
<td>Chris</td>
<td>McGlothlin</td>
<td>This section should be modified to exclude cotton plant discing from restrictions due to contaminant levels of pathogens, metal concentrations and spread compostable material depth.</td>
</tr>
<tr>
<td>(a)<a href="A">24.5</a></td>
<td>453B04</td>
<td>Los Angeles County Department of Public Health, Solid Waste Management Program</td>
<td>Shikari</td>
<td>Nakagawa-Ota</td>
<td>It states the compostable material does not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. Please explain how it can be quantified and if training and appropriate tools will be available for the LEA. Please clarify if the weight is based on wet or dry physical contaminants.</td>
</tr>
<tr>
<td>(a)<a href="A">24.5</a></td>
<td>453B05</td>
<td>Los Angeles County Department of Public Health, Solid Waste Management Program</td>
<td>Shikari</td>
<td>Nakagawa-Ota</td>
<td>Do CalRecycle and CDFA have a protocol/procedure or MOU regarding the arrangement on the agronomically beneficial land application? If this material is agronomically beneficial, will a jurisdictional area that brings in the material get diversion credit?</td>
</tr>
<tr>
<td>(a)<a href="A">24.5</a></td>
<td>451F03</td>
<td>Zanker</td>
<td>Greg</td>
<td>Ryan</td>
<td>We are fully supportive of the current language related to land application. Land application continues to undermine potential feedstock sources for the organics processing industry, while increasing the potential for spreading pathogens, physical contamination, and invasive pests throughout the state.</td>
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<td>Brian</td>
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<td>The proposed amendment, defining the composition of compostable material that is suitable for “land application,” is onerous in that its required level of physical contaminates is unachievable.</td>
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<td>Rattie</td>
<td>We support your efforts to regulate the heretofore-unregulated land application of uncomposted materials.</td>
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<td>The statement “contaminants greater than 4 millimeters” should not imply that the compostable material should be ground to a size 4 mm or less. We recommend eliminating the particle size limit in these regulatory wording, especially since glass particles less than 4 mm, would not be measured, and we would recommend that they should be.</td>
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<tr>
<td><a href="24.5">a</a>(A)4</td>
<td>45D04</td>
<td>Sacramento County LEA</td>
<td>Lea</td>
<td>Gibson</td>
<td>Negative impacts and its unfair regulatory advantage over more beneficial composting.</td>
<td>Remove the requirement for LEA review and defer the responsibility for document review, approval of alternate land application methods, and enforcement at land application sites to CDFA and/or RWQCB. CDFA has the appropriate expertise and training to evaluate proposed alternative agronomic rates. Alternatively, add land application sites to the regulatory tiers and promulgate additional regulations that will impose State Minimum Standards, instead of incorporating the standards into the definition of Land Application.</td>
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</tr>
<tr>
<td><a href="24.5">a</a>(A)4</td>
<td>451E02</td>
<td>Athens Services</td>
<td>Brian</td>
<td>Johsz</td>
<td>The proposed amendment, requiring that compostable material would be prohibited from being used more than one time during a twelve month period, places an unnecessary burden on those that would use compost for agricultural purposes and are pursuing the highest crop yields.</td>
<td></td>
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</tr>
<tr>
<td><a href="24.5">a</a>(A)4</td>
<td>451H04</td>
<td>CRRC</td>
<td>Ralph</td>
<td>Chandler</td>
<td>We suggest that a person engaged in agricultural business may apply alternative application frequencies and depths of compostable material to their agricultural operations, but shall not exceed an average of 12 inches in total accumulated depth per year.</td>
<td></td>
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</tr>
<tr>
<td><a href="24.5">a</a>(A)4</td>
<td>451P03</td>
<td>Waste Connections, Inc.</td>
<td>Jody L.</td>
<td>Snyder</td>
<td>WCI believes compostable material should be applied at agronomic rates supported by field data not the 12 inches in total, accumulated depth sited in the draft rule.</td>
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</tr>
<tr>
<td><a href="24.5">a</a>(A)4</td>
<td>452P05</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Land Application (A) frequency and depth: we believe the limit of 12 inches and 12 months (presumably on non-agriculturally zoned land) is arbitrary and requires more study. The requirement of EA to explicitly consult with RWQCB to approve alternative application depths and frequency is not necessary; this consultation should be at the EA's discretion.</td>
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<tr>
<td><a href="24.5">a</a>(A)4</td>
<td>453C04</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
<td>§17852 (a)(24.5)(A)(5) requires that the operator provide verification of compliance with sampling and testing requirements for metals, pathogens, and physical contaminants; this section is vague and needs to be modified to include specific language that any and all sampling and testing results related to compliance with this subsection be subject to the General Record Keeping Requirements found in §17869. We understand that chipping and grinding operations and facilities have restrictive time limits for the storage of materials onsite; however, this time limit need not impact their ability to receive and retain lab results after tested materials have shipped, in order to verify compliance, as noted above, when needed.</td>
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<tr>
<td><a href="24.5">a</a>(A)4</td>
<td>453G08</td>
<td>Californians Against Waste</td>
<td>Nick</td>
<td>Lapis</td>
<td>CalRecycle should prohibit material from being spread on agricultural land prior to getting the lab results back.</td>
<td></td>
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<tr>
<td><a href="24.5">a</a>(B)</td>
<td>451R03</td>
<td>California League of Food Processors</td>
<td>Rob</td>
<td>Neenan</td>
<td>The key is applying the material at an established agronomic rate based on the material applied, the soil type at the site, and the crop that is grown there. In many cases multiple applications of material will be permissible, in some cases a single application may fulfill the agronomic rate. This is a site-</td>
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<tr>
<td>(a)(24.5)(B)1</td>
<td>452P07</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Physical contamination limit (B) for land applied material of 0.1% is too onerous. Recommend change to 1% with a phase in as recommended in general comments.</td>
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<tr>
<td></td>
<td>453C06</td>
<td>CR&amp;R</td>
<td>Clarke</td>
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<tr>
<td>(a)(24.5)(B)3</td>
<td>452P06</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Verification of Compliance: This is unclear as to the form of verification of compliance- please specify the form of verification.</td>
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<td>453C05</td>
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</tr>
<tr>
<td>(a)(26)</td>
<td>45B04</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>The existing “Mixed Material” definition refers to “non-organics” and “plastics”. These terms need to be clearly defined for the purpose of “Compostable Materials Handling Operations and Facilities Regulatory Requirements,” and “In-Vessel Digestion Operations and Facilities Regulatory Requirements.”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(26)</td>
<td>452K04</td>
<td>Waste Management</td>
<td>Chuck</td>
<td>White</td>
<td>Other than the requirement to acquire a full solid waste permit, the only other requirement in the proposed regulations appears related to sampling. Any fully permitted facility receiving mixed materials must take one composite sample every 5000 yards of compost produced. We are not aware of any other limitations and restrictions related to the acceptance of “mixed materials” – other than the final compost must meet contaminant levels specified in the regulations. We understand that any materials not meeting these final requirements must be managed for disposal. WM would appreciate further clarification and confirmation that we are interpreting these provisions correctly.</td>
<td></td>
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</tr>
<tr>
<td>(a)(27.5)</td>
<td>45F03</td>
<td>California Air Pollution Control Offices Association (CAPCOA)</td>
<td>Alan W.</td>
<td>Abbs</td>
<td>Remove the “entire community or neighborhood” provisions from the definition and include the following language from HSC Section 41700: “discharging quantities of air contaminants or other material that cause injury, detriment, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property”.</td>
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<tr>
<td>(a)(27.5)(A)</td>
<td>451E03</td>
<td>Athens Services</td>
<td>Brian</td>
<td>Johsz</td>
<td>The proposed amendment, defining a “nuisance,” is arbitrary and should be defined.</td>
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<td>(a)(27.5)(A)(B)</td>
<td>45B05</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Please expand the definition of “Nuisance” to specifically define the term “Entire Community” and factors considered to define the term.</td>
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<td>(a)(27.5)(A)(B)</td>
<td>45B06</td>
<td>Los Angeles County Solid Waste</td>
<td>Margaret</td>
<td>Clark</td>
<td>It is strongly recommended the proposed definition (“nuisance”) be revised by deleting Subparagraph “B” and deleting the word “and” at the end of the Subparagraph “A.” The foregoing is also applicable to Section 17896.2, Subsection (a) (18).</td>
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<td>(a)(27.5)(B)</td>
<td>453B06</td>
<td>Shikari Nakagawa-Ota</td>
<td>Please define the term “entire community.”</td>
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<tr>
<td>(a)(27.5)(B)</td>
<td>453F01</td>
<td>Kathryn Cross</td>
<td>Title 14, §17852 (a)(27.5)(B) defines Nuisance as affects at the same time an entire community, neighborhood or any considerable number of persons. The underlined statement is too vague and not defined. It is recommended to state entire community or neighborhood even if it is consistent with §17402(a) (12).</td>
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<tr>
<td>(a)(38.5)</td>
<td>452C03</td>
<td>Greg Pirie</td>
<td>To make this facility effective in operations, permitting, and enforcement, I think the feedstocks should be limited to vegetative food material and paper products for Registration Permits. The feedstocks should not include manure. The Registration Permit could be problematic if manure (and its possible runoff and odor issues) were allowed with startup of operations with limited “approval”, CEQA or Conditional Use Permit, and up to 12,500 cubic yards on-site. The manure feedstock would be more appropriate for the Full Permit over 12,500 cubic yards. Recommendation: Removed manure from the list of feedstock within the Vegetative Food Material Compostable Facilities – Regulations. (Leave in for Full Permit)</td>
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<td>(a)(38.5)</td>
<td>453B07</td>
<td>Shikari Nakagawa-Ota</td>
<td>We recommend paper products be removed as a feedstock.</td>
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<tr>
<td>(a)(41)</td>
<td>451S04</td>
<td>William E. Prinz</td>
<td>Is it a correct understanding that this definition does not include processes that create biofuels or products other than compost?</td>
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<td>(a)(41)</td>
<td>451S05</td>
<td>William E. Prinz</td>
<td>Will Within-Vessel Composting be considered a sub-category of “Aerobic digestion” defined in Chapter 3.2 §17896.2(a)(7)(A)? Will Within-Vessel Composting be an excluded In-Vessel operation per 17896.6(a)(3)?</td>
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<td>17896.6 (a)(3)</td>
<td>45A02</td>
<td>Self</td>
<td>Kathleen</td>
<td>Housel</td>
<td>Add a Joint Co-operation Enforcement provision that empowers LEA to notify RWQCB when LEA issues a Notice of Violation for Leachate.</td>
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<td>General Comments</td>
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<td></td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>The proposed “Joint Permit Application Form” should be modified to indicate if the LEA, CalRecycle, and/or Water Board are the “Responsible Agency”.</td>
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<td></td>
<td>45B02</td>
<td>Sacramen County LEA</td>
<td>Lea</td>
<td>Gibson</td>
<td>The Sacramento County LEA supports the creation of a separate regulatory tier for In-Vessel Digestion, as the current regulations do not provide a clear regulatory framework for this facility type.</td>
</tr>
<tr>
<td></td>
<td>45E10</td>
<td>Solana</td>
<td>Jessica</td>
<td>Toth</td>
<td>In tandem with this rulemaking process or as soon as possible, we request that CalRecycle or its partners develop a framework for local jurisdictions to institute training, licensing, or similar programs to ensure that small and on-farm operations produce compost in accordance to typical composting best performance measures. This could be simple and similar to low-cost food-handlers licensing programs. As one example, composters could register their activity in a database and complete a simple online tutorial. This database could collect information regarding feedstock, intended use of finished compost, capacity, etc. The database would provide CalRecycle, LEAs, and others valuable information regarding the types and scales of composting activities taking place in California. It would give the public and regulators assurance that even small sites are self-monitoring.</td>
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<tr>
<td></td>
<td>45G06</td>
<td>INIKA</td>
<td>Tyla</td>
<td>Montgomery</td>
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<td></td>
<td>45H10</td>
<td>Pro Trees Arborist</td>
<td>Theron</td>
<td>Winsby</td>
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<td>45I10</td>
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<td>Margaret</td>
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<td>45J10</td>
<td>Jimbo’s ... Naturally</td>
<td>Kelly</td>
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<td>Haux</td>
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<td>45U06</td>
<td>Sustainable Solutions</td>
<td>Jeff</td>
<td>Bishop</td>
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<td></td>
<td>45V06</td>
<td>OB GreenGold</td>
<td>Anne</td>
<td>Barron</td>
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<td>45Q10</td>
<td>SDUSD Recycling Program</td>
<td>Janet</td>
<td>Whited</td>
<td></td>
<td>The ISOR indicates in-vessel composting promotes a reduction in greenhouse gas emissions. However, there is little documentation in the ISOR to quantify greenhouse gas reductions or to specify the basis for comparison to substantiate this claim. We recommend CalRecycle include the calculations and basis for the claimed GHG reductions as an attachment to the ISOR to account for other types of emissions (increased or decreased) as a result of employing the digester technology.</td>
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<tr>
<td>45F01</td>
<td>CAPCOA</td>
<td>Alan W.</td>
<td>Abbs</td>
<td></td>
<td>CAPCOA would like to recognize and strongly support the numerous requirements in the proposed regulations that require odorous materials to be containerized or otherwise enclosed and encourage CalRecycle to not lessen these requirements in response to others' comments.</td>
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<td>45F02</td>
<td>CAPCOA</td>
<td>Alan W.</td>
<td>Abbs</td>
<td></td>
<td>Include additional language to indicate other media regulations may apply which may include, but are not limited to, permits, additional air pollution and water pollution controls, etc.</td>
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<tr>
<td>45T01</td>
<td>Self</td>
<td>KA</td>
<td>Monty</td>
<td></td>
<td>Please include in the new provisions that Home Owner Associations must allow home site composting especially when parcels are one acre or greater and all golf courses must compost on site and reuse all composted materials they generate.</td>
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<tr>
<td>45V01</td>
<td>Mape’s Ranch and Lyons Investments</td>
<td>Bill</td>
<td>Lyons Jr.</td>
<td></td>
<td>Our review of the proposed regulation and supporting material, specifically the definition of “agricultural materials” “disposal” and “land application” and the Department’s white paper, “Agricultural Land Application of Compostable Material” tells us that there are issues with land applications of compostable materials (e.g. urban green waste and woody) and compost some contaminated with municipal urban solid waste with questionable agronomic value, that necessitated better oversight. The problem however is that those proposed changes drag a very thorough and mature local fee-permit program that regulates the land application of food processor by-product that ensure environmental protection and prevent nuisances - into a redundant and unnecessary regulatory scheme.</td>
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<td>45V02</td>
<td>Mape’s Ranch and Lyons Investments</td>
<td>Bill</td>
<td>Lyons Jr.</td>
<td></td>
<td>We also question CalRecycle’s authority to regulate a land application practice that is officially regulated by CVRWQCB and Stanislaus County with respect to the use of the material as a soil amendment in a manner that protects the environment and prevents nuisances? How can it then be regulated as a compostable material if it isn't being handled, stored, or processed for compost?</td>
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<tr>
<td>45V03</td>
<td>Mape’s Ranch and Lyons Investments</td>
<td>Bill</td>
<td>Lyons Jr.</td>
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<td>We recommend that CalRecycle exempt land application of food processing by-products that occur in programs that mirror Stanislaus County's Food Processing By-Products Use Program.</td>
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<tr>
<td>45W03</td>
<td>Synagro</td>
<td>Layne</td>
<td>Baroldi</td>
<td></td>
<td>Synagro is aware that a note is included at the end of this section (17852) stating that biosolids compost is excluded from this section. It is unclear why</td>
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<td>Section/Area</td>
<td>Comment Number</td>
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<td>Last name</td>
<td>Summary of Comment</td>
<td>CalRecycle Response</td>
<td>Revisions Needed</td>
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<td></td>
<td></td>
<td>Synagro</td>
<td>Layne</td>
<td>Baroldi</td>
<td>It (note at the end of 17852) should be expanded to explicitly state that biosolids and all finished products that contain biosolids as a feedstock are regulated elsewhere under federal and state law.</td>
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<td></td>
<td></td>
<td>CSS</td>
<td>Dan</td>
<td>Morash</td>
<td>CalRecycle is to be commended for its efforts to further refine its regulations as they pertain to new and emerging technologies for in-vessel digestion of organics.</td>
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<td></td>
<td></td>
<td>CSS</td>
<td>Dan</td>
<td>Morash</td>
<td>CSS appreciates the attempts to clarify the regulatory jurisdictional authority over food material processing that is required to be handled pursuant to California Food and Agricultural Code regulations.</td>
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<td></td>
<td></td>
<td>Zanker</td>
<td>Greg</td>
<td>Ryan</td>
<td>These regulations (.1% physical contaminants) should also apply to and be enforced on tree chipping companies that do not hold solid waste facility permits but land apply large volumes of green material to the land in a completely unregulated fashion.</td>
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<td></td>
<td>California League of Food Processors</td>
<td>Rob</td>
<td>Neenan</td>
<td>CLFP is most concerned about the revision of the definitions of “agricultural materials” and “land application” to include a presumption that they are “wastes” in the proposed regulation and the possible implications of that designation. As currently drafted, the proposed regulations may be unintentionally pulling unadulterated food processing byproducts into the world of “solid waste,” and regulating an agricultural practice as “disposal of solid waste.” This could subject such beneficial reuse practices to CalRecycle permitting requirements, and, possibly, regulate facilities that only briefly stockpile or store byproducts as “handling facilities.” This added layer of regulation would discourage the very activity that the agency should be promoting; the beneficial reuse of organic material.</td>
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<td></td>
<td></td>
<td>California League of Food Processors</td>
<td>Rob</td>
<td>Neenan</td>
<td>Based on our discussions with staff, CalRecycle seems to make a distinction between materials applied to a processor’s own property and what is applied to other properties due to perceived issues with chain of control. CLFP would like to emphasize that no legitimate commercial farming operation would allow toxics or trash to be applied to their land by a processor or a contract hauler due to obvious food safety and environmental concerns, and the potential impact of these types of waste on the crops the farmers grow for their livelihood.</td>
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<td>California League of Food Processors</td>
<td>Rob</td>
<td>Neenan</td>
<td>CalRecycle has not presented any substantive information to suggest that there are documented compliance problems specifically associated with any food processing land application sites. Adding new restrictions to those operations will increase compliance costs with no apparent benefit. If there are compliance problems associated with municipal green waste haulers or composting operations, then CalRecycle should focus its regulations and enforcement on those activities, not expand its regulatory purview into areas that do not require additional oversight.</td>
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<td></td>
<td>451R05</td>
<td>California League of Food Processors</td>
<td>Rob</td>
<td>Neenan</td>
<td>The overriding policy goal should be to encourage food processors and farmers to reuse organic materials in a beneficial manner rather than dispose of the residuals in landfills. CLFP is not aware of any significant problems associated with land application of food processing byproducts as currently practiced and believes that a sufficient regulatory structure is already in place to deal with any issues that arise.</td>
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<td></td>
<td>451R09</td>
<td>California League of Food Processors</td>
<td>Rob</td>
<td>Neenan</td>
<td>CLFP defers to agricultural stakeholders to suggest any changes to the proposed regulations regarding agricultural wastes (e.g. orchard or vineyard trimmings, culls, manure, other) that may be land applied or composted. However, CLFP contends that land application of those materials also constitutes a beneficial reuse that should not be discouraged by new regulation.</td>
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<td></td>
<td>451U01</td>
<td>Stop Waste</td>
<td>Gary</td>
<td>Wolff</td>
<td>Our Agency supports CalRecycle’s efforts to update and improve the existing regulations to address the new ways in which organic waste is being handled throughout California, as well as to safely enable the growth needed in the diversion of these materials to meet the 75% Initiative, Strategic Directive 6.1, and other sustainability goals of the state, as well as our own County waste reduction goals.</td>
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<td></td>
<td>451V01</td>
<td>California Grain and Feed Association</td>
<td>Chris</td>
<td>Zanobini</td>
<td>The justification in the Statement of Reasons for these regulations is very minimal, and in some cases nonexistent. The portion of the regulatory package addressing compostable materials and land application has minimal justification for action. All of these materials are regulated depending on their final use. For example, animal feed is regulated by CDFA, FDA and local health and environmental officers. Rendering materials are regulated by CDFA, FDA and local entities as well. Food and feed safety is a priority for all handlers of this material. Land application of materials is regulated by the Regional Water Quality Control Boards, local enforcement agencies (LEA’s), in some counties local ordinances and local/regional air districts. The rational for regulation based on odors is covered by local nuisance ordinances, state statute, and often state permitting agencies. The justification for regulating these materials and possibly interfering with federal and state food safety rules or local land use and nuisance governance is not supported in this package.</td>
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<td></td>
<td>451V02</td>
<td>California Grain and Feed Association</td>
<td>Chris</td>
<td>Zanobini</td>
<td>CGFA recommends that the Department amend the regulation to provide an exclusion from the compostable handling operations and facility regulation to CDFA Commercial Feed Licensees that handle or store agricultural and food processing by-product or food material that has been approved by CDFA for use as an animal feed.</td>
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<td></td>
<td>451Z01</td>
<td>Recology</td>
<td>Erin</td>
<td>Merrill</td>
<td>First, Recology is in support of the comprehensive approach to compost odor standards and complaints CalRecycle staff has developed.</td>
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|              | 452E02         | Integrated Waste Management Consulting, LLC | Matthew | Cotton | ...I am supportive of the 0.1 percent contamination threshold for inert contaminants in uncomposted green material to be applied directly to agricultural land. As discussed below, I do not agree that the contamination limit for DLA [direct land application] of uncomposted green material be the
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<tr>
<td>452E03</td>
<td>Integrated Waste Management Consulting, LLC</td>
<td>Matthew</td>
<td>Cotton</td>
<td>There has been no compelling evidence (or any evidence) presented to demonstrate the need for an inerts contamination standard in compost from a permitted facility. No demonstrated threat to public health, no demonstrated threat to safety, no demonstrated threat to the environment.</td>
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<td>452E04</td>
<td>Integrated Waste Management Consulting, LLC</td>
<td>Matthew</td>
<td>Cotton</td>
<td>The proposed 0.1 percent standard was developed as an extremely low standard for land application to help LEAs make field determinations about contaminants in uncomposted green material applied to agricultural land. It is not a practical or useful standard for finished compost.</td>
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<tr>
<td>452E05</td>
<td>Integrated Waste Management Consulting, LLC</td>
<td>Matthew</td>
<td>Cotton</td>
<td>While the Standardized Regulatory Impact Assessment asserts that the proposed contaminant limit will “reduce litter and minimize the amount of plastic entering surface water and the ocean while creating new jobs and increasing the market value of compost” there is no evidence for these assertions. No documentation of litter or surface water or ocean contamination is presented. The Department of Finance (DOF) finds the assertion that higher costs equals more jobs to be suspect; CalRecycle further asserts (in their response to the DOF comment) that the proposed regulation will...“offer greater certainty for investment”. I have no idea how an extremely low contamination standard, which even the analytical labs may find challenging to support, will lead to greater investor certainty. In fact, I think the opposite may be true. Finally, no data whatsoever is presented to document that creating a contaminant standard will have any impact on the end product cost of compost.</td>
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<td>452F03</td>
<td>Stanislaus County Food Processing By Products Re Use Committee</td>
<td>Martin X.</td>
<td>Reyes</td>
<td>Does the Department intend to develop a state fee structure for those activities?</td>
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<td>452H01</td>
<td>Stanislaus County Department of Environmental Resources</td>
<td>Bryan</td>
<td>Kumimoto</td>
<td>In summary, the Department requests that programs such as Stanislaus County’s established FPBP program, as a model program in beneficial reuse, be amended into the proposed Compostable Materials Transfer/Processing Regulations, Section 17855, as an Excluded Activity for the following reasons: 1) This program is recognized by CalRecycle as an approved waste diversion program; 2) This program is recognized by the RWQCB as adequate to prevent the creation of nuisance conditions and prevents impacts to surface water; 3) This program is exempt from oversight by the SJVAPCDs Organic Material Composting Rule; and 4) This program is sufficiently regulated by a</td>
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same for finished compost. The reason for this largely has to do with the difficulty in overseeing the application of uncomposted green material DLA, the potential for abuse, and also the economic reality of DLA. In many cases owners of the agricultural land where uncomposted green material DLA is applied are compensated. This sets up a financial disincentive for quality control. Conversely, in most cases, finished compost is a desired commodity and most tons are paid for. This is an incredibly important distinction and warrants a different level of regulation.
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<td><strong>Local ordinance and oversight program such that additional oversight by CalRecycle would only impose unnecessary and redundant requirements.</strong></td>
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<td><strong>Horizon Nut also strongly urges CalRecycle to reconsider regulating activities presently regulated by other agencies and to exempt nut farming and processing in light of best management practices and in consideration of the hindrance this rule places on crucial byproduct commodities that might otherwise be sent to landfills.</strong></td>
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<td>Harvest Power</td>
<td>Linda</td>
<td>Novick</td>
<td><strong>Harvest is in agreement with the land application regulatory language. The application of food and green material to land does not necessarily occur at agronomic rates, is a material that is unprocessed and thus requires contamination limits and testing parameters.</strong></td>
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<td><strong>The Standardized Regulatory Impact Analysis provided as a section of the Initial Statement of Reasons for this rulemaking is fundamentally flawed as a tool for evaluating the full economic impacts on the compost industry. While the analysis may arguably provide a reasonable range of costs (with a daunting $31 million median annual average and a range from approximately $800,000 to over $53,000,000) resulting from the rulemaking, it fails to evaluate the relevant impact on the composting industry or take into account a number of market forces and looming changes to market conditions expected over the next decade. We do not believe it is nearly enough justification to claim that the potential $53,000,000 annual price tag is reasonable, even given CalRecycle’s responsibility to protect the public health, safety, and the environment, without further analysis of the compost industry and its markets.</strong></td>
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<td><strong>This type of cost increase will cause serious market disruption as a majority of potential buyers will seek alternatives (i.e. organic or synthetic fertilizers) or opt out entirely and not purchase compost or mulch products at all. Compost and mulch products do not have the same inelastic demand of gasoline (few products do) as their agricultural customers and other buyers tend to be highly price-sensitive. While tip fee revenues are not quite as price sensitive, competitive pressures from lower-cost options will still take time to overcome. Much of the current demand for compost and mulch is the result of tireless marketing by industry, with the aid of some policy and market drivers. The potential market disruption will be insurmountable for many operators and lead to a retraction in available organics processing and composting capacity unless there is some phase-in period to allow a gradual price adjustment process to occur.</strong></td>
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<td><strong>We would question whether it is reasonable that the &quot;Department expects the proposed regulations to create positive, net job growth&quot;; In our estimation, the likely industry downsizing that would occur from the adoption of current draft regulatory language will cause negative, net job loss.</strong></td>
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<td><strong>Preliminary information requested from our industry members (some of which has already been provided to and discussed at length with CalRecycle staff) reveals that current levels of physical contamination range from .01% to</strong></td>
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<td></td>
<td></td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
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<td></td>
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<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
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<td></td>
<td></td>
<td>Roll Law Group PC on behalf of Paramount Farming Company</td>
<td>Melissa</td>
<td>Poole</td>
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<td></td>
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<td>CCDEH</td>
<td>Rebecca</td>
<td>Ng</td>
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<td>Pine Creek Nutrition Service, Inc.</td>
<td>Jason</td>
<td>Brixey</td>
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<td>Central Valley Ag Group</td>
<td>Martin X.</td>
<td>Reyes</td>
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CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations
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<td></td>
<td>452L01</td>
<td>Manufacturers Council of the Central Valley</td>
<td>Jennifer</td>
<td>Carlson</td>
<td>Amend 17855 to exclude activities associated with the beneficial reuse of Food Processing By-Products and grape pomace as an activity considered under the definitions of a “Compostable Materials Handling Operation or Facility” or “Agricultural Material Composting Operation” if the beneficial reuse is characterized as an animal feed ingredient. The exclusion shall also include any ingredient used for the raising of livestock or animal husbandry inspected, and regulated by the California Department of Food and Agriculture.</td>
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<td></td>
<td>452V02</td>
<td>Central Valley Ag Group</td>
<td>Jennifer</td>
<td>Carlson</td>
<td>Dairy Cares requests that the comment period be extended an additional 45 days to allow for stakeholders to better understand and provide useful comments on the proposed regulation.</td>
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<td></td>
<td>452W01</td>
<td>Dairy Cares</td>
<td>JP</td>
<td>Cativiela</td>
<td>Dairy Cares is concerned that the newly proposed regulations cause more confusion than clarity in the agriculture community, and unnecessarily places agricultural and food processing by-products under a regulatory structure that is really intended to regulate composting operations and final deposition of finished composts.</td>
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<tr>
<td></td>
<td>452W02</td>
<td>Dairy Cares</td>
<td>JP</td>
<td>Cativiela</td>
<td>In our view, CalRecycle has cast its net too wide and created the unintended consequence of regulating materials, at least with respect to the dairy industry, that are already sufficiently controlled.</td>
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<td></td>
<td>452W03</td>
<td>Dairy Cares</td>
<td>JP</td>
<td>Cativiela</td>
<td>California dairy farms are already regulated with respect to storage and reuse of organic materials, cradle to grave; the proposed regulations would result in added restrictions that would constitute an unnecessary burden.</td>
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<td></td>
<td>452W07</td>
<td>Dairy Cares</td>
<td>JP</td>
<td>Cativiela</td>
<td>The materials that are handled by dairies, both as feed and manure, are strictly managed under existing regulation. No additional regulation is required. Dairies should be excluded by definition either with respect to their operation or the materials they handle. Likewise, digestible materials are also fully managed and should be exempted as well.</td>
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<td></td>
<td>452X01</td>
<td>Agricultural Council of California</td>
<td>Emily</td>
<td>Rooney</td>
<td>However, we are concerned that the newly proposed regulations cause more confusion than clarity in the agriculture community, and unnecessarily places agricultural and food processing by-products under a regulatory structure that is really intended to regulate composting operations and final deposition of finished composts.</td>
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<td></td>
<td>452X02</td>
<td>Agricultural Council of California</td>
<td>Emily</td>
<td>Rooney</td>
<td>We share the concerns of many others in the agricultural community that CalRecycle has cast its net too wide and because of drafting issues and changes to underlying definitions, it is not clear as to the entire scope of these regulations.</td>
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<td>452X10</td>
<td>Agricultural Council of California</td>
<td>Emily</td>
<td>Rooney</td>
<td>Based on the existing regulations at CDFA and the Water Board of manure digesters all such material is accounted for and should be excluded.</td>
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<td>452X11</td>
<td>Agricultural Council of California</td>
<td>Emily</td>
<td>Rooney</td>
<td>...due to the highly diverse agricultural industry encompassing more than 350 plant and animal commodities, and the variety of ways these commodities are managed, we respectfully request an extension of 45 days to the deadline of the comment period so that we can continue to analyze the impacts this proposed regulations will have on our membership.</td>
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<tr>
<td>452Y01</td>
<td>Self</td>
<td>Gordon L. Shackelford</td>
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<td>Send someone to smell the odor problems due to green waste recycling and composting along SR 67 north of Lakeside, CA. 92040. Then review your regulations to see what is needed to resolve this type of odor problem.</td>
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<tr>
<td>452Y02</td>
<td>Self</td>
<td>Gordon L. Shackelford</td>
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<td>Composting facilities that are regarded as small are, as I understand it, are subject to a ministerial approval process, meaning they, for most practical purposes, must be approved. This needs to be changed to consider locations in valleys, nearby homes, etc. I would suggest to visit to the site of a proposed 400 cyclic yard per day composting facility at the EverGreen Nursery of Flynn Springs Road in El Cajon (part of the Lakeside planning Area).</td>
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<td>453A01</td>
<td>California Cotton Ginters and Growers Association</td>
<td>Chris McGlothlin</td>
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<td>We recommend Enforcement Agency Notification Form (CIWMB 169) be revised as well.</td>
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<td>453B10</td>
<td>Los Angeles County Department of Public Health, Solid Waste Management Program</td>
<td>Shikari Nakagawa-Ota</td>
<td></td>
<td></td>
<td>We appreciate the efforts by CalRecycle to meet the challenge of updating regulations to allow for the beneficial and safe expansion of composting, anaerobic digestion and the use of compost while supporting the imperative of increasing organics diversion to achieve the states 75% Recycling and AB 32 goals.</td>
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<td>453D01</td>
<td>SF Environmental</td>
<td>Jack Macy</td>
<td></td>
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<td>We have been told that under the current regulations, we are not allowed to use our beautiful and pure compost in our school garden. Please help to create regulation that would permit us to use the compost that we make, in our garden beds.</td>
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<tr>
<td>453K01</td>
<td>Marin Sanitary Services</td>
<td>Kimberly Scheibly</td>
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<td>We firmly believe that proposed contamination limits are too impractical given current and foreseeable compost market conditions and available technologies; and we anticipate that the consequences will be deleterious.</td>
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<td>453K02</td>
<td>Marin Sanitary Services</td>
<td>Kimberly Scheibly</td>
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<td>While we would prefer that CalRecycle continue to allow market forces to dictate the level of physical contaminants, we are supportive of a phased-in standard that allows time for jurisdictions and operators to adjust to the</td>
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<td>4S1D01</td>
<td>County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency</td>
<td>Karilyn</td>
<td>Merlos</td>
<td>The LEA finds the addition of the condition of obtaining “Department Concurrence” on inspection frequency reductions for EA Notifications unnecessary and duplicative. The EA Notification is not a solid waste facility “permit” and activities operating under the Notification tier are not required to obtain concurrence from CalRecycle in order to initially operate. As the LEA is in the best position to know the site conditions, operational practices and potential impacts on public health, safety and the environment, it should be solely at the discretion of the LEA to determine appropriate inspection frequencies for these operations.</td>
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<td></td>
<td>PHA01</td>
<td>City of Bakersfield Solid Water Division</td>
<td>Kevin</td>
<td>Barnes</td>
<td>CalRecycle reports have indicated that some composters have met the proposed limit. Before proceeding with the limit, please look into the situations of those composters compared to others who do not report being able to make it. It is likely that the ones that make it have feed stocks that are inherently low in foreign material content. An example might be bio-solids or very selective landscape waste. If the regulation is based on these “easy” situations, it will not consider the reality faced by composters who handle the mass of food waste and curbside green waste feed stocks which inherently contain foreign material. A level playing field is needed to avoid those with “easy” situations gaining a market advantage due to one-size-fits-all regulations.</td>
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<td>PHA04</td>
<td>City of Bakersfield Solid Water Division</td>
<td>Kevin</td>
<td>Barnes</td>
<td>Fundamentally, the problem of debris in raw, un-composted mulch, which for good reason started this regulatory effort, should not be overlapped with the compost market. Not only is physically impossible to test raw mulch the way compost is tested, but the issues are different. Please consider separating the real issue of debris in raw mulch from that of compost. Millions of tons of successful composting will be inhibited by the proposed regulation, as will the industry’s progress toward the new organic waste diversion goals.</td>
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<td>PHB03</td>
<td>Engel &amp; Gray, Inc.</td>
<td>Robert</td>
<td>Engel</td>
<td>We believe the economic analysis that was completed as part of the Initial Statement of Reasons (ISOR), Appendix B1, greatly under estimated the economic impacts of the proposed rule change to the compost industry. We believe that a more broad-based and in-depth economic analysis is necessary to assess the full range of potential economic impacts to our industry.</td>
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Potential cost increases projected in your economic analysis. The proposed 0.1% limit on physical contaminants may be achievable for green material but it is unrealistic for co-collected green waste and food waste.
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<tr>
<td>PHC01</td>
<td>SF Environment</td>
<td>Kevin Drew</td>
<td>I believe we need to create a fast-track for organics processing and utilization in order to stimulate the most rapid expansion of compost production and utilization possible. This is crucial to an immediate response to catastrophic climate change.</td>
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<td>PHD01</td>
<td>California Resource Recovery Association</td>
<td>John Dane</td>
<td>CRRA supports CalRecycle's efforts to update existing regulations to enable investment in, and construction of sufficient composting capacity in California to meet the 75% Initiative.</td>
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<td>PHD02</td>
<td>California Resource Recovery Association</td>
<td>John Dane</td>
<td>CRRA endorses the comments submitted on December 5, 2014 by the California Organic Recycling Council (CORC, a technical council of CRRA).</td>
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<td>PHH01</td>
<td>Del Monte Foods</td>
<td>Tim Ruby</td>
<td>We felt it was particularly important to speak at this hearing to urge your Department to closely reevaluate the proposed rules and not rush to adopt the rules in their current form. We state this because the rules as currently drafted will not encourage statewide reuse, recycling of composted materials and will frustrate existing, longstanding, safe, environmental friendly reuse, recycling in various organic byproducts including those generated by our facilities now used to feed farm animals and to fertilize organic farmland soils.</td>
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<tr>
<td>PHH03</td>
<td>Del Monte Foods</td>
<td>Tim Ruby</td>
<td>Please keep in mind that over the restrictive and particularly conflicting, confusing agency roles as proposed could derail all of our company, industry efforts to promote the safe, effective reuse, recycling of food processing byproducts and animal feeding and land application.</td>
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<tr>
<td>PHH04</td>
<td>Del Monte Foods</td>
<td>Tim Ruby</td>
<td>We urge your Department to work more closely with all affected stakeholders including other state agencies, namely, the California Department of Agriculture and the state Water Resources Control Board to develop a sensible, straightforward set of rules that do not disrupt currently effective food processing byproduct reuse, recycling operations and that further encourage statewide organic material composting with minimally restrictive end uses of properly composted materials. In particular, we strongly suggest that your Department work closely with soil scientists, agronomists, and take a scientific, agronomic approach to setting any compost applications rates in a new role and that an overly restrictive, confusing approach would discourage end users of composting materials.</td>
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<td>PHI01</td>
<td>Agricultural Council of California</td>
<td>Rachel O'Brien</td>
<td>I’d like to state that we do understand and share CalRecycle’s primary concern of protecting public health and safety and mitigating environmental hazards that have been attributed to mishandling final deposition of compost.</td>
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<td>PHI02</td>
<td>Agricultural Council of California</td>
<td>Rachel O’Brien</td>
<td>Our review of the proposed regulations reveal concerns that they cause some -- more confusion and clarity in the agricultural community and they unnecessarily place agricultural and food processing byproducts under a regulatory structure that is intended to regulate composting operations and, kind of, final deposition of finished compost.</td>
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<tr>
<td>PHI04</td>
<td>Agricultural Council of California</td>
<td>Rachel O’Brien</td>
<td>Due to the complexity of the proposed regulations, we do think that significant more time is needed to study the issue, and we have asked in our written comments that the period to comment be extended to additional 45 days to allow our stakeholders to better understand and what we think will provide additional useful comments on the proposed regulation.</td>
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<td>PHI01</td>
<td>California League of Food Processors</td>
<td>Rob Neenan</td>
<td>Our understanding of the background on this issue was that a few years ago, there were some green waste haulers who had truckloads of residential green waste mixed with trash that was applied to some land in several counties with or without the consent of the landowners. I'm not sure about that, and it clearly was an improper activity that should be addressed and not allowed.</td>
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<td>PHM02</td>
<td>LA County Task Force</td>
<td>Mike Mohajer</td>
<td>We respectfully request that whenever you adopt a solid waste permit and use the CEQA as a responsible agency, then identify those mitigating measures into your solid waste permit.</td>
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<tr>
<td>PHM04</td>
<td>LA County Task Force</td>
<td>Mike Mohajer</td>
<td>Have the operator of a facility identify the origin of that materials and the quantity by the jurisdiction of origin.</td>
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<td>PHM05</td>
<td>LA County Task Force</td>
<td>Mike Mohajer</td>
<td>For the record, I have worked with Ken and Bob at least during the past three years and working in this composting regulation, and I really do want to express both the task force and myself, appreciation that they have — they have done the best they can considering that you get point of view from seven thousand different direction, and no matter what you do, you’re wrong.</td>
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<td>PHN01</td>
<td>Association of Compost Producers</td>
<td>Kathy Lynch</td>
<td>We do generally support movement forward on a formal rulemaking in this area. We think it’s very necessary and timely with the 75 percent goal as well as with the passage of the legislation.</td>
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<td>PHN02</td>
<td>Association of Compost Producers</td>
<td>Kathy Lynch</td>
<td>We don’t believe that the economic analysis that was complemented as part of the ISOR, the Initial Statement of Reason, in appendix B1 doesn’t dig deep enough into the economic impacts of the proposed rule and the impact on the composting industry.</td>
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<td>PHO01</td>
<td>California Resource Recovery Association</td>
<td>John Dane</td>
<td>We are supportive of your efforts to revise the regulations in this area.</td>
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<tr>
<td>PHP01</td>
<td>Milk Producers Council</td>
<td>Kevin Abernathy</td>
<td>At minimum, another 45 days to really take a look at the science to make sure that we’ve able to get out any of those potential unintended consequences.</td>
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<td>PHP02</td>
<td>Milk Producers Council</td>
<td>Kevin Abernathy</td>
<td>This may be a very isolated incident where things were put on someone’s property, whether it was or was not to their knowledge, of course, that needs to be dealt with. But it certainly doesn’t need to be dealt with by creating a whole another level of regulatory compliance for business and industry.</td>
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<td>PHQ01</td>
<td>California Refuse Recycling Council</td>
<td>Veronica Pardo</td>
<td>We generally support and absolutely commend the work that you have done on the revision of Title 14 and 27 as it pertains to compostable material, transferring and processing.</td>
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<td>PHR01</td>
<td>Californians Against Waste</td>
<td>Nick Lapis</td>
<td>I want to make sure we don’t lose sight of the concern we have all had with direct land application of residential green material, which is a different</td>
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animal from food processing waste or dairy manure or anything else, and that's where we have this very quick increase in the practice and where we have a very substantial concern, and it's not a one-off situation. It's a pretty common situation. So as we mess around the edges on the ag side of things, let's make sure we don't lose sight of the issue that's brought before us.

PHR04  Californians Against Waste  Nick Lapis  You can't -- as to your economic analysis -- start off with the assumption that the same amount of composting will happen no matter what cost you apply to it and then assume that the same amount of composting happens but now there will be more screeners; we have created jobs. If that was the case, none of us would be worried about the impacts to the composting industry. It's the fact that we're worried that there will be less composting that is really at the heart of the issue.

PHT04  California Compost Coalition  Neil Edgar  I don't know that CalRecycle has any need, want, or desire to be regulating those facilities, but I think where they get into programs where they're accepting food waste from commercial collection programs, residential collection programs that do fall under solid waste regulations, and those facilities need to be adhering to the same standards as other industries in the state.

§17854.1. Regulatory Tier Requirements

452G01  Los Angeles Bureau of Sanitation  Enrique C. Zaldivar  LASAN recommends that composting facilities handling vegetative and/or other food materials be placed into the same regulatory tier as the biosolids composting operations, i.e., the Enforcement Agency Notification Tier.

§17855. Excluded Activities

45B08  Los Angeles County Solid Waste Management Committee  Margaret Clark  It has been indicated that composting residential food materials and residuals that may contain unprocessed mammalian tissues, including but not limited to, flesh, organs, hide, bone and marrow do not constitute “compostable material handling operation or facilities.” Prior to granting such an exemption, the impact on public health and the environment needs to be addressed.

451R06  California League of Food Processors  Rob Neenan  CLFP maintains that CalRecycle should exempt food processing byproducts from the proposed regulations because most sites are already regulated by other agencies, or the activity poses no threat to the environment or public health. An additional layer of regulation by CalRecycle is not necessary, and could be counter-productive by causing confusion regarding compliance obligations and discouraging land application altogether. Food processors should not be forced to send their byproducts to composting facilities because new regulations give them no viable alternative.

452F02  Stanislaus County Food Processing By Products Re Use Committee  Martin X. Reyes  Amend Section 17855 Excluded Activities by adding a new Subdivision to exclude land application of food processing by-products as an activity considered as a compostable material handling operations or facilities, if the land application is made as the final disposition of Food Processing By-Products spread on any land, including land zone only for agricultural uses under the condition they are made under the oversight of a LEA as a participant in a local program approved by the appropriate California Regional Water Quality Control Board.
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<td></td>
<td>452I08</td>
<td>Horizon Nut Company</td>
<td>Andrew</td>
<td>Howe</td>
<td>Horizon Nut supports the clarification of Excluded Activities in Chapter 3.1, Section 17855 (a)(1) to include green waste generated during pre-cleaning (after custody transfer) at a food processing facility and returned to the farmland under common control. Further, we understand that this exclusion is intended to exempt traditional agricultural practices. However, as it is written, it only excludes activities associated with the “compost activity,” yet neither farming or processing are composting activities. Therefore, we support revising the language from “compost activity” to “activity.”</td>
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<td>452I09</td>
<td>Horizon Nut Company</td>
<td>Andrew</td>
<td>Howe</td>
<td>Horizon Nut supports expanding the definition of “agricultural operation” in Excluded Activities, Chapter 3, Section 17855 (a)(5)(E) to include food processing operations used to store process agricultural material not used in the production of compost or mulch (i.e. animal feed or bedding, biomass conversion, etc.).</td>
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<td>452I10</td>
<td>Horizon Nut Company</td>
<td>Andrew</td>
<td>Howe</td>
<td>Horizon supports retaining the 17855 (a)(9) exclusion for beneficial use. The RWQCB, through the adoption of WDRs, has determined that many applications of organic material to land are a beneficial use that does not degrade the environment or pose a public nuisance or hazard.</td>
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<td>452L02</td>
<td>Manufacturers Council of the Central Valley</td>
<td>Jennifer</td>
<td>Carlson</td>
<td>Amend Section 17855 Excluded Activities to exclude land application of food processing by-products as an activity considered as a compostable material handling operations or facilities, if the land application is made as the final disposition of Food Processing By-Products spread on any land, including land zoned only for agricultural uses under the condition they are made under the oversight of a LEA as a participant in a local program approved by the appropriate California Regional Water Quality Control Board.</td>
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<td>452L03</td>
<td>Manufacturers Council of the Central Valley</td>
<td>Jennifer</td>
<td>Carlson</td>
<td>Amend Section 17855 Excluded Activities to exclude food processing by-products as an activity considered as a compostable material handling operations or facilities, if the beneficial reuse is characterized as an animal feed ingredient. The exclusion shall also include any ingredient used for the raising of livestock or animal husbandry inspected and regulated by the California Department of Food and Agriculture.</td>
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<td>452X07</td>
<td>Agricultural Council of California</td>
<td>Emily</td>
<td>Rooney</td>
<td>This section is confusing when trying to ascertain if certain activities are excluded. Furthermore, it does not fully address issues such as point of transfers. Clarification in the regulations is needed to specify how these types of transfers could be handled.</td>
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<td>452Z03</td>
<td>Western Agricultural</td>
<td>Chris</td>
<td>McGlothlin</td>
<td>We ask that you add a section that excludes nut hullers and processors if the material is being handled in such a manner that the material is not purposely</td>
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<td>Processors Association</td>
<td>45AA04</td>
<td>California Cotton Ginners and Growers Association</td>
<td>Chris</td>
<td>McGlothlin</td>
<td>Need to add section here that excludes cotton gins if the material is being handled in such a manner that the material is not purposely being composted. We would propose the following addition to the section on Excluded Activities: Food Material Handling Operations. An activity is excluded if it handles Food Material, derived from an agricultural site, whereby the material is not being stored for the purposes of active composting.</td>
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<td>Pro Trees Arborist</td>
<td>45E04</td>
<td>Solana</td>
<td>Jessica</td>
<td>Toth</td>
<td>CalRecycle should revise the language so it is clear that agricultural sites that use compost on-site are exempt from permitting and those that sell finished compost are required to notify the LEA.</td>
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<td>Recycling Program</td>
<td>45Y04</td>
<td>SDUSD Recycling Program</td>
<td>Janet</td>
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<td>County Solid Waste Dept.</td>
<td>PHE01</td>
<td>Stanislaus County Solid Waste Dept.</td>
<td>Brian</td>
<td>Kumimoto</td>
<td>And so today, we're going to be asking that we also receive a similar exemption. It's reuse. It's not composting and we don't want -- we have enough regulations as it is currently.</td>
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### CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

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<tr>
<td>PHF01</td>
<td></td>
<td>Stanislaus County Solid Waste Dept.</td>
<td>Tom</td>
<td>Wolfe</td>
<td>The vision that I’d like to express this afternoon relevant to the proposed revisions of the existing Title 14 is to amend the county’s food processing byproduct program into the proposed regulations, specifically Section 17855, as an excluded activity.</td>
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<td>PHP03</td>
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<td>Milk Producers Council</td>
<td>Kevin</td>
<td>Abernathy</td>
<td>Finally, you know, dairies should be excluded from this type of regulation due to the fact that with a little bit of intel, you’ll find that what you’re trying to get at has already been done.</td>
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<td>(a)(1)</td>
<td>45E03</td>
<td>Solana</td>
<td>Jessica</td>
<td>Toth</td>
<td>CalRecycle should revise the language so it is clear that agricultural sites can compost any volume of agricultural material with one of 2 scenarios based on comment 45E01:</td>
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<td><strong>Alternative A, Offsite feedstock allowance is based on the farm’s size and ability to handle the material:</strong> SS17855 Excluded Activities</td>
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<td>(1) An activity is excluded if it handles agricultural material derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. If their feedstock is limited to agricultural material, the agricultural site may handle an unlimited quantity of agricultural material. <strong>Up to 25% by volume of feedstock onsite at any one time may consist of green material, food material and vegetative food material derived from offsite.</strong> No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.</td>
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<td>(a)(1)</td>
<td>452Q09</td>
<td>Roll Law Group PC on behalf of Paramount Farming Company</td>
<td>Melissa</td>
<td>Poole</td>
<td>Paramount also seeks further clarification on the intent of the exclusion under section 17855(a)(1). As we interpret this exclusion, green material produced on a farm and re-applied to the farm should be exempt from the regulations. We ask that CalRecycle provide clarity as to situations such as hulling and shelling of tree nuts, where green material is separated from the harvestable portion of the commodity during pre-cleaning at an offsite facility, and then brought back to the farm and land applied for multiple uses. We believe that this situation should still be included in this exemption, as the</td>
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### CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

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<td>Roll Law Group PC on behalf of Paramount Farming Company</td>
<td>Melissa</td>
<td>Poole</td>
<td>The activity does not impose any additional risks to the green material regardless of whether the product was transferred to the facility before going back to the farm.</td>
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<td>(a)(4)</td>
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<td>Jessica</td>
<td>Toth</td>
<td>This exclusion specified that agricultural material derived from an agricultural site and returned to a similar site, &quot;...owned or leased by the owner, parent, or subsidiary of the composting activity&quot; is excluded. Being that neither farming nor processing are composting activities, Paramount seeks further elaboration of this exclusion to explicitly exempt farming and processing activities.</td>
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<td>(a)(4)</td>
<td>45E01</td>
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<td>Jessica</td>
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<td>Specific to SS 17855(4), we request that the 500 sf restriction be deleted and the language be implemented as follows for small, excluded activities: Composting green material, food material, and vegetative food material is an excluded activity if the total amount of feedstock and compost onsite at any one time does not exceed 100 cubic yards.</td>
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<td>Massachusetts includes a burden of proof clause in their composting regulations that applies to all activities. Incorporating similar language into the California proposed regulations will further ensure that all composting is conducted with a certain standard of care while still encouraging composting activity.</td>
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(a)(4) 451X03 The San Diego Food System Alliance Richard Winkler Is the 500 square foot footprint a typo and should it be 5,000 square feet? Please provide the references or sources that CalRecycle used to develop this requirement. The 500-square-foot footprint requirement will not ensure composting is safe or nuisance free and should be deleted. In turn, CalRecycle should include a “burden of proof” clause in its regulations to require all sites to comply with basic BMPs and nuisance mitigations as a condition of their permit exclusion.

(a)(4) 453I05 West Marin Compost Jeffrey A. Creque Please increase excluded volume from 100 to 200 cubic yards and area to 1,000 sq. ft.

(a)(5)(G) 452X08 Agricultural Council of California Emily Rooney It appears that shredding and pruning in the field falls in this exclusion but we have concerns on what the impact will be, if any, on those who chip orchards and move the chips to co-gen facilities. If that ability were hampered, we would see an impact on growers when they remove orchards.

(a)(5)(H) 452Q08 Roll Law Group PC on behalf of Paramount Farming Company Melissa Poole We agree with the exclusion for animal feed activities under section 17855(a)(5)(H) of the proposed Compostable Materials Regulation, but believe that as the rules are currently written, holding or stockpiling material for this intended purpose may still qualify the activity as subject to the regulation. CalRecycle should be clear that the holding requirements under the proposed Compostable Materials Regulation should not be applied to by-product being held for animal feed.

(a)(5)(J) 452X09 Agricultural Council of California Emily Rooney In this section we share AHPA concerns that it is, “completely counter-intuitive economically to allow tree nut processing byproducts, such as hulls and shells, to actively compost – which would alter their “essential character” and drastically damage their value and returns as animal feed, animal bedding, biomass feedstock or future biofuel feedstock.” It also doesn’t make much sense to be regulated under a composting regulation when the goal of
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<td>(a)(9)</td>
<td>452D02</td>
<td>Almond Hullers &amp; Processors Association</td>
<td>Kelly</td>
<td>Covello</td>
<td>Since almond hull; hull and shell; and, shell when accumulated under normal industry storage conditions do not “actively compost” that the Department exclude almond hulling and processing facilities from compostable handling operations and facility regulation when they: a. Hold a CDFA Feed License and handle or store almond processing by-product for the purposes of manufacture and/or distribution of animal feed; or, b. Handle or store almond processing by-product for purposes of manufacturing and/or distribution of materials that includes but are not limited to animal bedding, biomass feedstock or biofuel feedstock.</td>
<td>AHPA recommends that the Department either allow or exclude land application of almond processing by-products that are defined as an agricultural material for purposes excluded in the current Section 17855(a)(9) when: 1. The material does not contain physical contaminants of more than 0.1% by volume of physical contaminants greater than 4 mm; and, 2. Prior to application, CDFA’s Fertilizer Inspection Program has reviewed and approved a fertilizer label for the product being applied. At a minimum the label should comply with the requirements of a packaged soil amendment.</td>
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<td>(a)(9)</td>
<td>452D04</td>
<td>Almond Hullers &amp; Processors Association</td>
<td>Kelly</td>
<td>Covello</td>
<td>For almond processing by-product that doesn’t fall into either subsection 1 or 2 we would recommend that the Department amend Section 17855(a)(9) to add language that allows the LEA, in consultation with the Department the ability to consider other temperature and/or moisture measurements along with the 122 degrees Fahrenheit threshold when determining if low moisture content compostable materials qualify for the exclusion.</td>
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<td>(a)(9)</td>
<td>452D05</td>
<td>Almond Hullers &amp; Processors Association</td>
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§17856. Agricultural Material Composting Operations

45B10 | Los Angeles County Solid Waste Management Committee | Margaret | Clark | To assist local governments with the effectiveness of their diversion programs, this Section needs to be expanded to include the following new subsection: “Subsection (e) – These sites shall record the quantities of agricultural materials received, by jurisdiction of origin, and submit the data to the appropriate jurisdictions on a calendar quarterly basis.” | |

(a)1 (a)2(A) | 453I06 | West Marin Compost | Jeffrey A. | Creque | Apparently missing from 1(A) and 2(A) are composting operations that are located on land zoned for agricultural uses and which handle both ag material and green material and wish to sell or give away more than 1000 cubic yards per year. Please allow operations located on land zoned for agricultural use and which handle both ag material and green material and wish to sell or give away more than 1000 cubic yards per year. | |

(c) 45B09 | Los Angeles County Solid Waste | Margaret | Clark | Considering that an Agricultural Materials Composting Operation may be a nuisance to adjacent properties due to potential odor generation, there is a | |
### CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

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<td>Management Committee</td>
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<td>need for more frequent inspection by the LEA (i.e. at least on a quarterly basis).</td>
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<td>(c)</td>
<td>45E05</td>
<td>Solana Jessica Toth</td>
<td>CalRecycle should revise the language so it is clear that agricultural sites may import green, vegetative/food material feedstock as part of the permit exemption or EA Notification with one of 2 scenarios based on comment 45E01:</td>
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<td>INIKA Tyla Montgomery</td>
<td>Alternative A, Offsite feedstock allowance is based on the farm’s size and ability to handle the material:</td>
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<td>SS17856 Agricultural Material Composting Operations:</td>
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<td>Pro Trees Arborist Theron Winsby</td>
<td>(c) If their feedstock is limited to agricultural material, agricultural material composting operations may handle an unlimited quantity of agricultural material on the site and may sell or give away any or all compost they produce. Up to 25% by volume of feedstock onsite at any one time may consist of green material, food material and vegetative food material feedstock derived from offsite. These operations shall be inspected by the EA at least once each calendar year at a time when compostable material on the site is active compost.</td>
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<td>Or Alternative B, Offsite feedstock allowances capped at 500 cubic yards:</td>
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<td>(c) If their feedstock is limited to agricultural material, agricultural material composting operations may handle an unlimited quantity of agricultural material on the site and may sell or give away any or all compost they produce.</td>
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<td>Similar amendments (taken from 45E05) to SS (d) should be implemented for agricultural operations accepting high volumes of green material.</td>
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<td></td>
<td>45Q06</td>
<td>SDUSD Recycling Program</td>
<td>Janet</td>
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§17857.1 Green Material Composting Operations and Facilities

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<th>First name</th>
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<th>Summary of Comment</th>
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<tr>
<td></td>
<td>45B07</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Please provide a list of criterion used for establishing a threshold limit of 12,500 cubic yards for “Green Material Composting Operations” under the “EA Notification Tier” and “Registration Permit Tier.”</td>
</tr>
<tr>
<td></td>
<td>45B11</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Section needs to be expanded to include the following new subsection: “Subsection” (d) - These sites shall record the quantities of green materials received by jurisdiction of origin and submit the data to the appropriate jurisdictions on a calendar quarterly basis.”</td>
</tr>
<tr>
<td></td>
<td>45E07</td>
<td>Solana</td>
<td>Jessica</td>
<td>Toth</td>
<td>SS17857.1 should be amended to allow the specified volumes of vegetative/food material feedstock. (from 45E05)</td>
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<td>45G09</td>
<td>INIKA</td>
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<td></td>
<td>45110</td>
<td>Self</td>
<td>Sustainable Solutions</td>
<td>Jeff</td>
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<td></td>
<td>45M05</td>
<td>OB GreenGold</td>
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<td></td>
<td>45F03</td>
<td>CAPCOA</td>
<td></td>
<td>Alan W.</td>
<td>Abbs</td>
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<tr>
<td></td>
<td>45110</td>
<td>City of San Diego, Local Enforcement Agency</td>
<td>William E.</td>
<td>Prinz</td>
<td>How does the LEA gain the necessary discretionary authority over a ministerial action if this section is adopted? Please explain how this action is ministerial. The LEA believes it would be more prudent for the operator to apply for the appropriate Compostable Materials Handling Facility Permit if the need for additional seasonal storage capacity became necessary, especially if the request is for storage capacity that exceeds the EA Notification limitation of 12,500 cubic yards of compostable material.</td>
</tr>
<tr>
<td></td>
<td>452J09</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>We agree that seasonal storage adjustments are warranted for operator flexibility. Recommend extending to 120 days, &quot;The EA may grant one more additional 30-day seasonal storage adjustment not exceeding a total of 120 days per calendar year.&quot;</td>
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<td></td>
<td>45C03</td>
<td>CR&amp;R</td>
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<td>Clarke</td>
<td>Pauley</td>
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<td></td>
<td>451S08</td>
<td>City of San Diego, Local Enforcement Agency</td>
<td>William E.</td>
<td>Prinz</td>
<td>The word &quot;facility&quot; should be changed to &quot;operation&quot;.</td>
</tr>
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<td></td>
<td>453L04</td>
<td>County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency</td>
<td>Karilyn</td>
<td>Merlos</td>
<td>While the LEA is generally supportive of this &quot;three strikes&quot; approach, it is suggested that if adopted for the EA Notification tier operations, these same conditions should likewise be included for the &quot;Vegetative Food Material Composting Facilities&quot; operating under a Registration Tier.</td>
</tr>
<tr>
<td></td>
<td>452P10</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Green Material Composting maximum volumes: mandatory cease and desist too onerous. Recommend change to: &quot;In addition, the EA shall may issue a cease and desist order pursuant to section 18304 directing, among other things, that the operator immediately cease accepting material at the site until the operator has demonstrated to</td>
</tr>
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<td>45C09</td>
<td>CR&amp;R</td>
<td></td>
<td>Clarke</td>
<td>Pauley</td>
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CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

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<th>Comment Number</th>
<th>Commenter</th>
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<th>First name</th>
<th>Last name</th>
<th>Summary of Comment</th>
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<tr>
<td>$\S 17857.2$ Vegetative Food Material Composting Facilities</td>
<td>45E08</td>
<td>Solana</td>
<td>Jessica</td>
<td>Toth</td>
<td></td>
<td>SS 17857.2 should be amended to allow the specified volumes of vegetative/food material feedstock. (from 45E05)</td>
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<td>Jimbo’s ... Naturally</td>
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<td></td>
<td>45Z08</td>
<td>County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency</td>
<td>Karilyn</td>
<td>Merlos</td>
<td></td>
<td>The list of what may be included in the up to 12,500 cubic yards of material on-site for Vegetative Food Material Composting Facility includes &quot;compost&quot; without specifying active and/or stabilized. In contrast, the description in 17857.1(a) for Green Material Composting Operations specifies compost as both active and stabilized. These two descriptions should be consistent. The LEA recommends specifying both active compost and stabilized compost in both sections to provide further clarity on which materials are included in the 12,500 cubic yard limit.</td>
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$\S 17862.$ Research Composting Operations

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<tr>
<td></td>
<td>45B12</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td></td>
<td>Please expand to (a) require surface and ground water protection, (b) prohibit any surface water from leaving the property without a NPDES Permit, and (c) control and mitigate any odor nuisances and obtain a permit from the appropriate local air pollution control district/air quality management district.</td>
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### CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

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<th>Revisions Needed</th>
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<tr>
<td></td>
<td>452O13</td>
<td>California Compost Coalition</td>
<td>Neil</td>
<td>Edgar</td>
<td>We would recommend that the limit of two, two-year periods be removed, with current language retained which leaves the time limit at the discretion of the EA.</td>
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</tbody>
</table>
| (d)          | 452P11         | Association of Compost Producers | Jeff     | Ziegenbein | Research Composting Operations: ACP would like to encourage additional research operations to advance the science of composting. Recommend: "If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for an additional two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870, or apply for an EA Notification or other applicable permit for the site."
|              | 453C10         | CR&R                  | Clarke    | Pauley    |                     |                     |                  |

### $17862.1. Chipping and Grinding Operations and Facilities

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<th>Comment Number</th>
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<th>Summary of Comment</th>
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<tbody>
<tr>
<td>452J03</td>
<td>Santa Clara County Department of Environmental Health</td>
<td>Chris</td>
<td>Rummel</td>
<td>Finally, I see a big problem with the tier sizes for the things like wood chipping and grinding. The notification tier for chip &amp; grind should be &lt;20 tons notification, 20 to 100 tons registration, and 100+ full permit. Not &lt;200 TPD as a notification.</td>
</tr>
<tr>
<td>452O11</td>
<td>California Compost Coalition</td>
<td>Neil</td>
<td>Edgar</td>
<td>...current language suggests that chipping and grinding operations would only be required to sample and test materials upon EA request; we do not support a lower standard for sampling and testing at chipping and grinding operations, as the materials they produce are processed to a much lower level than compost, and represent a significantly higher threat for the spread of pathogens and/or invasive pests. Chipping and grinding operations and facilities should be subject to the same materials sampling and testing requirements as composting operations and facilities. If the CalRecycle goal is to protect the public health, safety, and the environment – as is stated repeatedly in the ISOR – there appears no logical basis for lesser testing requirements for non-composted materials versus composted materials.</td>
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### $17863.4. Odor Impact Minimization Plan

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<tr>
<td>45F06</td>
<td>CAPCOA</td>
<td>Alan W.</td>
<td>Abbs</td>
<td>The provisions building up to and including an Odor Impact Minimization Plan (OIMP), Section 17863.4, are ambiguous and do not provide specific guidance. Recommendation: Provide clear, specific guidance for developing the OIMP.</td>
</tr>
<tr>
<td><a href="1">b</a></td>
<td>452P12</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
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<tr>
<td>453C11</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
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<td>45B13</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
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<td>[f]</td>
<td>45B14</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
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<th>CalRecycle Response</th>
<th>Revisions Needed</th>
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<tr>
<td>Waste</td>
<td>451O01</td>
<td>Western Placer Waste Management Authority</td>
<td>Mary</td>
<td>Dietrich</td>
<td>We request section (f) be amended to say “...the EA shall may direct the operator to prepare an Odor Best Management Feasibility Report...” This would give the EA discretion to determine what efforts are necessary, based on the specific circumstances, such as targeted best management practices when odor sources are known, or of a temporary nature, as opposed to a full site wide feasibility report. This would be consistent with other sections (e.g. Section (e)) that provide such EA discretion.</td>
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<td>Recommend change back to “May direct.” We believe that EA should be given latitude to escalate based on individual site, material and receptor circumstances.</td>
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<td></td>
<td>452P13</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>A public nuisance is very difficult to define; what constitutes offensive or indecent can be very subjective. Often, solid waste related operations that are in full compliance with their permits are subjected to odor complaints as a result of encroaching development that is beyond the control of the operator. For that reason, we recommend that this section be amended to offer some protection for otherwise compliant solid waste management facilities. Specifically, we believe the regulation should provide that no compostable material handling operation or facility conducted in a manner consistent with applicable regulations and permits, shall be considered a nuisance due to any changed condition in local land use (e.g. encroaching development) if it was not a nuisance at the time it began.</td>
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<td></td>
<td>453L05</td>
<td>County of San Diego Department of Environmental Health, Solid Waste</td>
<td>Karilyn</td>
<td>Merlos</td>
<td>It is unclear what criteria or training the LEA will employ in order to evaluate this new report and it is likewise unclear what form “consultation” with CalRecycle should take. Will the consultation require formal concurrence or documentation of approval from CalRecycle, or is verbal discussion adequate? This section needs to be clarified and appropriate guidelines or training on report adequacy should be made available to LEAs for consistency of implementation.</td>
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§17863.41. Odor Best Management Practice Feasibility Report

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<th>Commenter Affiliation</th>
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<th>Summary of Comment</th>
<th>CalRecycle Response</th>
<th>Revisions Needed</th>
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<tbody>
<tr>
<td>452O12</td>
<td>California Compost Coalition</td>
<td>Neil</td>
<td>Edgar</td>
<td>While we understand that this new Odor Best Management Practice Feasibility Report would be required at a critical time in the compliance and enforcement process for an odor issue, it is highly infeasible that such a report be produced within 14 days, if the goal is to produce a comprehensive plan that may represent the operator’s last, best chance to survive. Unless the odor issue is a proven threat to public health and safety – which is rarely the case – we see no good reason why allowing 60 days for proper development and submittal of this report should be a problem.</td>
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<tr>
<td>453L05</td>
<td>County of San Diego Department of Environmental Health, Solid Waste</td>
<td>Karilyn</td>
<td>Merlos</td>
<td>It is unclear what criteria or training the LEA will employ in order to evaluate this new report and it is likewise unclear what form “consultation” with CalRecycle should take. Will the consultation require formal concurrence or documentation of approval from CalRecycle, or is verbal discussion adequate? This section needs to be clarified and appropriate guidelines or training on report adequacy should be made available to LEAs for consistency of implementation.</td>
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<tr>
<td>(a)</td>
<td>451H03</td>
<td>CRRC</td>
<td>Ralph</td>
<td>Chandler</td>
<td>The new regulations attempt to provide operators and Enforcement Agencies with additional mechanisms to address chronic odor at compostable materials handling facilities and operations. We recognize that this is an important step in mitigating odor issues, but want to ensure that this framework does not lead to a dual regulatory structure whereby composting facilities will be required to create both an Odor Impact Minimization Plan and a Best Management Practice Feasibility Report.</td>
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</tr>
<tr>
<td>(a)</td>
<td>451P02</td>
<td>Waste Connections, Inc.</td>
<td>Jody L.</td>
<td>Snyder</td>
<td>WCI would ask that the words consecutive and chronic be defined. Section (1) how will odor severity be determined? Some individuals may find Christmas trees malodorous while others find it pleasant.</td>
<td></td>
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<tr>
<td>(d)</td>
<td>45F09</td>
<td>CAPCOA</td>
<td>Alan W.</td>
<td>Abbs</td>
<td>“Upon submittal of the Plan by the operator, the EA, within a specified time, shall approve or not approve the Plan. If not approved, then the operator shall resubmit an approvable Plan within a specified amount of time.” and “The items in subsection (b) should be required to be contained in the Plan and be implemented upon approval of the Plan.” (As opposed its being “guidance” and the operator having the option to explain why certain procedures are not necessary.)</td>
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<td>(d)</td>
<td>451O03</td>
<td>Western Placer Waste Management Authority</td>
<td>Mary</td>
<td>Dietrich</td>
<td>Section (d) be amended to clarify that, in the absence of any compliance issues, implementation of voluntarily reports is not mandatory, and that the operator shall have the discretion of implementing specific measures according to site specific conditions and operational considerations.</td>
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$\S17868.1$ Sampling Requirements

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<tr>
<td>45E09</td>
<td>Solana</td>
<td>Jessica</td>
<td>Toth</td>
<td>The regulations should be clear that facilities can conduct on-site curing and/or apply immediate beneficial use of the compost/solid digestate so long as the in-vessel technology meets temperature and residence time requirements, and meets pathogen destruction and metals requirements. Facilities should follow the sampling protocol and meet the standards outlined in §§17868.1, 17868.2, 17868.3 and 17868.3.1.</td>
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<tr>
<td>45G05</td>
<td>INIKA</td>
<td>Tyla</td>
<td>Montgomery</td>
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<td>45H09</td>
<td>Pro Trees Arborist</td>
<td>Theron</td>
<td>Winsby</td>
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<tr>
<td>45I09</td>
<td>Self</td>
<td>Margaret</td>
<td>Stockton</td>
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<td>45J09</td>
<td>Jimbo's ... Naturally</td>
<td>Kelly</td>
<td>Hartford</td>
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<td>45K09</td>
<td>Self</td>
<td>MC</td>
<td>Hagerty</td>
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<td>45L09</td>
<td>Self</td>
<td>Barbara</td>
<td>Patterson</td>
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<td>45N09</td>
<td>Self</td>
<td>Whitney</td>
<td>Duehez</td>
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<td>45O09</td>
<td>Solana</td>
<td>Diane</td>
<td>Hazard</td>
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<td>45P09</td>
<td>Self</td>
<td>James</td>
<td>Murdick</td>
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<td>45R09</td>
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<td>Roberta</td>
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<td>Self</td>
<td>Silka</td>
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<td>45X09</td>
<td>Self</td>
<td>Meaghan</td>
<td>Jones</td>
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<td>45Y09</td>
<td>Self</td>
<td>Evi</td>
<td>Haus</td>
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<td></td>
<td>451L05</td>
<td>Sustainable Solutions</td>
<td>Jeff</td>
<td>Bishop</td>
<td>CalRecycle Response</td>
<td>Revisions Needed</td>
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<td></td>
<td>45M06</td>
<td>OB GreenGold</td>
<td>Anne</td>
<td>Barron</td>
<td>Also: §17868.2(a); §17868.3(a)</td>
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<td></td>
<td>45Q09</td>
<td>SDU/SD Recycling Program</td>
<td>Janet</td>
<td>Whited</td>
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<tr>
<td></td>
<td>451Q04</td>
<td>California Association of Sanitation Agencies</td>
<td>Greg</td>
<td>Kester</td>
<td>CASA recommends modifying the language as follows: “should it not be possible to obtain analytical results prior to it being necessary to move biosolids based compost off-site, the permittee may do so, but assumes all liability for site evaluation and remediation if necessary, should the results show non-compliance with any limits.”</td>
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<tr>
<td>45W07</td>
<td>Synagro</td>
<td>Layne Baroldi</td>
<td>Synagro suggest modifying the language in this Section to be as follows: “should it not be possible to obtain analytical results prior to it being necessary to move bulk biosolids based compost off-site, the permittee may do so, but assumes all liability for site evaluation and remediation if necessary, should the results show non-compliance with any limits.”</td>
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<tr>
<td>45W08</td>
<td>Synagro</td>
<td>Layne Baroldi</td>
<td></td>
<td></td>
<td>(a) Also: §17868.2(a); §17868.3(a); §17868.3.1 (a)</td>
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<tr>
<td>451Y09</td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul</td>
<td>Prestia</td>
<td>We request that the requirement for test results in the aforementioned sections be modified as follows: “…Best efforts will be made by the operator to obtain sampling results must be received by the operator prior to removing compost from the composting operation or facility where it is produced. Sampling results shall be available for review by the EA at the composting site.”</td>
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<tr>
<td>452O04</td>
<td>California Compost Coalition</td>
<td>Neil</td>
<td>Edgar</td>
<td>A larger sample size and standardized collection methodology needs to be agreed upon prior to implementation of rule. TMECC is currently under review and time is ripe to establish new parameters. In addition the testing methodology is rudimentary and may not be able to provide repeatable results. Labs have indicated a much larger sample size than is typically submitted may be needed to adequately assess physical contamination across the broad range of particle sizes, particularly for the larger size products (i.e. 3” minus and above).</td>
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</tr>
<tr>
<td>452O05</td>
<td>California Compost Coalition</td>
<td>Neil</td>
<td>Edgar</td>
<td>A field testing methodology needs development (along with guidance and/or training) for LEAs to assure field testing conducted produces results which are standardized and repeatable.</td>
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<tr>
<td>(a)(1)</td>
<td>453L08</td>
<td>County of San Diego Department of</td>
<td>Karilyn</td>
<td>Merlos</td>
<td>The LEA suggests that CalRecycle consider modifying the language to potentially include a specified sampling frequency adequate to ensure material</td>
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### CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

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<td>Environmental Health, Solid Waste Enforcement Agency</td>
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<td>that moves offsite has been tested and results received prior to shipment of that material. This may include a first sampling once a specified amount of material has been produced, with subsequent sampling frequencies or volume limits to be identified based on the material outputs.</td>
</tr>
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</table>

Also: 17868.2; 17868.3; 17868.3.1

| 452G03 | Los Angeles Bureau of Sanitation | Enrique C. Zaldivar | LASAN recommends that U.S. EPA's Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846) or similar be required for sampling and testing of compost products. The proposed regulation should include the requirements for minimum numbers and sizes of the randomly-collected mixed samples and the composite samples to be analyzed to ensure the obtained results are statistically reliable. In addition, the same rigorous sampling and testing requirements must be imposed on the compost products marketed in California but produced out-of-state to ensure the public safety and the environment are protected. |

| PHB02 | Engel & Gray, Inc. | Robert Engel | We would support CalRecycle's support and funding to research and support updates to the US-TME protocols and analysis procedures. All testing should have the requirement to use labs that are in the U.S. Composting Council's "Seal of Testing Assurance" (STA) program "approved list" in the "Compost Analysis Proficiency Program." The TMECC is currently under review by the USCC and we advocate the adoption of new TMECC protocols that can address the proposed sampling, testing, and detection limits that are contemplated in several different classes of material as part of these rule changes. |

§17868.2 Maximum Metal Concentrations

| 45F04 | CAPCOA | Alan W. Abbs | Ensure the proposed limits are consistent with thresholds within DTSC (and any other applicable agency) regulations. |

Also: §17896.59

| 452J01 | Santa Clara County Department of Environmental Health | Chris Rummel | As I have stated during the last regulation package over a decade ago, some of the metals contamination levels allowed are still too high, especially the lead and copper. And why is molybdenum still removed? |

(a) 452P14 | Association of Compost Producers | Jeff Ziegenbein | The apparent proposed requirement to have all sample results received prior to material leaving the site is impractical. Recommend change to: “Sample results collected at the frequency prescribed in section 17867.1(a)(1) and must be available for review by EA at the composting site.” |

(a) 453C13 | CR&R | Clarke Pauley | The requirements for pathogen and metals testing, as well as contaminant limits and depth limits, are very well developed in this regulation. However, there is a lack of enforcement, as well as a problem with addressing problems after they are caught. |

§17868.3. Pathogen Reduction

(a) 453G10 | Californians Against Waste | Nick Lapis | The lab results should also be automatically reported to the LEA to aide with any potential enforcement. |
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<tr>
<td>[b][1]</td>
<td>453G09</td>
<td>Californians Against Waste</td>
<td>Nick</td>
<td>Lapis</td>
<td>There should be parity with composting. CalRecycle doesn’t allow composters to sell finished product that isn’t tested, and composters are handling the same materials that pose the same risks. If fecal chloroforms are such a concern in a controlled composting process designed to kill them, they ought to be a far greater concern in material that has been only chipped and ground.</td>
</tr>
<tr>
<td>17868.3.1. Physical Contamination Limits</td>
<td>451O04</td>
<td>Western Placer Waste Management Authority</td>
<td>Mary</td>
<td>Dietrich</td>
<td>With food waste being a large component of landfill organics, we encourage revisions to the regulation to prevent unintentional barriers to the expansion of organics diversion programs.</td>
</tr>
<tr>
<td></td>
<td>451P01</td>
<td>Waste Connections, Inc.</td>
<td>Jody L.</td>
<td>Snyder</td>
<td>WCI would like to ask for the rational and justification for the .1% contamination limit. We believe the 1% contamination level is achievable and ultimately markets drive the acceptable physical contaminants in finished compost. Our biggest concern as more feedstocks are forced into the compost stream i.e. “biodegradable service ware” and food waste a larger percentage of contamination will ensue. If feedstocks are controlled contamination will be controlled.</td>
</tr>
<tr>
<td></td>
<td>451T03</td>
<td>East Bay Municipal Utility District</td>
<td>Donald</td>
<td>Gray</td>
<td>We recommend that this limit receive more study to select an appropriate contamination limit, before this part of the proposed regulations take effect.</td>
</tr>
<tr>
<td></td>
<td>451X04</td>
<td>The San Diego Food System Alliance</td>
<td>Richard</td>
<td>Winkler</td>
<td>The proposed requirement may be too strict, especially when other sections of the regulations only specify that physical contaminants in feedstocks not exceed 1.0% by weight. What contaminant limits do other states enforce and what are industry-accepted standards?</td>
</tr>
<tr>
<td></td>
<td>451X05</td>
<td>The San Diego Food System Alliance</td>
<td>Richard</td>
<td>Winkler</td>
<td>Line 8, the phrase “or otherwise beneficially used” allows CalRecycle to interpret whether all compost produced (even compost used onsite) is required to be tested before use. Please clarify CalRecycle’s intended meaning and edit or delete as appropriate.</td>
</tr>
<tr>
<td></td>
<td>451X06</td>
<td>The San Diego Food System Alliance</td>
<td>Richard</td>
<td>Winkler</td>
<td>Please revise to state exactly which regulatory tiers (Excluded, EA Notification, Registration Permit, and Full Solid Waste Facility Permit) are included and provide an explicit sampling schedule for each tier. Due to the wording of sections (a) and (b), we do not understand if EA Notification Tier facilities (i.e., farms selling/giving away compost) are required to sample for physical contaminants whenever compost leaves the site, or only if requested by the EA. Please also clarify what conditions would prompt the EA to request a sample. The SDFSA requests clarification that permit-excluded and farms using compost onsite are excluded.</td>
</tr>
<tr>
<td></td>
<td>451X07</td>
<td>The San Diego Food System Alliance</td>
<td>Richard</td>
<td>Winkler</td>
<td>The sampling protocol does not specify a sample volume.</td>
</tr>
<tr>
<td></td>
<td>451Y08</td>
<td>County Sanitation</td>
<td>Paul</td>
<td>Prestia</td>
<td>To unify these provisions, we suggest cross-referencing the earlier section: 17868.3.1 Physical Contamination Limits</td>
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<tr>
<td>Districts of Los Angeles County</td>
<td>451C01</td>
<td>Napa County, Environmental Health Division</td>
<td>Greg</td>
<td>Pirie</td>
<td>Recommendation: Verification of physical contamination limits at point where compost is sold or removed from site no lower than 1.0% by 2017 with agreed upon analytical test methods. Give the EA more discretion when to apply the analytical testing (EHS vs. compost quality)</td>
<td></td>
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<td></td>
<td>452J01</td>
<td>Santa Clara County Department of Environmental Health</td>
<td>Chris</td>
<td>Rummel</td>
<td>I further take issue with the method to limit the amount of manmade contaminants in compost product, which I agree is a necessary thing in concept. However, the approach is for practical purposes very hard to implement and needs better explanations. Many things do not make a lot of sense and lacks clarity. There should be a specific testing standard outlined, that answers things like minimum sample size, methodology used to analyze, and 0.1% relative to what? the entire sample, or that which doesn't pass the 4mm screen. Will the sample be dried first before weight determinations? If the sorting and search for contaminants under a microscope requires a water rinse, will the contaminants pulled out be dried again? As discussed, can there be the creation of a set of standardized vials? Even this will be a problem, because many contaminants are coated with silt and dust and do not become visible until rinsed in water.</td>
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<td></td>
<td>452K01</td>
<td>Waste Management</td>
<td>Chuck</td>
<td>White</td>
<td>Requiring all compost to achieve a 0.1% contaminant level creates a costly and unnecessary burden when a variety of viable markets exist for varying contaminant levels. For example, some agricultural markets and reclamation projects successfully use compost products with greater than 1% contamination levels without causing harm to human health or the environment. In contrast, the bagged product/homeowner markets tolerate minimal to no contaminants. Based on current experience and practice in the US and California, WM recommends that physical contaminant levels be set by the marketplace and the end users of compost products until a better</td>
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Also:

- 17896.61

(c) All compostable material handling facilities shall take one representative sample for every 5,000 cubic yards of compost conduct sampling according to the frequency schedule specified in Section 17868.1(a) and send to a laboratory.

While we do agree with establishing a contamination limit for finished product, we propose a more reasonable contamination limit of 0.5%, which is a limit that is already widely used and accepted. CalRecycle, at its September 25, 2014 workshop, agreed that many other countries implement a contamination limit of 0.5%. Recology contends that a 0.1% contamination limit on finished compost would be near impossible to meet and would impose too great a cost on the producer.

Recommendation: Verification of physical contamination limits at point where compost is sold or removed from site no lower than 1.0% by 2017 with agreed upon analytical test methods. Give the EA more discretion when to apply the analytical testing (EHS vs. compost quality)
### CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

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<tr>
<td></td>
<td>452K02</td>
<td>Waste Management</td>
<td>Chuck</td>
<td>White</td>
<td>Should the State require set contamination limits, the sampling for physical contamination should follow the United States Composting Council’s (USCC) testing method as specified in the “Test Methods for the Evaluation of Compost and Composting (TMCC)” for physical contaminants, as referred to and defined as total inerts (glass, plastic, metals and sharps). This methodology went through a rigid development phase, and has been accepted by many states and adopted by composting programs and end users throughout the US. It is a standard test included in the USCC “Seal of Testing Assurance (STA) Program”. Labs approved to provide testing should be on the USCC’s “Approved” list, guaranteeing some quality control in conducting the testing procedure. Furthermore, results and compliance should be specified as reported on a dry weight basis, normalizing the measurement method.</td>
<td>technical and economic justification can be made to set limits based upon California-specific scientific data and a public review process.</td>
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<td></td>
<td>452M03</td>
<td>Harvest Power</td>
<td>Linda</td>
<td>Novick</td>
<td>Harvest recommends the development of specific protocols for sample collection and testing associated with the physical contamination testing requirement.</td>
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<td></td>
<td>452N01</td>
<td>City of San Jose</td>
<td>Kristina</td>
<td>McCaffrey</td>
<td>I would prefer CalRecycle continue to let the market determine the acceptable level of physical contaminants in compost. However, if a limit is to be set, feel a physical contaminant level set at 0.75% is far more pragmatic and achievable and is therefore recommended as an alternative. I also recommend adoption of a gradual phase-in of the physical contamination limit over a several year period. A phased-in approach will provide processors time to implement modifications, and provide time for generator behavior to change, thus making implementation of the physical contamination limit more feasible.</td>
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|              | 452O06         | California Compost    | Neil       | Edgar     | Phased Implementation Schedule – Green Material Compost and Chip and Grind Mulch
Adoption of sampling/testing methodologies – December 31, 2017 --- 1%
January 1, 2018 – December 31, 2019 --- 0.5%
January 1, 2020 --- 0.1%
Phased Implementation Schedule – Mixed Material
Adoption of sampling/testing methodologies – December 31, 2017 --- 2%
January 1, 2018 – December 31, 2019 --- 1%
January 1, 2020 --- 0.5% |  |
|              | 452P16         | Association of Compost Producers | Jeff | Ziegenbein | We propose that CalRecycle form a new “California Compost Standards Working Group,” to assess and advise the agency on PCLs. We recommend that this section be revised accordingly. |  |
|              | 453C15         | CR&R                  | Clarke     | Pauley    |  |  |

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<td></td>
<td>452P19</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Create new section § 17868.3.3.: § 17868.3.3. Physical Contamination Limit Phase In (new section). CalRecycle may adopt new Physical Contamination Limits based on the advice and consensus of the California Compost Standards Working Group. The revised Physical Contamination Limits shall be no more than 1 percent, and no less than 0.1 percent by weight of physical contaminants greater than 4 millimeters. The new Physical Contamination Limits shall be adopted on a timeline as recommended by the working group.</td>
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<td>453C18</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
<td>We are supportive of a phased-in standard that allows time for jurisdictions and operators to adjust to the significant potential projected cost increases. While we agree that a 0.1% limit on physical contaminants may be achievable for green material, we do not believe that a limit below 0.5% can be met consistently given the increasing levels of food waste being used as compost feedstock.</td>
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<td></td>
<td>453I01</td>
<td>West Marin Compost</td>
<td>Jeffrey A.</td>
<td>Creque</td>
<td>We are supportive of a phased-in standard that allows time for jurisdictions and operators to adjust to the significant potential projected cost increases. While we agree that a 0.1% limit on physical contaminants may be achievable for green material, we do not believe that a limit below 0.5% can be met consistently given the increasing levels of food waste being used as compost feedstock.</td>
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<td>PHA02</td>
<td>City of Bakersfield Solid Waste Division</td>
<td>Kevin</td>
<td>Barnes</td>
<td>Please do not proceed with the regulation until a test method has been established and some real situational results have been obtained and shared.</td>
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<td></td>
<td>PHA03</td>
<td>City of Bakersfield Solid Waste Division</td>
<td>Kevin</td>
<td>Barnes</td>
<td>With a volumetric approach, an extreme case of too much film plastic would be caught if there was a reasonable limit of this type. It may be more realistic and practical than a weight based limit, but much more consideration is needed.</td>
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<td>PHB01</td>
<td>Engel &amp; Gray, Inc.</td>
<td>Robert</td>
<td>Engel</td>
<td>We do not see the scientific or operational basis of this particular limit. We believe that the proposed PCL is arbitrary and not based on substantial existing compost operational information in the State. Nor does the economic analysis that was completed as part of the &quot;Initial Statement of Reasons&quot; adequately address the potential economic impact of a 0.1% PCL. Because of this lack of data, we believe that more research is warranted before a PCL number can be justifiably proposed, and reliably met and then enforced. We would propose that CalRecycle staff work with composters such as ourselves to come up with realistic limits. We believe CalRecycle should stay with current language and practices and then work with Industry to come up with workable solutions.</td>
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<td>PHB04</td>
<td>Engel &amp; Gray, Inc.</td>
<td>Robert</td>
<td>Engel</td>
<td>The economic impact of endeavoring to achieve a 0.1% PCL to our organization, at this time cannot even be estimated as we do not know what analysis would be required. Equipment or processes to achieve the unknown is hard to quantify. A phased in process, which takes into account technology availability, cost, analytical measurement, enforcement, and working with compost manufacturers would be something that we would support moving forward.</td>
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<td>PHQ03</td>
<td>California Refuse Recycling Council</td>
<td>Veronica</td>
<td>Pardo</td>
<td>We are in support of an industry achievable contamination level as well as a standardized and repeatable lab protocol included in your regulations.</td>
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<td>Veronica</td>
<td>Pardo</td>
<td>We highly recommend, as other stakeholders, the formation of an industry committee or working group comprised of composters, waste management industry, as well as food and ag representatives, water board, and other affected stakeholders to tackle the salient issues that have been brought up today and in the letter.</td>
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<tr>
<td>PHQ05</td>
<td>PHQ05</td>
<td>California Refuse Recycling Council</td>
<td>Veronica</td>
<td>Pardo</td>
<td>These regs really are crucial to reach the 75 percent diversion goals of the state, and as they’re written in their current form, specifically around the contamination levels, we believe that it would thwart the goals of the state in reaching those goals, the diversion rate goals.</td>
<td></td>
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<tr>
<td>PHR02</td>
<td>PHR02</td>
<td>Californians Against Waste</td>
<td>Nick</td>
<td>Lapis</td>
<td>The 0.1% doesn’t work. There is a compromise in the range of 0.5% to 0.75% with a standard that’s an equal playing field for land application and composting in terms of the finished product after the decomposition process also potentially different standards for different inert materials.</td>
<td></td>
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<tr>
<td>PHS01</td>
<td>PHS01</td>
<td>Republic Services</td>
<td>Chuck</td>
<td>Helget</td>
<td>The 0.1 percent is simply unenforceable and economically unfeasible, and we would suggest at least a 0.5 percent threshold.</td>
<td></td>
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<tr>
<td>PHT01</td>
<td>PHT01</td>
<td>California Compost Coalition</td>
<td>Neil</td>
<td>Edgar</td>
<td>The physical contaminant limit, which we believe is untenable. We presented an alternative plan, where clean green material and chip and grind material could adhere likely to a 0.1 percent standard.</td>
<td></td>
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<tr>
<td>PHT02</td>
<td>PHT02</td>
<td>California Compost Coalition</td>
<td>Neil</td>
<td>Edgar</td>
<td>We also have proposed that testing labs be required to utilize the US Composting Council’s seal testing assurance program, the TMECC methods. That will provide apples to apples comparison of contaminant levels, and then those labs can report back to CalRecycle over the next several years where the median range and matrix are on the actual contaminant levels or they’re present at composting facility.</td>
<td></td>
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<tr>
<td>PHT03</td>
<td>PHT03</td>
<td>California Compost Coalition</td>
<td>Neil</td>
<td>Edgar</td>
<td>We proposed a 0.5 percent standard and, granted, both of these standards would be phased in over a five-year period to allow the industry to adjust, our estimates are that the economic impact ranges somewhere in the 13 to 15 percent of the total market value of all compost and mulch products that are produced right now.</td>
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<tr>
<td>45B15</td>
<td>45B15</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Revise the second sentence as follows so that disposal is not the first option and rather additional processing shall take place before disposal is considered. “Compost that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters shall be designated for disposal, additional processing, disposal, or other use as approved by local, state or federal agencies having appropriate jurisdiction.”</td>
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<tr>
<td>45W09</td>
<td>45W09</td>
<td>Synagro</td>
<td>Layne</td>
<td>Baroldi</td>
<td>Section 17868.3.1 requires compost to contain less than 0.1% physical contaminants on a dry weight basis. This is exceedingly difficult to achieve, especially if curbside green waste is used as a feedstock. With state objectives to remove green waste from landfills, this requirement will be contradictory with those objectives.</td>
<td></td>
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<tr>
<td>45W10</td>
<td>45W10</td>
<td>Synagro</td>
<td>Layne</td>
<td>Baroldi</td>
<td>A 1.0% physical contaminant level is far more pragmatic and achievable and is therefore recommended as an alternative.</td>
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<th>CalRecycle Response</th>
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<tbody>
<tr>
<td>(a)</td>
<td>451E04</td>
<td>Athens Services</td>
<td>Brian</td>
<td>Johsz</td>
<td>The proposed amendment, to not allow compost to contain more than 0.1% by weight of physical contaminants greater than 4 millimeters, is unfeasible and not practically achievable.</td>
<td></td>
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<tr>
<td>(a)</td>
<td>451H01</td>
<td>CRRC</td>
<td>Ralph</td>
<td>Chandler</td>
<td>The current proposed level of 0.1% by weight of physical contaminants greater than 4 millimeters is impracticable.</td>
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</tr>
<tr>
<td>(a)</td>
<td>451H02</td>
<td>CRRC</td>
<td>Ralph</td>
<td>Chandler</td>
<td>CRRC proposes a realistic 1% target physical contamination level.</td>
<td></td>
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</tr>
<tr>
<td>(a)</td>
<td>451Q05</td>
<td>California Association of Sanitation Agencies</td>
<td>Greg</td>
<td>Kester</td>
<td>A 0.5% physical contaminant level is far more pragmatic and appears achievable and is therefore recommended as an alternative.</td>
<td></td>
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</tr>
<tr>
<td>(a)</td>
<td>452B01</td>
<td>California Organic Recycling Council</td>
<td>Matthew</td>
<td>Cotton</td>
<td>We would prefer that CalRecycle continue to allow market forces to dictate the level of acceptable physical contaminants in finished compost. We do not believe that the proposed 0.1 percent standard is based on either science, practice, or other documented study, nor is it in any way necessary for the protection of public health, safety, and/or the environment. CORC has always and continues to promote high quality markets for compost and appreciates the spirit of what CalRecycle may be trying to do, if not the approach. We are reluctantly supportive of a phased-in standard that allows time for jurisdictions and operators to adjust to the significant potential cost increases you have projected in your economic analysis. Specifically, while we agree that a 0.1% limit on physical contaminants <em>may</em> be achievable for green material-only composters, we do not believe that a limit below 0.5% can be met consistently, particularly given the increasing levels of food scraps that are, and will be, used as compost feedstock.</td>
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<tr>
<td>(a)</td>
<td>452P14</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>We believe that the Physical Contamination Limits (PCLs), as proposed, have not been adequately studied to be adopted.</td>
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<tr>
<td>(a)</td>
<td>452P15</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>We propose that CalRecycle form a new “California Compost Standards Working Group,” to assess and advise the agency on PCLs.</td>
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<tr>
<td></td>
<td>453C14</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
<td>Revise section to read: § 17868.3.1. Physical Contamination Limits. (a) Upon adoption, and effective until “Physical Contamination Limit Phase In,” Compost shall not contain more than 1% by weight of physical contaminants greater than 4 millimeters. Compost that contains more than 1% by weight of physical contaminants greater than 4 millimeters shall be designated for disposal, additional processing, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results, collected at the minimum frequency prescribed in section 17868.</td>
<td></td>
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<tr>
<td>(a)</td>
<td>452S03</td>
<td>CCDEH</td>
<td>Rebecca</td>
<td>Ng</td>
<td>Phased Implementation Schedule.</td>
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CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations
<table>
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<tr>
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<td>Green Material Compost and Chip and Grind Mulch Adoption of testing methodologies - December 31, 2017 1% January 1, 2018 - December 31, 2019 0.5% January 1, 2020 0.1%</td>
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<td></td>
<td>Phased Implementation Schedule - Mixed Material Adoption of testing methodologies - December 31, 2017 2% January 1, 2018 - December 31, 2019 1% January 1, 2020 0.5%</td>
</tr>
<tr>
<td></td>
<td>(a) 452S04</td>
<td>CCDEH</td>
<td>Rebecca</td>
<td>Ng</td>
<td>All lab testing for physical contaminants would be required at labs participating in the USCC’s Seal of Testing Assurance Program (STA), employing the TMECC method.</td>
</tr>
<tr>
<td></td>
<td>(a) 453D02</td>
<td>SF Environmental</td>
<td>Jack</td>
<td>Macy</td>
<td>Our primary concern is the proposed 0.1% physical contamination limit for compost. We do not believe that it is currently possible or economically feasible for composters to achieve that limit for those receiving food material, especially post-consumer food scraps, that are the largest material being landfilled and the most critical to increase diversion.</td>
</tr>
<tr>
<td></td>
<td>(a) 453D03</td>
<td>SF Environmental</td>
<td>Jack</td>
<td>Macy</td>
<td>While we would like to see evidence that market forces cannot drive acceptable contamination levels, we are supportive of setting a contamination limit initially at 1%, and then allow, if deemed necessary, a phased-in standard that would go no lower than 0.5% after at least several years to give industry and jurisdictions time to adjust to the significantly higher processing costs as referenced in your economic analysis.</td>
</tr>
<tr>
<td></td>
<td>(a) 453E01</td>
<td>Sector Strategies</td>
<td>Chuck</td>
<td>Helget</td>
<td>We believe that samples should be analyzed on a “dry weight” basis.</td>
</tr>
<tr>
<td></td>
<td>(a) 453E02</td>
<td>Sector Strategies</td>
<td>Chuck</td>
<td>Helget</td>
<td>The contamination threshold is far too low and that they are unachievable (or achievable only at an excessive cost), unenforceable and as such will inhibit the siting and expansion of compost facilities. In other words, the cost of achieving the threshold will drain capital investment away from expanding the composting infrastructure at a time when AB 1826 will require large amounts of new capacity!</td>
</tr>
<tr>
<td></td>
<td>(a) 453E03</td>
<td>Sector Strategies</td>
<td>Chuck</td>
<td>Helget</td>
<td>Therefore, we urge CalRecycle to consider raising the threshold to a minimum of 5% and that there be a phase-in period to allow the industry time to adapt.</td>
</tr>
<tr>
<td></td>
<td>(a) 453G01</td>
<td>Californians Against Waste</td>
<td>Nick</td>
<td>Lapis</td>
<td>The proposed 0.1% contamination standard is unworkable, unsubstantiated, and a barrier to expanding composting and meeting the state’s 75% goal.</td>
</tr>
<tr>
<td></td>
<td>(a) 453G02</td>
<td>Californians Against Waste</td>
<td>Nick</td>
<td>Lapis</td>
<td>This requirement seems to be trying to solve a problem that doesn’t actually exist. When compost is sold, the market dictates what levels of contamination is acceptable, and cases of heavily contaminated compost have been exceedingly rare.</td>
</tr>
<tr>
<td></td>
<td>(a) 453G03</td>
<td>Californians Against Waste</td>
<td>Nick</td>
<td>Lapis</td>
<td>The threshold (physical contamination limit) should be in the 0.5% - 0.75% range.</td>
</tr>
<tr>
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<tr>
<td></td>
<td>(a) 453G05</td>
<td>Californians Against Waste</td>
<td>Nick</td>
<td>Lapis</td>
<td>The standard (physical contamination limit) should be phased in over a reasonable period of time to minimize the impact on the industry.</td>
</tr>
<tr>
<td></td>
<td>(a) 453G06</td>
<td>Californians Against Waste</td>
<td>Nick</td>
<td>Lapis</td>
<td>CalRecycle should consider having a different standard (physical contamination limit) for heavy, but inert contaminants (such as glass).</td>
</tr>
<tr>
<td></td>
<td>(a) 453H02</td>
<td>Sonoma County Dept. of Health Services</td>
<td>Jennifer</td>
<td>Lyle</td>
<td>The Sonoma County LEA is supportive of a phased approach to meeting the 0.1% contaminant limits in compost products proposed by the California Compost Coalition.</td>
</tr>
<tr>
<td></td>
<td>(a) 451U02</td>
<td>Stop Waste</td>
<td>Gary</td>
<td>Wolff</td>
<td>The proposed 0.1 percent standard does not appear to be based on documented practice, nor does it appear to be necessary for the protection of public health, safety, and/or the environment.</td>
</tr>
<tr>
<td></td>
<td>(a) 451U03</td>
<td>Stop Waste</td>
<td>Gary</td>
<td>Wolff</td>
<td>We agree with CCC and CORC that market forces should dictate the level of allowable contaminants (except when regulations are necessary to protect public health, safety, or the environment).</td>
</tr>
<tr>
<td></td>
<td>(a) PHN03</td>
<td>Association of Compost Producers</td>
<td>Kathy</td>
<td>Lynch</td>
<td>We believe that number (0.1%) is an impossible number to reach at this time.</td>
</tr>
<tr>
<td></td>
<td>(a) PHO02</td>
<td>California Resource Recovery Association</td>
<td>John</td>
<td>Dane</td>
<td>We particularly call attention to the problematic .1 physical contamination limit. We certainly support our technical council’s preference that market forces define the level of physical contamination in the finished compost.</td>
</tr>
<tr>
<td></td>
<td>(a) PHQ02</td>
<td>California Refuse Recycling Council</td>
<td>Veronica</td>
<td>Pardo</td>
<td>We consider the current .01 to be unattainable not only from a cost perspective as economic and fact report estimates a cost scenario of $50 million but also from a lab testing perspective and that was spoken to today.</td>
</tr>
<tr>
<td></td>
<td>(b) 452M01</td>
<td>Harvest Power</td>
<td>Linda</td>
<td>Novick</td>
<td>Harvest recommends a two-step approach for all compost material handling operations and facilities. First, the EA conducts a visual inspection, and, at the request of the EA, each operation shall take a representative sample of compost for sampling. This language is articulated in section (b) but currently only includes compost materials handling operations and not composting facilities. Harvest recommends that this section be modified to apply to both compost material handling operations and facilities. The language articulated in (b) would be followed: Upon request from the EA, a compostable material handling operation or composting facility shall take a representative sample of compost and send to a laboratory at which physical contamination greater than 4 milliliters shall be collected and weighed and the % of physical contamination determined.</td>
</tr>
<tr>
<td></td>
<td>(d) 452B02</td>
<td>California Organic Recycling Council</td>
<td>Matthew</td>
<td>Cotton</td>
<td>We are also aware that there are questions within the analytical lab community as to the repeatability and sampling protocol for such a low standard.</td>
</tr>
</tbody>
</table>

§17868.5. Green Material and Vegetative Food Material Processing Requirements

(a) 452M02 | Harvest Power | Linda Novick | In reality, farmers, landscapers and other compost users are setting this level already. We recommend beginning with a level of 1% contamination by
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<tbody>
<tr>
<td></td>
<td>(a)</td>
<td>Sonoma County Dept. of Health Services</td>
<td>Jennifer</td>
<td>Lyle</td>
<td>The regulation to meet the 1% contaminant requirement should allow a short time frame for sorting in addition to load checking. Curbside green cans often have greater than 1% contamination that present difficulty for the operators in meeting the requirement. In addition, 1% contamination on inbound feedstock is difficult to assess. We support the new regulations that propose limits to the percentage of contamination in the end product to 0.1% thereby achieving a clean, viable compost product.</td>
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<tr>
<td>(a)(1)</td>
<td>458B16</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>It is next to impossible to visually measure the level of physical contaminant to 1.0 percent or less by weight. It is recommended that (1) a minimum of 5% of daily incoming feedstock, (b) a percentage established based on a 90% confidence level of the incoming feedstock, or (c) at least one truck load, whichever is the greatest, shall be tested. Each sample shall first be weighed followed by collecting and weighing the physical contaminants. The percentage of physical contaminants shall be determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total weight or if the load contains materials that do not meet the definitions of green material in Section 17852(a)(21) or vegetative food materials in Section 17852(a)(20)(A).</td>
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<tr>
<td></td>
<td>452G02</td>
<td>Los Angeles Bureau of Sanitation</td>
<td>Enrique C.</td>
<td>Zaldivar</td>
<td>LASAN recommends that feedstock including green material and/or food material must be visually inspected for the physical contaminants. However, if the load is found to include physical contaminants that exceed 10 percent by weight of the entire load, it then must be taken to a full solid waste permit facility for processing.</td>
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<td></td>
<td>453L07</td>
<td>County of San Diego Department of Environmental Health, Solid Waste Enforcement Agency</td>
<td>Karilyn</td>
<td>Merios</td>
<td>The LEA suggests that CalRecycle take the opportunity with this regulatory package to define processing timelines for compostable materials. There should be some consideration of a mandated maximum time these materials may be held on-site prior to physical processing, mixing/blending, placement within a windrow or pile or covered to prevent vector breeding or impacts, odor or dust impacts. There are such requirements in regulation pertaining to operational standards for Construction and Demolition and Inert Debris Transfer/Processing and Municipal Solid Waste Transfer/Processing activities. The LEA suggests processing of green materials within 96 hours of receipt with the option for the LEA to grant up to 7 days with conditions, and processing of vegetative food materials within 48 hours of receipt with the option for the LEA to grant up to 96 hours with conditions.</td>
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§17869. General Record Keeping Requirements

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<tr>
<td></td>
<td>452M05</td>
<td>Harvest Power</td>
<td>Linda</td>
<td>Novick</td>
<td>The general record keeping requirements section states that all compostable materials handling operations and facilities retain all record for five (5) years. It appears that chip and grind facilities with materials destined for land application are subject to these same requirements. To clarify this statement, we recommend that chip and grind operations and land application sites be added to the list of regulated facilities under this section.</td>
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### $\$17896.1. Authority and Scope

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<tr>
<td>(a)</td>
<td>45Y05</td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul</td>
<td>Prestia</td>
<td>Section 17896.1(a) indicates that Chapter 3.2 sets permitting requirements and minimum operating standards for in-vessel digestion operations and facilities that receive and process “solid waste.” Since “solid waste” is not defined in Section 17896.2, it may be more appropriate to use the term “digestible organic material” for this chapter. CalRecycle should substitute “solid waste” for “anaerobically digestible material” in Section 17896.1(a).</td>
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<tr>
<td>(c)</td>
<td>45B17</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>It has been stated that digestion of organic materials (both “compostable” such as green materials and “non-compostable” such as landfill plastic liners) can occur naturally. Please refer to the General Comment #1 (45B01) and Section 17896.2(a)(7), and verify the accuracy of the said statement.</td>
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<tr>
<td>(d)</td>
<td>45B18</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>In part, this Subsection states “...However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter (emphasis added).” Such an authority is far reaching and it is limited to the State Legislative body and not the State Administrative body because the proposal would negatively impact a local jurisdiction’s land use decision. As such, the term “conflict” needs to be defined or the statement should be revised to read “...However, no city, county, or special district may promulgate or enforce laws which are less restrictive than the provision of this Chapter.”</td>
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### $\$17896.2. Definitions

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<tr>
<td>(a)</td>
<td>45B19</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Please expand this Subsection to provide definition for the processed mammalian tissue, flesh, organs, hide, blood, bones and marrow.</td>
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<tr>
<td>(a)</td>
<td>45X03</td>
<td>CSS</td>
<td>Dan</td>
<td>Morash</td>
<td>In order to clarify regulatory jurisdictional authority, CSS recommends the addition of the definition of “Renderer” to section 17896.2 that corresponds to Food and Agricultural Code section 19213 as follows: 19213. “Rendering” means all recycling, processing, and conversion of animal and fish materials and carcasses and inedible kitchen grease into fats, oils, proteins, and other products that are used in the animal, poultry, and pet food industries and other industries.</td>
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<tr>
<td>(a)</td>
<td>45Y04</td>
<td>CleanWorld</td>
<td>Tracy</td>
<td>Saville</td>
<td>CleanWorld proposes that the wording (from In-Vessel definitions) be changed from “receives” to “feeds”.</td>
<td></td>
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<tr>
<td>(a)(6)</td>
<td>452P20</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Recommend change the definition to: “Digestate means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester.”</td>
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<tr>
<td>(a)</td>
<td>453C19</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
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<td>First name</td>
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<td>Summary of Comment</td>
<td>CalRecycle Response</td>
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<tr>
<td>(a)(7)(A)</td>
<td>PHL05</td>
<td>INIKA</td>
<td>Tyla</td>
<td>Montgomery</td>
<td>We'd like a better distinction in the rules that distinguishes aerobic in-vessel digesters versus anaerobic digesters because in-vessel aerobic digesters are compost.</td>
<td></td>
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<tr>
<td>(a)(7)(B)</td>
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<tr>
<td>(a)(8)</td>
<td>451J04</td>
<td>USCC</td>
<td>Al</td>
<td>Rattie</td>
<td>We are opposed to allowing dairies to take off-farm food scraps for digestion under a simple “notification” tier.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(8)</td>
<td>451J05</td>
<td>USCC</td>
<td>Al</td>
<td>Rattie</td>
<td>We are also concerned that dairies will be given an unfair competitive advantage as compared to other commercial entities that have to meet more stringent requirements.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(8)</td>
<td>Agricultural Council of California</td>
<td>Rachel</td>
<td>O’Brien</td>
<td></td>
<td>We furthermore have some serious concerns about the regulations pertaining to the dairy industry specifically dairy digesters. This technology promises the potential to create renewable energy, reduce environmental impacts, and we ask that CalRecycle work with us to help this technology overcome existing barriers and avoid regulatory duplications and overlap with CDFA and the Regional Water Quality Control Board.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(9)</td>
<td>453B08</td>
<td>Los Angeles County Department of Public Health, Solid Waste Management Program</td>
<td>Shikari</td>
<td>Nakagawa-Ota</td>
<td>We recommend the same tonnage limits applied to the Distribution Center In-Vessel Digestion Operation as used for In-Vessel Digestion Operations and Facilities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(9)</td>
<td>453B09</td>
<td>Los Angeles County Department of Public Health, Solid Waste Management Program</td>
<td>Shikari</td>
<td>Nakagawa-Ota</td>
<td>For consistency, “putrescible material” mentioned in this section should be changed to “putrescible waste”.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(14)</td>
<td>45Y01</td>
<td>CleanWorld</td>
<td>Tracy</td>
<td>Saville</td>
<td>CleanWorld proposes that the definition's language (Limited Volume In-Vessel Digestion Operation) be changed to reflect a 30-day average requirement.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(14)</td>
<td>45Y03</td>
<td>CleanWorld</td>
<td>Tracy</td>
<td>Saville</td>
<td>We feel that adding a clause about giving the LEA the flexibility to provide exemptions for digester operations on a case-by-case basis is not an adequate solution to this concern.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(14)</td>
<td>45Y03</td>
<td>CleanWorld</td>
<td>Tracy</td>
<td>Saville</td>
<td>We propose that the definitions language be changed to reflect a thirty-day rolling average instead of a one-week average to preserve the flexibility in our operations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(17)</td>
<td>PHK01</td>
<td>CleanWorld</td>
<td>Cory</td>
<td>Bullis</td>
<td>The current definitions of the maximum tonnage for both limited volume and medium volume in-vessel digestion operations are allowed to receive on a weekly basis severely inhibits the flexibility we need in a digester operation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(17)</td>
<td>PHK02</td>
<td>CleanWorld</td>
<td>Cory</td>
<td>Bullis</td>
<td>We propose that the definitions language be changed to reflect a thirty-day rolling average instead of a one-week average to preserve the flexibility in our operations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(17)</td>
<td>PHR03</td>
<td>Californians Against Waste</td>
<td>Nick</td>
<td>Lapis</td>
<td>To Cory Bullis’ point from CleanWorld, I think he’s right. It does seem to make sense to have a thirty-day rolling average for material.</td>
<td></td>
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</tr>
<tr>
<td>(a)(17)</td>
<td>45Y02</td>
<td>CleanWorld</td>
<td>Tracy</td>
<td>Saville</td>
<td>This same flexibility (see 45Y01) should be given to medium volume in-vessel digesters.</td>
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</table>
### CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

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<thead>
<tr>
<th>Section/Area</th>
<th>Comment Number</th>
<th>Commenter Affiliation</th>
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<th>CalRecycle Response</th>
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<tr>
<td>(a)(18)</td>
<td>45B20</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Nuisance. Please refer to the Specific Comment #2 (45B04) for concerns and recommendations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(18)</td>
<td>PHM03</td>
<td>LA County Task Force</td>
<td>Mike</td>
<td>Mohajer</td>
<td>So you have got to define the &quot;entire community.&quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(27)</td>
<td>452P21</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Salvaging Definition. This is the same as material recovery. Recommend: Add &quot;(e.g. Material Recovery Facility).&quot;</td>
<td></td>
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#### $\text{§17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities}$

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<tr>
<th>Comment Number</th>
<th>Commenter Affiliation</th>
<th>First name</th>
<th>Last name</th>
<th>Summary of Comment</th>
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</thead>
<tbody>
<tr>
<td>451Y04</td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul</td>
<td>Prestia</td>
<td>We suggest that just tons per day (tpd) be used in Section 17896.5, as shown below.</td>
</tr>
</tbody>
</table>

- **Notification Tier**
  - Limited Volume In-Vessel Digestion Operations (<15 tpd), Section 17896.11

- **Registration Tier**
  - Medium Volume In-Vessel Digestion Operations (>15 tpd & <100 tpd), Section 17896.12

- **Full Solid Waste Facility Permit**
  - Large Volume In-Vessel Digestion Operations (> 100 tpd), Section 17896.13

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<tr>
<th>Comment Number</th>
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</thead>
<tbody>
<tr>
<td>452P22</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>In Vessel Regulatory Tiers: Distribution Center In-vessel Digestion Operations is placed in Notification Tier with no volume limit. This seems like an opportunity for large &quot;Distribution Center&quot; food waste AD to be unregulated. Recommend Change: &quot;Small Distribution Center In-Vessel Digestion Operations (less than 60 yd³ or 15 tpd)&quot; Distribution center in-vessel digestion operations larger than this should be regulated under &quot;Medium Volume&quot; and &quot;Large Volume&quot; requirements.</td>
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<tbody>
<tr>
<td>453C21</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
<td>And then in Section 17896.6, CSS recommends a Renderer exclusion to this Excluded Activities section as follows:</td>
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- All in-vessel fresh food digestion processes that are permitted and regulated under the California Department of Food and Agriculture Code qualify as an excluded activity under this section.

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<tr>
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</thead>
<tbody>
<tr>
<td>(a)(1)(A)</td>
<td>45C01</td>
<td>Anaergia</td>
<td>David</td>
<td>With the proposed regulations, there is no limit on the amount of contaminants that can be received by a POTW. We believe the intent of this exemption is to ensure that a significant proportion of any waste preprocessing take place offsite in a solid waste permitted facility or in an...</td>
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<thead>
<tr>
<th>Section/Area</th>
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</thead>
<tbody>
<tr>
<td>(a)(1)(A)</td>
<td>45C02</td>
<td>Anaergia</td>
<td>David</td>
<td>Schneider</td>
<td>We would highly recommend that a specification on the amount of contaminants allowed for this exemption be based on a dry basis which considered the total solids in the hauled in organic fraction.</td>
</tr>
<tr>
<td>(a)(1)(A)</td>
<td>451Q01</td>
<td>California Association of Sanitation Agencies</td>
<td>Greg</td>
<td>Kester</td>
<td>Replace with: Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant. Once on site, the anaerobically digestible material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated to enhance the anaerobic digestion process or operation prior to anaerobic digestion, but must be processed and conveyed in a contained system. Any separated material at the POTW that is not suitable for anaerobic digestion and has no beneficial use shall be further managed as a solid waste.</td>
</tr>
<tr>
<td>(a)(1)(D)</td>
<td>451T01</td>
<td>East Bay Municipal Utility District</td>
<td>Donald</td>
<td>Gray</td>
<td>This prohibition unnecessarily removes a best option for recycling this material. Please consider adding: “unless approved by CDFA and the State Water Resources Control Board (SWRCB) or the Regional Water Quality Control Board (RWQCB) as appropriate.”</td>
</tr>
<tr>
<td>(a)(3)</td>
<td>451Y03</td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul</td>
<td>Prestia</td>
<td>As proposed in Section 17896.6(a)(3), an in-vessel digestion facility with 100 cubic yards of total material (solid waste, feedstock, and digestate) onsite at any given time is excluded from the requirements of Chapter 3.2 (In-Vessel Digestion Operations and Facilities Regulatory Requirements). It is unclear, however, why this facility would not be permitted under a Registration Tier or Full Solid Waste Facility Permit Tier given the 100 cubic yard volume. The 100 cubic yards exceeds the 60 cubic yard threshold for a medium volume facility as defined in Section 17896.2(a)(17).</td>
</tr>
<tr>
<td>(a)(4)</td>
<td>451T02</td>
<td>East Bay Municipal Utility District</td>
<td>Donald</td>
<td>Gray</td>
<td>EBMUD also recommend s that the regulation provide a means to apply for the exclusion for anaerobic digesters at a POTW that are dedicated to solely accepting hauled-in anaerobically digestible materials and which do not co-digest sewage sludge, as long as they are similarly regulated through the NPDES permit or WDR. The following paragraph is recommended to replace section 17896.6 (a)(4):</td>
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<td>(4) Other discrete handling activities that are already subject to equally stringent handling requirements under Federal or State law, as determined by the Department in consultation with the EA and other state agencies as appropriate, are excluded. Furthermore, POTWs with dedicated digesters receiving only hauled-in anaerobically digestible materials without co-digesting with wastewater at POTWs, can submit a request for exclusion in accordance with sub (a)(1)(D).</td>
</tr>
<tr>
<td>(a)(4)</td>
<td>451Q02</td>
<td>California Association of</td>
<td>Greg</td>
<td>Kester</td>
<td>Replace with: Other discrete handling activities that are already subject to equally stringent handling requirements under Federal or State law, as determined by the Department in consultation with the EA and other state</td>
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<tr>
<td>Sanitation Agencies</td>
<td>(a)(4) 451Y02</td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul</td>
<td>Prestia</td>
<td>To allow for different types of anaerobic digestion to be constructed at a POTW, we ask that the following provision be added to Section 17896.6: (a)(4) For the purpose of this exclusion, the Department, in consultation with the State Water Resources Control Board, will on a case-by-case basis, review and consider approval of additional configurations of the anaerobic digestion of digestible organic material within a POTW Treatment Plant.</td>
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§17896.8. Research In-Vessel Digestion Operations

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<tr>
<td>[c]</td>
<td>45W11</td>
<td>Synagro</td>
<td>Layne</td>
<td>Baroldi</td>
<td>Section 17896.8(c) states that at the conclusion of a research project the operator shall conduct site restoration as the only alternative. Options to continue operation under an appropriate permit or exclusion should also be provided. Demonstration projects can be at full scale so should be allowed to continue operating if successful.</td>
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§17896.9. Dairy In-Vessel Digestion Operations

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<th>CalRecycle Response</th>
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<tbody>
<tr>
<td>California Compost Coalition</td>
<td>452O08</td>
<td>Neil</td>
<td>Edgar</td>
<td></td>
<td>We recommend that processing not be allowed to occur at these dairy sites without requirements that the food materials received be introduced into the digester within a prescribed time limit [i.e. not to exceed 48 hours] typical of solid waste facilities.</td>
<td></td>
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<tr>
<td>Sector Strategies</td>
<td>453E04</td>
<td>Chuck</td>
<td>Helget</td>
<td></td>
<td>We recommend that processing not be allowed at these sites unless the site has an appropriate solid waste facility permit appropriate to the level of processing anticipated at the site.</td>
<td></td>
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<tr>
<td>Californians Against Waste</td>
<td>453G14</td>
<td>Nick</td>
<td>Lapis</td>
<td></td>
<td>We are concerned that dairies with co-digestion operations would be able to set up full transfer and processing operations without getting full solid waste facility permits. While these facilities might play a role in our recycling infrastructure in the future, a non-discretionary “notification” tier permit does not seem appropriate for a facility running a sorting and processing operation.</td>
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§17896.12. Medium Volume In-Vessel Digestion Facilities

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<tbody>
<tr>
<td>CleanWorld</td>
<td>45Y07</td>
<td>Tracy</td>
<td>Saville</td>
<td></td>
<td>CleanWorld feels that once an anaerobic digester operation is commissioned and has shown successful and consistent compliance with regulations during its first 12 months of inspections, it should have the option of being approved by the EA for a decrease in the rate of inspection of once every three months. Furthermore, after the first 24 months of operation, it should have the option of being approved by the EA for a decrease in the rate of inspection of once per calendar year.</td>
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§17896.13. Large Volume In-Vessel Digestion Facilities
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<tr>
<td></td>
<td>45Y08</td>
<td>CleanWorld</td>
<td>Tracy</td>
<td>Saville</td>
<td>CleanWorld feels that once an anaerobic digester operation is commissioned and has shown successful and consistent compliance with regulations during its first 12 months of inspections, it should have the option of being approved by the EA for a decrease in the rate of inspection of once every three months. Furthermore, after the first 24 months of operation, it should have the option of being approved by the EA for a decrease in the rate of inspection of once per calendar year.</td>
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§17896.19. Biogas Control

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<th>Comment</th>
<th>Recommendation</th>
<th>Mar. 2012</th>
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<tbody>
<tr>
<td>45F07</td>
<td>CAPCOA</td>
<td>Alan W.</td>
<td>Abbs</td>
<td></td>
<td>CAPCOA is concerned that local permitting requirements for many facilities will require controls and practices beyond those typically associated with “minimizing” emissions. We suggest the following language to indicate to the regulated community that other agencies may require more stringent measures. Recommendation: Edit the proposed language to read: “The operator of an in-vessel digestion operation or facility must take adequate measures to prevent the uncontrolled release of biogas that may have harmful effects on site users and the general public.”</td>
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§17896.21. Drainage and Spill Control

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<th>Comment</th>
<th>Recommendation</th>
<th>Mar. 2012</th>
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</thead>
<tbody>
<tr>
<td>45B21</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret Clark</td>
<td></td>
<td>The proposed requirements need to be expanded to prohibit any off-site drainage without a NPDES Permit.</td>
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§17896.30. Odor Best Management Practice Feasibility Report

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<tbody>
<tr>
<td>45B22</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret Clark</td>
<td></td>
<td>Odor Best Management Practice Feasibility Report – Pursuant to Sections 17856 (a) (27.5) and 17896.2 (a) (18), please identify/describe the boundaries of the community that may potentially be affected.</td>
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§17896.31. Odor Minimization Plan.

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<th>Comment</th>
<th>Recommendation</th>
<th>Mar. 2012</th>
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<tbody>
<tr>
<td>45P24</td>
<td>Association of Compost Producers</td>
<td>Jeff Ziegenbein</td>
<td></td>
<td>Odor Minimization Plan: Recommend change “shall direct” to “may direct”.</td>
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§17896.39. Scavenging and Salvaging.

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<th>Comment</th>
<th>Recommendation</th>
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</thead>
<tbody>
<tr>
<td>45P24</td>
<td>Association of Compost Producers</td>
<td>Jeff Ziegenbein</td>
<td></td>
<td>Salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part of the operation (e.g. Material Recovery Facility). Recommend: “salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part of the operation (e.g. Material Recovery Facility).”</td>
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§17896.40. Signs.

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<tbody>
<tr>
<td>45P25</td>
<td>Association of Compost Producers</td>
<td>Jeff Ziegenbein</td>
<td></td>
<td>Recommend: delete and replace: &quot;(a) The EA may require appropriate in-vessel digestion operation or facility signage if it is determined that such signage may promote public health and safety.&quot;</td>
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</tr>
<tr>
<td>453C24</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
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<td>§17896.43. Training.</td>
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<tr>
<td>452P26</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td></td>
<td>Training: recommend, &quot;Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to their job description including solid waste operations...&quot;</td>
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<tr>
<td>453C25</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
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<tr>
<td>§17896.45. Record Keeping Requirements</td>
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<tr>
<td>45B23</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td></td>
<td>Record Keeping Requirements – Please expand to require each operator to record the quantities/tonnages of incoming waste received and outgoing residual waste, by jurisdiction of origin, and submit the data to the appropriate jurisdictions on a calendar quarterly basis.</td>
<td></td>
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</tr>
<tr>
<td>(e)</td>
<td>City of San Diego, Local Enforcement Agency</td>
<td>William E.</td>
<td>Prinz</td>
<td></td>
<td>The word &quot;written&quot; should be stricken from the text so as to include any and all complaints received by telephone or by any means of communication from any reporting party.</td>
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<tr>
<td>§17896.57. Digestate Handling</td>
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<tr>
<td>(a)(2)(A)</td>
<td>45F08</td>
<td>CAPCOA</td>
<td>Alan W.</td>
<td>Abbs</td>
<td>CAPCOA has concerns this requirement will tend to discourage the development of in-vessel digestion. In particular, Yolo-Solano AQMB is aware of an in-vessel digestion operation within its jurisdiction that desires to compost the resulting digestate despite only qualifying as a medium volume in-vessel digestion facility. Recommendation: Suggest revising this to allow approval for medium volume facilities or those with review and approval by the lead agency.</td>
<td></td>
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</tr>
<tr>
<td>(a)(2)(A)</td>
<td>453I07</td>
<td>West Marin Compost</td>
<td>Jeffrey A.</td>
<td>Creque</td>
<td>This language would appear to preclude a dairy from aerobically composting its own digestate on-site; please clarify language to allow on-farm composting of digestate from on-farm anaerobic digestion.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(2)(A)</td>
<td>452O09</td>
<td>California Compost Coalition</td>
<td>Neil</td>
<td>Edgar</td>
<td>...the digestate handling section § 17896.57(a)(2)(A) appears to require unnecessary permitting activity for composting facilities that would be composting digestate from an In-Vessel Digestion Operation which was co-located on-site. We would expect that a composting facility, with a full Solid Waste Facility Permit (SWFP) would also be able to compost digestate without additional permit revision to obtain an In-Vessel Digestion Facility Permit.</td>
<td></td>
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</tr>
<tr>
<td>(a)(3)(A)</td>
<td>452P27</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Suggest: remove &quot;solid waste&quot; Suggest: &quot;(A) transported to another solid waste facility or operation, or facility that has obtained a Compostable Materials Handling Facility Permit pursuant to section 17854 for disposal, composting, or additional processing; or&quot;.</td>
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<tr>
<td>(a)(3)(B)</td>
<td>453C26</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
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</tr>
<tr>
<td>(a)(3)(B)</td>
<td>451I01</td>
<td>Environmental Programs Division- LA County</td>
<td>Coby</td>
<td>Skye</td>
<td>In order to promote all landfill diversion technologies, we request that fuel production, as the generation of a marketable product, be added as an acceptable use for unstored or substandard compost/digestate products.</td>
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</tbody>
</table>

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<table>
<thead>
<tr>
<th>Section/Area</th>
<th>Comment Number</th>
<th>Commenter Affiliation</th>
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<th>Summary of Comment</th>
<th>CalRecycle Response</th>
<th>Revisions Needed</th>
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<tbody>
<tr>
<td>(b)</td>
<td>452P28</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Digestate Handling: Digestate sampling frequency for metals, pathogens, and physical contamination should mirror the compost regulations. (b) should be revised to reflect this sampling/testing standard in section 17896.58</td>
<td></td>
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<tr>
<td></td>
<td>453C27</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
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</table>

### §17896.58. Sampling Requirements

(a) 452P29 Association of Compost Producers Jeff Ziegenbein

As written this is impractical for in-vessel sites that do not have an attached composting site. Recommend change to: “The sampling of compost and digestate produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall occur at the point (1) where the digestate or compost is removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used, or (2) at the site of final curing, blending, processing or composting at a fully permitted solid waste facility (reference codes). Analytical results indicating compliance with sections 17896.59, 17896.60, and 17896.61 shall be received by the operator within 15 business days of digestate being removed from in-vessel digester. Sample results must be received by the operator prior to removing digestate or compost from the in-vessel digestion facility or final composting site where it was produced.”

(c)(2)(A)

(c)(2)(B)

453C28 CR&R Clarke Pauley

§17896.59. Maximum Metals Concentration

(a) 452P31 Association of Compost Producers Jeff Ziegenbein

Maximum Metal Concentrations. Recommend, “Compost and Digestate”

453C30 CR&R Clarke Pauley

(a)(1) 452P32 Association of Compost Producers Jeff Ziegenbein

Maximum Metal Concentrations. Recommend, “Compost and Digestate”

453C31 CR&R Clarke Pauley

§17896.60. Pathogen Reduction

(a) 452P33 Association of Compost Producers Jeff Ziegenbein

Pathogen Reduction: Comment: The in-vessel digestion process will serve as its own pathogen reduction method. There should not be an additional requirement for pathogen kill as suggested, which appears to be “cut and pasted” from the composting pathogen reduction section above. “Provided that in-vessel digestion operations operate at thermophilic temperatures for 3 days, or mesophilic for 15 days, AND pass the pathogen lab test, no further pathogen reduction is required.”

453C32 CR&R Clarke Pauley

(a) 452P34 Association of Compost Producers Jeff Ziegenbein

Recommend, “Compost and Digestate”

453C33 CR&R Clarke Pauley
### CalRecycle Responses to 45-day Comments, Proposed Regulation on Compostable Materials, and Transfer/Processing Regulations

<table>
<thead>
<tr>
<th>Section/Area</th>
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<th>CalRecycle Response</th>
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<tbody>
<tr>
<td>(a)</td>
<td>452P36</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Pathogen Reduction: Recommend, “Compost and Digestate”</td>
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<tr>
<td></td>
<td>453C35</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
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</tr>
<tr>
<td>(a)</td>
<td>452P37</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Recommend: “Sample results collected at the frequency prescribed in section 17896.58(b)(1) must be received by the operator prior to removing product from the in-vessel digestion facility site, or the site of final curing, blending, processing or composting at a fully permitted solid waste facility (reference codes).”</td>
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<tr>
<td></td>
<td>453C36</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
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</tr>
<tr>
<td>(b)(2)</td>
<td>452P35</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Recommend: “Sample results collected at the frequency prescribed in section 17896.58(b)(1) must be received by the operator prior to removing compost or digestate from either the in-vessel digestion facility where it was produced, or at the site of final curing, blending, processing or composting at a fully permitted solid waste facility (reference codes).”</td>
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<td></td>
<td>453C34</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
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</tr>
<tr>
<td>(b)(2)(A)</td>
<td>452P38</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Delete and replace with: “(3) Provided substrate temperatures in an in-vessel digestion facility are maintained according to minimum standards prescribed in section 17896.60(b)(2) and sample results prescribed in section 17896.60 (b) are within acceptable limits, no further pathogen reduction of digestate processed in this manner or compost produced from this digestate, shall be required.”</td>
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<td></td>
<td>453C37</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
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<tr>
<td>(b)(4)</td>
<td>452P39</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Recommend delete (b)(4), as this is redundant with the composting regulations.</td>
<td></td>
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<tr>
<td></td>
<td>453C38</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
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<tr>
<td>(b)(2), (3) and (4)</td>
<td>451I02</td>
<td>Environmental Programs Division- LA County</td>
<td>Coby</td>
<td>Skye</td>
<td>We recommend the requirements be revised to focus on the performance or outcome being sought rather than impeding operational design.</td>
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</tbody>
</table>

### §17896.61. Physical Contamination Limits

<p>| (a)          | 45Y05         | CleanWorld         | Tracy | Saville | CleanWorld believes this to be an overly burdensome requirement that has no concrete form of objective measurement. Even at greater than 4 millimeters, it will be difficult to fully discern what a contaminant is and what is not. | | |
|              | 45Y06         | CleanWorld         | Tracy | Saville | CleanWorld proposes that the contamination limit be adjusted slightly to allow a higher level of contamination, especially to account for any fluctuations in the subjective measurement of the contaminants. We do not have a specific number to suggest. | | |
| (a)          | 451F01        | Zanker             | Greg  | Ryan    | While we would prefer that CalRecycle continue to allow market forces to dictate the level of physical contaminants, we are supportive of a phased-in standard that allows time for jurisdictions and operators to adjust to the significant potential cost increases you have projected in your economic analysis. | | |</p>
<table>
<thead>
<tr>
<th>Section/Area</th>
<th>Comment Number</th>
<th>Commenter Affiliation</th>
<th>First name</th>
<th>Last name</th>
<th>Summary of Comment</th>
<th>CalRecycle Response</th>
<th>Revisions Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>451F02</td>
<td>Zanker</td>
<td>Greg</td>
<td>Ryan</td>
<td>While we agree that a 0.1% limit on physical contaminants may be achievable for green material, we do not believe that a limit below 0.5% can be met consistently, particularly given the increasing levels of food waste that are and will be used as feedstock.</td>
<td></td>
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<tr>
<td>(a)</td>
<td>451I03</td>
<td>Environmental Programs Division- LA County</td>
<td>Coby</td>
<td>Skye</td>
<td>The requirement for compost products to meet a 0.1 percent physical contamination limit will be very challenging for any operation to meet.</td>
<td></td>
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</tr>
<tr>
<td>(a)</td>
<td>451I03</td>
<td>Environmental Programs Division- LA County</td>
<td>Coby</td>
<td>Skye</td>
<td>We recommend that CalRecycle work with the composting industry to determine an acceptable level to allow for expansion of the industry yet achieve a safe level of contamination.</td>
<td></td>
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<tr>
<td>(a)</td>
<td>451J01</td>
<td>USCC</td>
<td>Al</td>
<td>Rattie</td>
<td>We believe that no such documentation (on risk to human health or environment) exists for physical contaminants, other than the obvious threats from glass shards and metal needles.</td>
<td></td>
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<tr>
<td>(a)</td>
<td>451J02</td>
<td>USCC</td>
<td>Al</td>
<td>Rattie</td>
<td>One of the guiding principles of the USCC is that product quality can only be defined in relation to its intended use. So it should be the purchasers and users of the products—the marketplace—that should set the product quality standards, whether for physical contaminants, product maturity, or any other measure beyond minimum health and safety standards.</td>
<td></td>
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</tr>
<tr>
<td>(a)</td>
<td>451J03</td>
<td>USCC</td>
<td>Al</td>
<td>Rattie</td>
<td>Rather than pulling a number &quot;out of thin air&quot;, whether it be 0.1%, 1% or anything else, we encourage you to form a multi-stakeholder working group that can study this issue, propose and direct appropriate research, and come to an informed recommendation on physical contamination limits.</td>
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<tr>
<td>(a)</td>
<td>452P40</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Recommend change to, &quot;compost and digestate&quot;</td>
<td></td>
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</tr>
<tr>
<td>(a)</td>
<td>453C39</td>
<td>CR&amp;R</td>
<td>Clarke</td>
<td>Pauley</td>
<td>0.1% contamination limit is too onerous and arbitrary. See comment from Pg. 25, Line 10.</td>
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</tr>
<tr>
<td>(a)</td>
<td>452P41</td>
<td>Association of Compost Producers</td>
<td>Jeff</td>
<td>Ziegenbein</td>
<td>Recommend: change to, &quot;... compost process or fully permitted solid waste facilities where final curing, blending, processing or composting occurs (reference codes), shall take one representative sample...&quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)(3)</td>
<td>453F02</td>
<td>County of Orange Department of Environmental Health, Solid Waste Local</td>
<td>Kathryn</td>
<td>Cross</td>
<td>The OC LEA respectful request that written notice to the local planning department in the last sentence of the regulation above, be changed to require written notice from the local planning department. The OC LEA has had problems with local planning department's receiving notification. With 35 local planning departments including the County's and with personnel changes, it is difficult to ensure that proper notification is occurring; other Enforcement Agencies (EAs) are in similar situations. By requiring the writing</td>
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<td>Section/Area</td>
<td>Comment Number</td>
<td>Commenter Affiliation</td>
<td>First name</td>
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<td>CalRecycle Response</td>
<td>Revisions Needed</td>
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<td></td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Written Complaints of Alleged Violations – Please revise this Subsection to require the EA investigate any odor complaint by the next business day instead of the stated 15 days.</td>
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<td></td>
<td></td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Please expand Line # 1 to insert the phrase &quot;but not later than one business day&quot; after &quot;...as soon as practical.&quot;</td>
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<tr>
<td></td>
<td></td>
<td>Sacramento County LEA</td>
<td>Gibson</td>
<td>Lea</td>
<td>Develop a standard complaint form to facilitate submittal of complaint reports, ensure that all of the required information is provided, and guarantee state-wide uniformity. Ideally, a fill-in-the-blank complaint form would be made available on SWIS.</td>
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<tr>
<td></td>
<td></td>
<td>CAPCOA</td>
<td>Alan W.</td>
<td>Abbs</td>
<td>In subsection (d), add a requirement that the “EA shall contact and interview the complainant.”</td>
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<tr>
<td></td>
<td></td>
<td>Western Placer Waste Management Authority</td>
<td>Mary</td>
<td>Dietrich</td>
<td>The section (d) reads as if, once an odor complaint is received by the EA, issuance of a violation is predetermined. We request this section be clarified to state the EA will investigate the complaint as soon as practical to determine whether the operator has failed to minimize odor and that, after investigation, the EA may issue violation at their discretion. Again, this will give the EA the discretion they are afforded throughout the regulation.</td>
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<td></td>
<td></td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul</td>
<td>Prestia</td>
<td>We suggest that this section be changed as follows: 18302. Written Complaints of Alleged Violations. (d) Upon receipt of an odor complaint, the EA shall investigate the complaint as soon as practical prior to issuing a violation for failing to minimize odor. The complaint investigation.</td>
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<td></td>
<td></td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Please expand the Paragraph to require the EA to also collect weather related data for the time that the odor complaint was received.</td>
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<td></td>
<td></td>
<td>CAPCOA</td>
<td>Alan W.</td>
<td>Abbs</td>
<td>Add a phrase to the requirement: “Verify the odor event at the complainant’s location and ascertain by various means, including by interviewing the complainant, if the odor is interfering with the complainant’s use and enjoyment of the property.”</td>
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**Solid Waste Facility Permit Application Form**

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<th>Part</th>
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<th>Commenter Affiliation</th>
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<th>Last name</th>
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<tbody>
<tr>
<td>2.D</td>
<td>453L09</td>
<td>County of San Diego Department of Environmental</td>
<td>Karilyn</td>
<td>Merlos</td>
<td>The LEA does not support the removal of the second checkbox indicating that the &quot;Facility is not required to be identified in the Siting Element or Non-disposal Facility Element.&quot; Pursuant to Public Resources Code (PRC), Section 50001(b), some facility types are not required to comply with PRC 50001.</td>
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<tr>
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<tr>
<td>Part 2 E.12</td>
<td>45B27</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>MSW- Please expand to define the term “commercial sources” to be consistent with the definition provided by AB 341 (2011), as amended.</td>
<td></td>
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</tr>
<tr>
<td>Part 3 A.1.a.</td>
<td>45B28</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Please expand Line 49 by inserting “compost” after “recycle.”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part 3 A.2</td>
<td>45B29</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Please see comments on Item A.1.a. (45B27) and expand the requirement to also include “compost.”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part 3 A.4, “I” and “J”</td>
<td>45B30</td>
<td>Los Angeles County Solid Waste Management Committee</td>
<td>Margaret</td>
<td>Clark</td>
<td>Please expand to describe the disposal footprint by latitude and longitude and expressed in degrees.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part 3 c.</td>
<td>451Y11</td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul</td>
<td>Prestia</td>
<td>Facility Size: the area that encompasses the entire area on which solid waste facility activities are authorized by the EA to occur. This includes...</td>
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</tr>
<tr>
<td>Part 3 d.</td>
<td>451Y12</td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul</td>
<td>Prestia</td>
<td>Maximum Traffic Volume Per Day (vpd): The maximum number of vehicles authorized by the EA to enter the facility on a daily basis. This number...</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part 3 e.</td>
<td>451Y13</td>
<td>County Sanitation Districts of Los Angeles County</td>
<td>Paul</td>
<td>Prestia</td>
<td>Days and Hours of Operation: The days and hours that the facility is authorized by the EA to operate and the hours of waste receipt authorized by the EA if different from hours of operation. This information...</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part 4</td>
<td>451D1</td>
<td>Self</td>
<td>Joyce</td>
<td>Dillard</td>
<td>The form has no adaptation for storm water capture or infiltration language. Water source may be limited to groundwater or surface water yet the Water board now requires storm water to be considered a water supply. Terms used for this planning is Watershed Management Plan and Enhanced Watershed Management Plan.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appendix 1</td>
<td>453F03</td>
<td>County of Orange Department of</td>
<td>Kathryn</td>
<td>Cross</td>
<td>Therefore, OC LEA respectfully request an additional change to this section: either remove citation of §21650(a) after the definition of “Date Received”, or add language that excludes permit reviews</td>
<td></td>
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Final Regulation Text

Changes are denoted by the following:

Strikethrough = deletions of existing text
Underline = additions to existing text
Chapter 1. General Provisions

Article 1. Emergency Waiver of Standards—Definitions

§ 17017. Definitions.
As used in this division:
(a) “Department” means the Department of Resources Recycling and Recovery, which is vested with the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California Integrated Waste Management Board (board).
(b) “Board” or “CIWMB” means the California Integrated Waste Management Board, which, as of January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department of Resources Recovery and Recycling (Department).

Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities Regulatory Requirements

§ 17362.2. Contaminated Soil Transfer/Processing Operations.
All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These operations shall be inspected by the enforcement agency at least once quarterly—every three (3) months unless the enforcement agency approves, with Department concurrence, a reduced inspection frequency. The enforcement agency may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

Article 5.8. Nonhazardous Ash Regulatory Tier Requirements

§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.
(a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in the California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18103).
(b) In addition to the requirements of subdivision (a), the following statement shall be included in the enforcement agency notification and signed by the operator: “The undersigned certify under penalty of perjury that the information in this document and all attachments are true and correct to the best of my knowledge, and is being executed in accordance with the requirements of the California Code of Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as
defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that there are significant penalties for submitting false or misleading information in this certification, including the possibility of fine or imprisonment, or both.”

(c) A new Enforcement Agency Notification is required any time there are changes to information required by this section.

(d) These operations may be inspected by the enforcement agency as necessary for the protection of public health, safety and the environment every three (3) months unless the enforcement agency approves, with Department concurrence, a reduced inspection frequency. The enforcement agency may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements

§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris Regulatory Requirements.

(a) A site that receives only construction and demolition debris and inert debris (CDI) and which meets the requirements of this section shall be classified as a CDI recycling center. A site that receives only inert debris and which meets the requirements of this section shall be classified as an inert debris recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any other requirements of this Article except as specified in this section.

(1) The CDI debris that a CDI recycling center receives shall have been separated at the point of generation.

(A) For the purposes of this section, “separated at the point of generation” means that the material has been separated from the solid waste stream by the generator of that material or by a processor prior to receipt at a CDI recycling center and has not been commingled with other solid waste or recyclable materials. For example, each material type must be transferred in separate containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled in a single container.

(2) An inert debris recycling center shall receive only Type A inert debris that is source separated or separated for reuse. The inert debris may be commingled in a single container.

(b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:

(1) The residual shall be less than 10% by weight of the amount of debris received at the site, calculated on a monthly basis. Recycling center operators may report their residual percentage to the EA and the Department on Form CIWMB 607 (see Appendix A).

(2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible wastes shall not constitute a nuisance, as determined by the EA.

(c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited at CDI recycling centers.

(d) The following storage time limits apply to CDI recycling centers:

(1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on-site for more than one year, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the Department.

(4) At the EA’s discretion, storage time limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.
(5) CDI recycling center storage time limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA’s findings shall be in writing.

(e) The following storage limits apply to inert debris recycling centers:

(1) Inert debris stored for more than 6 months that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(2) Inert debris that has been processed and sorted for resale, or reuse, but remains stored on-site for more than 18-12 months, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(3) Storage time limits do not apply to Type A inert debris recycling centers which are located at an inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material production facility.

(4) Storage time limits do not apply to Type A inert debris recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the board-Department.

(5) At the EA’s discretion, storage limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.

(6) Inert debris recycling center storage limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA’s findings shall be in writing.

(f) Nothing in this section precludes the EA or the board-Department from inspecting a site to verify that it is and has been operating in a manner that meets the requirements of this section, or from taking any appropriate enforcement action, including the use of a Notice and Order as provided in section 18304.

(g) In evaluating whether or not a particular site is in compliance with this section, the EA shall, among other things, do the following:

(1) If the EA has reason to believe that each load of debris received at a recycling center is not separated at the point of generation, is not source separated or is not separated for reuse, as applicable, or that the residual exceeds 10% of the total debris received per month, or that the amount of putrescible wastes exceeds 1% by volume of the total debris received per month, or material is being stored in excess of the applicable storage limits, or that upon request no evidence is provided by the owner and operator that the stored debris is being accumulated for viable reuse, or that the site is not in compliance with any other requirement in this section, the EA may require the owner or operator to provide evidence that the recycling center is in compliance. The burden of proof shall be on the owner and operator of the recycling center to demonstrate it is in compliance.

(2) At the time that the EA requires a recycling center to provide evidence that it is in compliance with this section, the EA shall provide the owner and operator of the recycling center a written description of the information that has caused the EA to believe that the recycling center is not in compliance. Notwithstanding, the EA shall not be required to identify the name or other identifying information regarding any person(s) who has complained about the recycling center.

(h) Sites which do not meet the applicable requirements of this section do not qualify as recycling centers and shall comply with this Article and all laws and regulations applicable to them. The burden of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are not subject to the requirements of this Article.


§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.

(a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.
The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier requirements.

(1) A small volume C&D wood debris chipping and grinding operation shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq., and shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(2) A medium volume C&D wood debris chipping and grinding operation shall comply with the Registration Permit tier requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq.

(3) A large volume C&D wood debris chipping and grinding facility shall comply with the Full Permit tier requirements set forth in CCR, Title 27, Division 2, Subdivision 1, Chapter 4, commencing with section 21563.

(4) To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

(5) Except as otherwise specified in this section, small volume C&D wood debris chipping and grinding activities shall comply with all requirements applicable to small volume CDI debris processing operations, medium volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to medium volume CDI processing facilities, and large volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to large volume CDI debris processing facilities.


§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.
All small volume CDI debris processing operations shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These operations shall be inspected quarterly by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]
To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals. The operator shall specify the operation's boundary area in the operating record.

...
Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements

§ 17388.3. Inert Debris Engineered Fill Operations.

... (b) Inert debris engineered fill operations shall be inspected as necessary by the EA at least once every three (3) months to verify compliance with State Minimum Standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less than annual.


Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements

§ 17403.1. Excluded Operations.

(a) The following operations do not constitute transfer operations or facilities for the purposes of these Articles and are not required to meet the requirements set forth herein:

... (8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, in accordance with Section 17896.6(a)(1).


§ 17403.2. Sealed Containers Transfer Operations.

All sealed container transfer operations subject to this Article shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA as necessary at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less than annual. The operator shall specify the operation's boundary area in the operating record.


§ 17403.3. Limited Volume Transfer Operations.

All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100). These operations shall be inspected by EA as necessary at least once every three (3) months to verify compliance with minimum standards unless...
the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less than annual. The operator shall specify the operation’s boundary area in the operating record.


Article 6.2. Operating Standards

§ 17409.2. Sanitary Facilities.
The operator shall maintain all sanitary and hand-washing facilities which may be required, by applicable state or local requirements, in a reasonably clean and adequately supplied condition.


Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 1. General

§ 17852. Definitions.
(a) For the purposes of this Chapter:
   (1) “Active Compost” means compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of compost per day, or the equivalent of oxygen uptake.
   (2) “Additives” means material mixed with feedstock or active compost in order to adjust the moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include, but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost feedstock.
   (3) “Aerated Static Pile” means a composting process that uses an air distribution system to either blow or draw air through the pile. Little or no pile agitation or turning is performed.
   (4) “Aerobic Decomposition” means the biological decomposition of organic substances in the presence of oxygen.
   (4.5) “Agricultural By-Product Material” means post-harvest agricultural by-products separated at a processing facility.
   (A) Agricultural By-product Material includes, but is not limited to, solid or semi-solid materials from fruit, nut, cotton, and vegetable processing facilities such as stems, leaves, seeds, nut hulls and shells, peels, and off-grade, over-ripe, or under-ripe produce.
   (B) Agricultural By-product Material does not contain packaging material, physical contaminants, or hazardous materials, and does not include wastewater, sludges, or additives.
   (5) “Agricultural Material” means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, siliculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural, silicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace or material generated during nut or grain hulling, shelling, and processing, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as “food material” or “vegetative...
food material” is not agricultural material. Agricultural material includes, including but is not limited
to, manures, orchard and vineyard prunings, grape pomace, and crop residues.
(6) “Agricultural Material Composting Operation” means an operation that produces compost from
green or agricultural material, additives, and/or amendments.
(7) “Amendments” means materials added to stabilized or cured compost to provide attributes for
certain compost products, such as product bulk, product nutrient value, product pH, and soils blend.
Amendments do not include septage, biosolids, or compost feedstock.
(8) “Anaerobic Decomposition” means the biological decomposition of organic substances in the
absence of oxygen.
(9) “Biosolids” means solid, semi-solid, or liquid residue generated during the treatment of domestic
sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and
scum or solids removed in primary, secondary, or advanced wastewater treatment processes.
Biosolids includes the residue solids resulting from the co-digestion of anaerobically digestible material
with sewage sludge. Biosolids does not include ash generated during the firing of sewage sludge in a
sewage sludge incinerator or grit and screenings generated during the preliminary treatment of
domestic sewage in a treatment works.
(10) “Chipping and Grinding Operations and Facilities” means an operation or facility, that does not
produce compost, that mechanically reduces the size or otherwise engages in the handling, of
compostable material and:
(A) The site does the following:
1. The site handles only material, excluding manure, allowed at a green material composting
operation or facility as set forth in section 17852(a)(22); and,
2. Each load of green material is removed from the site within 48 hours of receipt. The EA may
allow a site to keep green material on-site for up to 7 days if the EA determines that the additional
time does not increase the potential for violations of this Chapter.
(B) If the site fails to meet the definition of green material because it exceeds the contamination
limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing
Regulatory requirements (commencing at section 17400).
(C) If the site fails to meet the definition of this section because the green material remains on-
site for a longer period of time than is allowed, then the site shall be regulated as a compostable
material handling operation or facility, as set forth in this Chapter.
(11) “Compostable Material” means any organic material that when accumulated will become active
compost as defined in section 17852(a)(1).
(12) “Compostable Materials Handling Operation” or “Facility” means an operation or facility that
processes, transfers, or stores compostable material. Handling of compostable materials results in
controlled biological decomposition. Handling includes composting, screening, chipping and grinding,
and storage activities related to the production of compost, compost feedstocks, and chipped and
ground materials. “Compostable Materials Handling Operation or Facility” does not include activities
excluded from regulation in section 17855. “Compostable Materials Handling Operation or Facility” also
includes:
(A) agricultural material composting operations;
(B) green material composting operations and facilities;
(C) vegetative food material composting facilities;
(D) research composting operations; and,
(DE) chipping and grinding operations and facilities; and,
(F) biosolids composting operations at POTWs.
(13) “Curing” means the final stage of the composting process that occurs after compost has
undergone pathogen reduction, as described in section 17868.3, and after most of the readily
metabolized material has been decomposed and stabilized.
(13.5) "Digestate" means the solid and/or liquid residual material remaining after organic material
has been processed in an in-vessel digester, as defined in section 17896.2(a)(14). Digestate intended
to be composted pursuant to this Chapter may only be handled at a facility that has obtained a
Compostable Materials Handling Facility Permit pursuant to section 17854.
(14) “Domestic Sewage” means waste and wastewater from humans or household operations that is
discharged to or otherwise enters a treatment works.
(15) “Disposal of compostable material and/or digestate” means:
(A) 1. the final deposition of compostable material and/or digestate on land, unless excluded from
this Chapter 3.1 pursuant to section 17855;
2. Storing or stockpiling more than 200 cubic yards of compostable material, other than stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration requirements of section 17868.2, on land for a combined period of time greater than six months 30 days, except as provided in subdivision (A) 3.; or

3. Storing or stockpiling more than 200 cubic yards of agricultural material and green material, or compost for more than twelve months on prime land that is zoned for agricultural land uses as defined in Government Code section 51201, unless the EA, after RWQCB in consultation with the EA applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that storing or stockpiling the material more than 12 months will not adversely affect the public health and safety or the environment may remain within the operations area for a period of time greater than specified.

(B) Disposal of compostable material does not include the use of compostable material for:

1. Alternative daily cover material for beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of Regulations, section 20686; or

2. For mine reclamation in accordance with applicable law. Notwithstanding this section, use of compostable organic material as a alternative daily cover material shall still require approval for use pursuant to Title 27, California Code of Regulations, section 20680 and may require additional approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.

(C-3.) Disposal does not include for land application of compostable organic material as defined in section 17852(a)(24.5). “Land Application” means the application of compostable material, excluding food material or mixed solid waste for the following applications: to forest, agricultural, and range land at agronomic rates; in accordance with California Department of Food and Agriculture (CDFA) requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.

4. As specified in section 17852(a)(24.5)(B).

(B-C) Should the EA have information reasonably to believe that a person engaging in other activities that meet the definition of disposal of compostable material or authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall be on each person engaging in or authorizing such activities the land owner or operator to demonstrate otherwise.

(B-D) If the activities at a site meet the definition of disposal of compostable material and/or digestate, the site shall be regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).

(16) “Dry Weight Basis” or “Dry Weight” means weight calculated on the basis of having been dried until reaching a constant mass; that results in essentially 100 percent solids content.

(17) ”Enclosed Composting Process” means a composting process where the area that is used for the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed sides and rests on a stable surface with environmental controls for moisture and air-borne emissions present.

(18) “EA” means enforcement agency.

(19) “Feedstock” means any compostable organic material used in the production of compost or chipped and ground material including, but not limited to, agricultural material, green material, vegetative food material, food material, biosolids, digestate, and mixed solid waste material. Feedstocks shall not be considered as either additives or amendments.

(19.5) “Film plastic” means sheet plastic 10 mil or less in thickness.

(20) “Food Material” means any waste material of plant or animal origin that was acquired for results from the preparation or processing of food for animal or human consumption, and that is separated from the municipal solid waste stream, and that does not meet the definition of “agricultural material”. Food material may include, but is not limited to, material food waste from food facilities as defined in Health and Safety Code section 113785 113789 (such as restaurants), food processing establishments as defined in Health and Safety Code section 111955, grocery stores, institutional cafeterias (such as prisons, schools and hospitals), and residential food scrap collection. Food material does not include any material that is required to be handled only pursuant to the California Food and Agricultural Code and regulations adopted pursuant thereto.

(A) “Vegetative Food Material” means that fraction of food material, defined above, that is a plant material and is separated from other food material and the municipal solid waste stream. Vegetative food material may be processed or cooked but must otherwise retain its essential natural character and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food
material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and
spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 percent of
physical contaminants by dry weight, and meets the requirements of section 17868.5.
(21) “Green Material” means any plant material except food material and vegetative food material
that is separated at the point of generation, contains no greater than 1.0 percent physical
contaminants by dry weight, and meets the requirements of section 17868.5. Green material includes,
but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood
waste from silviculture and manufacturing, and construction and demolition wood waste. Green
material does not include food material, vegetative food material, biosolids, mixed solid waste
material, material processed separated from commingled solid waste collection or processing, wood
containing lead-based paint or wood preservative, or mixed construction or mixed and demolition
debris. Agricultural material, as defined in this section 17852(a)(5), that meets this definition of
“green material” may be handled as either agricultural material or green material.
(22) “Green Material Composting Operation” or “Facility” is an operation or facility that composes
green material, additives, and/amendments. A green material composting operation or facility may
also handle manure and paper products. An operation or facility that handles a feedstock that is not
green material, manure, or paper products, shall not be considered a green material composting
operation or facility. “Green Material Composting Operation” or “Facility” does not include activities
excluded from regulation in section 17855.
(23) “Handling” means the processing, transfer, and storage of compostable materials. Handling of
compostable materials results in controlled biological decomposition. Handling includes composting,
screening, chipping and grinding, and storage activities related to the production of compost, compost
feedstocks, and chipped and ground materials.
(24) “Insulating Material” means material used for the purpose of minimizing the loss of heat from a
compost pile undergoing the “Process to Further Reduce Pathogens” (PFRP), as described in section
17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.
(24.5) “Land Application” means:
(A) The final deposition of compostable material and/or digestate spread on any land, including
land zoned only for agricultural uses, under the following conditions:
1. On and after January 1, 2018, the compostable material and/or digestate does not contain
more than 0.5% by dry weight of physical contaminants greater than 4 millimeters (no more than
20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters), as specified in section
17868.3.1, at the time of land application;
2. The compostable material and/or digestate meets the maximum metal concentrations, as
specified in section 17868.2, at the time of land application;
3. The compostable material and/or digestate meets the pathogen density limits, as specified in
section 17868.3(b)(1), at the time of land application; and
4.
   a. On land not zoned only for agricultural uses, the compostable material and/or digestate is
   not applied more frequently than once during a 12 month period, and, at the time of the land
   application, the compostable material and/or digestate shall not exceed 12 inches in total,
   accumulated depth on the land surface. The EA, in consultation with the Regional Water Quality
   Control Board, may approve alternative application frequencies and depths, if the EA after such
   consultation determines that the alternatives will not adversely affect public health and safety or the
   environment.
   b. On land zoned only for agricultural uses, the compostable material and/or digestate is not
   applied more frequently than three times during a 12 month period, and, at the time of the land
   application, the compostable material and/or digestate shall not exceed 12 inches in total,
   accumulated depth on the land surface. The EA, in consultation with the California Department of Food
   and Agriculture to determine if the land application is agronomically beneficial and with the Regional
   Water Quality Control Board regarding water quality, may approve alternative frequencies and depths,
   if the EA after such consultation determines that the alternative will not adversely affect public health
   and safety or the environment. The Department shall coordinate all EA requests for consultation with
   the California Department of Food and Agriculture.
5. Verification of compliance with this subdivision must be provided to the EA upon request.
   (B) This subdivision (a)(24.5) does not apply to:
   1. the use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division,
   2. the use of compostable material and/or digestate for gardening or landscaping on a parcel of
land 5 acres or less in size.
3. the final deposition of compostable material and/or digestate spread on land by a Federal, State, or local government entity, provided the material is applied in accordance with applicable law,
4. the final deposition of agricultural by-products material spread on land as authorized by the State Water Resources Control Board or a Regional Water Quality Control Board pursuant to Waste Discharge Requirements, a Waiver of Waste Discharge Requirements, a Resolution, or other issued requirements from the State Water Resources Control Board or a Regional Water Quality Control Board having jurisdiction, provided this final deposition does not adversely affect public health and safety or the environment.
5. the beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of Regulations, section 20686, or
6. the beneficial reuse of biosolids pursuant to Part 503, Title 40 of the Code of Federal Regulations and State Water Resources Control Board General Order No. 2004-0012-DWO, or site-specific Waste Discharge Requirements or other issued requirements from the State Water Resources Control Board or a Regional Water Quality Control Board having jurisdiction.

[Note: As specified in section 17850(d), nothing in these standards shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all authorizations and complying with all requirements of other regulatory agencies, including but not limited to, local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.]

(25) “Manure” is an agricultural material and means accumulated herbivore or avian excrement. This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is mixed with feces or urine.

(26) “Mixed Solid Waste Material” means any compostable material that is part of the municipal solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed demolition or mixed construction debris, or plastics. A feedstock that is not source separated or contains 1.0% or more of physical contaminants by dry weight is mixed solid waste material.

Compostable material that contains mixed demolition or mixed construction debris shall be considered mixed solid waste.

(27) “Mushroom Farm” means an activity that produces mushrooms. The handling of compostable material at a mushroom farm prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered mushroom farming.

(27.5) “Nuisance” includes anything which:
(A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and
(B) affects at the same time an entire community, neighborhood or any considerable number of persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

(28) “Operations Area” means the following areas within the boundary of a compostable material handling operation or facility:
(A) equipment cleaning, maintenance, and storage areas;
(B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and
(C) process water and stormwater drainage control systems.

(29) “Operator” means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, becomes legally responsible for the following:
(A) complying with regulatory requirements set forth in this Chapter;
(B) complying with all applicable federal, state and local requirements;
(C) the design, construction, and physical operation of the site; and
(D) site restoration.

(30) “Owner” means the person or persons who own, in whole or in part, a compostable material handling operation or facility, or the land on which these operations or facilities are located.

(31) “Pathogenic Organism” means disease-causing organisms.

(32) “Physical Contamination” or “Contaminants” means human-made inert products material contained within feedstocks—compostable material, digestate, or compost, including, but not limited to, glass, metal, and plastic.

(33) “Process Water” means liquid that is generated during or used in the production of compost or chipped and ground materials.

(34) “Research Composting Operation” means a composting operation, that is operated for the purpose of gathering research information on composting.

(35) “Separated At The Point of Generation” includes material separated from the solid waste stream by the generator of that material. It may also include material from a centralized facility as...
long as that material was kept separate from the waste stream prior to receipt by that facility and the
material was not commingled with other materials during handling.

(36) “Stabilized Compost” means any organic material that has undergone the Process to Further Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced biological activity as indicated by reduced temperature and rate of respiration below that of active compost.

(37) “Static Pile” means a composting process that is similar to the aerated static pile except that the air source may or may not be controlled.

(38) “Vector” includes any insect or other arthropod, rodent, or other animal capable of transmitting the causative agents of human disease.

(38.5) “Vegetative Food Material Composting Facility” is a facility that comports agricultural material, green material, vegetative food material, additives, and/or amendments. A vegetative food material composting facility may also handle manure and paper products. An operation or facility that handles a feedstock that is not agricultural material, green material, vegetative food material, manure, or paper products, shall not be considered a vegetative food material composting facility. “Vegetative Food Material Composting Facility” does not include activities excluded from regulation in section 17855.

(39) “Vermicomposting” means an activity that produces worm castings through worm activity. The EA may determine whether an activity is or is not vermicomposting. The handling of compostable material prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered vermicomposting.

(40) “Windrow Composting Process” means the process in which compostable material is placed in elongated piles. The piles or “windrows” are aerated and/or mechanically turned on a periodic basis.

(41) “Within-vessel Composting Process” means an aerobic process in which compostable material is enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost, maintained under uniform conditions of temperature and moisture where air-borne emissions are controlled.

(42) “Wood Waste” means solid waste consisting of wood pieces or particles which are generated from the manufacturing or production of wood products, harvesting, processing or storage of raw wood materials, or construction and demolition activities.

(43) “Yard Trimmings” means any wastes generated from the maintenance or alteration of public, commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree trimmings, prunings, brush, and weeds.


Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities

§ 17854. Compostable Materials Handling Facility Permit Requirements.
Except as specified in this Article, all compostable materials handling activities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations.


§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities.
Sections 17854 through 17862.1 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5., Article 3.0., commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of Regulations) for compostable material handling operations and facilities. These requirements are summarized in Table 1.

Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers
<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refer to Section 17855</td>
<td>Agricultural Material Composting Operations (all) Section 17856.</td>
<td>Vegetative Food Material Composting Facilities (≤ 12,500 yd³) Section 17857.2</td>
<td>Green Material Composting Facilities (≤ 12,500 yd³) Section 17857.1(c)</td>
</tr>
<tr>
<td>Refer to Section 17855</td>
<td>Green Material Composting Operations (≤ 12,500 yd³) Section 17857.1(a)</td>
<td>Vegetable Food Material Composting Facilities (≤ 12,500 yd³) Section 17857.2</td>
<td>Green Material Composting Facilities (&gt; 12,500 yd³) Section 17857.1(c)</td>
</tr>
<tr>
<td>Refer to Section 17855</td>
<td>Biosolids Composting Operations at POTWs (all) Section 17859.1</td>
<td></td>
<td>Vegetable Food Material Composting Facilities (&gt; 12,500 yd³) Section 17857.2</td>
</tr>
<tr>
<td>Refer to Section 17855</td>
<td>Research Composting Operations (≤ 5,000 yd³) (Within-vessel &gt; 5,000 yd³ with EA determination) Section 17862.</td>
<td>Chipping and Grinding Operations (≤ 200 tpd) Section 17862.1(a)</td>
<td>Chipping and Grinding Facilities (&gt; 200 tpd and ≤ 500 tpd) Section 17862.1(b)</td>
</tr>
</tbody>
</table>


§ 17855. Excluded Activities.
(a) Except as provided otherwise in this Chapter, the activities listed in this section do not constitute compostable material handling operations or facilities for the purposes of this Chapter and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the board-Dpartment from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(1) An activity is excluded if it handles agricultural material, derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

(2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after its use as a growth medium during the vermicomposting process is not an excluded activity and is subject to the requirements of this chapter. Handling of agricultural material on the site of a vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it complies with section 17855(a)(1) or the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as determined by the EA, the requirements of this chapter apply;
(B) at all other times when it is not being used as a growth medium during vermicomposting, the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory Requirements.

(3) Mushroom farming is an excluded activity. The handling of compostable material prior to and after its use as a growth medium during the mushroom farming process is not an excluded activity and is subject to the requirements of this chapter. Handling of agricultural material on the site of a mushroom farm, for use as mushroom bedding on that same site, is an excluded activity if it complies with section 17855(a)(1) or the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as determined by the EA, the requirements of this chapter apply;

(B) at all other times when it is not being used as a growth medium during mushroom farming, the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory Requirements.

(4) Handling of green material, feedstock, additives, amendments, compost, or chipped and ground material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or given away annually. The compostable material may also include up to 10% food material by volume. Composting green material, agricultural material, food material, and vegetative food material, alone or in combination, is an excluded activity if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet.

[Note: Persons handling compostable material under the above exclusion are obligated to obtain all permits, licenses, or other clearances that may be required by other regulatory agencies including, but not limited to local health entities and local land use authorities.]

(5) The handling of compostable materials is an excluded activity if:

(A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered full permit as defined in section 18101,
   1. has a Report of Facility Information which is completed and submitted to the EA that identifies and describes the activity and meets the requirements of Titles 14 or 27; and,
   2. will only use the material on the facility site;

(B) the activity is solely for the temporary storage of biosolids sludge at a Publicly Owned Treatment Works (POTW) or

(C) the activity is located at the site of biomass conversion and is for use in biomass conversion as defined in Public Resources Code section 40106; or

(D) the activity is part of a silvicultural operation or a wood, paper, or wood product manufacturing operation; or

(E) the activity is part of an agricultural operation and is used to temporarily store or process agricultural material not used in the production of compost or mulch; or

(F) the activity is part of an operation used to chip and grind materials derived from and applied to lands owned or leased by the owner, parent, or subsidiary of the operation; or

(G) the activity is part of an agricultural operation used to chip and grind agricultural material produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation, for use in biomass conversion; or

(H) the activity is part of a licensed animal food manufacturing or a licensed rendering operation.

1. has a Report of Facility Information which is completed and submitted to the EA that identifies and describes the activity and meets the requirements of Titles 14 or 27;
2. will only use the material on the facility site;
14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine
Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770
et seq.

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

§ 17855.2. Prohibitions.
The following activities are prohibited at all compostable materials handling operations and facilities
and at all sites where compostable materials handling activities that are excluded from regulation
under this Chapter occur:
(a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs,
hide, blood, bone and marrow is prohibited, except when received:
(1) from the a food service industry facility as defined in Health and Safety Code section 113789,
grocery stores, or residential food scrap collection; or
(2) as part of a research composting operation for the purpose of obtaining data on pathogen
reduction or other public health, animal health, safety, or environmental concern, in accordance with
section 17862; or
(3) from a source approved by the Department in consultation with the State Water Resources
Control Board and the California Department of Food and Agriculture.
(b) The composting of treated or untreated 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.

§ 17855.3. Permit Name.
Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and
17857.2(a), shall be entitled: “Compostable Materials Handling Facility Permit.”

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

§ 17855.4. Pre-Existing Permits and Notifications.
(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the
regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its
permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,
sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is
required. If the EA makes such a determination, the operator shall comply with the Compostable
Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,
Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
(commencing with section 21450) within two years of that determination.
(b) If an operation had previously been operating pursuant to an EA Notification in accordance with
the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance
with its EA Notification or regulatory authorization until the EA determines that a Compostable
Materials Handling Facility Permit is required. The EA shall make this determination no sooner than
120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable
Materials Handling Facility Permit is required, the operator shall comply with the Compostable
Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,
Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
(commencing with section 21450) within two years of that determination.
(c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003,
that activity may continue to operate in accordance with its regulatory exclusion until the EA
determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this
determination no sooner than 120 days and no later than two years from April 4, 2003. If the EA
determines that a Compostable Materials Handling Facility Permit is required, the operator shall
comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27,
California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3,
Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.
(d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate in accordance with its regulatory authorization until the EA determines that a different authorization is required. The EA shall make this determination within 120 days from April 4, 2003.

(1) If the EA determines that the activity is required to comply with the EA Notification requirements, the operator 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), within 120 days from that determination.

(2) If the EA determines that the activity is required to comply with the Registration requirements, the operator shall comply with the Registration requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) within 120 days from that determination.

(3) If the EA determines that the activity is required to comply with the Compostable Materials Handling Facility Permit requirements, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years from that determination.


§ 17856. Agricultural Material Composting Operations.
(a) All agricultural material composting operations and chipping and grinding operations shall comply with the Enforcement Agency 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. Agricultural Compostable Materials Handling Operations shall only be subject to the requirements of section 17863.4 if the EA makes a written determination that the operation has violated the requirements for odor impacts of section 17867 and the requirements of this Chapter.

(b) Compost produced by an agricultural material composting operations are subject to the requirements of sections 17863.4 and 17863.4.1 only if the EA determines that the operation or has caused odor impacts in violation of section 17867(a)(2) and has notified the operator in writing of the violation; a chipping and grinding operation which uses only agricultural material may be sold or given away in unrestricted quantities. These operations shall be inspected by the EA at least once annually.

(c) If their feedstock is limited to agricultural material, agricultural material composting operations may handle an unlimited quantity of agricultural material on the site and may sell or give away any or all compost they produce. These operations shall be inspected by the EA at least once each calendar year at a time when compostable material on the site is active compost. Compost produced by an agricultural material composting operation which uses agricultural material and/or green material, as specified in section 17852(a)(21), may be sold or given away in accordance with the following restrictions.

(1) Those sites that do not sell or give away more than 1,000 cubic yards of material per year shall be inspected by the EA at least once annually when actively composting. If more than 12,500 cubic yards of green material, including feedstock, compost, or chipped and ground material, is to be handled on-site of productive farmland as defined in Government Code section 51201, the operator shall give advance notice to the EA. The EA shall only prohibit the on-site storage of additional materials, or impose a greater inspection frequency, if the EA makes a written finding that it will pose an additional risk to public health and safety and the environment. The EA shall forward a copy of the request and approval to the Board.

(2) Those operations that sell or give away more than 1,000 cubic yards of material per year, shall have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped and ground material, on-site at any one time and shall be inspected by the EA once every three (3) months.

(3) These sites shall record the quantity received of green material.

(d) Agricultural material composting operations whose feedstock is both green material and agricultural material are subject to the following requirements:

(1) Producers located on Agricultural Land:

(A) Operations located on land that is zoned for agricultural uses that sell or give away less than 1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and...
green material on the site; provided, however, the EA may limit the amount of green material
feedstock on-site to 12,500 cubic yards upon making a written finding that handling the excess
material may pose a risk to public health and safety or the environment.

(B) The EA shall inspect operations authorized under this subdivision (d)(1) at least once each
calendar year at a time when compostable material on the site is active compost.

(2) Other Producers:
(A) Operations located on land that is not zoned for agricultural uses and operations that sell or
give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of
agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock
on the site at any time.

(B) The EA shall inspect operations authorized under this subdivision (d)(2) at least once every
three (3) months unless the EA approves, with Department concurrence, a reduced inspection
frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional
risk to public health and safety or the environment but in no case shall the frequency be less than
once per calendar year. At least one of the required inspections each year shall occur at a time when
compostable material on the site is active compost.

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

(a) A green material composting operation that has up to may have no more than 12,500 cubic yards
of feedstock, compost, or chipped and ground material, amendments, additives, active compost, and
stabilized compost on-site at any one time. Green material composting operations 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) and with the applicable requirements
specified in this Chapter.

(1) These operations shall be inspected by the EA at least once every three (3) months unless the
EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.]

(2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural
users and other consumers, the operator may request in writing that the stabilized compost be
temporarily excluded from the calculation of the 12,500 cubic yard maximum material allowed on-site
(“seasonal storage adjustment”). At the EA’s discretion, the seasonal storage adjustment for stabilized
compost may be extended to the storage time and storage volume specified in the land use
entitlement for the site if the EA finds, on the basis of substantial evidence, that the adjustment does
not increase the potential harm to public health and safety, and the environment. The EA shall
respond in writing to the operator’s request within 30 days of receipt. The EA may impose any
reasonable conditions on the seasonal storage adjustment. The initial term seasonal storage
adjustment may not exceed the storage time specified in the land use entitlement or 30 days,
whichever is less. The seasonal storage adjustment may be extended by one or more additional 30-
day periods not exceeding the storage time specified in the land use entitlement or a total of 90 days
per calendar year, whichever is less.

(A) With its request for a seasonal storage adjustment, the operator shall submit to the LEA a
storage plan containing the following:

1. A description of the storage capacity including the assumptions, methods, and calculations
   used to determine total storage capacity.

2. The maximum and average lengths of time the compostable material will be stored.

3. A schematic drawing showing the general layout of the operation and the location(s) where
   all materials at the site are stored with specific identification of the proposed location of the excess
   material.

4. A description of any additional fire prevention, protection and control measures needed to
   minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any
   such fires, which measures shall be approved by the local fire authority.
5. Where applicable, any revisions to the odor impact minimization plan necessary to address
the storage of the additional material or a statement, with supporting information, that no revisions
are necessary.
(b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost,
or chipped and ground material on site at any one time shall be inspected by the EA at least once
every three (3) months, unless an operator request for a reduced inspection frequency of no less than
annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA
finds that it will not pose an additional risk to public health and safety and the environment. The EA
shall forward a copy of the request and approval to the Board.
(b) If a green material composting operation or facility exceeds any combination of the following
requirements three (3) or more times within any two (2) year period, which the EA determines
constitutes a violation of this Chapter, the facility no longer qualifies for an EA Notification under this
section:
(1) Receipt of material that contains greater than 1.0% physical contaminants by dry weight as
specified in section 17852(a)(21);
(2) Failure to comply with the processing requirements set forth in section 17868.5;
(3) Failure to comply with the maximum volume on-site at any one time limit set forth in
subdivision (a) above.
Upon the third such violation, the EA shall notify the operator in writing that the facility no longer
qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable
Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease
and desist order pursuant to section 18304 directing, among other things, that the operator
immediately cease accepting material at the site until the operator has demonstrated to the EA that it
has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at
any time take any additional enforcement action the EA deems appropriate.
(c) A site that handles green material composting facility that has more than 12,500 cubic yards of
feedstock, compost, or chipped and ground material, amendments, additives, active compost, and
stabilized compost on site at any one time is a green material composting facility, excepting green
material composting operations which the EA has authorized a seasonal storage adjustment pursuant
to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials
Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations,
Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
(commencing with section 21450) prior to commencing operations. Green material composting
facilities shall comply with the applicable requirements specified in this Chapter 3.1.

[Note: See section 17868.5 for green material processing requirements.]

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

§ 17857.2. Vegetative Food Material Composting Facilities.
(a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock,
chipped and ground material, amendments, additives, active compost, and stabilized compost on-site
at any one time and shall obtain a Registration Permit pursuant to the requirements of Title 14,
California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations
and shall comply with the applicable requirements of this Chapter.
(b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock,
chipped and ground material, amendments, additives, active compost, and stabilized compost on-site
at any one time shall obtain a Compostable Materials Handling Facility Permit pursuant to the
requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4,
Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to
commencing operations and shall comply with the applicable requirements of this Chapter.
[Note: See section 17868.5 for green material and vegetative food material processing requirements.]

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

§ 17859.1. Biosolids Composting at POTWs.
(a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly
Operated Owned Treatment Works (POTW) 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).

1. These operations shall be inspected by the EA at least once every three (3) months unless the
EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.]

(b) All other composting of biosolids shall comply with section 17854.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
43020 and 43021, Public Resources Code; and Title 40, Chapter I, Subchapter O, Part 503, Code of
Federal Regulations.

§ 17862. Research Composting Operations.

(a) An operator conducting research composting operations shall not have more than 5,000 cubic
yards of feedstock, chipped and ground material, additives, amendments, chipped and
ground material, active compost, and stabilized 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, chipped and ground material, additives, amendments, chipped
and ground material, active compost, and stabilized 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 each no
more than a two year period of operation. Review criteria the operator of a research composting
operation shall submit to the EA a report that includes the results and conclusions drawn from the
research. If the EA determines based on the report that there are further research objectives to be
met or data to be gathered, the EA may extend the research for a specified time period not to exceed
two years. If the EA determines based on the report that there are no further research objectives to
be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
section 17870, or obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to
continuing operations.

(e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock
for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety,
or environmental protection concern, 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.

3. After no more than a six-month period of operation, the EA Notification for the operator of a
research composting operation using unprocessed mammalian tissue as feedstock shall submit to the
EA a report that includes the results and conclusions drawn from the research and documentation of
additional requirements of this section shall be reviewed after each six month period of operation. If
the EA determines based on the report that there are further research objectives to be met or data to
be gathered, the EA may extend the research for a specified time period not to exceed two years. If
the EA determines based on the report that there are no further research objectives to be met or data
to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870, or
obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to continuing operations.

(f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to the EA with the 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.

(g) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


(a) A chipping and grinding operation that receives up to 200 tons per day of material that may be handled by a green material composting operation 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 and the applicable requirements specified in this Chapter.

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(b) A chipping and grinding facility that receives more than 200 tons per day but not more than, and up to 500 tons per day of material that may be handled by a green material composting operation shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(c) A chipping and grinding facility that receives more than 500 tons per day of material that may be handled by a green material composting operation shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(d) On and after January 1, 2018, a chipping and grinding operation or facility shall sample every 5,000 cubic-yards of chipped and ground material produced and determine the percentage of physical contaminants greater than 4 millimeters in the sample using a method that provides accurate results and has been approved by the EA. If the chipping and grinding operation or facility produces less than 5,000 cubic-yards of chipped and ground material in a 12 month period, the operator shall analyze at least one composite sample of chipped and ground material produced every 12 month period. The determination of the percentage of physical contaminants shall occur prior to the point where material is removed from the site. A chipping and grinding operation or facility shall not be subject to the provisions of section 17868.3.1 of this Chapter, however any chipped and ground material that will be land applied must meet the physical contamination requirements of section 17852(a)(24.5)(A)(1).

(de) A chipping and grinding operation or facility shall not be subject to the provisions of sections 17868.1 through 17868.3 of this Chapter, however, any chipped and ground material that will be land applied must meet the maximum metal concentration and pathogen reduction requirements of section 17852(a)(24.5)(A)(2) and (3).

(ef) If a chipping and grinding operation or facility exceeds the contamination limits specified in section 17852 (a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory requirements (commencing at section 17400).

(fg) If a chipping and grinding operation or facility stores material for a longer period of time than is allowed by section 17852 (a)(10)(A)(2), then the site shall be regulated as a green material handling composting operation or facility, as set forth in this Chapter.
Article 3. Report of Facility Information

§ 17863. Report of Composting Site Information.
Each operator of a compostable material handling facility that is required to obtain a Compostable Materials Handling Facility Permit or a Registration Permit for a Vegetative Food Material Composting Facility, as specified in Article 2 of this Chapter, shall, at the time of application, file a Report of Composting Site Information with the EA. If the operator intends to alter the permitted feedstock, these changes must be reported to the EA for maintenance of permit status. Such changes may become the basis for revisions to the permit or for revocation of the permit.

(m) A description of the proposed site restoration activities, in accordance with Section 17870.


§ 17863.4. Odor Impact Minimization Plan.
(a) All compostable material handling operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.
(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.
(1) an odor monitoring and data collection protocol for on-site odor sources, which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,
(2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,
(3) a complaint response and recordkeeping protocol; and,
(4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns as applicable; and,
(5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), biofiltration, and tarping as applicable.
(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.
(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.
(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.
(f) If the odor impact minimization plan is being followed, but and the EA determines, in a manner consistent with section 18302(d), that odor impacts are still occurring, the EA may issue shall direct the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors, unless:
(1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
(2) there is an imminent threat to public health and safety and the environment; or

(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to section 17863.4(f).

(b) The Report shall:

1. Present representative and correlating odor data for each potential onsite odor source including but not limited to: odor severity, odor characteristics, time and weather conditions when data was collected, description of operations associated with the source, and any odor impacts or complaints received;
2. Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in order of impact;
3. For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):
   (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has used to minimize odor and analyze each BMP for the following:
      1. The effectiveness of the BMP in reducing odor impacts;
      2. The potential for more extensive use of the BMP to minimize odor impacts described by complainants;
   (B) List of all potential best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has not used and analyze each potential BMP to determine:
      1. The potential for the BMP to reduce odor impacts described by complainants;
      2. The BMP is operationally practical;
      3. The approximate cost to implement the BMP;
      4. Any permits or permit changes necessary to use the BMP; and
      5. Overall recommendation and ranking of implementing the BMP.
4. The operator shall submit the Report required by subdivisions (a) and (b), and the plan and schedule required by subdivision (b)(3)(C), to the EA and the Department for review. If the EA has required the operator to prepare a Report pursuant to subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe approved by the EA.
(d) The EA, in consultation with the Department, shall within 30 days:
   (1) Approve the Report and associated plan and direct the operator in writing to implement the plan in whole or in part; and/or
   (2) Direct the operator in writing to submit specific changes or additional information within a timeframe specified by the EA.

§ 17867. General Operating Standards.
(a) All compostable materials handling operations and facilities shall meet the following requirements:
(1) All handling activities are prohibited from composting any material specified in section 17855.2
of this Chapter.
(2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not
cause a nuisance.
(23) All handling activities shall be conducted in a manner that minimizes vectors, odor impacts,
litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation,
ingestion, and transportation of dust, particulates, and pathogenic organisms.
(34) Random load checks of feedstocks, additives, and amendments for contaminants shall be
conducted.
(45) Contamination of compostable material that has undergone pathogen reduction, pursuant to
section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone
pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.
(56) Unauthorized human or animal access to the facility shall be prevented.
(67) Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe
manner.
(78) All compostable materials handling operations and facilities that are open for public business;
shall post legible signs at all public entrances. These signs shall include the following information:
(A) name of the operation or facility,
(B) name of the operator,
(C) facility hours of operation,
(D) materials that will and will not be accepted, if applicable,
(E) schedule of charges, if applicable, and
(F) phone number where operator or designee can be reached in case of an emergency.
(89) The operator shall provide fire prevention, protection and control measures, including, but not
limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression,
and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided
to allow fire control equipment access to all operation areas.
(910) The operator shall provide telephone or radio communication capability for emergency
purposes.
(1011) Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground
material shall be removed from the site within 7 days and transported to an appropriate facility.
(1112) Enclosed operations and facilities shall provide ventilation to prevent adverse public health
effects from decomposition gases.
(1213) The operator shall ensure that leachate is controlled to prevent contact with the public.
(1314) The operator shall prevent or remove physical contaminants in compost and chipped and
ground materials that may cause injury to humans.
(1415) An attendant shall be on duty during business hours if the operation or facility is open to the
public.
Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
43020 and 43021, Public Resources Code.

Article 7. Environmental Health Standards
§ 17868.1. Sampling Requirements.
All composting operations that sell or give away greater than 1,000 cubic yards of compost annually,
and all composting facilities shall meet the following requirements:
(a) Operators shall verify that compost meets the maximum acceptable metal concentration limits
specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3.
Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall
occur at prior to the point where compost is sold and removed from the site, bagged for sale, given
away for beneficial use and removed from the site or otherwise beneficially used on-site. Test results
of samples must be received by the operator prior to removing compost from the composting
operation or facility where it was produced. This verification shall be performed by taking and
analyzing at least one composite sample of compost, following the requirements of this section as
follows:
(1) An operator who composts agricultural material, green material, food material, vegetative food material, or mixed solid waste material shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced. If the composting operation or facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample of compost produced every 12 month period.

(2) An operator who composts biosolids shall meet the sampling schedule described in Table 12-2 below.

Table 12- Frequencies of Compost Sampling for Biosolids Composting Facilities

<table>
<thead>
<tr>
<th>Amount of Biosolids Compost Feedstock (metric tons per 365 day period)</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than zero but fewer than 290 annually</td>
<td></td>
</tr>
<tr>
<td>Equal to or greater than 290 but fewer than 1,500 quarterly</td>
<td></td>
</tr>
<tr>
<td>Equal to or greater than 1,500 but fewer than 15,000 bimonthly</td>
<td></td>
</tr>
<tr>
<td>Equal to or greater than 15,000 monthly</td>
<td></td>
</tr>
</tbody>
</table>

(A) The amount of biosolids compost feedstock shall be calculated in dry weight metric tons.

(3) Composite sample analysis for maximum acceptable metal concentrations, specified in section 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health Services, pursuant to the Health and Safety Code.

(b) A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below.

(1) The twelve samples shall be of equal volume.

(2) The twelve samples shall be extracted from within the compost pile as follows:
   (A) Four samples from one-half the width of the pile, each at a different cross-section;
   (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
   (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

(c) The EA may approve alternative methods of sampling for a green material composting operation or facility that ensures the maximum metal concentration requirements of section 17868.2 and the pathogen reduction requirements of section 17868.3 are met.


§ 17868.2. Maximum Metal Concentrations.

(a) Compost products derived from compostable materials that contain any metal in amounts that shall not contain metals in excess of the maximum acceptable metal concentrations shown in Table 23. Compost that contains any metal in excess of any maximum metal concentrations shall be designated for disposal, additional processing, disposal, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Test results of samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

Table 23 -Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>1200 (see subdivision (a)(1) below)</td>
</tr>
</tbody>
</table>
(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

(b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section, including but not limited to sampling frequencies, may be approved by the EA for green and food materials composting operations and facilities if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 23 are not exceeded.


§ 17868.3. Pathogen Reduction.
(a) Compost products derived from compostable materials, that contains pathogens in amounts that shall not exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, disposal, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Test results of samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

(b) Operators that produce compost shall ensure that:

(1) The density of fecal coliform in compost, that is or has at one time been active compost, shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis).

(2) At enclosed or within-vessel composting process operations and facilities, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of Subdivision (b)(2) of this section.

(3) If the operation or facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

(4) If the operation or facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

(d) Compost operations and facilities that utilize a windrow composting process or an aerated static pile composting process shall be monitored as follows to ensure that the standards in Subdivision (b) of this section are met:

(1) Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.

(2) Temperature measurements for pathogen reduction shall be measured as follows:

(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;
(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.

d) Alternative methods of compliance to meet the pathogen reduction requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.


§ 17868.3.1. Physical Contamination Limits.
This section shall become operative January 1, 2018.

(a) Compost shall not contain more than 0.5% by dry weight of physical contaminants greater than 4 millimeters; no more than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters. Compost that contains physical contaminants in excess of either one or both of these limits shall be designated for additional processing, disposal or other use as approved by local, state or federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur prior to the point where compost is removed from the site or beneficially used on-site. Test results of samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

(b) The operator of a compostable material handling operation or facility shall sample every 5,000 cubic-yards of compost produced and determine the percentage of physical contaminants greater than 4 millimeters in the sample using a method that provides accurate results and has been approved by the EA. If the compostable material handling operation or facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample of compost produced every 12 month period.

(c) If the EA has reason to believe, based on the EA’s visual observation or otherwise, that a determination of percent physical contaminants made pursuant to section 17868.3.1(b) is not accurate, the EA may require an operator of a compostable material handling operation or facility to take a composite sample of compost in the presence of the EA and send the sample to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed to determine the percentage of physical contaminants by dry weight using the following protocol:

1. Determine the total dry weight of the composite sample as obtained in section 17868.3.1(d);
2. Separate the physical contaminants greater than 4 millimeters from the composite sample and determine the dry weight of the physical contaminants;
3. Determine the percentage of physical contaminants by dividing the dry weight of the physical contaminants by the total dry weight of the composite sample.

(d) Any sampling conducted to comply with this section shall require a composite sample. A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below.

1. The twelve samples shall be of equal volume.
2. The twelve samples shall be extracted from within the compost pile as follows:
   A. Four samples from one-half the width of the pile, each at a different cross-section;
   B. Four samples from one-fourth the width of the pile, each at a different cross-section; and,
   C. Four samples from one-eighth the width of the pile, each at a different cross-section.

(e) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure the physical contamination limits requirements of this section are met.


§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.
In order for a feedstock to be considered green material, as defined in section 17852(a)(21), and vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following requirements:

(a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste loads and load sorting to quantify the percentage of contaminating materials.

and detect receipt of unacceptable feedstock (e.g., feedstock that does not meet the definition of green material or vegetative food material).

(1) A minimum of ten percent of daily incoming feedstock volume or at least one truck per day, whichever is greater, shall be inspected visually. If a visual load check indicates a physical contamination level greater than 1.0 percent, a representative sample shall be taken, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total weight or if the load contains materials that do not meet the definitions of green material in section 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).

(b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined.

(c) Any agricultural material handling operation using this material shall ensure the feedstock meets the metal concentration limits specified in Table 2 of section 17868.2.

(d) Facility personnel shall be adequately trained to perform the activities specified in this section.

(e) Any operation or facility using this feedstock shall maintain records demonstrating compliance with this section.


## Article 8. Composting Operation and Facility Records

### § 17869. General Record Keeping Requirements.

Except as provided in subsection (d), all compostable materials handling operations and facilities shall meet the following requirements:

(a) All records required by this Chapter shall be kept in one location and accessible for five (5) years and shall be available for inspection by authorized representatives of the board Department, EA local health entity, and other duly authorized regulatory and EAs during normal working hours.

(b) The operator shall record any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.

(c) The operator shall record any public complaints received by the operator, including:

1. the nature of the complaint,
2. the date the complaint was received,
3. if available, the name, address, and telephone number of the person or persons making the complaint, and
4. any actions taken to respond to the complaint.

(d) The operator shall record the quantity and type of feedstock received and quantity of compost and chipped and ground material produced. Agricultural compostable materials handling operations shall maintain records only for compostable material accepted from off-site.

(e) The operator shall record the number of load checks performed and loads rejected.

(f) The operator shall record all test results generated by compliance with Article 7 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings; chipping and grinding operations and facilities must record the determinations of the percentage of physical contaminants required by 17862.1(d).

1. The operator shall retain records detailing pathogen reduction methods.

2. The operator shall record and retain records of any serious injury to the public occurring on-site and any complaint of adverse health effects to the public attributed to operations. Serious injury means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which a member of the public suffers a loss of any member of the body or suffers any degree of permanent disfigurement.

3. The operator shall retain a record of training and instruction completed in accordance with section 17867.5.

Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements

§ 17896.1. Authority and Scope.
(a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel digestion operations and facilities that receive and process by means of in-vessel digestion solid wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of this Division, may still be subject to the regulatory requirements specified in this Chapter.
(b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code, as amended. These regulations should be read together with the Act.
(c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This Chapter establishes standards and regulatory requirements for the intentional processing of organic material by means of in-vessel digestion.
(d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage, handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to enforce any provision of law that it is authorized or required to enforce or administer, nor limits or restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter.
(e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, or reports, or other requirements of other regulatory or enforcement agencies, including but not limited to, local health agencies, regional water quality control boards, Department of Toxic Substances Control, California Department of Industrial Relations, Division of Occupational Safety and Health, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.


§ 17896.2. Definitions.
(a) For the purposes of this Chapter:
(1) "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, which is separated at the point of generation, and which contains no other solid waste. Material that is defined in this section 17852 as "food material" or "vegetative food material" is not agricultural material. Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.
(2) "Agricultural Site" means activities located on land that is zoned for agricultural uses.
(3) "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.
(4) "Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.
(5) "Contact Water" means water that has come in contact with waste and may include leachate.
(6) "Digestate" means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester.
(7) "Digestion" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic solid wastes. Digestion includes:

(A) Aerobic digestion - the controlled biological decomposition of organic material in the presence of oxygen.

(B) Anaerobic digestion - the controlled biological decomposition of organic material in the absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a residual digestate.

(C) Other controlled biological decomposition processes.

(8) "Dairy In-vessel Digestion Operation" means, except as otherwise specified in section 17896.6(a)(3), a dairy that receives imported solid waste feedstock for purposes of co-digestion, with manure in an in-vessel digester, in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board. The Dairy In-vessel Digestion Operation may also co-digest agricultural material.

(9) "Distribution Center In-vessel Digestion Operation" means a site that receives, for the purpose of digestion in an in-vessel digester, unsold products from retail stores to which the products were originally sent. All unsold products shall be collected and processed in covered, leak-proof containers, and remain in the custody of the owner at all times. All unsold products that are putrescible shall be refrigerated at the retail store and shall be maintained at a core temperature of 13 degrees Celsius (55 degrees Fahrenheit) or less during transport to the operation.

(10) “EA” means enforcement agency as defined in PRC section 40130.

(11) “Film plastic” means sheet plastic 10 mil or less in thickness.

(12) “Food Material” means a waste material of plant or animal origin that results from the preparation or processing of food for animal or human consumption and that is separated from the municipal solid waste stream. Food material includes, but is not limited to, food waste from food facilities as defined in Health and Safety Code section 113789 (such as restaurants), food processing establishments as defined in Health and Safety Code section 111955, grocery stores, institutional cafeterias (such as prisons, schools and hospitals), and residential food scrap collection. Food material does not include any material that is required to be handled only pursuant to the California Food and Agricultural Code and regulations adopted pursuant thereto.

(A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant material and is separated from other food material and the municipal solid waste stream. Vegetative food material may be processed or cooked but must otherwise retain its essential natural character and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 of percent physical contaminants by dry weight, and meets the requirements of section 17896.61.

(13) "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22, section 66261.3, et seq.

(14) “In-vessel Digester” means the sealed container(s) or sealed structure in which the entire digestion process occurs.

(15) “Large Volume In-vessel Digestion Facility” means a facility that receives an average greater than 100 tons of solid waste per operating day or greater than 700 tons (2,800 cubic yards) per week of solid waste for digestion in an in-vessel digester.

(16) "Limited Volume In-vessel Digestion Operation" means an operation that receives less than an average of 15 tons (or 60 cubic yards) of solid waste per operating day but shall not exceed 105 tons (or 420 cubic yards) per week of solid waste for digestion in an in-vessel digester. Additionally, the operation shall not exceed solid waste storage capacity limitations of the general design of the operation.

(17) “Litter” means all solid waste which has been improperly discarded or which has migrated by wind or equipment away from the operations area. Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state.

(18) “Manure” is an agricultural material and means accumulated herbivore or avian excrement. This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is mixed with feces or urine.

(19) “Medium Volume In-vessel Digestion Facility” means a facility that receives an average of between 15 tons (or 60 cubic yards) and 100 tons of solid waste per operating day but shall not exceed 700 tons (or 2,800 cubic yards) per week of solid waste for digestion in an in-vessel digester.
Additionally, the facility shall not exceed solid waste storage capacity limitations of the general design of the facility.

(20) “Nuisance” includes anything which:
(A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and
(B) affects at the same time an entire community, neighborhood or any considerable number of persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

(21) “On-site” means located within the boundary of the operation or facility.

(22) “Operating Day” means the daily hours of operation for a facility or operation as set forth in the application, Enforcement Agency Notification or solid waste facilities permit.

(23) “Operating Record” means an easily accessible collection of records of an operation’s or facility’s activities and compliance with required state minimum standards under Title 14. The Record may include the In-vessel Digestion Facility Plan or In-vessel Digestion Report for facilities, and shall contain but is not limited to containing: agency approvals, tonnage and load checking records, facility contacts and training history. The record may be reviewed by state and local authorities and shall be available during normal business hours. If records are too voluminous to place in the main operating record or if the integrity of the records could be compromised by on-site storage, such as exposure to weather, they may be maintained at an alternative site, as long as that site is easily accessible to the EA.

(24) “Operations Area” means:
(A) the following areas within the boundary of an operation or facility as described in the permit application or Enforcement Agency Notification:
   1. equipment management area, including cleaning, maintenance, and storage areas; and
   2. material and/or solid waste management area, including unloading, handling, transfer, processing, and storage areas.
(B) the boundary of the operations area is the same as the permitted boundary of the operation or facility but may or may not be the same as the property boundary on which the operation or facility is located.

(25) “Operator” means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, that is listed in the permit application or Enforcement Agency Notification and is legally responsible for all of the following:
(A) complying with regulatory requirements set forth in these Articles;
(B) complying with all applicable federal, state and local requirements;
(C) the design, construction, and physical operation of the operations area;
(D) controlling the activities at an operation or facility as listed on the permit application or Enforcement Agency Notification.

(26) “Owner” means the person or persons who own, in whole or in part, an operation or facility and the land on which it is located. If the ownership of the operation or facility is not the same as the ownership of the land on which it is located, the owner of the land shall be identified as the “Land Owner” and the owner of the operation or facility shall be identified as the “Facility Owner.”

(27) “Physical Contamination” or “Contaminants” means human-made inert material contained within compostable material, digestate, or compost, including, but not limited to, glass, metal, and plastic.

(28) “Putrescible Wastes” include wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

(29) “Rendering” means all recycling, processing, and conversion of animal and fish materials and carcasses and inedible kitchen grease into fats, oils, proteins, and other products that are used in the animal, poultry, and pet food industries and other industries, as defined in Food and Agricultural Code section 19213.

(30) “Salvaging” means the controlled separation of solid waste material which do not require further processing, for reuse or recycling prior to in-vessel digestion activities.

(31) “Scavenging” means the uncontrolled and/or unauthorized removal of solid waste materials.

(32) “Sealed Container” means a tank, vessel, or similar apparatus capable of containing liquids and air-borne emissions during the entire digestion process to control odors or other nuisance conditions.

(33) “Sealed Structure” means a fully enclosed building capable of containing liquids and controlling air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance conditions.
(34) "Special Waste" includes but is not limited to:
 (A) waste requiring special collection, treatment, handling, storage, or transfer techniques as defined in Title 22, section 66260.10.
 (B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.
 (35) “Spotter” means an employee who conducts activities that include, but are not limited to, traffic control, hazardous waste recognition and removal for proper handling, storage and transport or disposal, and protection of the public from health and/or safety hazards.
 (36) “Store” means to stockpile or accumulate for later use.


§ 17896.3. Pre-Existing Permits and Notifications.
 (a) If a facility had previously obtained a permit in accordance with regulations in effect prior to January 1, 2016, that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations, sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA makes such a determination, the operator shall comply with this Chapter within two years of that determination.
 (b) If an operation had previously been operating pursuant to an EA Notification in accordance with regulations in effect prior to January 1, 2016, that operation may continue to operate in accordance with its EA Notification or regulatory authorization until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from January 1, 2016. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.
 (c) If an activity had previously been excluded from regulations in effect prior to January 1, 2016, that activity may continue to operate in accordance with its regulatory exclusion until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from January 1, 2016. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.


§ 17896.4. Permit Name.
Any permit issued pursuant to this Article, except for one issued pursuant to section 17896.12, shall be entitled: "In-vessel Digestion Facility Permit."


§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities.
Sections 17896.6 through 17896.13 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5. Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These requirements are summarized in Table 1.

Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency Notification Tier</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Research In-Vessel Digestion Operations Section 17896.8</td>
<td>Medium Volume In-Vessel Digestion Facilities</td>
<td>Large Volume In-Vessel Digestion Facilities</td>
</tr>
<tr>
<td></td>
<td>average between 15 tpd (60 yd^3 and</td>
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</table>

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§ 17896.6. Excluded Activities.

(a) The activities listed in this section are not subject to the in-vessel digestion requirements set forth in this Chapter. Nothing in this section precludes the EA or the Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, is excluded under the following conditions:

(A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant. Once on-site, the anaerobically digestible material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and conveyed in a contained system. Any separated material at the POTW that is not suitable for anaerobic digestion and has no beneficial use shall be further managed as a solid waste.

(B) The POTW Treatment Plant has developed Standard Operating Procedures for the acceptance of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality Control Board that those Standard Operating Procedures are being implemented, and a Standard Provision (permit condition) that reflects the acceptance of anaerobically digestible material:

1. has been incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit; or

2. will be incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit no later than the next permit renewal.

(C) For the purpose of this exclusion, “anaerobically digestible material” means: inedible kitchen grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title 14, CCR, section 17896.2(a)(12) and vegetative food material as defined in Title 14, CCR, section 17896.2(a)(12)(A).

(D) For the purpose of this exclusion, the Department, in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, will on a case-by-case basis, review and consider approval of additional types of organic materials as potential “anaerobically digestible material” beyond those specified in section 17896.6(a)(1)(C) in accordance with the following:

1. Receipt of a written request to the Department from the General Manager or designee of a POTW Treatment Plant.

[Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]
a. The written request must contain the following information:
   i. The purpose of the request.
   ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the
       organic waste material with the POTW wastewater.
   iii. Types of organic material requested for classification as an anaerobically digestible
       material.
   iv. The source(s) of the waste material.
   v. A description of how the waste material will be handled, processed, stored and
       transported (before and after receipt at the POTW Treatment Plant).
   vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant
       to accommodate the new waste materials.
   vii. Available laboratory test results, engineering reports, research or study to support the
       request.
   viii. Data and/or reports if this waste material has been used without incident at a different
        POTW Treatment Plant.
   ix. The name, addresses and phone numbers for the General Manager and designee of the
       POTW Treatment Plant.

b. Upon receipt of the written request, the Department will communicate and coordinate the
   request with and between the State Water Resources Control Board and the California Department of
   Food and Agriculture and will complete the following actions:
   i. Within 10 days of receipt, send written confirmation to the General Manager and designee
      of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate
      Department staff, as well as to the State Water Resources Control Board and California Department of
      Food and Agriculture staff contacts for review;
   ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board
       and California Department of Food and Agriculture staff contacts;
   iii. Prior to the meeting, Department staff will review the letter and identify questions
       and/or issues with the request and make a list of recommendations;
   iv. Within 40 days of receipt, conduct a meeting on the request. If an agency
       representative does not attend the meeting, comments will be accepted by the Department up to
       close of business on the 45th day after receipt;
   v. Within 60 days of receipt, the Department will provide a written decision to the General
      Manager and designee of the POTW Treatment Plant stating one of the following:
      I. The waste type has or has not been determined to be an anaerobically digestible
          material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory
          Requirements (pursuant to section 17896.6(a)(1)(C) and the Transfer/Processing Operations and
          Facility Regulatory Requirements (pursuant to section 17403.1(a)(8));
      II. The agencies, based on the information provided, were unable to reach a
          determination and additional information is required before a determination can be made; or
      III. The agencies have determined that additional research or study will need to be
          conducted and the results analyzed prior to a determination made by the agencies.
   iv. If additional information, research or study is necessary, the Department will consult
       with the General Manager or designee of the POTW, the State Water Resources Control Board and
       California Department of Food and Agriculture contacts, for the purpose of developing a timeline for
       either reviewing the additional information or for reviewing a proposed scope of work and timeline for
       additional research or study.

2. For the purpose of this exclusion, if an organic waste material is determined by the
   Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW
   wastewater, the POTW Treatment Plant must comply with section 17896.6(a)(1)(A) prior to receipt of
   the material at the POTW Treatment Plant.

(2) In-vessel digestion of agricultural material derived from an agricultural site and the digestate or
compost produced from digestate is returned to that same agricultural site, or an agricultural site
owned or leased by the owner, parent, or subsidiary of the agricultural site on which the in-vessel
digester is located. No more than an incidental amount of up to 1,000 cubic yards of compost
produced from digestate may be given away or sold annually. Digestate that is not composted may
not be given away or sold.

(3) In-vessel digestion at a dairy involving the co-digestion of manure with agricultural material
derived on-site, imported agricultural material, and/or imported vegetative food material in
accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board.
(A) Any imported materials delivered to the dairy must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an in-vessel digester at a dairy. The pumped material may be screened, otherwise separated or treated prior to in-vessel digestion, but must be processed and conveyed in a contained system. Any separated material at the dairy that is not suitable for in-vessel digestion and has no beneficial use shall be further managed as a solid waste.

(B) No more than an incidental amount of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually. Digestate that is not composted may not be given away or sold.

(4) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste, feedstock, and digestate on-site are excluded.

[Note: Persons handling solid waste under the above exclusion are obligated to obtain all permits, licenses, or other clearances that may be required by other regulatory agencies including, but not limited to local health entities and local land use authorities.]

(5) Rendering activities, authorized by the California Department of Food and Agriculture pursuant to section 19300 of the Food and Agricultural Code, in which no solid waste feedstock bypasses the rendering process.

(6) Other discrete handling activities that are already subject to more stringent handling requirements under Federal or State law, as determined by the EA in consultation with the Department, are excluded.


§ 17896.7. Prohibitions.
The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites where in-vessel digestion activities that are excluded from regulation under this Chapter occur:

(a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow, except when received:

(1) from a food facility as defined in Health and Safety Code section 113789, grocery store; or residential food scrap collection; or

(2) as part of a research activity for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concerns in accordance with section 17896.8; or

(3) from a source and processed by a facility approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, on a case-by-case basis.

(b) The in-vessel digestion of treated or untreated medical waste.

(c) The in-vessel digestion of hazardous waste.


§ 17896.8. Research In-Vessel Digestion Operations.

(a) An operator conducting research in-vessel digestion operations 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) 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.

(c) After no more than a two year period of operation, the operator of a research in-vessel digestion operation shall submit to the EA a report that includes the results and conclusions drawn from the research. If the EA determines, based on the report, that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17896.41, or obtain other appropriate authorization pursuant to Article 1 of this Chapter prior to continuing operations.
(d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, 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 in-vessel digestion operation site security plan. The research in-vessel digestion 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.

3. After no more than a six-month period of operation the operator of a research in-vessel digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report that includes the results and conclusions drawn from the research and documentation of additional requirements of this section. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17896.41, or obtain other appropriate authorization pursuant to Article 1 of this Chapter prior to continuing operations.

(e) The operator shall submit all additional documentation required by subdivisions (b) and (d)(2) to the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that the EA Notification for research in-vessel digestion operations is complete and correct only if the additional documentation requirements of this section have been met.

(f) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.9. Dairy In-Vessel Digestion Operations.

(a) All dairy in-vessel digestion operations 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).

1. These operations shall be inspected by the EA at least once a month for the first 12 months of operation. After the first 12 months of operation the EA may approve, with Department concurrence, a reduced inspection frequency of once every three months. After the first 24 months of operation the EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

2. Any imported materials delivered to the dairy must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an in-vessel digester at a dairy. The pumped material may be screened, otherwise separated or treated prior to in-vessel digestion, but must be processed and conveyed in a contained system. Any separated material at the dairy that is not suitable for in-vessel digestion and has no beneficial use shall be further managed as a solid waste.


§ 17896.10. Distribution Center In-Vessel Digestion Operations.
(a) All distribution center in-vessel digestion operations 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).

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.11. Limited Volume In-Vessel Digestion Operations.
All limited volume in-vessel digestion operations shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100).

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.12. Medium Volume In-Vessel Digestion Facilities.
All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18104).

(1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.


§ 17896.13. Large Volume In-Vessel Digestion Facilities.
All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The In-vessel Digestion Report required by section 17896.15 shall constitute the Report of Facility Information required by section 21570(f)(2) of Title 27.

(1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.


Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(19) shall file with the EA an "In-vessel Digestion Facility Plan" (as specified in section 18221.5.1). The information contained in the Plan shall be reviewed by the EA to determine whether it is complete and correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.

§ 17896.15. In-Vessel Digestion Report.
(a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(15) shall file with the EA an "In-Vessel Digestion Report" (as specified in section 18221.6.1). An operator of an existing facility who submits an application package to the EA, pursuant to Title 27, section 21570, which proposes to change the facility's operations, or to change the solid waste facility permit shall do one of the following:
1. submit the updated information as an amendment to the existing In-vessel Digestion Report; or
2. submit a complete In-vessel Digestion Report as described in section 18221.6.1.


§ 17896.16. Applicability of State Minimum Standards.
(a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-vessel digestion operations and facilities, except as noted in section 17896.1.(a).
(b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel digestion facilities.
(c) Approvals, determinations and other requirements that the EA is authorized to make under Articles 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator shall place a copy of each approval, determination and other requirement in the operating record together with those records identified in sections 17896.45 and 17896.46.
(d) Some of the standards contained in this Chapter authorize the EA to approve an alternative method of compliance with the standard. These provisions are not intended to allow the EA to change the particular standard, but are intended to allow the EA flexibility to approve, in advance, an alternative method of meeting the existing standard which provides equivalent protection of the public health and safety and the environment as the existing standard. For facilities that require a full solid waste facility permit, the EA may choose to include the approved alternative method of compliance as a term and condition of the solid waste facility permit, rather than in the manner authorized by subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to the method may require a revision to the solid waste facility permit in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 (commencing with section 21570).


Article 2. Siting and Design
§ 17896.17. Siting On Landfills.
(a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27, California Code of Regulations, section 21190.
(b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or failure of pads or structural foundations.
(c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or with the closure or postclosure maintenance of the landfill.


§ 17896.18. General Design Requirements.
(a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as appropriate, from persons competent in engineering, architecture, landscape design, traffic engineering, air quality control, water quality protection and design of structures.
The design shall be based on appropriate data regarding the expected service area, anticipated nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land use (existing and planned), types and number of vehicles anticipated to enter the operation or facility, adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and other pertinent information. If the operation or facility is to be used by the general public, the design shall take account of safety features that may be needed to accommodate such public use.

The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the unloading area to as small an area as practicable, provide adequate control of windblown material, minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances by reason of solid wastes being handled at the operation. Other factors which shall be taken into consideration are: dust control, noise control, public safety, and other pertinent matters related to the protection of public health at the operation or facility.

In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA may require the applicant to describe how he or she has complied with applicable local and state requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and constructed to prevent loss of wastes from the container during storage. If such a container is used to store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily cleanable, designed for safe handling and constructed to prevent loss of wastes.


### Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities


The operator of an in-vessel digestion operation or facility must take adequate measures to prevent the uncontrolled release of biogas that may have harmful effects to on-site users and the general public.


#### § 17896.20. Cleaning.

(a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA, in order to prevent the propagation or attraction of flies, rodents, or other vectors:

1. All operations and facilities shall be cleaned each operating day of all loose materials and litter;
2. All operations or facilities that operate 24 hours per day must clean the operations or facilities at least once every 24 hours.

(b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials.


#### § 17896.21. Drainage and Spill Control.

(a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:

1. Minimize the creation of contact water outside of in-vessel digesters and sealed containers;
2. Prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-site migration of contact water;
3. Protect the integrity of roads and structures;
4. Protect the public health; and
5. Prevent safety hazards and interference with operations.

(b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills that occur.
§ 17896.22. Dust Control.
(a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates, and prevent other safety hazards to the public caused by obscured visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent the creation of excessive dust. Measures to control dust include, but are not limited to: reduced processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the following may be an indication that dust is excessive:
   (1) safety hazards due to obscured visibility; or
   (2) irritation of the eyes; or
   (3) hampered breathing;
   (4) migration of dust off-site.

(a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes, including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.
(b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are discovered, control measures as are necessary to protect public health, safety and the environment, such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation or removal from the operation or facility.
(c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and sludge wastes in a manner to protect public health, safety, and the environment.

§ 17896.24. Litter Control.
Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent possible given existing weather conditions.

§ 17896.25. Load Checking.
(a) The operator of an attended in-vessel digestion operation or facility shall implement a load checking program to prevent the acceptance of waste which is prohibited by this Chapter. This program must include at a minimum:
   (1) the number of random load checks to be performed;
   (2) a location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated;
   (3) records of load checks and the training of personnel in the recognition, proper handling, and disposition of prohibited waste. A copy of the load checking program and copies of the load checking records for the last year shall be maintained in the operating record and be available for review by the appropriate regulatory agencies.

All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair. The operator shall implement a preventative maintenance program to monitor and promptly repair or correct deteriorated or defective conditions.

§ 17896.27. Medical Wastes.
Medical waste, whether treated or untreated, shall not be accepted at an in-vessel digestion operation or facility, unless approved by the appropriate regulatory agencies.


§ 17896.28. Noise Control.
Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise include but are not limited to: posting of warning signs that recommend or require hearing protection; separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise transmission. Compliance with specific provisions regarding noise control in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.


§ 17896.29. Non-Salvageable Items.
Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles, pesticides and other materials capable of causing public health or safety problems shall not be salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and the EA.


(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to section 17896.31(f).
(b) The Report shall:
(1) Present representative and correlating odor data for each potential onsite odor source including odor severity, odor characteristics, time and weather conditions when data was collected, description of operations associated with the source, and any odor impacts or complaints received;
(2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in order of impact;
(3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):
(A) List of all best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has used to minimize odor and analyze each BMP for the following:
1. The effectiveness of the BMP in reducing odor impacts;
2. The potential for more extensive use of the BMP to minimize odor impacts described by complainants;
3. If the BMP has been operationally practical and if more extensive use of the BMP would be operationally practical;
4. The approximate cost to implement a more extensive use of the BMP;
5. Any permits or permit changes necessary to use the BMP more extensively;
6. Overall recommendation if existing BMPs should be continued and if more extensive use of the BMP is recommended; and
7. If the BMP has been found to be ineffective (include supporting data).
(B) List of all potential best management practices (BMPs), using the Comprehensive Compost
Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
operator has not used and analyze each potential BMP to determine:
1. The potential for the BMP to reduce odor impacts described by complainants;
2. If the BMP is operationally practical;
3. The approximate cost to implement the BMP;
4. Any permits or permit changes necessary to use the BMP; and
5. Overall recommendation and ranking of implementing the BMP.

(C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

(c) The operator shall submit the Report required by subdivisions (a) and (b), and the plan and
schedule required by subdivision (b)(3)(C) to the EA and the Department for review. If the EA has
required the operator to prepare a Report pursuant to subdivision (a), the operator shall submit the
plan and schedule within 14 days or other timeframe approved by the EA.

(d) The EA, in consultation with the Department, shall within 30 days:
(1) approve the Report and associated plan and direct the operator in writing to implement the plan
in whole or in part; and/or
(2) direct the operator in writing to submit specific changes or additional information within a
timeframe specified by the EA.

(e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
(d)(1) or (d)(2).

Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
Sections 43020, 43021 and 43209.1, Public Resources Code.

§ 17896.31. Odor Minimization Plan.
(a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-
specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA
Notification or permit application.

(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
describing, at a minimum, the following items. If the operator will not be implementing any of these
procedures, the plan shall explain why it is not necessary.
(1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
possible odor receptors; and,
(2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
described; and,
(3) a complaint response and recordkeeping protocol; and,
(4) a description of design considerations and/or projected ranges of optimal operation to be
employed in minimizing odor, including method and degree of aeration, moisture content of materials,
feedstock characteristics, airborne emission production, process water distribution, pad and site
drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
service interruptions, and site specific concerns as applicable; and,
(5) a description of operating procedures for minimizing odor, including aeration, moisture
management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
power, and personnel), bio filtration, and tarping as applicable.

(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
provided to the EA, within 30 days of those changes.

(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
revisions are necessary.

(e) The odor impact minimization plan shall be used by the EA to determine whether or not the
operation or facility is following the procedures established by the operator. If the EA determines that
the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
(pursuant to section 18304) to require the operator to either comply with the odor impact
minimization plan or to revise it.

(f) If the odor impact minimization plan is being followed and the EA determines, in a manner
consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator

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to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors unless:

1. the EA has evidence that a specific and immediate action would reduce the odor impacts;
2. there is an imminent threat to public health and safety and the environment; or
3. a nuisance has occurred.


§ 17896.32. Odor and Nuisance Control.
Each in-vessel digestion operation and facility shall be conducted and maintained:

(a) in a manner that minimizes odor impacts so as to not cause a nuisance, and
(b) to otherwise prevent the creation of a nuisance.


§ 17896.33. Parking.
Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.


§ 17896.34. Personnel Health and Safety.
The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations, section 3203, shall be available for review by local and state inspectors during normal business hours. Nothing in this section is intended to make the EA responsible for enforcing the IIPP.


§ 17896.35. Pre-Digestion Solid Waste Handling.
(a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or sealed structure or removed from the site within 48 hours from the time of receipt. This requirement does not apply to putrescible waste stored in a sealed bag, bottle, or can.
(b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date of receipt or at an alternate frequency approved by the EA.


§ 17896.36. Protection of Users.
An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so that contact between the public and solid wastes is minimized. This may be accomplished through the use of railings, curbs, grates, fences, and/or spotters.


§ 17896.37. Roads.
All on-site roads and driveways shall be designed and maintained to minimize the generation of dust and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable all-weather access to the site.
§ 17896.38. Sanitary Facilities.
The operator shall maintain all sanitary and hand-washing facilities in a reasonably clean and adequately supplied condition.


§ 17896.39. Scavenging and Salvaging.
Each in-vessel digestion operation or facility shall meet the following requirements:
(a) scavenging shall be prohibited;
(b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part of the operation, subject to conditions established by the EA, the local land use authority, or other approving agencies.
(c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious entry and exit of vehicles delivering waste to the in-vessel digestion operation or facility. Salvaging activities conducted at an in-vessel digestion operation or facility shall be confined to specified, clearly identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety or nuisance problems;
(d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel Digestion Facility Plan, or In-vessel Digestion Facility Report.


§ 17896.40. Signs.
(a) For in-vessel digestion operations or facilities not open to the public, each point of access from a public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or facility name and location of nearest public operation or facility.
(b) If the operation or facility is open to the public, there shall be an easily visible sign at all public entrances indicating the name of the operator, the operator's telephone number, schedule of charges, hours of operation, and a listing of the general types of materials which either (1) WILL be accepted, or (2) WILL NOT be accepted.


§ 17896.41. Site Restoration.
All in-vessel digestion operations and facilities shall meet the following requirements:
(a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30 days prior to beginning site restoration.
(b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health, safety, and the environment.
(c) The operator shall ensure that the following site restoration procedures are performed upon completion of operations and termination of service:
   (1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues including, but not limited to, digestate, compost materials, construction scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed.
   (2) All machinery shall be cleaned and removed or stored securely.
All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or other residues related to the site restoration operations.


§ 17896.42. Supervision and Personnel.
The operator shall provide adequate supervision and a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the EA in writing of the name, address and telephone number of the operator or other person responsible for the operation. A copy of the written notification shall be placed in the operating record.


§ 17896.43. Training.
Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site solid waste operations and maintenance, hazardous materials recognition and screening, use of mechanized equipment, environmental controls, emergency procedures and the requirements of this Article. A record of such training history shall be maintained and made available for inspection.


§ 17896.44. Vector, Bird and Animal Control.
The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.


Article 4. Record Keeping Requirements

§ 17896.45. Record Keeping Requirements.
Each operator shall meet the following requirements:
(a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or residual weights or volumes in a form and manner approved by the EA. Such records shall be submitted to the EA or the Department upon request; be adequate for overall planning and control purposes; and, be as current and accurate as practicable;
(b) All records required by this Chapter shall be kept by the operator in one location and accessible for five (5) years and shall be available for inspection by the EA and other duly authorized regulatory agencies during normal working hours.
(c) The operator shall submit copies of specified records to the EA upon request or at a frequency approved by the EA;
(d) The operator shall maintain a daily log book or file of special occurrences encountered during operations and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. Special occurrences shall include but are not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding, earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by telephone within 24 hours of all incidents requiring the implementation of emergency procedures, unless the EA determines that a less immediate form of notification will be sufficient to protect public health and safety and the environment;
(e) The operator shall record any written public complaints received by the operator, including:
(1) the nature of the complaint,
(2) the date the complaint was received.
if available, the name, address, and telephone number of the person or persons making the complaint, and

(4) any actions taken to respond to the complaint;

(f) The operator shall maintain a copy of the written notification to the EA and local health agency of the name, address and telephone number of the operator or other person(s) responsible for the operations as required by section 17896.42;

(g) The operator shall maintain records of employee training as required by section 17896.43;

(h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809 et seq.

(i) The operator shall record all test results generated by compliance with Article 6 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

(1) The operator shall retain records detailing pathogen reduction methods.


§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and Requirements.

Approvals, determinations, and other requirements the EA is authorized to make under this Chapter shall be provided in writing to the operator and placed in the operating record by the operator.


Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only

§ 17896.47. Communications Equipment.

Each in-vessel digestion facility shall have adequate communication equipment available to site personnel to allow quick response to emergencies.


§ 17896.48. Equipment.

Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-vessel digestion facility to meet all requirements of this Chapter.


§ 17896.49. Fire Fighting Equipment.

Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly maintained and located as required by the local fire authority.


§ 17896.50. Housekeeping.

The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap, and similar items.


§ 17896.51. Lighting.
The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of operations, and public health, safety, and the environment.


§ 17896.52. Site Attendant.
An in-vessel digestion facility open to the public shall have an attendant present during public operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as approved by the EA to ensure that it meets all of the requirements of this Chapter.


§ 17896.53. Site Security.
The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and vehicles through the use of either a perimeter barrier or topographic constraints.


§ 17896.54. Traffic Control.
(a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:
   (1) interference with or creation of a safety hazard on adjacent public streets or roads,
   (2) on-site safety hazards, and
   (3) interference with operations.


§ 17896.55. Visual Screening.
The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be considered compliance with this standard.


§ 17896.56. Water Supply.
A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use (e.g., fire protection, first aid) shall be available.


Article 6. Digestate Handling Standards

§ 17896.57. Digestate Handling.
(a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:
   (1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an alternative handling method after determining the alternative method will not pose an additional risk to public health and safety or the environment; or
   (2) incorporated in an on-site aerobic compost process.
   (A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section 17896.13.
(B) All in-vessel digestion facilities that compost on-site shall comply with the sampling requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59, the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and physical contamination limits of section 17896.61; or
(3) removed from the site and either:
   (A) transported only to another solid waste facility or operation for additional processing, composting, or disposal; or
   (B) used in a manner approved by local, state, and federal agencies having appropriate jurisdiction. Any digestate that will be land applied must meet the requirements of section 17852(a)(24.5).

(C) disposed in a manner as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).

(b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.59, pathogen concentration pursuant to section 17896.60(b)(1), and physical contaminants pursuant to section 17896.61 or is known to contain any metal in amounts that exceed the maximum metal concentrations described in section 17896.59, pathogens that exceed the maximum acceptable pathogen concentrations described in section 17896.60(b)(1), or physical contaminants that exceed the maximum physical contamination limits described in section 17896.61 shall be designated for disposal, additional processing, or other use as approved by local, state agencies having appropriate jurisdiction.


§ 17896.58. Sampling Requirements.
(a) Operators shall verify that compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) meets the maximum metal concentrations limits specified in section 17896.59, and the pathogen reduction requirements specified in section 17896.60. This verification shall be performed by taking and analyzing a composite sample. The sampling of compost produced at an in-vessel digestion facility shall occur prior to the point where the compost is removed from the site or beneficially used on site. Test results of samples must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.
(b) Sampling shall be performed by taking and analyzing at least one composite sample, following the requirements of this section as follows:
   (1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced. If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample every 12 month period.
   (2) Composite sample analysis for maximum acceptable metal concentrations, specified in section 17896.59, shall be conducted at a laboratory certified by the California Department of Public Health, pursuant to the Health and Safety Code.
   (c) A composite sample shall be representative and random, and may be obtained by taking twelve mixed samples as described below.
      (1) The twelve samples shall be of equal volume.
      (2) The twelve samples shall be extracted from within the post-digested solids or compost pile as follows:
         (A) Four samples from one-half the width of the pile, each at a different cross-section;
         (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
         (C) Four samples from one-eighth the width of the pile, each at a different cross-section.
   (d) The EA may approve alternative methods of sampling that ensures the maximum metal concentration requirements of section 17896.59, and the pathogen reduction requirements of section 17896.60, as applicable, are met.


§ 17896.59. Maximum Metal Concentrations.
(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not exceed the maximum acceptable metal concentrations shown in Table 2. Compost that contains any metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall be designated for additional processing, disposal, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Test results of samples must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

Table 2 - Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>(see subdivision (a)(1) below)</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>1500</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>100</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>

(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

(b) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2 are not exceeded.

§ 17896.60. Pathogen Reduction.

(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not exceed the maximum acceptable pathogen concentrations described in subdivision (b)(1) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for additional processing, disposal, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Test results of samples must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) Operators of in-vessel digestion facilities that produce compost shall ensure that:

(1) The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis). Test results of samples must be received by the operator prior to removing product from the site.

(2) At in-vessel digestion facilities using an enclosed or within-vessel composting process, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of subdivision (b)(2) of this section.

(3) If the facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

(4) If the facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a...
temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period
of 3 days.
(c) In-vessel digestion facilities that produce compost utilizing a windrow composting process or an
aerated static pile composting process shall be monitored as follows to ensure that the standards in
subdivision (b) of this section are met:
(1) Each day during the pathogen reduction period, at least one temperature reading shall be taken
per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or
fraction thereof.
(2) Temperature measurements for pathogen reduction shall be measured as follows:
(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
four (24) inches below the pile surface;
(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
inches from the point where the insulation cover meets the active compost.
(d) Alternative methods of compliance to meet the requirements of this section may be approved by
the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

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

§ 17896.61. Physical Contamination Limits.
This section shall become operative January 1, 2018.
(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
contain more than 0.5% by dry weight of physical contaminants greater than 4 millimeters; no more
than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters. Compost that
contains physical contaminants in excess of either one or both of these limits shall be designated for
additional processing, disposal, or other use as approved by local, state and federal agencies having
appropriate jurisdiction. Verification of physical contamination limits shall occur prior to the point
where compost is removed from the site or beneficially used on-site. Test results of samples must be
received by the operator prior to removing compost from the in-vessel digestion facility where it was
produced.
(b) The operator of an in-vessel digestion facility with an on-site aerobic compost process shall sample
every 5,000 cubic-yards of compost produced and determine the percentage of physical contaminants
greater than 4 millimeters in the sample using a method that provides accurate results and has been
approved by the EA. If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost
in a 12 month period, the operator shall analyze at least one composite sample of compost produced
every 12 month period.
(c) If the EA has reason to believe, based on the EA’s visual observation or otherwise, that a
determination of percent physical contaminants made pursuant to section 17896.61(b) is not
accurate, the EA may require an operator of an in-vessel digestion facility to take a composite sample
of compost in the presence of the EA and send the sample to a laboratory at which physical
contaminants greater than 4 millimeters shall be collected and weighed to determine the percentage
of physical contaminants by dry weight using the following protocol:
(1) Determine the total dry weight of the composite sample as obtained in section 17896.61(d);
(2) Separate the physical contaminants greater than 4 millimeters from the composite sample and
determine the dry weight of the physical contaminants;
(3) Determine the percentage of physical contaminants by dividing the dry weight of the physical
contaminants by the total dry weight of the composite sample.
(d) Any sampling conducted to comply with this section shall require a composite sample. A
composite sample shall be representative and random, and may be obtained by taking twelve (12)
mixed samples as described below.
(1) The twelve samples shall be of equal volume.
(2) The twelve samples shall be extracted from within the compost pile as follows:
(A) Four samples from one-half the width of the pile, each at a different cross-section;
(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
(C) Four samples from one-eighth the width of the pile, each at a different cross-section.
(e) Alternative methods of compliance to meet the requirements of this section may be approved by
the EA if the EA determines that the alternative method will ensure the physical contaminant
requirements of this section are met.
Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.

Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities

§ 18083. LEA Duties and Responsibilities for Inspections.

(a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal sites and equipment to verify compliance with the state minimum standards, solid waste facilities permits, and related state solid waste laws and regulations within their purview for the protection of the environment and the public health and safety. The LEA/EA shall perform these inspections and related duties as required below, and forward inspection reports to the operator and/or owner, and the board Department within 30 days of the inspection:

(1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;
(2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending abatement by enforcement action(s);
(3) at the frequency required by the state minimum standards for each type of operation specified in 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA Notification tier shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, and in no case shall the inspection frequency be less than once per calendar year. The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose an additional risk to public health and safety or the environment in light of the specific circumstances at the operation in question. The Department shall concur or deny the EA-proposed approval within thirty (30) days from receipt.
(4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section 21565. For closed sites, inspections shall be made until no potential threat exists to public health and safety or the environment. This determination shall be subject to board Department approval. For the purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable closure requirements;
(A) the board Department may approve an alternate inspection frequency for these sites where such an action will not result in adverse impact on public health and safety and the environment.
(5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement with the board Department through a grant program to inspect waste tire facilities, major waste tire facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once every two and a half years pursuant to 14 CCR Section 18443;
(6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;
(7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application, revision, review, RFI amendment, or closure/postclosure plan; and
(8) pursuant to the EPP, for solid waste handling and collection equipment.
(b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above inspections, whenever possible, without prior notice to the owner or operator, on randomly selected days, during normal business hours or the site's operating hours.

§ 18100. Scope.
(a) This Article sets forth the method of application for a tiered solid waste facilities permit, procedures for review and action on an application package, and other requirements associated with regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance and other requirements associated with solid waste handling operations. Similar provisions regarding a full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).
(b) The provisions of this Article shall apply only to those operations and facilities as specified in the minimum standards set forth in Chapters 3.0, or 3.1, or 3.2 of Division 7 of this Title.
(c) The submittal of an enforcement agency notification (in accordance with section 18103) or issuance of a tiered permit supersedes any previously submitted enforcement agency notification or issued tiered permit.
(d) Specific provisions relating to the different types of regulatory tiers may be found below as follows:
1. Excluded section 18102
2. Notification of Enforcement Agency sections 18103 – 18103.3
3. Registration Permit sections 18104 – 18104.9; and
4. Standardized Permit sections 18105 – 18105.11.


§ 18102. Excluded Solid Waste Handling.
Operators of excluded operations designated by the minimum standards set forth in Division 7 of this Title are not required to notify the enforcement agency or submit an application for a solid waste facilities permit. Nothing in this section precludes the enforcement agency or the board Department from inspecting an excluded operation to verify that the operation is being conducted in a manner that qualifies as an excluded operation or taking any appropriate enforcement action.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 44100(a), 44101(a) and 45200, Public Resources Code.

§ 18103. Enforcement Agency Notification.
(a) The enforcement agency notification provisions of this Article shall apply only to operations as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title.
(b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement agency notification as follows:
1. Filing Requirements section 18103.1;
2. Record Keeping Requirements section 18103.2; and
3. Termination of Operation section 18103.3.
(c) Operations authorized to use the enforcement agency notification tier are required to operate in accordance with the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 applicable to that operation.
(d) Nothing in this section precludes the enforcement agency or the board Department from the following: inspecting an operation to verify that the operation is being conducted in a manner that qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in compliance with the minimum standards; or, taking any appropriate enforcement action, including the use of a ‘notice and order.’

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 44100(a), 44101(a) and 45200, Public Resources Code.

§ 18103.1. Filing Requirements.
(a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency notification shall notify the enforcement agency of its intent to operate in writing prior to commencing operations. This written notification shall be legible and include the following information:
1. The name, address, and phone number of the proposed operation; the name, address, and phone number where the operator can be contacted if these differ from the operation site; and, the name, address, and phone number of the owner if these differ from the operator.
(2) The section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier and a description of the facility's operations, including but not limited to, volume and hours of wastes/material handled, peak and annual loading, and hours of operation.

(3) Documentation that the operator has notified the local planning department with jurisdiction over the site of its intent to commence operations. Documentation may include: proof of compliance with CEQA, correspondence from the local planning department that compliance with the California Environmental Quality Act is not required for the operation to obtain local land use approval or written notice to the local planning department of the operator's intent to commence operations.

(4) A statement by the owner and operator certifying under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.

(b) The notification shall be mailed to the enforcement agency "return receipt requested."


§ 18103.2. Record Keeping Requirements.

The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall be publicly available during normal business hours. The enforcement agency shall forward a copy of the notification to the board within five days of receipt. The enforcement agency shall retain a copy of the notification for a minimum of one year after the facility is known to have ceased operations.


§ 18104. Registration Permit.

(a) The registration permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title.

(b) A registration permit shall be deemed to incorporate, as terms and conditions of the permit, all minimum standards applicable to it, as set forth in Chapters 3, or 3.1, or 3.2, of Division 7.

(c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:

1. Filing Requirements section 18104.1;
2. Enforcement Agency Processing Requirements section 18104.2;
3. Record Keeping Requirements section 18104.3;
4. Completeness Appeal section 18104.4;
5. Change in Operation section 18104.5;
6. Change in Owner section 18104.6;
7. Permit Review & Reissuance section 18104.7;
8. Suspend/Revoke section 18104.8, and
9. Voiding of a Registration Permit section 18104.9.


§ 18104.1. Filing Requirements.

Any operator proposing to operate a solid waste facility pursuant to a registration permit shall file an application using form CIWMB 83 "Registration Permit Application" (rev. 12/96), which is incorporated herein by reference, with the enforcement agency. The application shall be accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). (See Appendix A.) This application shall contain the following information:

(a) The name and address of the enforcement agency, and the section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.

(b) General description of the facility including, but not limited to name, location, site map, and location map.

(c) Facility information, including, but not limited to, volume and type of waste/material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.
(e) Conformance finding information as follows:

(1) Until a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.

(2) After a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public Resources Code Section 50001.

(f) The owner and operator shall each certify under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.

(g) Evidence that the application form was provided to the director of the local agency that oversees local use planning for the jurisdiction in which the site is located.

(h) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.


§ 18104.2. Enforcement Agency Processing Requirements.

... (g) The enforcement agency shall provide a copy of the registration permit to the board Department and to any person who has so requested in writing.


§ 18104.3. Record Keeping Requirements.

... (c) The enforcement agency shall forward copies of any written public comments received on an application to the board Department with the registration permit submitted pursuant to section 18104.2(f).

(d) Subsequent to the transmittal of the registration permit to the board Department, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board Department unless the comment clearly states that a copy has already been provided to the board Department.

(e) If an application is denied, the enforcement agency shall retain public comments received on that application for a period of 2 years. If a previously denied permit is approved, all comments received shall be forwarded to the board Department with the copy of the registration permit submitted under subsection (c) above.


§ 18104.6. Change in Owner.

(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever comes first. The enforcement agency shall transmit a copy of the notification to the board Department within five days of receipt.

§ 18104.9. Voiding of a Registration Permit.

Every registration permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification to the board within 7 days. “Cessation of operations” does not include temporary operational shutdowns which are seasonal or intermittent in nature.


§ 18105. Standardized Permit.

(a) The standardized permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of the Title.

(b) A standardized permit obtained pursuant to this Article shall contain only those terms and conditions applicable to the type of facility receiving it as set out in the minimum standards for that type of facility.

(c) Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as follows:

1. Filing Requirements section 18105.1;
2. Enforcement Agency Processing Requirements section 18105.2;
3. Record keeping Requirements section 18105.3;
4. Completeness Appeal section 18105.4;
5. Board Department Processing Requirements section 18105.5;
6. Appeal of Decision section 18105.6;
7. Change in Operation section 18105.7;
8. Change in Owner section 18105.8;
9. Permit Review section 18105.9;
10. Suspend/Revoke section 18105.10; and
11. Voiding of a Standardized Permit section 18105.11.


§ 18105.1. Filing Requirements.

Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an application in duplicate with the enforcement agency accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall contain the following information:

(a) The name and address of the enforcement agency, and the section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.

(b) General description of the facility including, but not limited to name, location, site map, and location map.

(c) Facility information, including, but not limited to, volume and types of waste/material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.

(e) A Report of Facility Information that contains all of the information required by the applicable section(s) of Article 3.2, Chapter 5, of this Division.

(f) One of the following:
   1. Evidence that there has been compliance with the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,
   2. Information on the status of the application's compliance with the California Environmental Quality Act regarding the facility. Once there has been compliance with the California Environmental Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement agency.

(g) Conformance finding information as follows:
(1) Until a countywide or regional agency integrated waste management plan has been approved by
the board Department, the application shall include statements that: the facility is identified and
described in or conforms with the County Solid Waste Management Plan, or otherwise complies with
Public Resources Code Section 50000; and that the facility is consistent with the city or county
General Plan.

(2) After a countywide or regional agency integrated waste management plan has been approved by
the board Department, the application shall include a statement that: the facility is identified in either
the countywide siting element, the nondisposal facility element, or in the Source Reduction and
Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be
identified in any of these elements pursuant Public Resources Code Section 50001.

(h) The owner and operator shall each certify under penalty of perjury that the information provided
is true and accurate to the best of their knowledge and belief.

(i) Evidence that the application form was provided to the director of the local agency that oversees
local use planning for jurisdiction in which the site is located.

(j) List of all public hearings and other meetings open to the public that have been held or copies of
notices distributed that are applicable to the proposed solid waste facilities permit action.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

§ 18105.2. Enforcement Agency Processing Requirements.

(g) Within fifteen days of acceptance of an application for filing:

(1) The enforcement agency shall evaluate the information provided in the application and the
proposed facility to determine whether or not the facility will be able to operate in compliance with the
applicable minimum standards and standardized solid waste facilities permit terms and conditions.

(2) The enforcement agency shall provide notice pursuant to Title 27 Section 21660.3.

(3) If the enforcement agency finds that the application and facility meet the requirements set forth
in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed
standardized permit, application package, and the results of any analysis to the board Department.
The enforcement agency shall further provide the applicant with a copy of the proposed standardized
permit submitted to the board Department. In addition, the enforcement agency shall provide a copy
of the proposed standardized permit to any person who has so requested in writing.

(4) If the enforcement agency finds that the application or facility do not meet the requirements set
forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy
of the rejected application accompanied by an explanation shall be mailed to the applicant.

(h) If evidence of compliance with the California Environmental Quality Act, as required by Section
18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then
the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this
requirements has been demonstrated. Unless waived by the applicant pursuant to Public Resources
Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not
been submitted within 120 days of the application's acceptance for filing, the enforcement agency
shall reject the application and not issue the standardized permit.

(i) Once the board Department has concurred in the issuance of the proposed standardized permit,
pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

(j) If the board Department objects to the proposed standardized permit, the enforcement agency
shall notify the applicant in writing of the board Department's decision, and the reasons for that
decision, within five days of receipt of that decision.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: 43020,
43021, and 43000-45802, Public Resource Code.

§ 18105.3. Record Keeping Requirements.

(c) The enforcement agency shall forward copies of any written public comments received on a
pending application to the board Department with the proposed standardized permit submitted
pursuant to section 18105.2(g).
(d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board Department, unless the comment clearly states that a copy has already been provided to the board Department.

... 


§ 18105.5. Board Department Processing Requirements.
(a) The board Department shall mark the proposed standardized permit with the date of receipt.
(b) The board Department shall evaluate the application package and the proposed standardized permit for compliance with the requirements set forth by section 18105.1 and 18105.2(g).
(c) Within 30 days of receipt of a proposed standardized permit, the board Department shall either concur in or object to the issuance of the proposed standardized permit.
(d) If the proposed standardized permit contains terms and conditions not authorized by the minimum standards and the permit is otherwise in conformance with these regulations, any additional unauthorized terms and conditions shall be stricken. The board Department shall concur in the edited standardized permit.
(e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the board Department shall notify the enforcement agency of its determination in writing. If the board Department objects, the reasons for the objection shall be provided to the enforcement agency.


§ 18105.6. Appeal of Decision.
(a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section 18105.2(g)(3) or of the Board Department taken pursuant to section 18105.5 to the enforcement agency within 15 days of the date that the decision was received. Such an appeal must be in writing and specify the grounds for the appeal. A final written determination on the appeal shall be made by the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources Code, no later than 60 days after receipt of the applicant’s appeal.


§ 18105.8. Change in Owner.
(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever comes first. The enforcement agency shall transmit a copy of the notification to the board Department within five days of receipt.


§ 18105.9. Permit Review and Reissuance.
... 
(d) If an operator files a certification as specified in subsection (c) above or a new application pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections 18105.2 and 18105.3 and the board Department shall follow the procedures set forth in Section 18105.5.

§ 18105.11. Voiding of a Standardized Permit.
Every standardized permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification to the board within 7 days. “Cessation of operations” does not include temporary operational shutdowns which are seasonal or intermittent in nature.


Article 3.2. Reports of Facility Information

§ 18221.5.1. In-Vessel Digestion Facility Plan.
Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0, (commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility Plan (“Plan”) with the EA as required in section 17896.14 of this Title. In order to maintain the permit, the operator must file amendments as necessary to maintain the accuracy of the Plan. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. The Plan shall contain the following:
(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(c) descriptive statement of the manner in which activities are to be conducted at the facility;
(d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of material processing, each set of hours may be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;
(e) total acreage contained within the operating area;
(f) facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity;
(g) information showing the types and the daily quantities of solid waste to be received. If tonnage was figured from records of cubic yards, include the conversion factor used;
(h) description of the methods used by the facility to comply with each state minimum standard contained in sections 17896.17 through 17896.61;
(i) anticipated volume of quench or process water and the planned method of treatment, and disposal of any wastewater;
(j) description of provisions to handle unusual peak loading;
(k) description of transfer, recovery and processing equipment, including classification, capacity and the number of units;
(l) planned method for final disposal of the solid waste;
(m) planned method for the storage and removal of salvaged material;
(n) resume of management organization which will operate the facility;
(o) An Odor Impact Minimization Plan pursuant to section 17896.31 and, if applicable, an Odor Best Management Practice Feasibility Report and associated plan pursuant to section 17896.30.


§ 18221.6.1. In-Vessel Digestion Report.
Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel Digestion Report (“Report”) with the EA as required in section 17896.15 of this Title. In order to maintain an existing permit, the operator must file amendments as required in section 17896.15 of
this Title and re-title the document as an In-vessel Digestion Report. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. A Report shall contain the following:

(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) facility specifications or plans, to include: a site location map, a site map, and identification of adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet of the facility property line;
(c) schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(d) descriptive statement of the manner in which activities are to be conducted at the facility;
(e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of material processing, each set of hours may be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;
(f) total acreage contained within the operating area;
(g) facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity;
(h) information showing the types and the daily quantities of solid waste to be received. If tonnage was figured from records of cubic yards, include the conversion factor used;
(i) description of the methods used by the facility to comply with each state minimum standard contained in sections 17896.17 through 17896.61;
(j) anticipated volume of quench or process water, and the planned method of treatment, and disposal of any wastewater;
(k) description of provisions to handle unusual peak loading;
(l) description of transfer, recovery and processing equipment, including classification, capacity and the number of units;
(m) planned method for final disposal of the solid waste;
(n) planned method for the storage and removal of salvaged material;
(o) resume of management organization which will operate the facility;
(p) list of permits already obtained, and the date obtained or last revised;
(q) An Odor Impact Minimization Plan pursuant to section 17896.31 and, if applicable, an Odor Best Management Practice Feasibility Report and associated plan pursuant to section 17896.30.


§ 18227. Report of Composting Site Information.
Each operator of a compostable material handling facility that is required to obtain a Compostable Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18104) shall, at the time of application, file a Report of Composting Site Information with the EA as required by section 17863 of this Title. A Report of Composting Site Information shall contain the following:
(a) A description of the processes to be used, including estimated quantities of feedstocks, additives, and amendments.
(b) A descriptive statement of the operations conducted at the facility.
(c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized in the production of compost including, but not limited to, unloading, storage, processing, parking, and loading areas.
(d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and insects for example, how the operator will store, process and incorporate food material and vegetative food material into windrows or static piles, timeframes for inclusion of material, collection and containment of leachate, passive and active vector controls, methods to monitor effectiveness of control measures.
(e) A description of the proposed emergency provisions for equipment breakdown or power failure.
(f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average length of time compostable materials will be stored at the facility.

(g) A description of compostable materials handling equipment used at the facility including type, capacity, and number of units.

(h) Anticipated annual operation capacity for the facility in cubic-yards.

(i) A description of provisions to handle unusual peak loadings.

(j) A description of the proposed method for storage and final disposal of nonrecoverable or nonmarketable residues.

(k) A description of the water supplies for process water required.

(l) Identification of person(s) responsible for oversight of facility operations.

(m) A description of the proposed site restoration activities, in accordance with section 17870.

(n) An Odor Impact Minimization Plan pursuant to section 17863.4 and, if applicable, an Odor Best Management Practice Feasibility Report and associated plan pursuant to section 17863.4.1. The EA may require the operator to revise the Odor Impact Minimization Plan and, if applicable, the Odor Best Management Practice Feasibility Report and associated plan if the operator proposes to accept new feedstock, such as food material or vegetative food material.


Article 4. Enforcement by EA and Review by Board

§ 18302. Written Complaints of Alleged Violations.

(a) Any person having information alleging a facility or operation is being operated without a required permit or notification, in violation of one or more terms or conditions of a permit, in violation of the state minimum standards, or in violation of any related state solid waste laws or regulations, or that a permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may file a complaint regarding such allegation in writing to the EA. The complaint shall include the following:

(1) The name, address and telephone number of the person making the complaint, however nothing in this chapter shall be construed to prevent the making of anonymous complaints by omitting the identity of the reporting party from the complaint;

(2) The identity and location, if known, of the facility or operation and the names and addresses, if known, of the persons responsible for the violation;

(3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and

(4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in investigating the complaint, including but not limited to information relating to witnesses and physical evidence.

(b) The person making the complaint may forward a copy to the Board.

(c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine whether its allegations, if true, would constitute a violation of a state minimum standard, permit term or condition or any related state solid waste law or regulation. The EA shall make its determination on the basis of the substance of the allegations rather than on the basis of the complaint's technical compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege facts constituting a violation of a state minimum standard, permit term or condition or related state solid waste law or regulation, it shall so advise the reporting party in writing at the address given in the complaint if an address is given and place a copy in its files.

(d) Upon receipt of an odor complaint related to a compostable material handling operation or facility, the EA shall investigate the complaint as soon as practical to determine whether or not to issue a violation for failing to minimize odor. The odor complaint investigation shall include the following:

(1) The date and time the EA arrived and departed within the complaint area.

(2) Observations of wind direction and speed, and general weather conditions such as clouds, fog, high wind speed, humidity, and temperature.

(3) If odor is detected, the EA shall:

(A) Record the location where odor was observed, such as the street address, latitude/longitude, tax parcel number, etc.
(B) Verify the odor event at the complainant’s location and document the complainant’s claim, if
any, that the odor is interfering with the complainant’s use and comfortable enjoyment of life or
property.

(C) Document odor characteristics, intensity, and duration at the complainant’s location, the solid
waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.

(D) Identify activities conducted at the solid waste facility/operation at the time of the odor event.
The EA should consult with the operator to determine if there were unusual operational changes or
atypical feedstocks accepted during the time of the complaint(s).

(4) Any known facts relevant to the alleged violation provided by local, state, and federal agencies
having appropriate jurisdiction.

(de) The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted
because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on
that ground, it shall so advise the complaining party in writing at the address given in the complaint if
an address is given and place a copy in its files.

(ef) Except as provided in subsection (c) or subsection (de) of this section, the EA shall commence an
investigation of the facts alleged in the complaint.

(fg) If an LEA has a complaint review and investigation initiation procedure that contains substantially
the same basic requirements as this section, and accomplishes the intended purposes of this section
within its board-Department-approved EPP, it may follow that equivalent process in lieu of subsections
(c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written
complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or
her complaint will receive appropriate attention.

(gh) If the board-Department receives a complaint in a jurisdiction where it is not the EA, the
complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has
already received a copy from the complaining party.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43209,
44012, 44015 and 45000-45024, Public Resources Code.
Subchapter 3. Development of Waste Discharge Requirements (WDRs) and Solid Waste Facility Permits

Article 2. CalRecycle -- Applicant Requirements

§ 21620. CIWMB -- Change in Design or Operation. (new)
(a) This section applies to any operator proposing to make a change in the design (as defined in subsection 21663(a)(1)) or operation (as defined in subsection 21663(a)(2)) of the facility, where such change is subject to the authority of the EA acting pursuant to the Integrated Waste Management Act or regulations promulgated under such Act and one of the following categories apply:

1. Minor Change -- the change qualifies as a minor change pursuant to §21620(a)(1), in which case the operator shall comply with §21620(a)(1)(F);
2. RFI Amendment -- the EA has determined that an amendment to the RFI is required for the change, in which case the operator shall comply with §21620(a)(2);
3. Modified Permit -- the EA has determined that the solid waste facilities permit requires modification pursuant to §21665(d), in which case the operator shall comply with §21620(a)(3);
4. Revised Permit -- the EA has determined that the solid waste facilities permit requires revision pursuant to §21665(e) or §21620(a)(4), in which case the operator shall comply with §21620(a)(4).

This section does not apply to changes to the facility, where such change is not subject to the authority of the EA acting pursuant to the Integrated Waste Management Act or regulations promulgated under such Act.

(b) An operator may implement a minor change without EA review and approval if all of the criteria set forth in subdivisions (A) through (D) are met and the operator notifies the EA of the minor change as required under subdivision (F):

(A) the change is subject to the authority of the EA acting pursuant to the Integrated Waste Management Act or regulations promulgated under such Act; and
(B) the change is consistent with State minimum standards pursuant to Chapter 3 of this subdivision or applicable minimum standards in Title 14 (commencing with §17200), and including financial assurances and operation liability criteria pursuant to Chapter 6 of this subdivision if applicable; and
(C) the change is consistent with the terms and conditions in the current solid waste facilities permit; and
(D) the change does not conflict with the design and operation of the facility as provided in the current RFI pursuant to §21600, 14 CCR §§17346.5, 17863, 17863.4, 18221.6, 18221.6.1, 18223.5, or 18227.

...
This application form is for a Solid Waste Facility Permit (SWFP) and/or Waste Discharge Requirements (WDRs) to receive, store, process, transform, or dispose of solid waste regulated by the California Integrated Waste Management Board (CIWMB) Department of Resources Recycling and Recovery (CalRecycle) and Local Enforcement Agencies (LEAs) and or California Regional Water Quality Control Boards (RWQCBs), and for related purposes. The Application is to be used for both new and revised permits—changes to existing SWFPs, WDRs, and supporting documents (e.g. Reports of Facility Information, Reports of Waste Discharge), and expansions for SWFP Reviews. All [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] Applications must be filled out completely [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] and correctly [Note to OAL and publisher: Underline indicates addition. Final text should remain underlined for emphasis.]. Check with local or county enforcement agency the applicable EA or RWQCB for specific permit requirements and/or exemptions or the use of the Application/General Information Form for WDRs and National Pollutant Discharge Elimination System permit (Form 200) by the RWQCB. This form—Submit the Application and the filing fees should be sent to the appropriate agency(ies) indicated below:

<table>
<thead>
<tr>
<th>FORM TYPE / USE</th>
<th>APPROPRIATE AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for a Solid Waste Facility Permit</td>
<td>CIWMB/LEA</td>
</tr>
<tr>
<td>Report of Waste Discharge for WDRs</td>
<td>RWQCB</td>
</tr>
</tbody>
</table>

If you have any questions on the completion of how to complete this form, please contact the appropriate agency(ies) for assistance. You can download this form from the CIWMB CalRecycle website at /LEACentral http://www.calrecycle.ca.gov. 

NOTE: For direct discharge (point source discharge) to surface waters, a different application form and submittal package is required in place of this form. Please contact the appropriate Regional Water Quality Control Board—RWQCB if seeking to discharge to surface water under the for a National Pollutant Discharge Elimination System (NPDES) permit application form to apply for a permit for this type of discharge.

The Application for Solid Waste Facility Permit/Waste Discharge Requirements provides initial notice of a waste discharge. In most instances, additional information will be required, and should be submitted on 8 ½” X 11” paper. Submit two copies of the completed form Application and of any required report(s), and filing fee to the Enforcement Agency (EA). Submit one copy of the form Application and any required report and filing fee to the RWQCB. The RWQCB will notify you of your annual fee based on an evaluation of your proposed discharge. Please do not submit a check to the RWQCB until requested to do so by a RWQCB representative. Applicants applying for an update of an existing WDR will be billed through the annual fee billing system and therefore are requested NOT to submit a check with their Application. The agency(ies) will advise you of any additional information that may be required to complete this Application and waste disposal report.

You will be notified of the effective date of the application by each agency.

The Applicant shall submit this Application in a form and format required by the EA. The EA will exercise its discretion in using the information provided by the Applicant to establish terms and conditions of a proposed SWFP the EA determines to be appropriate.

AMOUNT OF FILING FEES

- EA - The enforcement agencies shall determine the exact fee Contact the EA for fee information.
• RWQCB – Use flow or units reported in Part 4 (application form) and the appropriate class schedule A, B, B1, B3, or C (attached filing fee schedule). Contact the RWQCB for fee information.

FOR OFFICIAL USE ONLY (CIWMB-CalRecycle/LEA/RWQCB staff)

SWIS/WDID/Global ID Number: The Solid Waste Information System (SWIS) number assigned to the facility by CIWMB-CalRecycle staff. The Waste Discharge Identification number (WDID) and global identification number (global ID) for use by RWQOB staff.

Filing Fee: The amount of filing fee submitted by the applicant.

Receipt Number: The number assigned to the Application by CIWMB-CalRecycle/LEA/RWQCB staff.

Date Received: The date the EA or RWQCB receives the Application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts the Application package for filing (Title 27, section 21650(a)). Leave blank if the Application is for a SWFP review (Title 27, section 21640).

Date Rejected: The date the EA rejects determines that the Application package is rejected (Title 27, section 21650(d)). Leave blank if the Application is for a SWFP review (Title 27, section 21640).

Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete Application package as incomplete (Title 27, section 21580). Date Due: Within 180 days from the date the application was accepted as incomplete (Title 27, section 21580). Leave blank if Application is for a SWFP review (Title 27, section 21640).

Due Date: 180 days from the date the application was accepted as incomplete (Title 27, section 21580).

Part 1. GENERAL INFORMATION

A. Enforcement Agency: Enter the name of the EA.

B. County: Enter the name of the county or counties in which the facility is located.

C. Type of Application: Check the box (one box only) that describes the reason the Application is being submitted, as follows:

1. New SWFP and/or WDRs: A facility that does not have a current full SWFP or WDRs.

2. Revision of Change to SWFP and/or WDRs: Applicant is proposing to make a change to the design or operation of the facility. (Title 27, section 21620 and 21710)

3. Exemption and/or Waiver: The facility is exempted from a full SWFP pursuant to Title 27, section 21565 and/or WDRs have been waived.

4. Review: To comply with the five-year permit review requirement (Title 27, section 21640).

5. Amendment of Application: If the applicant changes any of the information required in the Application after the application package it has been submitted and before the EA has acted on the Application issuance or denial of the permit or alteration thereof, the applicant changes any of the information required in the application package. (Title 27, section 21610 and 21710)

6. RFI/ROWD/JTD Amendments: For existing permitted facilities, when an owner/operator proposes to make minor changes in design or operation supported by an existing or new CEQA documentation. The application package is submitted to the EA and/or RWQCB to determine if the proposed change(s) can be allowed without an application for a revision. A change to the Report of Facility Information, Report of Waste Discharge, or Joint Technical Document that does not require a change to the SWFP or WDRs.

Part 2. FACILITY DESCRIPTION

A. Name of Facility: The name as it is to be listed on the SWFP and/or WDRs.

B. Location of Facility:

1. The physical address of the facility or, if no address, a description of the location. Include the Assessor’s Parcel Number, direction to the location of the facility and the name of the nearest city or named place, i.e. mountain, lake, cross roads, etc. Provide the zip code for the actual facility location, not the mailing address.

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2. Latitude and longitude is to be submitted in Degrees, Minutes, and Seconds, or Decimal Degrees identifying the center of the waste footprint for existing or proposed disposal sites and identifying the office or main gate for all other facilities (e.g., transfer station, composting facility, etc.). Use of a GPS instrument is recommended. It indicates the center of the waste footprint, existing or proposed, for disposal sites, and the office or gate for all other facilities (i.e., transfer, composting, etc.)

3. Map or sketch should be to a scale adequate to show the precise location of the permitted boundary. Use of a portion of a U.S.G.S. Quadrangle map is recommended. Map must show proximity of disposal location to populated areas and must indicate all wells and drainage courses within 1,000 feet of any disposal point. The map must include approaches and/or access roads, streets, and/or highways. The legal description shall include the applicable portions of the section(s) of the township, range, base, and meridian. The facility shall have permanent monuments or other physical features that adequately delineate the permitted boundary in the field.

C. Type Of Activity: Check all that apply or will apply for the type of facility covered under this application.

1. Disposal: A facility that includes a place, location, tract of land, area, or premises in use, intended to be used, or which has been used, for landfill disposal of solid waste; and,
   a. Type: The type of disposal facility, such as, monofill, monofill, C&D/inert, municipal solid waste, or Engineered municipal solid waste conversion facility.

2. Composting/Compostable Material Handling: A facility that is operated for the purpose of producing compost handles compostable materials, and
   a. Type: The type of composting facility, e.g., green waste, food waste, biosolids, or MSW.

3. Transformation: A facility that at which solid waste is incinerated, or subject to pyrolysis, distillation, or biological conversion other than composting. Transformation does not include composting, gasification, or biomass conversion.

4. Transfer/Processing Facility: A facility that receives, handles, stores, separates, converts or otherwise processes materials in solid waste, and/or transfers solid waste directly from one container to another or from one vehicle to another for transfer, and/or store solid waste. For Informational Purposes Only: Check the box if recyclable materials are recovered prior to transfer/processing.

5. Construction and Demolition/Inert Debris Processing: A facility that receives Construction and Demolition Debris and/or Inert Debris for the purpose of controlled separation, recovery, volume reduction, or recycling.

6. In-vessel Digestion: A facility that receives solid waste for digestion in an in-vessel digester.

7. Other: An activity authorized by law not listed above.

D. Identification of Facility in CIWMP [Conformance Finding Information] (CIWMP Title 27, section 21570(f)(5)):

1) If the location of the facility is identified in either a Countywide Siting Element or a Nondisposable Facility Element, check the appropriate box, and fill in the date of the document and the page on which the facility is identified. If you do not currently have this information, [(you may obtain it this information from the jurisdiction in which the facility is located).

2) If the facility is a Transfer Station that will divert less than 5% of the material that it receives, it is not required to be identified in either a Countywide Siting Element or a Nondisposable Facility Element and you should check the appropriate box.

E. Type Of Permitted Wastes To Be Received: Check all that apply for the type of material covered under this application package:

1. Agricultural: Wastes resulting directly from the production and processing conduct of farm or agricultural produce activities, including, but not limited to, manures, prunings, and crop residues.

2. Asbestos: A naturally occurring family of carcinogenic fibrous mineral substance. The State Department of Health Services Toxic Substances Control has classified friable wastes which contain more than one percent or more asbestos as hazardous waste. Friable means that the material can be crumbled with pressure and, therefore, is likely to emit fibers. Indicate whether the asbestos is friable or non-friable by checking the appropriate box.

3. Ash: The residue from the incineration of solid wastes, including, but not limited to, municipal waste, infectious medical waste, woodwaste, sludge, and agricultural waste.

4. Treated Auto Shredder Waste: The "fluff" consisting of upholstery, paint, plastics, and other non-metallic substances that remains after the shredding of automobiles, discarded household major appliances, and sheet metal similar items. The State Department of Health Services has classified untreated shredder wastes as hazardous.

5. Compostable Material: Any organic material that when accumulated will become active compost. Describe the types of compostable materials to be received.
6. **Construction/Demolition Waste**: Waste that results from construction, remodeling, repair, demolition or deconstruction of buildings, and other structures.

7. **Contaminated Soil**: Waste which contains designated or nonhazardous concentrations and has been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency-Soil that the RWQCB or the Local Oversight Agency has classified as a designated waste.

8. **Dead Animals**: Animal carcasses requiring disposal that have not been previously used for medical purposes and are not known to have been infected or with known infectious diseases.

9. **Industrial**: Solid or semi-solid wastes resulting from industrial processes and manufacturing operations, e.g. cement kiln dust, ore process residues, grit or screenings removed from a waste water treatment facility, etc.

10. **Inert**: Solid waste and recyclable materials that are source separated or separated for reuse, do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives and do not contain significant quantities of decomposable waste. Inert debris may not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the putrescible wastes do not constitute a nuisance, as determined by the EA.

11. **Liquids**: Wastes which are not spadeable, usually containing less than 50% solids. These wastes include canning and food processing wastes, landfill leachate and gas condensate, boiler blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings, rendering plant byproducts, some sewage sludge, etc.

12. **Mixed/Or-Municipal Solid Waste (MSW)**: Solid waste generated primarily by residential and commercial refuse sources, garbage and/or rubbish although it may contain insignificant amounts of other solid waste that, when mixed together, is all handled as MSW. Residential waste is commonly thought of as household garbage, commercial wastes contain less putrescible waste and more paper and cardboard.

13. **Sewage Sludge**: Human (not industrial) residue, excluding grit or screenings, removed from a wastewater treatment facility or septic tank, whether in a dry or semidry form.

14. **Waste Tires**: Discarded tire casings. Tires that are no longer mounted on a vehicle and are no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer’s original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not organized for inspection in a rack or a stack.

15. **Other**: Any allowable wastes not included in the above.

### Part 3. FACILITY INFORMATION

#### A. Proposed Change

Check the box that identifies the type of change proposed. Briefly describe the proposed change in the space provided.

1. **Design Change**: A design change would include but is not limited to: change in footprint, acreage, additional capacity, site improvements, etc.

2. **Operation**: A change in operation would include but is not limited to: change in hours or days of operation, the addition of an activity, tonnage changes, etc.

3. **Owner, Operator, Address, and/or Facility Name Change**: Complete if there is a change in the owner, operator, address, or facility name.

4. **Other**: This type of change includes, but is not limited to: change in emergency contact list, etc. For an application for permit review, if there are no changes, so indicate.

#### AB. Facility Information

1. **Information Applicable To All Existing Facilities**: This portion of Part 3 of the Application must be filled out by every applicant regardless of the type of facility.

   a. **Peak-Maximum Daily Tonnage or Cubic Yards**: The peak (maximum) total amount of solid waste and other material the facility applicant is permitted-authorized by the EA to receive through the gate to store, process, transfer, or dispose per day as part of normal, day-to-day operations (include information on all other material authorized by the EA to receive in the Report of Facility Information (RFI)). This amount shall be expressed in tons; if tonnage is not available or not applicable provide this specify the amount in cubic yards with a conversion factor. This will be referred as the “permitted maximum tonnage” and is considered the facility maximum tonnage limit. This amount must be consistent with the approved SWFP and the approved Report of Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Volume figures should be converted to tons and the conversion factor...
should be documented in the accompanying RFI. Applicants for new SWFP and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below must equal the maximum daily tonnage.

1. **Disposal/Transfer**: The amount of material—solid waste that comes through the gate and is disposed of on-site or transferred off-site as waste; and

2. **Other**: That amount of all other material received at the site, including, but not limited to, material that is recycled, or used for beneficial use beneficially reused (such as ADC, road building or other on-site projects), stored or processed. Note: 1 and 2 should equal the peak daily tonnage or cubic yards.

b. **As-Designed Daily Design-Tonnage (TPD) or Cubic Yards**: For landfills, the maximum daily tonnage—amount of solid waste and other material that the facility is designed to receive and process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited to, size of working face the operating areas, vehicle traffic considerations, hours of operation, personnel, equipment operational limits, etc. For other facilities, it is the maximum amount of solid waste and other material the facility is designed to handle receive and process at any one time on an ongoing bases over an extended period of time (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited to, vehicle traffic consideration, facility size, hours of operations, length of material storage, type of equipment and movement, personnel, equipment operational limits, etc. This amount shall be expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion factor. The as-Designed tonnage value may be equal to or greater than the peak maximum daily tonnage value.

c. **Facility Size**: The area that encompasses the entire area on which solid waste facility activities are authorized by the EA to occur and are permitted. This includes the area of the facility in acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and managing equipment management area, or any area that is required to maintain compliance with the design and operating parameters of the facility. The facility size is the same as “operating area” for compostable material handling facilities, “permitted acreage” or the area within the “permitted boundaries” for transfer/processing facilities and landfills.

d. **Peak-Maximum Traffic Volume Per Day (vpd)**: The estimated maximum number of vehicles that will be authorized by the EA to enter the facility on a daily basis. This number should include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or material intended for beneficial reuse. This number must be consistent with the approved RFI and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted.

e. **Days and Hours of Operation**: The days and hours that the facility is authorized by the EA to operate and the hours of waste receipt authorized by the EA if different from the hours of operation. This information must be consistent with the approved RFI and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Any activities that are limited to prescribed days and hours should be fully described in the RFI.

2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs**: This portion of the Application must be filled out by every applicant requesting a change to any item(s) listed under Part 3.A.1 and every applicant submitting an application for a new SWFP and/or WDRs (see Part 3.A.1 for a description of the terms used). The requests must be consistent with an RFI submitted as part of the Application. The EA will review the requests and establish the terms and conditions of a proposed SWFP for those requests that are supported by documents submitted by the applicant. The RWQCB will review the requests and establish the terms and conditions of tentative WDRs for those requests that are supported by documents submitted by the applicant. Use the “OTHER” section to describe design or operational requests not already specified in this Part 3.A.2.

23. **Additional Information Required For Compostable Materials Handling Facilities Only**: This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled out by the applicant if composting handling compostable materials is part of this Application.

a. **Total Site Storage-Capacity**: The total capacity in tons or cubic yards of all feedstock and compost (active, curing, and cured) material that is received, processed, and can be stored on-site at any one time.

34. **Additional Information Required For Landfills Only**: This portion of Part 3, section B3, in addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of...
this Application. All [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] sections of the Application must be filled out completely [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.].

a. **Average Daily Tonnage (TPD):** The estimated average waste tonnage expected to be received-placed in a waste management unit for each operating day on a yearly basis (calendar year) for the next five years. Do not use non-operating days in calculating the average daily tonnage. This average daily tonnage can be equal to but may not exceed the peak maximum daily tonnage. Report as tons per day (TPD).

b. **Site Capacity Currently Permitted (Airspace) (cu yds):** The volume contained between the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to the top of the final cover) taking into consideration design slopes, benches, and other design features, as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site Capacity.

c. **Site Capacity Proposed (Airspace) (cu yds):** Additional site capacity ( airspace) requested or potentially resulting from this permit Application.

d. **Site Capacity Used To Date (Airspace) (cu yds):** The volume of permitted site capacity used to date. See Date of Capacity Information below.

e. **Site Capacity Remaining (Airspace) (cu yds):** The total volume of permitted site capacity remaining, not including any proposed site capacity. If the remaining capacity information provided is based on estimates of capacity used since the last physical site survey, please explain the methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume, etc. See Date of Capacity Information below.

f. **Date Of Capacity Information (date):** The date as of which the remaining and used site capacities in Part 3 were determined. This date may predate the Application date by no more than three months. Amendments of the Application including more current capacities may be required.

g. **Last Physical Site Survey (date):** Date when the last aerial or ground survey was conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see Part 6, Section B for more details).

h. **Estimated Closure Date (month and year):** The closure date estimated based on remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other appropriate factors. Please note if the closure date is controlled by factors other than waste capacity (e.g., conditional use permit date, etc.)

i. **Disposal Footprint (acres):** The permitted area where waste will be or has been placed. This will be referred to as “permitted disposal area.”

j. **Site Capacity Planned (cu yds):** The estimated additional site capacity (in cubic yards) based upon any planned expansions not currently proposed, whether within or outside the current permitted boundary.

k. **Provide One of the following:**

1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste):** The in-place waste density is the estimated or measured density of in-place waste material achieved by mechanical or other means in the development of the current lift of the current operating waste cell, and

   (ii) **Waste-to-Cover Ratio (estimated) (volume:volume):** The waste-to-cover ratio estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate should include only soil or approved daily or intermediate alternative cover that is not considered a waste material, i.e., payment of fees to the CIWMB-CalRecycle is not required. The waste portion of the waste-to-cover ratio estimate should include only waste material for which payment of fees to the CIWMB-CalRecycle is reported, or

2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace):** The airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is recorded as the total weight of waste material passing over the landfill scales that is placed in a known volume of landfill airspace in a given period of time. The waste portion of the AUF should include only waste material for which payment of fees to the CIWMB-CalRecycle is reported.

---

**Part 4. SOURCE OF WATER SUPPLY** (This is water used for any purpose at the facility)

A. **Municipal or Utility Service:** Give name and address of the water purveyor.

B. **Individual Wells:** Identify those wells that are not part of a municipal or utility service.
C. Surface Supply:
1. Provide the name of any stream, lake, spring, etc, if identified.
2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
3. If a state permit or license has been granted, give identification number.

D. Other: Enter any water source(s) not identified above.

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A. Check the appropriate box(es) if an environmental document was, or is going to will be, prepared and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.
1. If an environmental document was prepared:
   • If an environmental document has already been prepared and circulated through the SCH and there is an SCH number, please write this number in the appropriate blank following the box that is checked.
   • If an environmental document has not yet been circulated through the SCH and no SCH number has been assigned to the environmental document yet, please check the box for the type of environmental document that is anticipated to be prepared and circulated through the SCH and write N/A in the appropriate blank for “SCH#.”
   • If the “ADDENDUM TO (Identify environmental document)” box is checked, please provide the type of environmental document that the addendum was prepared for along with the SCH number.
2. If an environmental document will be prepared, enter the name of the lead agency for preparing the document, if known.
EXAMPLE ONLY: If the environmental document is an environmental impact report (EIR), write “EIR” and include the dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH number for the EIR.

B. If an environmental document was not, and is not planned to be, prepared because it is not required to comply with the requirements of CEQA, please provide the requested information by checking the appropriate box to indicate why an environmental document is not required for under CEQA.
   • If the “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” box is checked, please provide the CEQA Guidelines Section number and citation for the exemption.
EXAMPLE ONLY: A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor repair to an existing facility. Therefore, check the box that says “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” and write the following in the blank after the box: “CEQA Guidelines, Section 15301, Class I Categorical Exemption.”

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

All attachments are necessary parts of the Application and are incorporated herein.

A. Section A of Part 6 must be completed by all applicants regardless of the type of facility.
B. Section B of Part 6 is additional documents required must be completed only by landfill applicants only for disposal facilities.
   • Operating Liability Financial Mechanism: The date the demonstration was last modified or renewed. That date must be within the preceding twelve-month (annual renewal) period. For example, a Certificate of Insurance (CalRecycle CIWMB-107) has an “effective date” identified on the certificate. This date should and must be within the preceding twelve-month (annual renewal) period.
   • Financial Responsibility Documentation: The financial mechanism will be is a document, (i.e., letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance) statement, etc.) identifying the current dollar value of the demonstration and the date of the stated value. The date of the stated value should must be within the preceding twelve-month (annual renewal) period.
• Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those
plans required by Title 27, sections 21780 and 21865 as appropriate.

• Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release
corrective action cost estimate and a copy of the non-water release corrective action cost
estimate, as required by Title 27, sections 22100 through 22103.

• Landfill Capacity Survey Results: For disposal sites without facilities permitted to receive more than
20 tons per day, a ground or aerial survey must be prepared at least every five years or more
frequently as determined by the enforcement agency, EA. For disposal sites facilities permitted to
receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every
ten years. If not previously submitted, survey results must be included with this Application.
Survey results must be submitted as a CADD or vector graphics data file including at least two
strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum
showing the existing and finished ground surfaces. For disposal sites where a change in permitted
volume is proposed, a third stratum showing the base and proposed finished ground surfaces must
be included. For each stratum the following information shall be included: site name, stratum
name, surface1 name, surface2 name, volume calculation method (grid, composite, section),
expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All
volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground
surface is uncertain, the operator is allowed to provide the best available information as a
substitute for the actual as-built contours. If selecting this substitute method, the operator must
provide an explanation of the basis for using the substitute base ground surface.

For the purposes of this section the following definitions apply:

A1. “base ground surface” - the best available excavation plan surface that existed prior to the
placement of any waste;

A2. “CADD” - computer aided design and drafting;

A3. “compaction (fill) factor” - the factor used to correct for expected compaction of fill material;
this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
provided for the basis of volumetric correction;

A4. “cut volume” - for any stratum, the volume removed by a cut of a lower surface to achieve the
upper surface;

A5. “existing ground surface” - the topography that exists at the time of the subject survey;

A6. “expansion (cut) factor” - the factor used to correct for expected expansion of a cut surface;
this factor should normally be unity (one); if the factor is not unity (one), an explanation must be
provided for the basis of the volumetric correction;

A7. “fill volume” - for any stratum, the volume bound between the upper and lower surfaces;

A8. “finished ground surface” - the final fill plan surface as shown in the approved closure plan for
the disposal site;

A9. “net volume” - the fill volume less the cut volume;

A10. “site name” - the name of the disposal site for which the survey information is being
submitted;

A11. “stratum (plural: strata)” - a particular volume of a solid waste landfill bound by specified
upper and lower surfaces;

A12. “stratum name” - a descriptive name for the stratum for which volumetric information is being
submitted, e.g., total volume including proposed expansion;

A13. “surface names” - names for the pair of surfaces that define a named stratum, e.g., base
ground surface and proposed finished ground surface;

A14. “survey” - a comprehensive examination of the disposal site under the direction of a registered
civil engineer or a licensed land surveyor for purposes of determining the topography of the base,
existing and finished ground surfaces, and the volumes bound by those surfaces;

A15. “vector graphics” - computer generated images comprised of lines and shapes of given origin,
direction, thickness, color and other attributes;

A16. “volume calculation method” - grid, composite, section or other method approved by the
enforcement agency, EA;

C. Section C of Part 6 specifies additional documents required only if applicable for the type of
facility to be covered under this Application as required by the EA or RWQCB. Under “Other,” identify
and list any other necessary documents not included specified above but that are required by the EA
or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or
franchise or other agreement documenting the operator's interest in and right to use the site as a solid
waste facility real property. Another example would be if there is a contract operator then a copy of the or a contract between the permitted operator and contract operator and etc.

Part 7. OWNER INFORMATION:

Type of Business: Specify if the business owner of the facility that is the subject of the Application is a sole proprietorship, partnership, corporation, or government public agency.

Owner of Land: The person(s) that owns, in whole or in part, the land on which the facility is located.

Address, City, State, Zip: Provide the address, city, state, and zip code for the facility owner(s).

SSN or Tax ID #: Provide the SSN or tax identification number for the land owner(s).

Telephone #, Contact Person, Fax #, and E-mail Address: Provide the telephone number, fax number, and e-mail address, and print the contact name.

Address Where Legal Notice May Be Served: Provide the name and address of the person authorized to accept service for each owner of the facility where legal notice may be served.

Part 8. OPERATOR INFORMATION:

Type of Business: Specify if the business operator filing this Application is a sole proprietorship, partnership, corporation, or government public agency.

Facility Operator: The person(s) (e.g., individual(s), partnership, corporation, or public agency) to whom the approval to operate the facility is granted, and who is responsible for the overall operation of the facility including but not limited to, complying with regulatory requirements, complying with all applicable federal, state, and local requirements, and the design, construction, and physical operation of the operating area, and control the activities at the facility.

Address, City, State, Zip: Provide the address, city, state, and zip code for the facility operator(s).

SSN or Tax ID #: Provide the SSN or tax identification number for the operator(s).

Telephone #, Contact Person, Fax #, and E-mail Address: Provide the telephone number, fax number, and e-mail address, and print the contact name.

Address Where Legal Notice May Be Served: Provide the name and address of the person authorized to accept service for the operator of the facility where legal notice may be served.

Part 9. SIGNATURE BLOCK:

Signature (landowner or agent): The person(s) or their agent authorized to sign on behalf of the above owner.

Signature (lessee): A person(s) authorized to sign on behalf of the person leasing the land, if applicable.

Signature (facility operator or agent): The person(s) or their agent authorized to sign on behalf of the operator above.

Part 10. OTHER:

Attach additional sheets to explain any responses that need clarification.
# Part 1. GENERAL INFORMATION

<table>
<thead>
<tr>
<th>A. ENFORCEMENT AGENCY:</th>
<th>B. COUNTY:</th>
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<tbody>
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# Part 2. FACILITY DESCRIPTION

<table>
<thead>
<tr>
<th>C. TYPE OF APPLICATION (Check one box only):</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. NEW SWFP and/or WDRS</td>
</tr>
<tr>
<td>2. REVISION OF CHANGE TO SWFP and/or WDRS</td>
</tr>
<tr>
<td>3. EXEMPTION and/or WAIVER</td>
</tr>
<tr>
<td>4. PERMIT REVIEW</td>
</tr>
<tr>
<td>5. AMENDMENT OF APPLICATION</td>
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<tr>
<td>6. RFUROWD/JTD AMENDMENTS</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 2. FACILITY DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. NAME OF FACILITY:</td>
</tr>
<tr>
<td>B. LOCATION OF FACILITY:</td>
</tr>
<tr>
<td>1. PHYSICAL ADDRESS OR LOCATION AND ZIP CODE:</td>
</tr>
<tr>
<td>2. LATITUDE AND LONGITUDE:</td>
</tr>
<tr>
<td>3. LEGAL DESCRIPTION OF PERMITTED BOUNDARY BY SECTION, TOWNSHIP, RANGE, BASE, AND MERIDIAN, IF SURVEYED:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. TYPE OF ACTIVITY: (Check applicable boxes):</th>
</tr>
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<tbody>
<tr>
<td>1. DISPOSAL</td>
</tr>
<tr>
<td>2. COMPOSTABLE MATERIALS HANDLING</td>
</tr>
<tr>
<td>3. TRANSFORMATION</td>
</tr>
<tr>
<td>4. TRANSFER/PROCESSING FACILITY</td>
</tr>
<tr>
<td>5. C&amp;D/INERT DEBRIS PROCESSING</td>
</tr>
<tr>
<td>6. IN-VESSEL DIGESTION</td>
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<tr>
<td>7. OTHER (describe):</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>D. IDENTIFICATION OF FACILITY IN CIWMP [CONFORMANCE FINDING INFORMATION (CIWMP)]:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. FACILITY IS IDENTIFIED IN (Check one):</td>
</tr>
<tr>
<td>2. FACILITY IS NOT REQUIRED TO BE IDENTIFIED IN SITING ELEMENT OR NONDISPOSAL FACILITY ELEMENT</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>E. TYPE OF PERMITTED WASTES TO BE RECEIVED: (Check applicable boxes):</th>
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</thead>
<tbody>
<tr>
<td>1. AGRICULTURAL</td>
</tr>
<tr>
<td>2. ASBESTOS o Friable o Non-friable</td>
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<tr>
<td>3. ASH</td>
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<tr>
<td>4. AUTO SHREDDER</td>
</tr>
<tr>
<td>5. COMPOSTABLE MATERIAL (describe):</td>
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<tr>
<td>6. CONSTRUCTION/DEMOLITION</td>
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<tr>
<td>7. CONTAMINATED SOILS</td>
</tr>
<tr>
<td>8. DEAD ANIMALS</td>
</tr>
<tr>
<td>9. INDUSTRIAL</td>
</tr>
<tr>
<td>10. INERT</td>
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<tr>
<td>11. LIQUIDS</td>
</tr>
<tr>
<td>12. MIXED MUNICIPAL SOLID WASTE (MSW)</td>
</tr>
<tr>
<td>13. SEWAGE SLUDGE</td>
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<tr>
<td>14. WASTE TIRES</td>
</tr>
<tr>
<td>15. OTHER (describe):</td>
</tr>
</tbody>
</table>

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NOTE: This form has been developed for multiple uses. It is the transmittal sheet for documents required to be submitted to the appropriate agency. Please refer to the attached instructions for definitions of terms and for completing this application form in a complete and correct manner.
### Part 3. FACILITY INFORMATION

#### A. PROPOSED CHANGE (Check applicable box(es)):

- [ ] DESIGN (describe):
- [ ] OPERATION (describe):
- [ ] OWNER, OPERATOR, ADDRESS, AND/OR FACILITY NAME CHANGE (describe):
- [ ] OTHER (describe):

#### B. FACILITY INFORMATION:

1. **INFORMATION APPLICABLE TO ALL FACILITIES**
   - **PEAK DAILY TONNAGE OR CUBIC YARDS**
     - 1) DISPOSAL/TRANSFER (unit):
     - 2) OTHER (unit):
   - **DAILY DESIGN TONNAGE (TPD)**
   - **FACILITY SIZE (acres)**
   - **PEAK TRAFFIC VOLUME PER DAY (vpd)**
   - **DAYS AND HOURS OF OPERATION**

2. **INFORMATION APPLICABLE TO ALL EXISTING FACILITIES**
   - **MAXIMUM DAILY TONNAGE OR CUBIC YARDS**
   - **AS-DESIGNED DAILY TONNAGE or CUBIC YARDS**
   - **FACILITY SIZE (acres)**
   - **MAXIMUM TRAFFIC VOLUME PER DAY (vpd)**
   - **DAYS AND HOURS OF OPERATION**

3. **PROPOSED CHANGE(S) OR INFORMATION APPLICABLE TO NEW SWFP AND/OR WDRs**
   - **MAXIMUM DAILY TONNAGE OR CUBIC YARDS**
   - **AS-DESIGNED DAILY TONNAGE or CUBIC YARDS**
   - **FACILITY SIZE (acres)**
   - **MAXIMUM TRAFFIC VOLUME PER DAY (vpd)**
   - **DAYS AND HOURS OF OPERATION**
   - **OTHER**

### 23. ADDITIONAL INFO. REQUIRED FOR COMPOSTINGABLE MATERIALS HANDLING FACILITIES ONLY:

- **TOTAL SITE STORAGE CAPACITY (cu yds)**

### 34. ADDITIONAL INFORMATION REQUIRED FOR LANDFILLS ONLY:

- **AVERAGE DAILY TONNAGE (TPD)**
- **SITE CAPACITY CURRENTLY PERMITTED (Airspace) (cu yds)**
- **SITE CAPACITY PROPOSED (Airspace) (cu yds)**
- **SITE CAPACITY USED TO DATE (Airspace) (cu yds)**
- **SITE CAPACITY REMAINING (Airspace) (cu yds)**
- **DATE OF CAPACITY INFORMATION (Date) (See instructions):**
- **LAST PHYSICAL SITE SURVEY (Date)**
- **ESTIMATED CLOSURE DATE (month and year)**
- **DISPOSAL FOOTPRINT (acres)**
- **SITE CAPACITY PLANNED (cu yds)**

- **IN-PLACE WASTE DENSITY** (lbs of waste per cu yd of waste) AND
  - **WASTE-TO-COVER RATIO (Estimated) (v:v) OR**
  - **AIRSPACE UTILIZATION FACTOR** (tons of waste per cu yd of landfill airspace)
Part 4. SOURCE OF WATER SUPPLY (Check applicable boxes)

☐ A. MUNICIPAL OR UTILITY SERVICE: ________________________________________________

☐ B. INDIVIDUAL (wells): ___________________________________________________________

☐ C. SURFACE SUPPLY:

1. NAME OF STREAM, LAKE, ETC.: ________________________________________________

2. TYPE OF WATER RIGHTS:

☐ RIPARIAN ☐ APPROPRIATION

3. STATE PERMIT OR LICENSE NUMBER , IF APPLICABLE: ______________________________

☐ D. OTHER: _________________________________________________________________

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (Check applicable boxes)

☐ A. CHECK BOX(ES) IF ENVIRONMENTAL DOCUMENT WAS OR WILL BE PREPARED FOR THIS PROJECT AND PROVIDE THE STATE CLEARINGHOUSE NUMBER (SCH#)

1. ENVIRONMENTAL DOCUMENT WAS PREPARED:

☐ ENVIRONMENTAL IMPACT REPORT (EIR) SCH# ________________________________

☐ NEGATIVE DECLARATION (ND)/MITIGATED NEGATIVE DECLARATION (MND) SCH# ______

☐ ADDENDUM TO (Identify environmental document) ____________________________ SCH# ______

2. ENVIRONMENTAL DOCUMENT WILL BE PREPARED (Enter lead agency if known):

☐ CATEGORICAL/STATUTORY EXEMPTION (CE/SE) ____________________________ GUIDELINE # ______

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

A. REQUIRED WITH ALL APPLICATION SUBMITTALS:

☐ RFI/JTD ____________________________ ☐ ENVIRONMENTAL DOCUMENT(S):

☐ LOCAL USE/PLANNING PERMITS ____________________________ ☐ EIR ____________________________

☐ LOCATION MAP ____________________________ ☐ MND/ND ____________________________

☐ MITIGATION MONITORING IMPLEMENTATION SCHEDULE & REPORTING PROG ______

☐ LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC ____________________________ ☐ ADDENDUM ____________________________

B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS-DISPOSAL FACILITIES ONLY:

☐ OPERATING LIABILITY FINANCIAL MECHANISM ____________________________ ☐ FINANCIAL RESPONSIBILITY DOCUMENTATION ____________________________

☐ CLOSURE/POST CLOSURE MAINTENANCE PLAN ____________________________ ☐ KNOWN OR REASONABLY FORSEEABLE CORRECTIVE ACTION COST ESTIMATES ____________________________

☐ PRELIMINARY ____________________________ ☐ LANDFILL CAPACITY SURVEY RESULTS (see instructions) ____________________________

☐ FINAL ____________________________

C. IF APPLICABLE:

☐ REPORT OF WASTE DISCHARGE ____________________________ ☐ DEPT. OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT ____________________________

☐ CONTRACT AGREEMENTS ____________________________ ☐ SWAT (Air and water) ____________________________

☐ STORMWATER PERMIT APPLICATION ____________________________ ☐ WETLANDS PERMITS ____________________________

☐ NPDES PERMIT APPLICATION ____________________________ ☐ VERIFICATION OF FIRE DISTRICT COMPLIANCE ____________________________

☐ OTHER: _________________________________________________________________
### Part 7. OWNER INFORMATION
(For disposal site, if operator is different from land owner, attach lease or other agreement)

<table>
<thead>
<tr>
<th>TYPE OF BUSINESS:</th>
<th>SOLE PROPRIETORSHIP</th>
<th>PARTNERSHIP</th>
<th>CORPORATION</th>
<th>GOVERNMENT AGENCY</th>
</tr>
</thead>
</table>

**OWNER(S) OF LAND**

(Names):

- SSN OR TAX ID #:

**ADDRESS, CITY, STATE, ZIP**

**TELEPHONE #:**

**FAX #:**

**E-MAIL ADDRESS:**

**CONTACT PERSON (Print Name):**

---

### Part 8. OPERATOR INFORMATION
(For disposal site, if operator is different from land owner, attach lease or other agreement)

<table>
<thead>
<tr>
<th>TYPE OF BUSINESS:</th>
<th>SOLE PROPRIETORSHIP</th>
<th>PARTNERSHIP</th>
<th>CORPORATION</th>
<th>GOVERNMENT AGENCY</th>
</tr>
</thead>
</table>

**FACILITY OPERATOR(S)**

(Names):

- SSN OR TAX ID #:

**ADDRESS, CITY, STATE, ZIP**

**TELEPHONE #:**

**FAX #:**

**E-MAIL ADDRESS:**

**CONTACT PERSON (Print Name):**

---

**ADDRESS WHERE LEGAL NOTICE MAY BE SERVED:**
Part 9. SIGNATURE BLOCK

Owner:
I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application and understand that I may be responsible for the site should the operator fail to meet applicable requirements.

SIGNATURE (LAND OWNER OR AGENT):

PRINTED NAME:

TITLE: 

DATE:

Lessee:
I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application.

SIGNATURE (LESSEE):

PRINTED NAME:

TITLE: 

DATE:

Operator:
I certify under penalty of perjury that the information contained in this application and all attachments are true and accurate to the best of my knowledge and belief.

SIGNATURE (FACILITY OPERATOR OR AGENT):

PRINTED NAME:

TITLE: 

DATE:

Part 10. OTHER (Attach additional sheets to explain any responses that need clarification).
ADDITION TO FINAL STATEMENT OF REASONS

NOVEMBER 2015

Title 14: Natural Resources

Division 7: Department of Resources Recycling and Recovery

Chapter 1: General Provisions

Chapter 3: Minimum Standards for Solid Waste Handling and Disposal

Chapter 3.1: Compostable Material Handling Operations and Facilities Regulatory Requirements

Chapter 3.2: In-Vessel Digestion Operations and Facilities Regulatory Requirements

Chapter 5: Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.

Title 27: Environmental Protection

Division 2: Solid Waste

Chapter 4: Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans

Article 2: CalRecycle – Applicant Requirements

Appendix 1 – Joint Permit Application Form and Instructions

SPECIFIC PURPOSE AND NECESSITY OF REGULATIONS

Title 14

Division 7

Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 1. General

§ 17852. Definitions.

Subdivision (a)(5)
A revision of the “agricultural material” definition is necessary to add clarity to the term “processing” used in the current definition. The revision clarifies that agricultural material, with the exception of grape pomace or material generated during nut or grain hulling, shelling, and processing, is separated at the point of generation and has not been processed in
a way that alters its essential character as a waste resulting directly from the conduct of an agricultural activity. This clarification will reduce the likelihood of odorous materials, such as food processing waste, being composted at agricultural material composting operations, which will protect the public health and safety and the environment.

Subdivision (a)(6)
Comma added for grammatical correctness.

Subdivision (a)(10)
Comma was struck through for grammatical correctness.

Subdivision (a)(24.5)
Subdivision (A)1.
This subdivision specifies that the compostable material cannot contain more than 0.5% by dry weight of physical contaminants greater than 4 millimeters (no more than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters) as specified in § 17868.3.1. This ensures the compostable material that is land applied does not contain excessive amounts of physical contaminants which is necessary to protect public health and safety and the environment. The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation’s (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight.

“Glass shards (4-mm to 13-mm) can pose a human and animal hazard with unprotected exposure or through direct ingestion. Metal fragments can pose the same hazard, and could be a potential source of trace elements upon interaction with soil. Hard plastic can be an aesthetic concern and in large quantities may affect physical properties of a compost-amended soil, (e.g., soil coloring, heat retention, drainage).” [Test Methods for the Examination of Composting and Compost, Method 03.06 Glass Shards, Metal Fragments and Hard Plastic, pg. 03.06-1 - U.S. Department of Agriculture/U.S. Composting Council]

The physical contaminant limits of § 17852(a)(24.5)(A)(1) become operative on January 1, 2018. The operative date is delayed to allow time for the regulated community to adjust operations to meet the new percentage of physical contaminants standard and to allow time to develop a method for determining the percentage of physical contaminants.

Subdivision (a)(27.5)(A) and (B)
It is necessary to define nuisance in this Chapter so operators understand that all handling activities need to be conducted in a manner that minimizes odor impacts so as to not cause a nuisance, as specified in § 17687(a)(2). This definition is the same as the existing definition of “Nuisance” in Title 14, CCR, § 17402(a)(12) relating to Transfer/Processing Operations and Facilities.

§ 17868.3.1. Physical Contamination Limits.

This section shall become operative January 1, 2018. The operative date is delayed to allow time for the regulated community to adjust operations to meet the new percentage of physical contaminants standard and to allow time to develop a method for determining the percentage of physical contaminants.
§ 17896.61. Physical Contamination Limits.

This section shall become operative January 1, 2018. The operative date is delayed to allow time for the regulated community to adjust operations to meet the new percentage of physical contaminants standard and to allow time to develop a method for determining the percentage of physical contaminants.

Title 27
Division 2
Chapter 4. Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans

Article 2. CalRecycle – Applicant Requirements

§ 21620. CIWMB – Changes in Design or Operation.
This addition of a cross-reference is non-substantive as it is a revision to a cross-reference and doesn’t materially alter any existing requirements in the current regulations. The existing requirement in 21620(A)(1)(d) is to not conflict with the current design and operation of the facility as described in the current RFI (or "Report of Facility Information"). The requirement to have an RFI and to operate consistently with the RFI would not change. Instead, the revision would simply make complete the list of example regulatory sections reflecting the types of RFI’s that apply to different types of solid waste facilities. The current rulemaking package adds a type of RFI in Section 18221.6.1 called an “In Vessel Digestion Report” and the revision of the list of cross-references is necessary to make complete the list of examples in this section.
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INITIALFINAL STATEMENT OF REASONS

September 2014

Title 14: Natural Resources

Division 7: California Integrated Waste Management Board

Chapter 1: General Provisions

Chapter 3: Minimum Standards for Solid Waste Handling and Disposal

Chapter 3.1: Compostable Materials Handling Operations and Facilities Regulatory Requirements

Chapter 3.2: In-Vessel Digestion Operations and Facilities Regulatory Requirements

Chapter 5: Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.

Title 27: Appendix 1 – Joint Permit Applicant Form and Instructions.

STANDARDIZED REGULATORY IMPACT ASSESSMENT

See attached.

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

Department relied upon the following in proposing the adoption of these revised regulations:

1. U.S. Environmental Protection Agency sewage sludge regulations (Code of Federal Regulations, Title 40, Part 503 – Standards for the Use or Disposal of Sewage Sludge)

2. Ventura County Ordinance Code Pertaining to the Regulation of Solid Waste (Ordinance No. 4423)

3. Program Environmental Impact Report for Anaerobic Digestion Facilities
   http://www.calrecycle.ca.gov/SWFacilities/Compostables/AnaerobicDig/PropFnIPEIR.pdf

4. The Department developed white papers on:
   a. Food Waste Composting
      http://www.calrecycle.ca.gov/LEA/regs/Review/FoodWastComp/FoodWastcomp.pdf
   b. Agricultural Land Application of Compostable Material
   c. Compostable Materials Storage Volume Limitations
5. The Department held 16 workshops from October 2011 through May 2013 to obtain stakeholder input:

http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm

The Department developed the proposed regulations in August 2013 based on oral and written comments from stakeholders:


Note: All studies, reports, or documents referenced in this section are available on the compact disc in the sleeved folder immediately following this Final Statement of Reasons.

UPDATED INFORMATIVE DIGEST

The existing California Integrated Waste Management Act (Act), Public Resources Code (PRC) §40000 et. seq., gives the Department authority to provide for the protection of public health, safety, and the environment through waste prevention, waste diversion, and safe waste processing and disposal. The proposed rulemaking revises existing regulations and develops new regulations to ensure that solid waste facilities handle compostable materials in a manner that protects public health, safety, and the environment. The proposed regulations:

1. Clarify several compostable material feedstock definitions and the types of operations and facilities that can accept these feedstocks.

2. Revise the maximum concentrations of metals allowed in compost to reflect changes adopted by US EPA.

3. Provide Enforcement Agencies with discretion to authorize temporary storage of additional material at compostable materials handling operations.

4. Revise Enforcement Agency inspection frequency requirements for solid waste operations to ensure consistency throughout Title 14.

5. Provide operators and Enforcement Agencies with additional mechanisms to address chronic odor at compostable materials handling facilities and operations.

6. Establish criteria for land application of compostable materials and add pathogen and metal limits for compostable materials when applied to land.

7. Require compost products to meet a 0.5% physical contaminant limit by weight and set the same standard for compostable materials and digestate when applied to land.

8. Develop regulations for compostable materials at in-vessel digestion operations and facilities.
9. Clarify the term “permitted maximum tonnage” on the solid waste facility permit application.

10. Clarify requirements for composting at non-commercial sites, such as community gardens and schools.

The Department held 18 workshops from October 2011 through March 2015 to obtain stakeholder input on compostable material handling issues and developed the proposed regulations based on this stakeholder input.

MANDATED USE OF SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulations do not mandate the use of specific technologies or equipment.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION

For all the changes proposed in these regulations, the following statement applies:

Alternatives to the proposed regulations have been considered, including a “no-action” alternative. The Department has determined that: 1) no alternative would be less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the authorizing statute or other law being implemented and made specific by the proposed regulations; and 2) no alternative would lessen adverse economic impact on small businesses while protecting human health, safety, and the environment. The Department has attempted to use reasonable performance standards rather than prescriptive standards to minimize the impact on small businesses while still promoting health, safety and environmental benefits and collecting the information required by statute.

Furthermore, the Department has determined that no alternative considered would be: 1) more effective in carrying out the purpose for which the regulation is proposed; 2) as effective and less burdensome to affected private persons than the adopted regulation; or 3) more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. These determinations are based, in part, upon the Standardized Regulatory Impact Assessment (attached), and, in part, upon the benefits described in the Problem Addressed By And Benefits Of Regulations section below.

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

Based on the attached Standardized Regulatory Impact Assessment the Department has made the initial finding that these regulations will not have a significant adverse economic impact on business.

LOCAL MANDATE AND FISCAL DETERMINATIONS

The Department has determined that the regulations do not impose: a mandate on local agencies or school districts that requires State reimbursement pursuant to Part 7, commencing with section 17500 of Division 4 of the Government Code; significant costs or savings to any state agency; other non-discretionary costs or savings on local agencies; or, costs or savings in federal funding to the state.
Some local agencies will incur costs associated with these regulations but these agencies will be fully financed from fees and other charges authorized by Public Resources Code sections 40057, 40059, 41903, 43213, and 44006.

**RESPONSE TO COMMENTS**

Summaries of each objection or recommendation made regarding the specific adoption, amendment, or repeal proposed, together with an explanation of how the proposed action has been changed to accommodate each objection or recommendation, or the reasons for making no change, are located in Volume II of this rulemaking file and are hereby incorporated by reference.

**DUPLICATION OR CONFLICTS WITH CODE OF FEDERAL REGULATIONS**

The Department has made the finding that no unnecessary duplication or conflict exists between the proposed regulations and federal regulations contained in the Code of Federal Regulations because federal law or regulations do not contain comparable requirements.

**FINDING ON NECESSITY OF REPORTS (GOVERNMENT CODE SECTION 11346.3(d))**

The Department has found that the requirements 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 requirements of these regulations are met and adequately monitored.

**PROBLEM ADDRESSED BY AND BENEFITS OF REGULATIONS**

The central purpose of the proposed regulations is to protect public health, safety, and the environment by more effectively regulating solid waste facilities that handle compostable materials. The proposed regulations modify the existing Compostable Material Handling Operations and Facilities Regulatory Requirements by: clarifying several feedstock definitions and the types of operations and facilities that can accept these materials; revising the maximum concentrations of metals allowed in compost to reflect changes adopted by US EPA; providing Enforcement Agencies with discretion to authorize temporary storage of additional material; revising Enforcement Agency inspection frequency language to ensure consistency throughout Title 14; providing operators and Enforcement Agencies with a mechanism to address chronic odor complaints and identify sources of odor; establishing criteria for safe land application of compostable material; requiring compost products to meet a 0.15% physical contaminant limit by dry weight; and clarifying small-scale composting requirements at sites, such as community gardens and schools.

The proposed regulations provide a standardized regulatory framework for in-vessel digestion activities. Currently, in-vessel digestion activities are subject to either existing Transfer/Processing Operations and Facilities Regulatory Requirements or Compostable Material Handling Operations and Facilities Regulatory Requirements, depending on the nature of the feedstock and how it is handled. The proposed regulations combine portions of the transfer/processing and compostable material handling requirements into a stand-alone set of in-vessel digestion regulations designed to reduce the amount of pollutants, pathogens, and vectors in the environment, which will have marginal impacts on in-vessel digestion activities compared to existing regulations.
The proposed regulations also clarify permitted maximum tonnage on the application for solid waste facility permits/waste discharge requirements (CalRecycle E-1-77 form).

The principal benefit of the proposed regulations is protecting public health, and safety and the environment. Requiring compost products to meet a 0.1% physical contaminant limit will reduce litter and minimize the amount of plastic entering surface water and the ocean while creating new jobs and increasing the market value of compost. Establishing criteria for safe land application of compostable material, digestate, and compost will reduce litter and minimize the amount of plastic entering surface water and the ocean and improve food safety and animal health by reducing toxic metals, disease-causing organisms, physical contaminants, and invasive/noxious species in compostable material. Other benefits of the proposed regulations include minimizing odors at compostable material handling and in-vessel digestion facilities; decreasing greenhouse gases, air pollution, and long-distance transportation of organic material by facilitating small-scale composting; providing clarity to the regulated community and regulators. Finally, the regulations will ensure safe operations and facilities to handle organic material diverted as the result of California’s goal to source-reduce, recycle, or compost 75% of the solid waste generated in the State by 2020.

The new “stand-alone” in-vessel digestion portion of the proposed regulations will establish a clear regulatory framework for the digestion of organic material. Digesting this organic material will decrease greenhouse gas generation and increase production of biofuels/bioenergy.

SPECIFIC PURPOSE AND NECESSITY OF REGULATIONS

Title 14

Division 7

Chapter 1. General Provisions

Article 1. Definitions

§ 17017. Definitions. (a) and (b)
These definitions are necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board, effective January 1, 2010.

Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities

Regulatory Requirements

§ 17362.2. Contaminated Soil Transfer/Processing Operations.
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this section is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.
Article 5.8. Nonhazardous Ash Regulatory Tier Requirements

§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.

Subdivision (d)
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements

§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris Regulatory Requirements.

Subdivision (b)(1)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivisions (d)(2)
Allowable storage time of construction and demolition and inert debris is reduced from one year to 90 days. This is necessary to protect the public health, and safety and the environment by ensuring materials are being removed in a timely manner to reduce the incidents of large volumes of materials accumulating and being abandoned.

Subdivision (d)(3)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (e)(2)
Allowable storage time of inert debris that has been processed and sorted for resale, or reuse is reduced from 18 months to 12 months. This is necessary to protect the public health, and safety and the environment and to reduce the incidents of large volumes of materials accumulating and being abandoned.

Subdivision (e)(4)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (f)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (g)(1)
Requiring the owner or operator to provide evidence to the enforcement agency that the stored debris being accumulated for viable reuse is necessary to protect the public health and safety
and the environment and to reduce the incidents of large volumes of materials accumulating and being abandoned.

§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.

Subdivisions (a)(1) through (a)(5)
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment. Subdivision (a) is reorganized using numbers (1) through (5) to make requirements of this subdivision easier to read.

§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

§ 17383.7. Inert Debris Type A Processing Operations.

Subdivision (f)
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements

§ 17388.3. Inert Debris Engineered Fill Operations.

Subdivision (b)
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements

§ 17403.1. Excluded Operations.
Subdivision (a)(8)
This subdivision clarifies that a Publicly Owned Treatment Works (POTW) Treatment Plant that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, in accordance with § 17896.6(a)(1), is not a transfer operation or facility.

§ 17403.2. Sealed Containers Transfer Operations.
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

§ 17403.3. Limited Volume Transfer Operations.
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

Article 6.2 Operating Standards

§ 17409.2 Sanitary Facilities
These revisions are necessary to clarify the enforcement agency is not authorized to regulate other local, state, or federal requirements.

Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 1. General

§ 17852. Definitions.

Subdivision (a)(4.5)
The new definition for Agricultural by-product material is necessary to specify the types of materials that if applied to land under the oversight of the State Water Resources Control Board or a Regional Water Quality Control Board are not subject to the land application requirements of § 17852(a)(24.5)(A). These requirements do not apply to the final deposition agricultural by-product material spread on land as authorized by the State Water Resources Control Board or a Regional Water Quality Control Board pursuant to Waste Discharge Requirements, a Waiver of Waste Discharge Requirements, a Resolution, or “other issued requirements from the State Water Resources Control Board or Regional Water Quality Control Board having jurisdiction.

Subdivision (a)(5)
A revision of the “agricultural material” definition is necessary because the current definition is not clear relative to the term “processing” used in the current definition. The revision clarifies that agricultural material, with the exception of grape pomace or material generated during nut or grain hulling, shelling, and processing, is separated at the point of generation and has not been processed in a way that alters its essential character as a waste
resulting directly from the conduct of an agricultural activity. This clarification will reduce the likelihood of odorous materials, such as food processing waste, being composted at agricultural material composting operations, which will protect the public health and safety and the environment.

Subdivision (a)(9)
A revision is necessary to clarify that biosolids includes residual solids resulting from the co-digestion of anaerobically digestible material with sewage sludge.

Subdivision (a)(12)(C) through (EF)
§ 17852(a)(38.5) defines Vegetative Food Material Composting Facility in regulation. The inclusion of this type of composting facility is necessary in this subdivision to clarify that these types of facilities are subject to the compostable material handling regulations. Biosolids composting operations at POTWs are included in the list as they are subject to the composting material handling regulations as described in § 17859.1.

Subdivision (a)(13.5)
“Digestate” is defined in § 17896.2(a)(4214), and it is necessary to also include the definition in this Chapter to clarify that digestate intended to be composted can only be handled at a facility that has obtained a Compostable Materials Handling Facility Permit. The one exception to this requirement is the composting of digestate resulting from the co-digestion of anaerobically digestible material with wastewater at a Publicly Operated Treatment Works. This digestate meets the definition of biosolids, therefore, the requirements of § 17859.1 (Biosolids Composting at POTWs) would apply. Digestate may be odorous and attract vectors, and requiring this material to be composted at a Compostable Material Handling Facility is necessary to protect the public health, and safety and the environment.

Subdivision (a)(15)
This revision is necessary to clarify that the “Disposal of compostable materials and or digestate” definition in this Chapter refers to the disposal of compostable material, not other solid waste such as tires, electronic waste, etc.

Subdivision (A)1.
This revision is necessary to clarify that the final deposition of compostable material and/or digestate onto land is disposal unless specifically excluded in § 17855.

Subdivision (A)2.
Reducing the storage or stockpiling time from six months to 30 days is necessary to protect the public health, and safety and the environment. Compostable material should be used (e.g. applied, tilled) within 30 days to prevent nuisance conditions such as odor, dust, vector attraction, etc. Specifying a volume limit on the amount of compostable material that can be stored or stockpiled (200 cubic yards) establishes a lower bound under which public health, and safety and environment should be minimal.

Subdivision (A)3.
Specifying a volume limit (200 cubic yards) and time limit (< 12 months) on agricultural material, green material, and compost that can be stored or stockpiled on land zoned for agricultural uses is necessary to protect the public health, and safety and the environment. The Department believes it is reasonable to provide the enforcement agency with flexibility to allow storage time of more than 12 months if the longer storage time will not adversely affect the public health and safety and the environment.
Subdivision (B)1.
This subdivision is necessary to clarify that “disposal” does not include the use of compostable material for beneficial reuse at a solid waste landfill. The specific reference to alternative daily cover at a solid waste landfill is deleted since alternative daily cover is considered a type of beneficial reuse pursuant to PRC § 41781.3.

Subdivision (B)2.
This restructuring of this subdivision by deleting reference to alternative daily cover is necessary because it is addressed in Subdivision (B)1. and moving mine reclamation from § 17855(a)(9) to this subdivision to specify that it is not a disposal activity.

Subdivision (B)3.
The deletion of the definition of land application from this subdivision is necessary because it was moved to § 17852(a)(24.5).

Subdivision (B)4.
The subdivision is necessary to clarify that use of compost, compostable material, biosolids, and agricultural by-product materials as described in § 17852(a)(24.5)(B) is not considered disposal.

Subdivision (C)
This subdivision is revised to clarify the relationship between the enforcement agency and a person handling compostable material in the event that disposal on-site is suspected. This is necessary to protect the public health and safety and the environment.

Subdivision (D)
This revision is necessary to clarify that definition of disposal in this Chapter refers to compostable material, not other solid waste such as tires, electronic waste, etc.

Subdivision (a)(16)
This subdivision is revised to clarify “dry weight basis” and “dry weight” have the same meaning.

Subdivision (a)(19)
Vegetative food material and mixed material are added to definition of feedstock to clarify that both material types are considered feedstock and subject to the Compostable Materials Handling regulations. The term “organic” is deleted in reference to compostable material because all compostable material is organic and thus the term is redundant. The term “digestate” is added to the definition of “feedstock” for clarity.

Subdivision (a)(19.5)
“Film plastic” is a new definition and is necessary for the purpose of determining the amount of physical contamination for compostable material and/or digestate pursuant to § 17868.3.1 and compost pursuant to § 17896.61 for determining compliance with land application requirements pursuant to § 17852(a)(24.5).

Subdivision (a)(20)
The revision of the “Food Material” definition is necessary to more clearly differentiate food material from other types of solid waste. The changing of the section number of the Health and Safety Code definition of food facilities is from § 113785 to § 113789 is necessary to reflect the correct statutory citation to the Health and Safety Code. It is necessary to add that food waste from “food processing establishments,” as defined in Health and Safety Code § 111955, to
clarify that this material is food material, and consequently, a Compostable Material Handling
Permit is required to compost this material. The statement that food material does not include
material specified in the California Food and Agricultural Code and regulations adopted
pursuant thereto is necessary to distinguish waste types that are under the jurisdiction of the
California Department of Food and Agriculture.

Subdivision (A)
“Vegetative Food Material” is a new definition and a subcategory of food material. The definition
is necessary to distinguish plant-based food material from other food material. Vegetative food
material poses less risk to public health, and safety, and the environment than food material that
is of animal origin or contains salts, preservatives, fats or oils, and consequently, the
composting of vegetative food material is allowed in the Registration Tier as specified in §
17857.2. Vegetative food material contains no greater than 1.0 percent of physical
contaminants by dry weight and meets the requirements of § 17868.5.

Subdivision (a)(21)
The “Green Material” definition is revised and clarified to differentiate it from other types of plant
materials, such as food material and vegetative food material and to clarify that tree trimmings
and wood waste from silviculture and manufacturing are also green material. Vegetative food
material is a new definition and mixed material is a revised definition, and consequently, it is
necessary to clarify that these types of materials are not green material. Many agricultural
materials are plant-based materials and meet the definition of green material, therefore, they
can be handled as either agricultural material or green material.

Subdivision (a)(24.5)
This definition is necessary to specify that “Land Application” is the final deposition of
compostable material and/or digestate spread on land as stipulated in Subdivisions (A) or (B)
and to clarify the prior definition of "land application" that was in (a)(15)(C).

Agricultural by-product materials are not subject to land application requirements pursuant to §
17852(a)(24.5), however, the handling of these materials are subject to compostable material
handling requirements, unless these materials are handled at the site at which the materials are
generated and no materials are received from outside sources.

Subdivision (A)
This subdivision is necessary to clarify that land application is the final deposition of
compostable material and/or digestate spread on any land, including land zoned only for
agricultural uses, under the conditions specified in (A)1. through (A)5.

Subdivision (A)1.
This subdivision specifies that the compostable material cannot contain more than 0.1% by dry
weight of physical contaminants greater than 4 millimeters (no more than 20% by dry
weight of this 0.5% shall be film plastic greater than 4 millimeters) as specified in § 17868.3.1.
This ensures the compostable material that is land applied does not contain excessive amounts
of physical contaminants which is necessary to protect public health and safety and the
environment. The limit on the percentage of physical contaminants is consistent with nationwide
trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin,
as well as the United Kingdom, have limits on physical contaminants). In California, the
Department of Transportation’s (Caltrans) Revised Compost Nonstandard Specification 21-
1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry
weight.
“Glass shards (4-mm to 13-mm) can pose a human and animal hazard with unprotected exposure or through direct ingestion. Metal fragments can pose the same hazard, and could be a potential source of trace elements upon interaction with soil. Hard plastic can be an aesthetic concern and in large quantities may affect physical properties of a compost-amended soil, (e.g., soil coloring, heat retention, drainage).” [Test Methods for the Examination of Composting and Compost, Method 03.06 Glass Shards, Metal Fragments and Hard Plastic, pg. 03.06-1 - U.S. Department of Agriculture/U.S. Composting Council]


Subdivision (A)2.
This subdivision specifies that compostable material and/or digestate must meet the maximum metal concentrations as specified in § 17868.2. This ensures the compostable material and/or digestate that is land applied does not contain excessive amounts of metals which is necessary to protect public health and safety and the environment.

Subdivision (A)3.
This subdivision specifies that compostable material and/or digestate must meet the pathogen density limits as specified in § 17868.3(b)(1). This ensures the compostable material and/or digestate that is land applied does not contain excessive amounts of pathogens which is necessary to protect public health and safety and the environment.

Subdivision (A)4.a.
This subdivision specifies that for land not zoned only for agricultural uses, compostable material and/or digestate cannot be applied more frequently than once during a 12 month period, and, at the time of the application, the compostable material and/or digestate shall not exceed an average of 12 inches in total, accumulated depth. This is necessary to ensure that compostable material and/or digestate is land applied in a manner that is beneficial to the soil and protective of public health and safety and the environment. The enforcement agency, in consultation with the Regional Water Quality Control Board, may approve alternative application frequencies and depths. It is necessary to allow the enforcement agency to approve alternative frequencies because there may be a frequency that is equally effective in meeting the performance of the specified method.

Subdivision (A)4.b.
This subdivision specifies for land zoned only for agricultural uses, compostable material and/or digestate cannot be applied more frequently than three times during a 12 month period, and, at the time of the application, the compostable material and/or digestate shall not exceed 12 inches in total, accumulated depth. This is necessary to ensure that compostable material and/or digestate is land applied in a manner that is beneficial to the soil and protective of public health and safety and the environment. The enforcement agency, in consultation with the California Department of Food and Agriculture and the Regional Water Quality Control Board, may approve alternative application frequencies and depths. It is necessary to allow the enforcement agency to approve alternative frequencies because there may be a frequency that is equally effective in meeting the performance of the specified method.

Subdivision (A)5.
This subdivision specifies that verification of compliance with this subdivision must be provided to the enforcement agency upon request. This is necessary to ensure that the compostable
material and/or digestate meets the physical contaminant limits, maximum metal concentrations, pathogen density limits, and the application and depth limits as required in this subdivision to protect public health and safety and the environment.

Subdivision (B)
This subdivision is necessary to clarify that the land application is the final deposition of compostable material spread on land zoned only for agricultural uses under the conditions specified in requirements do not apply to (B)1. through (B)36.

Subdivision (B)1.
This subdivision specifies that the compostable material cannot contain more than 0.1% by weight of physical contaminants greater than 4 millimeters and/or 3.2 of this Division. This is necessary to ensure the compostable material that is land applied does not contain excessive amounts of physical contaminants to protect public health and safety and the environment.

Subdivision (B)2.
This subdivision specifies that land application requirements do not apply to application of Foodcompostable material and Agriculture (CDFA) has determined/or digestate for gardening or landscaping.

Subdivision (B)3.
This subdivision specifies that the land application requirements do not apply to the final deposition of compostable material and/or digestate spread on land by a local, state, or federal government entity, provided the material is applied in compliance with all applicable requirements established by CDFA underlaw.

Subdivision (B)4.
This subdivision specifies that the land application requirements do not apply to the final deposition of agricultural by-product material spread on land as authorized by the State Water Resources Control Board or a Regional Water Quality Control Board pursuant to Waste Discharge Requirements, a Waiver of Waste Discharge Requirements, or a Resolution, provided this final deposition does not adversely affect public health and safety and the environment.

Subdivision (B)5.
This subdivision specifies that the land application requirements do not apply to the beneficial reuse at a solid waste landfill pursuant to 27 CCR § 20686.

Subdivision (B)6.
This subdivision specifies that the land application requirements do not apply to the beneficial reuse of biosolids pursuant to Part 503, Title 340 of the California Code of Regulations, and CDFA has determined that the land application and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-specific Waste Discharge Requirements or other issued requirements from the State Water Resources Control Board or a Regional Water Quality Control Board having jurisdiction.

Subdivision Note.
This subdivision note is agronomically beneficial. This is necessary to ensure that the land application of compostable material is protective of public health and safety and the environment per CDFA requirements.

Subdivision (B)3.
This subdivision specifies that prior to application, the enforcement agency has received confirmation that CDFA has made the determination specified in (B)2. This is necessary to ensure that the compostable material complies with all CDFA requirements. To clarify that, as specified in § 17850(d), nothing in these standards shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all authorizations and comply with all requirements of other regulatory agencies, including but not limited to, local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.

Subdivision (a)(26)
“Mixed Solid Waste” is changed to “Mixed Material” to reduce confusion with the term “municipal solid waste,” which is used in Title 27, § 20164, and referenced throughout Title 14. The subdivision is re-structured to simplify the definition to more clearly differentiate mixed material from other types of compostable materials since the type of material, along with the volume of material, is used to determine the applicable permit tier.

Subdivision (a)(27.5)(A) and (B)
It is necessary to define nuisance in this Chapter so operators understand that all handling activities need to be conducted in a manner that minimizes odor impacts so as to not cause a nuisance, as specified in § 17687(a)(2). This definition is the same as the existing definition of “Nuisance” in Title 14, CCR, § 17402(a)(12) relating to Transfer/Processing Operations and Facilities.

Subdivision (a)(32)
This change is necessary because “human-made inert material” is a more appropriate term than “human-made inert products” to describe items that are a potential threat to public health and safety and the environment (e.g., glass shard vs. glass bottle). Physical contaminants or contaminants (human-made inert materials) reduce the value of compost feedstock, digestate, or finished compost rather than enhance the value as the term “human-made inert product” implies.

Subdivision (a)(38.5)
“Vegetative Food Material Composting Facility” definition is necessary to clarify that this type of facility can compost agricultural material, green material, vegetative food material, additives, and/or amendments. The definition distinguishes this type of facility from a facility that comports other types of materials such as biosolids, digestate, food material, and mixed material.

Subdivision (a)(41)
This revision is necessary to clarify that within-vessel composting occurs in the presence of oxygen to distinguish it from in-vessel digestion which occurs in the absence of oxygen.

Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities
§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities.

This section is added to clarify the regulatory tier requirements that apply to Compostable Materials Handling Operations and Facilities. Table 1 summarizes the regulatory tiers and requirements and is necessary to clarify to operators where their operations or facilities fit in the regulatory tier structure.

§ 17855. Excluded Activities

Subdivision (a)
Revisions are necessary to correct grammar and to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (a)(1)
These revisions are necessary to correct grammar.

Subdivision (a)(2)(A) and (B)
This subdivision is revised to clarify that while vermicomposting is an excluded activity, the handling of compostable materials prior to and after its use as a growth medium is subject to the requirements of either the Compostable Material Handling or Transfer/Processing regulations, as specified in subdivisions (A) and (B) respectively. The clarification is necessary because some operators and enforcement agencies could and have inferred that all activities at such sites are excluded and could pose a risk to the public health and safety and the environment.

Subdivision (a)(3)(A) and (B)
This subdivision is revised to clarify that while mushroom farming is an excluded activity, the handling of compostable materials prior to and after its use as a growth medium is subject to the requirements of either the Compostable Material Handling or Transfer/Processing regulations, as specified in subdivisions (A) and (B) respectively. This is necessary because without clarification, some operators and enforcement agencies could and have inferred that all activities at such sites are excluded. This would pose a risk to the public health and safety and the environment.

Subdivision (a)(4)
Current regulations provide three small-scale composting exclusions: §§ 17855(a)(4), 17855(a)(6), and 17855(a)(8). The Department proposes to consolidate these 3 small-scale composting exclusions into one exclusion that allows the composting of green material, agricultural material, food material, and vegetative food material, alone or in combination, if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 600750 square feet. The Department believes this change is necessary because few entities are utilizing the current exclusion in § 17855(a)(4) because the material must be generated on-site, there is a 10% limit on the amount of food material that can be composted, and no more than a 1,000 cubic yards of material can be sold or given away annually. The proposed exclusion is designed to allow schools, community gardens, businesses, and other similar entities to compost food material without having to generate the material on-site and does not limit the amount of material that can be sold or given away. This small-scale composting activity poses little risk to public health and safety and the environment. Local jurisdictions can regulate these activities more stringently if deemed appropriate.
Subdivision (a)(5)(B)
Replacing “Publicly Operated Treatment Works” to “Publicly Owned Treatment Works” is necessary to be consistent with § 403.3(r) of Title 40 of the Code of Federal Regulations.

Subdivision (a)(5)(H)
The subdivision is revised to clarify that handling of compostable material as part of licensed animal food manufacturing or a licensed rendering operation is an excluded activity.

Subdivision (a)(6)
The deletion of this subdivision is necessary because this type of composting activity is now excluded under § 17855 (a)(4).

Subdivision (a)(7)
Subdivision (6) was deleted, so it is necessary to re-number subdivision (a)(7) to (a)(6).

Subdivision (a)(8)
The deletion of subdivision (8) is necessary because this type of composting activity is now excluded under § 17855(a)(4).

Subdivision (a)(9)
The deletion of subdivision (9) is necessary because it is duplicative of language in the definition of Disposal in § 17852 (a)(15).

§ 17855.2. Prohibitions
This new language is necessary to clarify that all compostable materials handling operations and facilities and sites excluded from regulation under this Chapter are prohibited from composting the materials specified in this section (i.e., Excluded sites are subject to the requirements of this section).

Subdivision (a)
Revisions in this subdivision are necessary to make grammatical corrections and clarification.

Subdivisions (a)(1) and (2)
This revision is necessary to clarify that a food facility in this Chapter is as defined in Health and Safety Code § 113789. Subdivision (a) in current regulation is subdivided into Subdivisions (a)(1) and (a)(2) for clarity.

Subdivision (a)(3)
This new subdivision is necessary to allow the Department to approve, in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, other sources of unprocessed mammalian tissue, which would qualify as an exception to the prohibition (in addition to existing exceptions in (a)(1) and (a)(2)).

Subdivisions (b) and (c)
The deletion of the term “is prohibited” is necessary in these subdivisions because the prohibition is stated in the first sentence of this section. Subdivision (b) is clarified to state that the composting of treated and untreated medical waste is prohibited.

§ 17855.3. Permit Name.
This section is necessary to clarify that any permit issued pursuant to this Article shall be entitled a “Compostable Materials Handling Facility Permit” except a permit issued to a
vegetative food material composting facility in § 17857.2(a) and a chipping and grinding facility in § 17862.1(b).

§ 17855.4. Pre-Existing Permits and Notifications.
The deletion of this subdivision is necessary because the deadline for complying with this subdivision expired in April 2005.

§ 17856. Agricultural Material Composting Operations.

Subdivision (a)
The revisions are necessary to clarify that Agricultural Material Composting Operations are subject to Enforcement Agency Notification requirements; reference to chipping and grinding operations is deleted because activities related to chipping and grinding operations are addressed in other subdivisions of this Chapter; and language regarding odor violations is deleted and moved to subdivision (b) of this section to improve readability. References to compliance with odor standards are deleted in subdivision (a) and moved to subdivision (b) to improve readability.

Subdivision (b)
The revisions are necessary to clarify that agricultural material composting operations are subject to the requirements of §§ 17863.4 (Odor Impact Minimization Plan) and 17863.4.1 (Odor Best Management Practice Feasibility Report) only if the enforcement agency determines that the operation has caused odor impacts in violation of § 17867(a)(2) and has notified the operator in writing of the violation.

Subdivision (c)
The restructuring of this subdivision and movement of most of the regulatory language in subdivisions (c)(1) and (c)(2) to subdivision (d) is necessary to improve clarity and readability as required in California Government Code § 11346.2. The new regulatory language in subdivision (c) is necessary to clarify that agricultural material composting operations may handle an unlimited quantity of agricultural material on the site, may sell or give away any or all compost they produce, and shall be inspected by the enforcement agency at least once each calendar year at a time when compostable material on the site is active compost.

Subdivision (d)
This new subdivision is necessary to specify the requirements that agricultural composting operations must comply with if their feedstock is both green material and agricultural material and whether the operations are located on Agricultural Land or land not zoned for agricultural uses.

Subdivision (d)(1)
This subdivision is necessary to clarify that agricultural composting operations on Agricultural Lands that sell or give away less than 1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and green material on the site but may be limited to 12,500 cubic yards of green material if the enforcement agency makes a written determination that handling excess green material may pose a risk to public health and safety or the environment.

Subdivision (d)(2)
This subdivision is necessary to clarify that agricultural composting operations located on land that is not zoned for agricultural uses and operations that sell or give away 1,000 cubic yards or
more of compost per year may handle an unlimited amount of agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock on the site at any time.

Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to public health and safety and the environment.


Subdivision (a)
Revisions to subdivision (a) are necessary to clarify that green material composting operations can have no more than 12,500 cubic yards of feedstock, chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time and that these operations must comply with the applicable requirements specified in this Chapter.

Subdivision (a)(1)
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

Subdivision (a)(2)
Green material composting operations are currently limited to 12,500 cubic yards of off-site generated green material to be stored on-site at any one time. Some stakeholders have indicated that they are unable to meet seasonal demand for their products as a consequence of this restriction on accumulated materials. This subdivision is necessary to allow an operator to submit in writing a request to the enforcement agency to temporarily exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed on-site (seasonal storage adjustment) and provides the enforcement agency with discretion to authorize an operator to temporarily store additional material or to extend the storage time if the enforcement agency determines it will not adversely affect public health and safety and the environment. The additional storage time may not exceed what is specified in the land use entitlement or 30 days, whichever is less.

Subdivision (a)(2)(A) 1 through 45
This subdivision requires an operator to submit additional information to the enforcement agency when requesting a seasonal storage adjustment. The operator must describe the site’s storage capacity and average storage time of compostable material, provide a diagram of the operation and identify where the materials will be stored, describe additional fire prevention, protection and control measures needed to deal with the temporary increase in site capacity, and potentially revise the odor impact minimization plan to address the storage of the additional material. This information is necessary to enable the enforcement agency to determine if the seasonal storage adjustment is protective of public health and safety and the environment.
Subdivision (b)
The original subdivision (b) is deleted since the enforcement agency inspection frequency language is now included in (a)(1).

Subdivisions (b)(1) through (3)
These subdivisions are necessary to specify the types of violations, which will disqualify the facility from operating in the Enforcement Agency Notification tier and the actions the Enforcement Agency and the operator will execute in response to the violations.

Subdivision (c)
This revision is necessary to clarify that a site that handles more than 12,500 cubic yards of feedstock, chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time is a green material composting facility and must obtain a Compostable Materials Handling Permit and comply with all requirements of Chapter 3.1. Green composting operations that have received a seasonal storage adjustment authorization from the enforcement agency are not required to comply with this subdivision.

§ 17857.2. Vegetative Food Material Composting Facilities.
Subdivision (a)
Subdivision (a) is necessary to specify that vegetative food material composting facilities can have no more than 12,500 cubic yards of feedstock, compost, and chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time and that these facilities must obtain a Registration Permit and comply with the applicable requirements specified in this Chapter. Vegetative food material poses less risk to public health and safety and the environment than food material that is of animal origin or that contains salts, preservatives, fats or oils, and consequently, the composting of vegetative food material is allowed in the Registration Tier.

Subdivision (b)
Subdivision (b) is necessary to specify that vegetative food material composting facilities that have more than 12,500 cubic yards of feedstock, compost, and chipped and ground, amendments, additives, active compost, and stabilized compost on-site at any one time must obtain a Compostable Materials Handling Permit and shall comply with applicable requirements of this Chapter.

§ 17859.1. Biosolids Composting at POTWs.
Subdivision (a)
Replacing “Publicly Operated Treatment Works” to “Publicly Owned Treatment Works” is necessary to be consistent with terminology used in § 403.3(r) of Title 40 of the Code of Federal Regulations.

Subdivision (a)(1)
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.
§ 17862. Research Composting Operations.

Subdivision (a)
This revision is necessary to make the list of allowable feedstock at research composting operations consistent with allowable feedstock at other operations, and to specify that both active compost and stabilized compost count toward the 5,000 cubic yards of material allowed on-site at any one time.

Subdivision (b)
This revision is necessary to make the list of allowable feedstock at research composting operations utilizing within-vessel processing consistent with allowable feedstock at other operations.

Subdivision (d)
Subdivision 17862(d) is revised to require a research composting operation to submit a report to the enforcement agency that includes the results and conclusions drawn from the research after no longer than a 2 year period of operation. The new language provides the enforcement agency with discretion to allow further research for a maximum of 2 years or not allow further research and require the operator to conduct site restoration at the facility or obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to continuing operations.
This is necessary to ensure that meaningful research is performed at such operations.

Subdivision (e)(3)
This subdivision is revised to require a research composting operation using unprocessed mammalian tissue as feedstock to submit a report to the enforcement agency that includes the results and conclusions drawn from the research after no longer than a 6 month period of operation. The new language provides the enforcement agency with discretion to allow further research for a maximum of 2 years or not allow further research and require the operator to conduct site restoration at the facility or obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to continuing operations.
This is necessary to ensure that meaningful research is performed at such operations.

Subdivision (g)
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.


Subdivision (a)
This revision is necessary to clarify that chipping and grinding operations and facilities must comply with Enforcement Agency Notification requirements and applicable requirements specified in this Chapter.

Subdivision (a)(1)
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to
clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

Subdivision (b)
This revision is necessary to clarify that a chipping and grinding facility must obtain a Registration Permit if it receives more than 200 tons per day but not more than 500 tons per day of material— and must comply with the applicable requirements of this Chapter.

Subdivision (c)
This revision is necessary to clarify that a chipping and grinding facility that receives more than 500 tons per day of material must comply with the applicable requirements of this Chapter.

Subdivision (d)
On and after January 1, 2018, a chipping and grinding operation or facility is required to sample every 5,000 cubic-yards of chipped and ground material produced to determine the percentage of physical contaminants greater than 4 millimeters in the representative sample. Operations that do not produce 5,000 cubic-yards are required to take and analyze one composite sample of chipped and ground material produced every 12 month period. A chipping and grinding operation or facility shall not be subject to the provisions of § 17868.3.1 of this Chapter, however, any chipped and ground material that will be land applied must meet the physical contamination requirements of § 17852(a)(24.5)(A)(1). This is necessary to ensure that chipped and ground material is being analyzed for physical contamination prior to the point where the material is removed from the site.

Subdivision (e)
This revision clarifies that, although chipping and grinding operations and facilities are not subject to the provisions of §§ 17868.1 through § 17868.3, any chipped and ground material that will be land applied must meet the maximum metal concentration requirements of § 17852(a)(24.5)(A)(2) and (3). This is necessary to ensure that chipped and ground material that is eventually applied to land is applied in a manner that protects public health and safety and the environment.

Subdivision (ef)
This revision are necessary to clarify that chipping and grinding operations or facilities must meet the contamination limits as specified in § 17852(a)(21).

Subdivision (fg)
The revisions in this subdivision are necessary to clarify that a chipping and grinding operation or facility will be regulated as green material composting operation or facility if material is stored longer than specified in § 17852(a)(10)(A)(2).

Article 3. Report of Facility Information

§ 17863. Report of Composting Site Information.
This subdivision requires compostable material handling facilities to submit a Report of Composting Site Information at the time of permit application. Written operating procedures provide guidance to operators, and operators that adhere to proper procedures have the best compliance records. This is necessary because the larger on-site volumes of compostable materials allowed at facilities pose an increased threat to public health and safety and the
environment. Revisions to this subdivision are necessary to clarify that an operator of a Vegetative Food Material Composting Facility must file a Report of Composting Site Information at the time of application for a Registration Permit.

§ 17863.4. Odor Impact Minimization Plan.
One of the greatest threats to the viability of the composting industry is the negative public perception caused by odor associated with composting. Along with the anticipated increase in food material composting (to help meet AB 341 recycling goals), and the steady urbanization of California, comes an increased likelihood of odor complaints. § 17863.4 sets forth the requirements for compostable material handling operations and facilities must meet to minimize odor impacts. The Department intends for all existing compostable materials handling operations and facilities (unless exempt from this requirement) to have a complete odor impact minimization plan on the effective date of these regulations.

Subdivision (b)(1)
This revision specifies that operators must collect data on odors generated on-site, which is necessary to address the possible sources and causes of odors and protect public health and safety and the environment.

Subdivision (b)(3)
This revision specifies that operators must develop, in addition to a complaint response protocol, a recordkeeping protocol, which is necessary to accurately track odor complaints to protect public health and safety and the environment.

Subdivision (b)(4)
This subdivision is necessary to specify that operators are required to provide a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor and references several factors that could impact odor generation. Since composting operations and facilities utilize a variety of technologies and equipment, operators will provide site-specific documentation as applicable to their operation or facility.

Subdivision (b)(5)
This subdivision is necessary to specify that operators are required to provide a description of operating procedures for minimizing odor. Since composting operations and facilities utilize a variety of practices and technologies to reduce odors, operators will provide site-specific documentation as applicable to their operation or facility.

Subdivisions (f)(1) through (3)
This subdivision is revised to specify that if the odor impact minimization plan is being followed and the enforcement agency determines that odor impacts are still occurring, the enforcement agency shall direct the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report). The enforcement agency shall consider the results of the Report prior to issuing a Notice and Order requiring the operator to take additional reasonable and feasible measures to minimize odors, unless the enforcement agency has evidence that a specific and immediate action would reduce the odor impacts there is an imminent threat to public health and safety and the environment; or a public nuisance has occurred. These revisions are necessary to ensure that the operator implements odor mitigation measures to protect public health and safety and the environment.
§ 17863.4.1. Odor Best Management Practice Feasibility Report

Subdivision (a)
This subdivision specifies that an operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the enforcement agency may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to § 17863.4(f). This is necessary to provide more reliable odor data to the enforcement agency than what is currently required in the Odor Impact Minimization Plan as specified in § 17863.

Subdivisions (b)(1) through (3)
These subdivisions specify what the operator should include in the Odor Best Management Practice Feasibility Report, such as data on potential on-site odor sources, identification and ranking of on-site odor sources, a list and analysis of each best management practice used, and a list and analysis of all potential best management practices which the operator has not used. The operator will also develop a plan and schedule for implementing the best management practices that are recommended. These requirements are necessary so that the operator accurately identifies odor sources/impacts and develops best management practices to mitigate odors for the protection of public health and safety and the environment.

Subdivision (c)
This subdivision requires the operator to submit the Odor Best Management Practice Feasibility Report (Report) and the plan and schedule required by subdivision (b)(3)(C) to the enforcement agency and the Department for review. If the enforcement agency has required the operator to prepare an Odor Best Management Practice Feasibility Report, the operator must submit the plan and schedule within 14 days or other timeframe approved by the enforcement agency. These requirements are necessary to ensure that the enforcement agency and Department review the Report in a timely manner.

Subdivision (d)(1) and (2)
This subdivision specifies that, within 30 days, the enforcement agency, in consultation with the Department, shall approve the Odor Best Management Practice Feasibility Report (Report) and direct the operator to implement the plan and/or submit changes or additional information. This is necessary to make clear to the enforcement agency the timeline and procedures for processing the Report submitted by the operator.

Subdivision (e)
The subdivision specifies that the enforcement agency may issue a Notice and Order pursuant to § 17863.4(f) to process the Odor Best Management Practice Feasibility Report. The enforcement agency’s ability to issue a Notice and Order is necessary to ensure that an operator will implement or submit changes to the plan in the Odor Best Management Practice Feasibility Report to reduce odors, which will protect public health and safety and the environment.

Article 6. Composting Operating Standards

§ 17867. General Operating Standards.

Subdivision (a)(2)
This subdivision is necessary to clarify that odors impacts must be minimized to not cause a nuisance to protect public health, and safety, and the environment.
Article 7. Environmental Health Standards

§ 17868.1. Sampling Requirements.
This revision is necessary to clarify that sampling requirements of this section apply to composting facilities.

Subdivision (a)
This revision is necessary to clarify that operators must also conduct maximum acceptable metal concentrations verification in addition to pathogen reduction verification when prior to the point where compost is sold, bagged for sale, given away, and removed from the site or beneficially used on-site. Department staff became aware of some operators selling compost and removing the finished product from the site before the sample test results were received. The new language was added to ensure that compost leaving the site meets the metals concentration limits and pathogen reduction requirements to protect public health and safety and the environment.

Subdivision (a)(1)
The addition of agricultural material and vegetative food material to this subdivision are necessary to clarify that operators who compost these feedstocks must also obtain and analyze one composite sample for every 5,000 cubic-yards of compost produced. If the composting operation or facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample of compost produced every 12 month period. The term “mixed solid waste” is revised to “mixed material” as necessary to reflect the change specified in § 17852(a)(26).

Subdivision (a)(2)
The addition of the “Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers” in § 17854.1 makes it necessary for “Table 1 Frequencies of Compost Sampling for Biosolids Composting Facilities” to be renumbered to Table 2.

Subdivision (a)(3)
This revision is necessary to clarify that the California Department of Health Services is now called the California Department of Public Health.

Subdivision (c)
This revision clarifies that the enforcement agency may approve alternative methods of sampling for any compostable material handling operation or facility, including a green material composting operation or facility. It is necessary to allow the enforcement agency to approve compliance alternatives because there may be methods that are equally effective in meeting the performance of the specified method.

§ 17868.2. Maximum Metal Concentrations.

Subdivision (a)
The subdivision is necessary to clarify that compost cannot contain metals in excess of the maximum acceptable metal concentrations shown in Table 3.
The US EPA revised the maximum concentrations of certain metals allowed in biosolids that are land-applied (60 FR 54769, Oct. 25, 1995, codified at 40 CFR, Part 503, § 503.13(b)(3)(Table 3)). At that time, EPA eliminated chromium from the list of regulated metals and increased the amount of selenium allowed in biosolids applied to land. The revisions to the maximum concentrations of chromium and selenium allowed in compost reflect the changes adopted by EPA.

The addition of the “Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers” in § 17854.1 makes it necessary for “Table 2 Maximum Acceptable Metal Concentrations” to be renumbered to Table 3.

Department staff became aware of some operators selling compost and removing the finished product from the site before the sample test results from the samples were received. Requiring the operator to receive the sample results prior to the compost leaving the site is necessary to ensure that compost meets the metals concentration limits and pathogen reduction requirements to protect public health and safety and the environment.

Subdivision (a)(1)
Although the US EPA eliminated chromium from the list of regulated metals, the proposed regulation will require operators to test for chromium concentration along with other metal concentrations specified in Subdivision (a) and maintain records of all chromium concentrations. This requirement is necessary to protect public health, and safety, and the environment.

Subdivision (b)
This revision clarifies that the enforcement agency may approve alternative methods for any compostable material handling operation or facility, including green and food material composting operations and facilities, to ensure the maximum acceptable metal concentrations are not exceeded. It is necessary to allow the enforcement agency to approve compliance alternatives because there may be methods that are equally effective in meeting the performance of the specified method.

§ 17868.3. Pathogen Reduction.

Subdivision (a)
This is revised to clarify that compost cannot contain any pathogens in amounts that exceed pathogen reduction requirements in this subdivision.

Department staff became aware of some operators selling compost and removing the finished product from the site before the sample test results from the samples were received. Requiring the operator to receive the test result of sample results prior to the compost leaving the site is necessary to ensure that compost meets the maximum metals concentration limits and pathogen reduction requirements to protect public health and safety and the environment.

Existing Subdivision (c)
Subdivision is deleted and moved to new subdivision (d) as necessary to clarify that alternative methods of compliance to meet pathogen reduction requirements apply to all subdivisions of § 17868.3.

New Subdivision (c)
The revision is necessary to clarify that temperature requirements in Subdivisions (c)(1) and (2) only apply to compost operations and facilities that utilize a windrow composting process or an aerated static pile composting process.

Subdivision (d)
This is necessary to clarify that alternative methods of compliance to meet pathogen reduction requirements apply to all subdivisions of § 17868.3.

§ 17868.3.1. Physical Contamination Limits.

This section shall become operative January 1, 2018.

Subdivision (a)
This is necessary to prevent the land application of compost with excessive physical contaminants and will protect public health and safety and the environment. The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation’s (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight.

“Glass shards (4-mm to 13-mm) can pose a human and animal hazard with unprotected exposure or through direct ingestion. Metal fragments can pose the same hazard, and could be a potential source of trace elements upon interaction with soil. Hard plastic can be an aesthetic concern and in large quantities may affect physical properties of a compost-amended soil, (e.g., soil coloring, heat retention, drainage).” [Test Methods for the Examination of Composting and Compost, Method 03.06 Glass Shards, Metal Fragments and Hard Plastic, pg. 03.06-1 - U.S. Department of Agriculture/U.S. Composting Council]

Compost that does not meet the physical contaminant standard must be disposed, processed to remove physical contaminants, and disposed, or may be used if approved by local, state or federal agencies having appropriate jurisdiction.

Department staff is aware of some operators selling compost and removing the finished product from the site before the sample test results from the samples were received. Requiring the operator to receive the sample test results from the samples prior to the compost leaving the site is necessary to ensure that compost meets the physical contaminants requirements to protect public health and safety and the environment.

Subdivision (b)
Compost operations are not required to sample for physical contaminants since they are only allowed to accept feedstock with less than 1.0% physical contaminants by weight, and consequently, the finished compost should not have excessive physical contaminants. This regulation is necessary to allow the enforcement agency the discretion to require a composting operation to send a representative sample to a laboratory if the enforcement agency suspects that the compost may exceed the 0.1% physical contaminant requirement to protect public health and safety and the environment.

Subsection(c)
This subdivision specifies that all composting operations and facilities must obtain a representative and random composite sample for every 5,000 cubic-yards of compost produced.
and send the sample to a laboratory to measure physical contaminants. Since the composting facilities may accept feedstock with more operation or facility produces less than 1.0% physical contaminants by weight, the operator shall take and analyze at least one composite sample of compost produced every 12 month period. This subdivision is necessary to ensure that the finished compost meets the 0.1% physical contaminant requirement to protect public health and safety and the environment.

Subdivision (c)(1) through (3)
This subdivision specifies that the enforcement agency may require the operator to send a composite sample to a laboratory to determine the percentage of physical contaminants if there is reason to believe that the operator’s composite sample did not provide accurate results. The subdivision includes a protocol for determining the percentage of physical contaminants by dry weight.

Subdivision (d)(1) and (2)
This subdivision is necessary to ensure accurate testing of physical contaminants in compost. The sampling methodology in Subdivision (d) is the same as specified in § 17868.1 (b) to ensure that operators sample for maximum metal concentrations, pathogen reduction, and physical contaminants in a consistent, accurate manner to protect public health and safety and the environment.

Subdivision (e)
It is necessary to allow the enforcement agency to approve compliance alternatives because there may be methods that are equally effective in meeting the performance of the specified method.

§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.
These revisions are necessary to clarify that green material and vegetative food material, as defined in §§ 17852(a)(21) and 17852(a)(20)(A), must satisfy the requirements of subdivisions (a) through (d).

Subdivision (a)
Revisions in this subdivision are necessary to clarify that visual observation of incoming waste loads and load sorting are necessary to quantify the percentage of physical contaminants and feedstock that does not meet the definition of green material or vegetative food material.

Subdivision (a)(1)
This subdivision is revised to increase visual inspection of daily incoming feedstock from a minimum of one percent to 10 percent to determine if the loads contain physical contaminants greater than 1.0% of total weight or materials other than green material or vegetative food material. This is necessary to prevent feedstocks that pose a greater risk to the public health and safety and environment from being handled at green material handling operations or facilities.

Subdivision (b)
This revision allows the enforcement agency to be present when the operator takes a sample of feedstock to ensure that the operator obtains a representative sample of feedstock for determining the percentage of physical contaminants. This is necessary to prevent feedstocks that pose a greater risk to the public health and safety and environment from being handled at green material handling operations or facilities.
Subdivision (c)
This subdivision is deleted because agricultural material composting operations must meet the sampling requirement in § 17868.1 and the maximum metal concentration limits specified in Table 3 of § 17868.2. Therefore, it is not necessary for agricultural material composting operations to ensure that the feedstock meets the maximum metal concentration limits because the compost produced at agricultural material composting operations must meet the maximum metal concentration limits.

Subdivisions (d) and (e)
Subdivision (d) is reordered to (c) and subdivision (e) is reordered to (d) because subdivision (c) is deleted.

Article 8. Composting Operation and Facility Records

§ 17869. General Record Keeping Requirements.

Subdivision (a)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board, effective January 1, 2010.

Subdivision (f)
§ 17868.3.1 Physical Contamination Limits is a new section in Article 7, and the revision is necessary to clarify that an operator shall record all test results generated by compliance with Article 7, including physical contamination limits. Operators of chipping and grinding operations and facilities must record the determinations of the percentage of physical contaminants required by § 17862.1(d).

Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements

§ 17896.1. Authority and Scope.

Subdivision (a)
This subdivision is necessary to clarify that the permitting requirements and minimum operating standards for in-vessel digestion operations and facilities are specified in this Chapter; the regulatory tier requirements of §§ 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to regulations elsewhere in this Division; and activities placed within the excluded tier in other chapters of this Division may still be subject to the regulatory requirements specified in this Chapter.

Subdivision (b)
This subdivision is necessary to clarify that the Department is authorized to adopt these regulations and identify the statutes by which the Department's authority is derived.

Subdivision (c)
This subdivision is necessary to clarify that the intentional processing of organic material via in-vessel digestion is regulated under this chapter but naturally-occurring digestion of organic material does not fall under the scope of these regulations.
Subdivision (d)
This subdivision is necessary to clarify that the regulations are not intended to limit any other
federallocal, state, or statelocalfederal agencies' authority and that no city or county may
promulgate or enforce laws that otherwise conflict with the provisions of this Chapter.

Subdivision (e)
This subdivision is necessary clarify that the operator, owner, or designee is obligated to comply
with all federallocal, state, or localfederal agencies' requirements.

§ 17896.2. Definitions.
A number of technical and administrative terms appear in this Article that require definitions to
assure regulatory consistency and clarity. These terms have specific meanings to describe the
various types of in-vessel digestion operations and facilities and activities for purposes of this
Article. If these terms are not defined, the meanings may be unclear and the regulated public
as well as the regulators may fail to properly interpret the regulations. The definitions are
placed in a separate section to avoid repetition throughout the Article each time they appear.

Subdivision (a)(1)
“Agricultural Material” defines what constitutes this type of material and is necessary because
in-vessel digestion of agricultural material is an excluded activity if it meets the requirements of
§ 17896.6(a)(2).

Subdivision (a)(2)
“Agricultural Site” defines where agricultural activities occur and is necessary because in-vessel
digestion of agricultural material is an excluded activity if it meets the requirements of §
17896.6(a)(2).

Subdivision (a)(3)
“Biogas” definition is necessary to clarify for purposes of regulation that biogas is generated at
in-vessel digestion operations or facilities and is composed primarily of carbon dioxide,
hydrogen, and methane.

Subdivision (a)(4)
“Compost” definition is necessary to clarify for purposes of regulation that compost is the
product resulting from the controlled biological decomposition of organic solid wastes that are
source separated from the municipal solid waste stream, or which are separated at a centralized
facility.

Subdivision (a)(5)
“Contact Water” is adapted from an existing transfer station definition [§ 17402(a)(1)]. This
definition is necessary to make clear for purposes of regulation that impeded drainage and rain
on exposed waste results in the creation of contact water. This subdivision defines a means to
prevent user contact with the contaminated water by preventing its creation.

Subdivision (a)(6)
“Digestate” definition is necessary to clarify for purposes of regulation that digestate is the solid
and/or liquid residual material remaining after organic material has been processed in an in-
vessel digester.
Subdivision (a)(7) (A) through (C)
“Digestion” definition is necessary to clarify for purposes of regulation that digestion is the controlled biological decomposition of organic solid wastes and includes aerobic digestion, anaerobic, digestion, and other controlled biological decomposition processes.

Subdivision (a)(8)
“Dairy In-vessel Digestion Operation” definition is necessary to clarify for purposes of regulation that a dairy that co-digests imported solid waste feedstock with manure and other agricultural material in an in-vessel digester, in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board, is a dairy in-vessel digestion operation. The operation may also co-digest agricultural material. This definition distinguishes this type of in-vessel digestion activity from other types of in-vessel digestion activities that do not qualify as dairy in-vessel digestion operations. It is important to note that only co-digestion activities at the dairy are being regulated, not the dairy itself.

Subdivision (a)(9)
"Distribution Center In-vessel Digestion Operation" definition is necessary to clarify for purposes of regulation a site that receives, for the purpose of digestion in an in-vessel digester, unsold products from retail stores to which the products were originally sent is a Distribution Center In-vessel Digestion Operation. This definition distinguishes this type of in-vessel digestion activity from other types of in-vessel digestion activities that do not qualify as distribution center in-vessel digestion operations. This subdivision specifies that all unsold products that are putrescible shall be refrigerated at the retail store and shall be maintained at a core temperature of 13 degrees Celsius (55 degrees Fahrenheit) or less during transport.

Subdivision (a)(10)
“EA” is adapted from an existing transfer station regulation definition [§ 17402(a)(5)]. This definition provides the meaning for the abbreviated term. This definition is necessary because without it, a much longer phrase would need to be used repeatedly throughout the proposed regulations.

Subdivision (a)(11)
This subdivision is necessary to define film plastic as it relates to the physical contamination limits.

Subdivision (a)(12)
This definition is necessary because food material is one of the types of materials included in the meaning of “anaerobically digestible material” as described in § 17896.6(a)(1)(C).

Subdivision (A)
This definition is necessary because vegetative food material is one of the types of materials included in the meaning of “anaerobically digestible material” as described in § 17896.6(a)(1)(C).

Subdivision (a)(13)
“Hazardous Wastes” is adapted from an existing transfer station definition [§ 17402(a)(7)]. This definition is necessary to make clear what qualifies as nonhazardous waste for purposes of regulation and to clearly differentiate it from hazardous solid waste, which is not subject to the proposed regulations but is subject to regulations of the Department of Toxic Substances Control.
"In-vessel Digester" definition is necessary to clarify for purposes of regulation that an In-vessel Digester means the sealed container(s) or sealed structure in which the entire digestion process occurs.

"Large Volume In-vessel Digestion Facility" definition is necessary to make clear that an in-vessel digester that receives an average greater than 100 tons or more of solid waste per operating day or greater than 700 tons per week of solid waste qualifies as a large volume in-vessel digestion facility for purposes of regulation. This definition distinguishes this type of in-vessel digestion activity from other types of in-vessel digestion activities that do not qualify as large volume in-vessel digestion facilities.

"Limited Volume In-vessel Digestion Operation" definition is necessary to make clear that an in-vessel digester that receives less than an average of 15 tons (or 60 cubic yards) of solid waste per operating day and not more than 105 tons (or 420 cubic yards) per week or the solid waste quantitystorage capacity limitations of the general design of the operation (whichever is less) qualifies as a limited volume in-vessel digestion operation. This definition distinguishes this type of in-vessel digestion activity from other types of in-vessel digestion activities that do not qualify as limited volume in-vessel digestion operations.

"Medium Volume In-vessel Digestion Facility" definition is necessary to make clear an in-vessel digester that receives an average of between 15 tons (or 60 cubic yards) or more but less thanand 100 tons of solid waste per operating day and less thanbut shall not exceed 700 tons (or 2,800 cubic yards) per week or the solid waste quantitystorage capacity limitations of the general design of the operation (whichever is less) qualifies as a medium volume in-vessel digestion operation for purposes of regulation. This definition distinguishes this type of in-vessel digestion activity from other types of in-vessel digestion activities that do not qualify as medium volume in-vessel digestion facilities.

"Nuisance" definition is necessary to make clear for purposes of the regulations what constitutes a nuisance. This subdivision defines a means to prevent the creation of anything that is injurious to human health or is offensive to the senses.

"On-site" definition is necessary to make clear for purposes of regulation that the term "on-site," which is used
repeatedly throughout this Article, means the same as the operations area.

Subdivision (a)(2022)
“Operating Day” is adapted from an existing transfer station definition [§ 17402(a)(15)]. This definition is necessary to make clear what constitutes an operating day for purposes of calculating the amount of waste received in a 24-hour period.

Subdivision (a)(2123)
“Operating Record” is adapted from an existing transfer station definition [§ 17402(a)(16)]. This definition is necessary to make clear what constitutes an operating record to aid the enforcement agency in their responsibility to oversee all aspects of solid waste operations. Operator requests for alternative recordkeeping locations are best served by the enforcement agency.

Subdivision (a)(2224)
“Operations Area” is adapted from an existing transfer station definition [§ 17402(a)(17)]. This definition is necessary to make clear for purposes of regulation what areas of a transfer/processing operation or facility are subject to regulation by the Department. The definition clearly defines what areas are specific to the operations area. The operations area is the same as the permitted boundary but may or may not be the same as the property boundary.

Subdivision (a)(2325)
“Operator” is adapted from an existing transfer station definition [§ 17402(a)(18)]. This definition is necessary to make clear for purposes of regulation who is legally responsible for an in-vessel digestion operation or facility and who will comply with regulatory requirements as specified. This term is commonly used by all types of solid waste operations and facilities and may have more than one meaning. If the operator is not the same as the owner, they have joint legal responsibility for the operation or facility.

Subdivision (a)(2325)(A) is necessary to make specific that the operator is legally responsible for complying with the proposed regulations.

Subdivision (a)(2325) (B) is necessary to make specific that the operator is legally responsible for complying with all other agencies' applicable requirements.

Subdivision (a)(2325)(C) is necessary to make specific that the operator is legally responsible for development and physical operation of the operations area.

Subdivision (a)(2325)(D) is necessary to make specific that the operator listed on the permit application or enforcement agency notification is legally responsible for controlling the activities at an operation or facility.

Subdivision (a)(2426)
“Owner” is adapted from an existing transfer station definition [§ 17402(a)(19)]. This definition is necessary to make clear for purposes of regulation, who is the owner of an in-vessel digestion operation or facility. This term is commonly used by all types of solid waste operations and facilities and may have more than one meaning. If the owner is not the same as the operator, they have joint legal responsibility for the operation or facility.

Subdivision (a)(2527)
The “Physical contamination” or “contaminants” definition is necessary to specify the types of human-made inert material that must not exceed the limit specified in § 17896.61.

Subdivision (a)(28)
"Putrescible Wastes" is adapted from an existing transfer station definition [§ 17402(a)(21)]. This definition is necessary to make clear for purposes of regulation what constitutes putrescible wastes. This subdivision defines a means to prevent the creation of conditions and to identify the causes of offensive conditions that may be injurious to human health.

Subdivision (a)(2629)
The “rendering” definition is necessary for determining the level of regulatory authority over such activities. Rendering activities as described in § 17896.6 would be excluded from the regulatory tier provided no solid waste feedstock bypasses the rendering process.

Subdivision (a)(30)
“Salvaging” is adapted from an existing transfer station definition [§ 17402(a)(24)]. This definition is necessary to make clear what qualifies as salvaging for purposes of regulation and to clearly differentiate it from scavenging.

Subdivision (a)(2731)
"Scavenging" is adapted from an existing transfer station definition [§ 17402(a)(25)]. This definition is necessary to make clear what qualifies as scavenging for purposes of regulation and to clearly differentiate it from salvaging.

Subdivision (a)(2832)
“Sealed Container” definition is necessary to clarify for purposes of regulation that a tank, vessel, or similar apparatus capable of containing liquids and air-borne emissions during the entire digestion process to control odors or other nuisance conditions is a sealed container.

Subdivision (a)(2933)
“Sealed Structure” definition is necessary to clarify for purposes of regulation that a fully enclosed building capable of containing liquids and controlling air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance conditions is a sealed structure.

Subdivision (a)(3034)
“Special Waste” is adapted from an existing transfer station definition [§ 17402(a)(27)]. This definition is necessary to make clear what qualifies as special waste for purposes of regulation. Special waste includes any solid waste that, because of its source of generation, physical, chemical or biological characteristics or unique disposal practices require special handling.

Subdivision (a)(3135)
“Spotter” is adapted from an existing transfer station definition [§ 17402(a)(28)]. This definition is necessary to identify what activities a spotter is responsible for. This subdivision provides a means to help protect the public health, and safety and the environment by the activities of the spotter.

Subdivision (a)(3236)
“Store” is adapted from an existing transfer station definition [§ 17402(a)(29)]. This definition is necessary to distinguish this type of activity from other solid waste activities of operations and/or facilities.
§ 17896.3. Pre-Existing Permits and Notifications.
As a result of the new regulations, many existing in-vessel digestion operations and facilities will be required to obtain a different permit than the one they are currently operating under. Additionally, some activities that are currently excluded from regulation will be required to obtain a permit. § 17896.3 specifies the timeframes for either scenario. The Department does not intend for such operations and facilities to cease operations until the new permit is obtained but does intend for all in-vessel digestion operations and facilities to comply with the applicable standards outlined in Chapter 3.2. This section only allows extra time to comply with permit requirements; state minimum standards are applicable on the effective date of the regulations and is necessary to prevent undue hardship to operators. This provision is necessary because otherwise these businesses would be in violation of the regulations on the effective date even though obtaining the permit can take years.

Subdivision (a)
Facilities that have previously obtained a permit under the current regulations will be allowed to operate under that permit until the enforcement agency conducts a permit review pursuant to Title 14, CCR, §§ 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the enforcement agency makes such a determination, the operator has two years to obtain that permit. This is necessary to prevent undue hardship to in-vessel digestion facilities.

Subdivision (b)
This subdivision states that activities that had previously been operating pursuant to an Enforcement Agency Notification in accordance with the current regulations may continue to operate in accordance with its Enforcement Agency Notification or regulatory authorization until the enforcement agency determines that regulation under this Chapter is required. The enforcement agency shall make this determination no sooner than 120 days and no later than two years from the effective date of these regulations. If the enforcement agency determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination. This is necessary to prevent undue hardship to in-vessel digestion operators.

Subdivision (c)
This subdivision states that activities that had previously been excluded in accordance with the current regulations may continue to operate until the enforcement agency determines that regulation under this Chapter is required. The enforcement agency shall make this determination no sooner than 120 days and no later than two years from the effective date of these regulations. If the enforcement agency determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination. This is necessary to protect the public health, and safety and the environment.

§ 17896.4. Permit Name.
This section is necessary to clarify that any permit issued pursuant to this Article shall be entitled an “In-vessel Digestion Facility Permit” except a permit issued to a medium volume in-vessel digestion facility in § 17896.12.

§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities.
This section specifies the regulatory tier requirements that apply to In-vessel Digestion Operations and Facilities. Table 1 summarizes the regulatory tiers and requirements and is
necessary to clarify to operators where their operations or facilities fit in the regulatory tier structure.

§ 17896.6. Excluded Activities.

Subdivision (a)
This subdivision is necessary to clarify that the activities listed in this section are not subject to the in-vessel digestion requirements and that nothing in this section precludes the enforcement agency or the Department from inspecting to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

Subdivision (a)(1)
This subdivision clarifies that a Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant) that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater is excluded if meet meets the conditions specified in subdivisions (a)(1)(A) through (C).

Subdivision (a)(1)(A)
This subdivision clarifies that a POTW Treatment Plant is excluded if the anaerobically digestible materials is trucked or hauled into a POTW Treatment Plant and the material is pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. This is necessary to clarify that the anaerobically digestible material must be processed and conveyed in a contained system to protect public health and safety and the environment.

Subdivision (a)(1)(B)
This subdivision clarifies that a POTW Treatment Plant is excluded if it has developed Standard Operating Procedures for the acceptance of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality Control Board that those Standard Operating Procedures are being implemented, and a Standard Provision that reflects the acceptance of anaerobically digestible material has been incorporated or will be incorporated into the POTW Treatment Plant's Waste Discharge Requirements or National Pollutant Discharge Elimination System permit. This is necessary to ensure that the POTW Treatment Plant implements appropriate management practices to protect public health and safety and the environment.

Subdivision (a)(1)(C)
This subdivision specifies that “anaerobically digestible material” means: inedible kitchen grease as defined in § 19216 of the Food and Agricultural Code, food material as defined in Title 14, CCR, § 17582(a)(1) (2012) and vegetative food material as defined in Title 14, CCR, § 17582(a) (2012). This is necessary to clarify that only these types of materials can be co-digested at a POTW Treatment Plant to protect public health and safety and the environment.

Subdivision (a)(1)(D)
This subdivision clarifies the review/approval process and timelines for adding other types of organic materials as potential “anaerobically digestible material” beyond those specified in § 17896.6(a)(1)(C). This is necessary to ensure that the Department, State Water Resources Control Board, and California Department of Food and Agriculture participate in determining
what additional types of organic materials can be safely co-digested at a POTW Treatment Plant to protect public health and safety and the environment.

Subdivision (a)(2)
This subdivision describes the conditions in which the in-vessel digestion of agricultural material is excluded from regulation. This is necessary because such activities pose an insignificant risk to the public health and safety and the environment, since they are predominantly located in remote areas surrounded by other agricultural activities and usually handle materials that are less likely to include contaminants.

Subdivision (a)(3)
This subdivision describes the conditions in which in-vessel digestion at a dairy is excluded from regulation.

Subdivision (a)(3)(A)
This subdivision describes the condition in which in-vessel digestion at a dairy is excluded from regulation. This is necessary to clarify that the anaerobically digestible material must be processed and conveyed in a contained system to protect public health and safety and the environment.

Subdivision (a)(3)(B)
This subdivision describes the condition in which an in-vessel digestion at a dairy is excluded from regulation.

Subdivision (a)(4)
This subdivision is necessary to specify that in-vessel digestion activities with less than 100 cubic yards of solid waste, feedstock, and digestate on-site are excluded. This activity poses little risk to the public health and safety and the environment.

It is important to note persons handling solid waste under this exclusion are obligated to obtain all permits, licenses, or other clearances that may be required by other regulatory agencies including, but not limited to, local health entities and local land use authorities.

Subdivision (a)(45)
This subdivision clarifies the conditions in which rendering activities authorized by the California Department of Food and Agriculture pursuant to § 19300 of the Food and Agricultural Code are excluded from regulation.

Subdivision (a)(6)
This subdivision specifies that some handling activities could be excluded if the activities are already subject to more stringent handling requirements under Federal or State law, as determined by the enforcement agency in consultation with the Department. This is necessary to provide the enforcement agency with discretion to exclude activities that pose minimal threat to public health and safety and the environment.

§ 17896.7. Prohibitions.
Certain materials, such as unprocessed mammalian tissue, may present a threat to public health, and safety, and the environment if they are processed in an in-vessel digester. This subdivision is adapted from an existing compostable materials handling regulation [§ 17855.2] and is necessary to explicitly prohibit the in-vessel digestion of certain materials at in-vessel digestion operations and facilities and at all sites where in-vessel digestion sites are excluded.
from regulation under this Chapter.

Subdivision (a)
Subdivision (a) is necessary to clarify that the in-vessel digestion of unprocessed mammalian tissue is prohibited except when received from sources specified in Subdivision (a)(1) through (a)(3) exceptions. These exceptions pose minimal threat to public health and safety and the environment.

Subdivision (a)(1)
This subdivision is necessary to clarify that the in-vessel digestion of unprocessed mammalian is allowable if the material is received from a food facility as defined in Health and Safety Code § 113789.

Subdivision (a)(2)
This subdivision is necessary to clarify that the in-vessel digestion of unprocessed mammalian is allowable if the material is received as part of a research activity for the purpose of obtaining data on pathogen reduction or other public health and safety, animal health and safety, or environmental concerns.

Subdivision (a)(3)
This subdivision is necessary to clarify that the in-vessel digestion of unprocessed mammalian is allowable if the material is received from a source and processed by a facility approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, on a case-by-case basis.

Subdivision (b)
This subdivision specifies that treated or untreated medical waste is prohibited at in-vessel digestion operations and facilities and at all sites where in-vessel digestion activities are excluded from regulation under this Chapter and is necessary to protect public health and safety, animal health and safety, and the environment.

Subdivision (c)
This subdivision specifies that hazardous waste is prohibited at in-vessel digestion operations and facilities and at all sites where in-vessel digestion activities are excluded from regulation under this Chapter and is necessary to protect public health and safety, animal health and safety, and the environment.

§ 17896.8. Research In-Vessel Digestion Operations.

Subdivision (a)
This subdivision is adapted from an existing compostable material handling regulation [§ 17862] and clarifies that research in-vessel digestions operations are subject to the Enforcement Agency Notification requirements and are limited to 5,000 cubic yards of material on-site, which is necessary to protect public health and safety, animal health and safety, and the environment.

Subdivision (b)
This subdivision is adapted from an existing compostable material handling regulation [§ 17862] and requires research in-vessel digestion operations to provide research objectives, methodology to be employed, data to be gathered, analyses to be performed, how the requirements of this subchapter will be met, and a projected timeframe for completing the
research. This necessary to ensure that actual meaningful research is performed at such operations.

Subdivision (c)
Subdivision (c) requires a research in-vessel digestion operation to submit a report to the enforcement agency that includes the results and conclusions drawn from the research after no longer than a 2 year period of operation. This provides the enforcement agency with discretion to allow further research for a maximum of 2 years or not allow further research and require the operator to conduct site restoration at the facility. or direct the operator to obtain appropriate approvals to continue operations. This is necessary to ensure that meaningful research is performed at such operations.

Subdivisions (d) and (d)(1) and (2)
These subdivisions are adapted from an existing compostable material handling regulations [§ 17862] and require research in-vessel digestion operations that compost unprocessed mammalian tissue to use unprocessed mammalian tissue generated only from on-site agricultural operations, and all products derived from unprocessed mammalian tissue to be beneficially used on-site. This is necessary to protect public health and safety, animal health and safety, and the environment.

Subdivision (d)(3)
This subdivision requires a research in-vessel digestion operation using unprocessed mammalian tissue as feedstock to submit a report to the enforcement agency that includes the results and conclusions drawn from the research after no longer than a 6 month period of operation. Additional language provides the enforcement agency with discretion to allow further research for a maximum of 2 years or not allow further research and require the operator to conduct site restoration at the facility. or direct the operator to obtain appropriate approvals to continue operations. This is necessary to ensure that meaningful research is performed at such operations.

Subdivision (e)
Subdivision (e) is adapted from an existing compostable material handling regulation [§ 17862] and requires the operator to submit all additional documentation required by subdivisions (b) and (d)(2) to the enforcement agency prior to the digestion of any feedstock. This allows the enforcement agency to determine if the information submitted by the operator is complete and correct and is necessary to protect public health and safety and the environment.

Subdivision (f)
These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

§ 17896.9. Dairy In-Vessel Digestion Operations.

Subdivision (a)
This subdivision is necessary to make clear that dairy in-vessel digestion operations are subject to the Enforcement Agency Notification requirements. Regional Water Quality Control Board regulatory oversight (through Waste Discharge Requirements) of dairy in-vessel digestion operations partially addresses potential impacts to public health; and safety; and the
environment associated with the receipt, handling, digestion, and residual solids management of solid waste co-digested with manure. It is important to note that only co-digestion activities at the dairy are being regulated, not the dairy itself.

Subdivision (a)(1)
This subdivision clarifies that dairy in-vessel digesters will be inspected by the enforcement agency at least once a month for the first 12 months of operation, and the enforcement agency may approve, with Department concurrence, a reduced inspection frequency of once every 3 months. After the first 24 months of operation, the enforcement agency may approve, with Department concurrence, a reduced inspection frequency of once per calendar year. The enforcement agency may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment. This subdivision is necessary to ensure that dairy in-vessel digesters have adequate regulatory oversight in the first 2 years of operation to verify that these operations pose a minimal risk to public health and safety and the environment.

Subdivision (a)(2)
This is necessary to clarify that the anaerobically digestible material must be processed and conveyed in a contained system to protect public health and safety and the environment.

§ 17896.10. Distribution Center In-Vessel Digestion Operations.

Subdivision (a)
This subdivision is necessary to make clear distribution center in-vessel digestion operations are subject to the Enforcement Agency Notification requirements. The environmental impacts associated with these operations are minimal and only require an Enforcement Agency Notification.

Subdivision (a)(1)
This subdivision also makes clear the frequency of inspection of the operations by the enforcement agency, and the flexibility in inspection frequency provided is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

§ 17896.11. Limited Volume In-Vessel Digestion Operations.

Subdivision (a)
This subdivision is necessary to make clear that limited volume in-vessel digestion operations are subject to the Enforcement Agency Notification requirements. The environmental impacts associated with these operations are minimal and only require an Enforcement Agency Notification.

Subdivision (a)(1)
This subdivision also makes clear the frequency of inspection of the operations by the enforcement agency, and the flexibility in inspection frequency provided is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

§ 17896.12. Medium Volume In-Vessel Digestion Facilities.
This section is necessary to make clear that medium volume in-vessel digestion facilities are subject to the Registration Permit requirements and shall be inspected monthly.
§ 17896.13. Large Volume In-Vessel Digestion Facilities.
This section is necessary to make clear that large volume in-vessel digestion facilities must obtain a Full Solid Waste Facilities Permit, these facilities will be inspected monthly, and the In-vessel Digestion Report constitutes the Report of Facility Information.

This section requires an operator of a medium volume in-vessel digestion facility to file an "In-vessel Digestion Facility Plan" with the enforcement agency. This section is necessary to ensure that the enforcement agency receives sufficient information for determining if the information submitted is complete and correct.

§ 17896.15. In-Vessel Digestion Report.

Subdivision (a)
This subdivision requires an operator to file an In-vessel Digestion Report with the enforcement agency. This is necessary so that the enforcement agency can assess potential negative impacts to public health and safety and the environment and verify that the facility will be able to comply with the state minimum standards.

Subdivisions (a)(1) and (2)
These subdivisions are necessary to clarify that when an operator proposes to change the facility's operations or solid waste facility permit, the operator must either submit the updated information as an amendment to the existing In-vessel Digestion Report or submit a complete In-vessel Digestion Report.

§ 17896.16. Applicability of State Minimum Standards.
In-vessel digestion operations and facilities could negatively impact public health and safety and the environment if they are not operated properly. Articles 1 through 6 of this Chapter set forth the minimum standards that apply to in-vessel digestion operations and facilities. Department staff employed a general methodology in developing the minimum standards that utilizes environmental indicators whose thresholds would be exceeded by an in-vessel digestion operation or facility and the associated mitigation measures to help determine what standards are necessary to address potential impacts. Reducing regulatory overlap and duplication between the Department and other agencies are also addressed by the methodology. The standards are primarily performance standards, providing the operator and the enforcement agency greater flexibility in meeting the Department's minimum standards.

Subdivision (a)
Subdivision (a) is necessary to make clear to the enforcement agency and operator the minimum standards that apply to all in-vessel digestion operations and facilities.

Subdivision (b)
Subdivision (b) is necessary to make clear to the enforcement agency and operator, which additional minimum standards will apply only to in-vessel digestion facilities.

Subdivision (c)
Subdivision (c) is necessary to make clear that the enforcement agency must provide to the operator in writing all approvals, determinations and other requirements and that the operator must keep a copy of each approval, determination and other requirements in the operating record.
Subdivision (d)
Subdivision (d) is necessary to make clear to the enforcement agency and operator that the enforcement agency is allowed to approve an alternate method of compliance with, but not change, the standards when specified in regulation.

Article 2. Siting and Design

§ 17896.17. Siting On Landfills.
§ 17896.17 is adapted from an existing transfer station regulation [§ 17406.1]. In-vessel digestion operations and facilities may be constructed on landfills, which offer a broad range of substrates (ground). Upon initial observation, these substrates may appear satisfactory for use, but over time, could prove unsatisfactory. The substrate could settle unevenly, resulting in fractured work surfaces. Some substrates are vulnerable to liquefaction resulting from seismic events or water saturation, leading to possible structural or foundation damage.

Subdivisions (a), (b) and (c)
Subdivisions (a), (b), and (c) are necessary to control the siting of in-vessel digestion operations and facilities on landfills. Soil type and stability requirements reduce the possibility of damage to operation or facility grounds and structures. In-vessel digestion operations and facilities located on closed landfills must comply with post-closure land-use requirements pursuant to California Code of Regulations, Title 27, Subdivision 1, Chapter 3, Subchapter 5, Article 1, § 21190. These subdivisions are is simply acknowledging an activity that may already be authorized by regulation.

§ 17896.18. General Design Requirements.
§ 17896.18 is adapted from an existing transfer station regulation [§ 17406.2].

Subdivisions (a) and (b)
Subdivisions (a) and (b) are necessary for the protection of the public health and safety and the environment and for purposes of enforcement to make clear to the operator as well as the enforcement agency that the design of in-vessel digestion operations and facilities shall take into consideration noise control, odor control, vector control, public safety, and other pertinent matters related to the protection of public health.

Subdivision (c)
Subdivision (c) is necessary for protection of the public health and safety and the environment and for purposes of enforcement to make clear to the operator as well as the enforcement agency that the design of in-vessel digestion operations and facilities shall take into consideration, noise control, odor control, vector control, public safety, and other pertinent matters related to the protection of public health.

Subdivision (d)
Subdivision (d) is necessary for protection of the public health and safety and the environment and for purposes of enforcement that the enforcement agency may require the operator to describe how the facility has complied with applicable local and state requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

Subdivision (e)
Subdivision (e) is necessary for the protection of public health and safety and the environment by ensuring that waste storage containers are durable, easily cleanable, and designed to
prevent the loss of wastes during handling and storage.

Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities

§ 17896.19 is necessary to ensure that the uncontrolled release of biogas, such as carbon dioxide, hydrogen, and methane, from an in-vessel digestion operation or facility is minimized/prevented to protect on-site users as well as the public health and safety and the environment.

§ 17896.20. Cleaning.
§ 17896.20 is adapted from an existing transfer station regulation [§ 17407.2.] concerning cleaning that is necessary to ensure that in-vessel digestion operations and facilities are operated in a manner that protects public health and safety and the environment.

Subdivision (a)(1) and (2)
Subdivision (a) is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that the standard frequency for maintaining clean storage containers and facilities and criteria to be met if an alternative frequency is to be established.

Subdivision (b)
Subdivision (b) is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and enforcement agency that the entrance of exit of the operation or facility shall be cleaned to prevent off-site tracking or migration of waste materials.

§ 17896.21. Drainage and Spill Control.

Subdivision (a) (1) through (5)
This subdivision is adapted from an existing transfer station regulation [§ 17407.3] concerning drainage control, and for purposes of enforcement, to make clear to the operator and to the enforcement agency the performance standards that must be met regarding drainage control. This is necessary to ensure that in-vessel digestion operations and facilities are operated in a manner that protects public health and safety and the environment.

Subdivision (b)
This subdivision is necessary to ensure that the operator implements measures to prevent spillage and promptly responds to any leaks or spills that occur to protect public health and safety and the environment.

§ 17896.22. Dust Control.
§ 17896.22 is adapted from an existing transfer station regulation [§ 17407.4.] concerning dust control that is necessary to ensure that in-vessel digestion operations and facilities are operated in a manner that protects public health and safety and the environment.

Subdivision (a)(1) through (4)
Subdivision (a) is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency specific conditions which dust control is required. In the past, due to the general nature of the standard, disputes arose regarding what was considered excessive dust. This standard is
intended to be more specific and to provide guidance to inspectors in determining what constitutes a dust problem.

This is adapted from an existing transfer station regulation [§ 17407.5] concerning the receipt of hazardous wastes.

Subdivision (a)
Subdivision (a) is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that the receipt and handling of liquid wastes and hazardous wastes may not be accepted at an in-vessel digestion operation or facility unless approved by all appropriate regulatory agencies. It also informs the operator that there are other regulatory agencies governing the receipt and handling of hazardous wastes.

Subdivision (b)
Subdivision (b) is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that the operator must eliminate or control dusts, fumes, mists, vapors or gases prior to final disposition of the material.

Subdivision (c)
Subdivision (c) is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that the receipt or storing of liquid wastes and sludges may not be accepted at an in-vessel digestion operation or facility unless approved by all appropriate regulatory agencies.

§ 17896.24. Litter Control.
§ 17896.24 is adapted from an existing transfer station regulation [§ 17408.1] concerning litter control that is necessary to ensure that in-vessel digestion operations and facilities are operated in a manner that protects public health and safety and the environment and for purposes of enforcement to make clear to the operator and to the enforcement agency the performance standards to be met for litter control.

§ 17896.25. Load Checking.
Subdivisions (a) (1) through (3)
§ 17896.25 is adapted from an existing transfer station regulation [§ 17409.5] concerning load checking that is necessary to ensure that in-vessel digestion operations and facilities are operated in a manner that protects public health and safety and the environment and for purposes of enforcement to make clear to the operator and to the enforcement agency the performance standards to be met for load checking. The proper handling of household hazardous waste or hazardous waste must meet local Hazmat requirements.

§ 17896.26 is adapted from an existing transfer station regulation [§ 17408.6] concerning maintenance that is necessary for protection of the public health and safety and the environment and for purposes of enforcement to make clear to the operator and enforcement agency that the operator is responsible for maintenance and repair of equipment and operations and facilities.
§ 17896.27. Medical Wastes.
§ 17896.27 is adapted from an existing transfer station regulation [§ 17408.2] concerning treated or untreated medical wastes and, for purposes of enforcement, to make clear to the operator and enforcement agency that the receipt of medical waste is prohibited. This is necessary for protection of the public health and safety and the environment.

§ 17896.28. Noise Control.
§ 17896.28 is adapted from an existing transfer station regulation [§ 17408.3] concerning noise control and is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that health hazards due to excessive noise must be prevented. Experience by Department staff has shown that it has not always been possible to prevent noise impacts. This standard is intended to be more specific and to provide guidance to inspectors in determining what constitutes a noise violation.

§ 17896.29. Non-Salvageable Items.
§ 17896.29 is adapted from an existing transfer station regulation [§ 17408.4] and is necessary for protection of the public health and safety and the environment and for purposes of enforcement to make clear to the operator and enforcement agency that certain potentially hazardous items received as solid waste may not be salvaged without approval from the enforcement and local health agencies.


Subdivision (a)
This subdivision is necessary to specify that an operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the enforcement agency may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to § 17896.31(f). The Report is designed to provide more reliable odor data to the enforcement agency than what is currently required in the Odor Impact Minimization Plan as specified in § 17896.31.

Subdivisions (b)(1) through (3)
These subdivisions specify what the operator should include in the Odor Best Management Practice Feasibility Report, such as data on potential onsite odor sources, identification and ranking of on-site odor sources, a list and analysis of each best management practice used, and a list and analysis of all potential best management practices the operator has not used. The operator will also develop a plan and schedule for implementing the best management practices that are recommended. These requirements are necessary so that the operator accurately identifies odor sources/impacts and develops best management practices to mitigate odors for the protection of public health and safety and the environment.

Subdivision (c)
This subdivision requires the operator to submit the Odor Best Management Practice Feasibility Report as required by subdivisions (a) and (b) and the plan and schedule to the enforcement agency and the Department for review. If the enforcement agency has required the operator to prepare an Odor Best Management Practice Feasibility Report, the operator must submit the plan and schedule within 14 days or other timeframe approved by the enforcement agency. These requirements are necessary to ensure that the enforcement agency and Department review the Report in a timely manner.
Subdivision (d)(1) and (2)
This subdivision specifies that, within 30 days, the enforcement agency, in consultation with the Department, shall approve the Odor Best Management Practice Feasibility Report and direct the operator to implement the plan and/or submit changes or additional information. This is necessary to make clear to the enforcement agency the timeline and procedures for processing the Odor Best Management Practice Feasibility Report submitted by the operator.

Subdivision (e)
The subdivision specifies that the enforcement agency may issue a Notice and Order pursuant to § 17896.31(f) to process the Odor Best Management Practice Feasibility Report. The enforcement agency’s ability to issue a Notice and Order is necessary to ensure that an operator will implement or submit changes to the plan in the Odor Best Management Practice Feasibility Report to reduce odors, which will protect public health and safety and the environment.

§ 17896.31. Odor Minimization Plan.
One of the greatest threats to the viability of the in-vessel digestion industry is the negative public perception caused by odors. Along with the anticipated increase of in-vessel digestion of food material (to help meet AB 341 recycling goals) and the steady urbanization of California, comes an increased likelihood of odor complaints. § 17896.31, adapted from an existing compostable materials handling regulation 17863.4, sets forth the requirements that in-vessel digestion operations and facilities must meet to minimize odor impacts. The Department intends for all in-vessel digestion operations and facilities (unless exempt from this requirement) to have a complete odor impact minimization plan on the effective date of these regulations.

Subdivision (a)
Subdivision (a) requires all in-vessel digestion operations and facilities to submit a complete, site-specific odor impact minimization plan (OIMP) with the enforcement agency with the Enforcement Agency Notification or permit application. This is necessary to ensure that reasonable methods to minimize odor are considered in advance.

Subdivisions (b)(1) through (5)
Subdivision (b) is used to set the minimum requirements that the odor impact minimization plan must meet. This is necessary to ensure that each OIMP is complete and includes an odor monitoring protocol, an assessment of local meteorological conditions, a complaint response protocol and a full description of the operating and design procedures for minimizing odor. This sets a benchmark of evaluation and enforcement by the enforcement agency.

Subdivision (c)
Subdivision (c) requires that any changes to the odor impact minimization plan be conveyed to the enforcement agency in a timely manner. This is necessary to ensure that a reasonable OIMP will be in place at all times and that the enforcement agency is informed of changes.

Subdivision (d)
Subdivision (d) requires an annual review of the OIMP by the local enforcement agency. This is necessary to ensure that odor impact minimization plans are kept current.

Subdivision (e)
Subdivision (e) allows the enforcement agency to use the OIMP to determine whether or not the operation or facility is following the procedures established by the operator. It further gives the enforcement agency authority to issue a Notice and Order if the OIMP is not being followed.
This is necessary to ensure operator compliance with odor impact minimization plans. The primary goal of the OIMP is to prevent odor impacts from occurring, and therefore, the enforcement agency must be able to require an operator to adhere to their OIMP.

Subdivisions (f) (1) through (3)
These subdivisions specify that if the odor impact minimization plan is being followed and the enforcement agency determines that odor impacts are still occurring, the enforcement agency shall direct the operator to prepare and implement an Odor Best Management Practice Feasibility Report. The enforcement agency shall consider the results of the Report prior to issuing a Notice and Order requiring the operator to take additional reasonable and feasible measures to minimize odors, unless the enforcement agency has evidence that a specific and immediate action would reduce the odor impacts and there is an imminent threat to public health and safety and the environment; or a public nuisance has occurred. These requirements are necessary to ensure that the operator implements odor mitigation measures to protect public health and safety and the environment.

§ 17896.32. Odor and Nuisance Control.
This subdivision is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that in-vessel digestion operations and facilities must minimize and prevent odors and not create a nuisance. Experience by Department staff has shown that it is difficult to determine if odor minimization activities implemented by an operator are sufficient to reduce odors below a “nuisance” level. This standard is intended to be more specific by requiring the operator to minimize odors so as not to create a nuisance as defined in § 17896.2(a)(18).

§ 17896.33. Parking.
§ 17896.33 is adapted from an existing transfer station regulation [§ 17409.6] and is necessary for protection of public health, and safety, and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that parking at in-vessel digestion operations/facilities is to be provided.

§ 17896.34. Personnel Health and Safety.
§ 17896.34 is adapted from an existing transfer station regulation [§ 17408.7] and is necessary for the safety of personnel working at in-vessel digestion operations and facilities and to make clear to the operator and the enforcement agency that safety equipment is required.

§ 17896.35. Pre-Digestion Solid Waste Handling.

Subdivision (a)
This subdivision is necessary to specify that putrescible wastes must be injected into an in-vessel digester or stored in a sealed container or sealed structure or removed from the site within 48 hours from the time of receipt. Putrescible wastes can cause odors and attract vectors, and this 48 hour requirement will protect public health and safety and environment, while making clear to the operator and enforcement agency the maximum storage time for solid wastes.

Subdivision (b)
This subdivision is necessary to specify that all non-putrescible wastes not intended for digestion must be removed within 7 days from the date of receipt or at an alternate frequency approved by the enforcement agency. Non-putrescible wastes do not generate odors and
attract vectors as much as putrescible wastes, and consequently, non-putrescible wastes can be stored for a 7 days without posing a threat to public health and safety and the environment.

§ 17896.36. Protection of Users.
§ 17896.36 is adapted from an existing transfer station regulation [§ 17408.8] and is necessary for protection of public health and safety, and for purposes of enforcement to make clear to the operator and to the enforcement agency that contact between users of the in-vessel digestion operation or facility as well as site personnel shall be minimized; methods for achieving that aim are listed for clarity.

§ 17896.37. Roads.
§ 17896.37 is adapted from an existing transfer station regulation [§ 17409.1] and is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and the enforcement agency that roads and driveways shall be accessible, and not be sources of dust or litter. The intent of the regulation is to allow for safety and accessibility; removal of litter and other loose materials is covered by the standard for litter control.

§ 17896.38. Sanitary Facilities.
§ 17896.38 is adapted from an existing transfer station regulation [§ 17409.2] and is necessary for protection of public health and safety and for purposes of enforcement to make clear to the operator and the enforcement agency that sanitary facilities are required at in-vessel digestion operations and facilities.

§ 17896.39. Scavenging and Salvaging
Subdivisions (a) through (d)
§ 17896.39 is adapted from an existing transfer station regulation [§ 17409.3] and is necessary for protection of the public health and safety and the environment, and for purposes of enforcement to make clear to the operator and enforcement agency that scavenging is prohibited at all in-vessel digestion operations and facilities, that salvaging is to be a planned activity and carried out in a controlled manner, that there is a storage requirement for salvaged materials, and that there is a maximum storage time for salvaged material. Experience has shown that storage of salvage materials can result in other health and safety impacts, e.g., nuisance.

§ 17896.40. Signs.
§ 17896.40 is adapted from an existing transfer station regulation [§ 17409.4] and is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that an in-vessel digestion operation and facility shall be easily located by posting a clearly-visible sign; the public shall be informed as to hours of operation, acceptable waste types and fees; and the operator’s telephone number shall be listed on the sign in the event of questions, problems, or emergencies.

§ 17896.41. Site Restoration.
Current regulations [§ 17870] regarding site restoration only apply to compostable materials handling operations and facilities. In-vessel digestion operations and facilities pose the same risk to public health, and safety and the environment. Therefore, it is reasonable to require similar site restoration requirements. It is the intent of this subdivision to extend the site restoration requirements to in-vessel digestion operations and facilities.
Subdivisions (a), (b), and (c)
Subdivisions (a), (b), and (c) specify the process for noticing and performing site restoration at in-vessel digestion operations and facilities. These subdivisions are necessary to make clear to the operator and enforcement agency the procedures that will ensure the site is adequately restored to protect public health and safety and the environment.

§ 17896.42. Supervision and Personnel.
§ 17896.42 is adapted from an existing transfer station regulation [§ 17410.2] and is necessary for protection of public health and safety and the environment and for purposes of enforcement to specify to the operator and enforcement agency the supervision requirements to execute functions at in-vessel digestion operations and facilities.

§ 17896.43. Training.
§ 17896.43 is adapted from an existing transfer station regulation [§ 17410.3] and is necessary for protection of public health and safety and the environment and for purposes of enforcement to specify to the operator and enforcement agency that personnel shall be trained in all subjects that are relevant to in-vessel digestion operation, maintenance, and public health and safety matters. Training in hazardous materials recognition and screening is important to educate personnel in the safe recognition and removal of these materials from the waste stream with the intent of preventing and/or minimizing hazards to public health and safety.

§ 17896.44. Vector, Bird and Animal Control.
§ 17896.44 is adapted from an existing transfer station regulation [§ 17410.4] and is necessary for protection of public health and safety and the environment and for purposes of enforcement to make clear to the operator and enforcement agency that the propagation of vectors and other agents capable of transmitting disease shall be controlled and/or prevented.

Article 4. Record Keeping Requirements

§ 17896.45. Record Keeping Requirements.

Subdivision (a)
§ 17896.45 is adapted from an existing transfer station regulation [§ 17414] and existing compostable materials handling regulation [§ 17869] and is necessary to provide information to the enforcement agency and the Department so that compliance with the proposed regulations can be determined.

Subdivision (b)
This subdivision is necessary to provide the enforcement agency and the Department, and other duly authorized regulatory or enforcement agency’s reasonable access to information regarding operator, operation, and/or facility compliance with the propose regulations. This subdivision requires the operator to keep all records required by the proposed regulations in one location and that these records be kept for a period of five years.

Subdivision (c)
This subdivision is necessary to provide information to the enforcement agency so that compliance with the proposed regulations can be determined.

Subdivision (d)
This subdivision is necessary to provide information to the enforcement agency and the
Department so that compliance with the proposed regulations can be determined. This subdivision requires the operator to maintain a log of special occurrences encountered during operation. The operator is required to record the methods used to resolve these special occurrences.

Subdivision (e)(1) through (4)
These subdivisions are necessary to provide information to the enforcement agency and the Department so that compliance with the proposed regulations can be determined. An enforcement agency is only able to observe an operation or facility during an inspection and must rely on other sources of information to determine compliance, including written public complaints that are recorded by the operator. The surrounding public, by their ongoing presence, may be impacted by violations that are not apparent to the enforcement agency during an inspection. Therefore, the recording of public complaints, or the lack thereof, is a good source of information that the enforcement agency may use to verify compliance or noncompliance.

Subdivision (f), (g), (h), and (i)
These subdivisions are necessary to provide information to the enforcement agency (and the Department when specified) so that compliance with the proposed regulations can be determined.

§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and Requirements.
§ 17896.46 is adapted from an existing transfer station regulation [§ 17414.1] and is necessary to provide the enforcement agency, the Department, and other duly authorized regulatory or enforcement agency’s information regarding operator, operation, and/or facility compliance with the proposed regulations.

Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only

§ 17896.47. Communications Equipment.
This is adapted from an existing transfer station regulation [§ 17415.1] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that adequate communication equipment is available to site personnel in the advent of an emergency.

§ 17896.48. Equipment.
This is adapted from an existing transfer station regulation [§ 17416.3] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that adequate operational equipment is available to site personnel.

§ 17896.49. Fire Fighting Equipment.
This is adapted from an existing transfer station regulation [§ 17415.2] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that adequate fire suppression equipment is available to site personnel in the advent of an emergency.

§ 17896.50. Housekeeping.
This is adapted from an existing transfer station regulation [§ 17416.1] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that adequate housekeeping is maintained to reduce safety hazards.
§ 17896.51. Lighting.
This is adapted from an existing transfer station regulation [§ 17416.2] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that adequate lighting equipment is available to site personnel.

§ 17896.52. Site Attendant.
This is adapted from an existing transfer station regulation [§ 17418.2] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that an adequate site attendant be available during operating hours.

§ 17896.53. Site Security.
This is adapted from an existing transfer station regulation [§ 17418.1] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that adequate site security is maintained to discourage unauthorized access by persons or vehicles.

§ 17896.54. Traffic Control.
Subdivisions (a)(1) through (3)
This is adapted from an existing transfer station regulation [§ 17418.3] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that adequate traffic control is maintained to prevent hazards from occurring.

§ 17896.55. Visual Screening.
This is adapted from an existing transfer station regulation [§ 17419.1] and is necessary for appropriate treatment of areas open to public view and for enforcement to make clear to the operator that adequate visual screening is maintained to maintain an attractive and aesthetically acceptable appearance.

§ 17896.56. Water Supply.
This is adapted from an existing transfer station regulation [§ 17419.2] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that an adequate water supply is maintained to prevent hazards from occurring and to provide a safe and adequate water supply for drinking.

Article 6. Digestate Handling Standards

§ 17896.57. Digestate Handling.
This section is necessary to specify that digestate that is not contained in an in-vessel digester must, within 24 hours, be handled in one of 3 methods as specified in subdivisions (a)(1) through (a)(3).

Subdivision (a)(1)
This subdivision specifies that digestate from an in-vessel digester may be stored or processed on-site in a sealed container or sealed structure unless the enforcement agency approves an alternative handling method. This is necessary to minimize odors and vectors and is protective of public health and safety and the environment. It is necessary to allow the enforcement agency to approve compliance alternatives because there may be methods that are equally effective in meeting the performance of the specified method.
Subdivision (a)(2)
This subdivision is necessary to specify that digestate from an in-vessel digester may be incorporated in an on-site aerobic compost process. On-site composting of digestate is allowable only at large volume in-vessel digestion facilities that have obtained an In-vessel Digestion Facility Permit pursuant to § 17896.413. Digestate from an in-vessel digester may cause odors and attract vectors, and consequently, an appropriate level of regulatory oversight is necessary to protect public health and safety and the environment. Requiring in-vessel digestion facilities that compost on-site to comply with sampling requirements, maximum metal concentrations, maximum acceptable pathogen concentrations, and physical contamination limits is also necessary to protect public health and safety and the environment.

Subdivision (a)(3)(A)
This subdivision specifies that digestate from an in-vessel digester may be removed from the site and either transported as solid waste only to another solid waste facility or operation for disposal, composting, or additional processing or used or disposed in a manner approved by local, state, and federal agencies having appropriate jurisdiction, composting or disposal. This is necessary to ensure that digestate that is removed from the site is handled safely to protect public health and safety and the environment.

Subdivision (a)(3)(B) and (C)
These subdivisions specify that digestate from an in-vessel digester may be used in a manner approved by local, state, and federal agencies having appropriate jurisdiction. Any digestate that will be land applied must meet the requirements of § 17852(a)(24.5).

Digestate from an in-vessel digester may be disposed of in a manner as set forth in the consolidated regulations for the Treatment, Storage, Processing or Disposal of Solid Waste (commencing at 27 CCR § 20005).

Subdivision (b)
This subdivision specifies that digestate that has not been analyzed for metal concentration, pathogen concentration, and physical contaminants or is known to exceed the maximum metal concentrations, pathogen concentrations, or maximum physical contamination limits shall be designated for disposal, additional processing, disposal, or other use as approved by local, state agencies having appropriate jurisdiction. This is necessary to ensure that digestate is tested for metal concentrations, pathogen concentrations, and physical contaminants and is properly managed if it exceeds any of these requirements to protect public health and safety and the environment.

§ 17896.58. Sampling Requirements.

Subdivision (a)
This subdivision is adapted from an existing compostable materials handling regulation [§ 17868.1 (a)] that specifies an operator must sample compost produced at an in-vessel digestion facility to ensure that compost leaving the site meets the maximum metal concentrations, and pathogen reduction requirements, and physical contamination limits. This is necessary to protect public health and safety and the environment. Department staff is aware of some operators that have sold compost and removed the finished product from the site before the sampletest results of samples were received. Requiring the operator to receive the sampletest results of samples prior to the compost leaving the site will ensure that compost meets the maximum metals concentrations, and pathogen reduction requirements, and physical contamination limits and will protect public health and safety and the environment.
Subdivision (b)(1) and (2)
The sampling requirement is adapted from existing compostable materials handling regulation
[§ 17868.1(a)(1) and (a)(3)] and ensures that a composite sample is obtained for every 5,000
cubic yards of compost produced at an in-vessel digestion facility and if the in-vessel digestion
facility produces less than 5,000 compost in a 12 month period, then the operator shall analyze
at least one composite sample at the end of every 12 month period. The sample analysis for
maximum metal concentrations is shall be performed at a certified laboratory. These
requirements are necessary to protect public health and safety and the environment.

Subdivision (c)(1) and (2), (A) through (C)
The composite sampling procedure is adapted from an existing compostable materials handling
regulation [§ 17868.1 (b)] that ensures a composite sample at an in-vessel digestion facility is
representative and random. These requirements are necessary to protect public health and
safety and the environment.

Subdivision (d)
The alternative method of sampling is adapted from an existing compostable materials handling
regulation [§ 17868.1 (c)]. It is necessary to allow the enforcement agency to approve
compliance alternatives because there may be methods that are equally effective in meeting the
performance of the specified method.

§ 17896.59. Maximum Metal Concentrations.

Subdivision (a) and (a)(1)
The maximum metal concentrations requirement is adapted from an existing compostable
materials handling regulation [§ 17868.2 (a)] that ensures compost produced at an in-vessel
digestion facility meets the maximum metal concentrations requirements and is necessary to
protect public health and safety and the environment.

Subdivision (b)
Alternative methods of compliance to meet maximum metal concentrations requirements is
adapted from an existing compostable materials handling regulation [§ 17868.2 (b)]. It is
necessary to allow the enforcement agency to approve compliance alternatives because there
may be methods that are equally effective in meeting the performance of the specified method.

§ 17896.60. Pathogen Reduction.

Subdivision (a)
Subdivision (a) is adapted from an existing compostable materials handling regulation [§
17868.3 (a)] that ensures compost produced at an in-vessel digestion facility meets the
pathogen reduction requirements and is necessary to protect public health and safety and the
environment. Requiring the operator to receive the sample test results from the samples prior to
the compost leaving the site will ensure that compost meets the pathogen reduction
requirements and will protect public health and safety and the environment.

Subdivisions (b)(1)
Subdivision (b)(1) is adapted from an existing compostable materials handling regulation [§
17868.3 (b)(1)] that ensures compost produced at an in-vessel digestion facility meets the fecal
coliform and Salmonella sp. Bacteria limits and is necessary to protect public health and safety
and the environment.
Subdivisions (b)(2) through (4)
Subdivision (b)(2) through (4) is adapted from existing compostable materials handling regulation [§ 17868.3 (b)(2) through (4)] that ensures active compost at an in-vessel digestion facility reaches pathogen-killing temperatures and those temperatures are maintained. This will ensure that compost produced at an in-vessel digestion facility meets pathogen reduction requirements and is necessary to protect public health and safety and the environment.

Subdivisions (c)(1) and (2)
Subdivision (c)(1) and (2) is adapted from an existing compostable materials handling regulation [§ 17868.3] and is necessary to ensure that temperatures of active compost at an in-vessel digestion are accurately measured and monitored. This will ensure that compost produced at an in-vessel digestion facility will meet the pathogen reduction requirements to protect public health and safety and the environment.

Subdivision (d)
Alternative methods of compliance to meet pathogen reduction requirements is adapted from an existing compostable materials handling regulation [§ 17868.3]. It is necessary to allow the enforcement agency to approve compliance alternatives because there may be methods that are equally effective in meeting the performance of the specified method.

§ 17896.61. Physical Contamination Limits.

This section shall become operative January 1, 2018.

Subdivision (a)
This is necessary to prevent the land application of compost with excessive physical contaminants, such as glass and plastic, which will protect public health and safety and the environment. The limit on the percentage of physical contaminants is consistent with nationwide trends (the states of Massachusetts, Minnesota, Montana, Ohio, Washington, and Wisconsin, as well as the United Kingdom, have limits on physical contaminants). In California, the Department of Transportation’s (Caltrans) Revised Compost Nonstandard Specification 21-1.02M, calls for physical contaminants (plastic, glass, and metal) to be less the 0.5% by dry weight.

“Glass shards (4-mm to 13-mm) can pose a human and animal hazard with unprotected exposure or through direct ingestion. Metal fragments can pose the same hazard, and could be a potential source of trace elements upon interaction with soil. Hard plastic can be an aesthetic concern and in large quantities may affect physical properties of a compost-amended soil, (e.g., soil coloring, heat retention, drainage).” [Test Methods for the Examination of Composting and Compost, Method 03.06 Glass Shards, Metal Fragments and Hard Plastic, pg. 03.06-1 - U.S. Department of Agriculture/U.S. Composting Council]

Compost that does not meet the physical contaminant standard must be disposed, processed to remove physical contaminants, disposed, or may be used if approved by local, state or federal agencies having appropriate jurisdiction.

Department staff is aware of some operators that have sold compost and removed the finished product from the site before the sample test results from the samples were received. Requiring the operator to receive the sample test results of samples prior to the compost leaving the site...
will ensure that compost meets the physical contaminants requirements to protect public health and safety and the environment.

Subdivision (b)
This subdivision specifies that all in-vessel digestion facilities must obtain a representative and random composite sample for every 5,000 cubic-yards of compost produced at the facility and send using a method that provides accurate results and that has been approved by the enforcement agency. If the facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample to a laboratory to measure physical contaminants of compost produced at the end of every 12 month period. Since in-vessel digestion facilities may accept feedstock with more than 1.0% physical contaminants by weight, this subdivision is necessary to ensure that the finished compost meets the 0.45% physical contaminant limit to protect public health and safety and the environment.

Subdivision (c)
This subdivision is necessary to provide the enforcement agency with the authority to require the operator to take a composite sample of compost in the presence of the enforcement agency and to send the composite sample to a laboratory for analysis. The subdivision includes a testing protocol for the laboratory to determine the percentage of physical contaminants greater than 4 millimeters by dry weight.

Subdivision (d)
The composite sampling procedure is adapted from an existing compostable materials handling regulation [§ 17868.1 (b)] that ensures a composite sample at an in-vessel digestion facility is representative and random. These requirements are necessary to protect public health and safety and the environment.

Subdivision (e)
It is necessary to allow the enforcement agency to approve compliance alternatives because there may be methods that are equally effective in meeting the performance of the specified method.

Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.

Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities

§ 18083. LEA Duties and Responsibilities for Inspections.

Subdivision (a)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (a)(3)
The revision to this subdivision specifies/clarifies the process for approving reduced inspection frequencies at sites that will not pose an additional risk to public health and safety or the environment.
Subdivision (a)(4)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (a)(4)(A)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (a)(5)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

**Article 3.0. Regulatory Tier Requirements**

§ 18100. Scope.

Subdivision (b)
The revision to this subdivision is necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

§ 18102. Excluded Solid Waste Handling.
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18103. Enforcement Agency Notification.

Subdivision (a)
The revision to this subdivision is necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

Subdivision (c)
The revision to this subdivision is necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

Subdivision (d)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18103.1. Filing Requirements.

Subdivision (a)(2)
The revision to this subdivision is necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.
§ 18103.2 Record Keeping Requirements.
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18104. Registration Permit.

Subdivision (a)
The revision to this subdivision is necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

Subdivision (b)
The revision to this subdivision is necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

§ 18104.1. Filing Requirements.

Subdivision (a)
The revision to this subdivision is necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

Subdivision (e)(1) through (2)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18104.2. Enforcement Agency Processing Requirements.

Subdivision (g)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18104.3. Record Keeping Requirements.

Subdivision (c)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (d)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (e)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.
§ 18104.6. Change in Owner.

Subdivision (a)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18104.9. Voiding of a Registration Permit.
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105. Standardized Permit.

Subdivision (a)
The revision to this subdivision is necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

Subdivision (c)(5)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105.1. Filing Requirements.

Subdivision (a)
The revision to this subdivision are necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

Subdivision (g)(1) and (2)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105.2. Enforcement Agency Processing Requirements.

Subdivision (g)(3)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (i) and (j)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105.3. Record Keeping Requirements.

Subdivision (c)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.
Subdivision (d)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105.5. Department Processing Requirements.

Subdivisions (a) through (e)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105.6. Appeal of Decision.

Subdivision (a)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105.8. Change in Owner.

Subdivision (a)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105.9. Permit Review and Reissuance.

Subdivision (d)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105.11. Voiding of a Standardized Permit.
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Article 3.2. Reports of Facility Information

§ 18221.5.1. In-Vessel Digestion Facility Plan.
This is adapted from an existing transfer station regulation [§ 18221.5] and is revised to address medium volume in-vessel digestion activities. The section is necessary to provide the enforcement agency with an opportunity to review information submitted by the operator to verify that the information is complete and correct prior to granting a registration permit to the operator. Subdivisions (a) through (o) are necessary to provide the enforcement agency with base-line information of how the facility will be operated. The information to be contained in the report is itemized and includes specifications on facility design, operation, and other details pertinent to the operation of medium volume in-vessel digestion facilities. This information is needed to assist the enforcement agency in making the determination whether the information is complete and correct, including that it demonstrates that the facility can operate consistent with state minimum standards.

§ 18221.6.1. In-Vessel Digestion Report.
This is adapted from an existing transfer station regulation [§ 18221.6] and is revised to address large volume in-vessel digestion activities. The section is necessary to provide the enforcement agency with an opportunity to review information submitted by the operator to assess the
potential for negative impacts to public health and safety and the environment, and to verify that the facility will be able to comply with the state minimum standards correct prior to granting a full solid waste facility permit to the operator. Subdivisions (a) through (q) are necessary to provide the enforcement agency sufficient information for determining if the facility will be able to comply with the state minimum standards and the terms and conditions set forth in the full solid waste facility permit. The information to be contained in the report is itemized and includes specification on facility design and operation, and other details pertinent to the operation of a large volume transfer/processing facility.

§ 18227. Report of Composting Site Information.
The revision is necessary to clarify that an operator that is required to obtain a Registration Permit for a Vegetative Food Material Composting Facility must also file a Report of Composting Site Information with the enforcement agency at the time of application.

Subdivision (d)
The revisions are necessary to clarify the types of proposed activities that may be used by the operator to control leachate, litter, odors, dust, rodents, and insects.

Subdivision (f)
The revision is necessary to ensure that the operator specifies feedstock pile sizes so that the enforcement agency can determine if the feedstock piles pose a threat to public health, and safety, and the environment.

Subdivision (n)
The revision is necessary to clarify that the enforcement agency may require the operator to revise the Odor Impact Minimization Plan and/or the Odor Best Management Practice Feasibility Report and associated plan if the operator proposes to accept new feedstock, such as food material or vegetative food material to protect public health, and safety, and the environment.

Article 4. Enforcement by EA and Review by Department

§ 18302. Written Complaints of Alleged Violations.

Subdivision (a)
This revision is necessary to correct the misspelling of “complaint.”

Subdivision (b)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (d)(1) through (34)
This subdivision is necessary to specify the procedures the enforcement agency shall implement for an odor complaint investigation prior to issuing a violation for failing to minimize odor related to a compostable material handling operation or facility prior to determining whether or not to issue a violation for failing to minimize odors. The subdivision clarifies that the EA shall include any known fact relevant to the alleged violation or likely to be of assistance to the EA provided by local, state, and federal agencies having appropriate jurisdiction.

Subdivisions (e) and (f)
The renumbering of these subdivisions are necessary due to the addition of subdivision (d).
Subdivision (g)
The renumbering/revision of this subdivision is necessary due to the addition of subdivision (d) and to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (h)
The renumbering/revision of this subdivision is necessary due to the addition of subdivision (d) and to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Title 27: Appendix 1 Joint Permit Application Form

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR SOLID WASTE FACILITY PERMIT AND WASTE DISCHARGE REQUIREMENTS

Page 1

Header
The deletion of the term “New” is necessary because the instructions for the application are no longer new instructions.

Introduction
The change of the “slash” symbol is to “And” is necessary to emphasize this existing, single application is used to separately apply for a Solid Waste Facility Permit and Waste Discharge Requirements.

Paragraph 1

Sentence 1
These revisions are necessary to clarify that the Department of Resources Recycling and Recovery (CalRecycle) replaced the California Integrated Waste Management Board; Enforcement Agencies is a more accurate reference than Local Enforcement Agency; and solid waste is regulated by CalRecycle and Enforcement Agencies or California Regional Water Quality Control Boards.

Sentence 2
These revisions are necessary to clarify that the application is to be used for new and changes to existing Solid Waste Facility Permits, Waste Discharge Requirements, and supporting documents, and Solid Waste Facility Permit Reviews.

Sentence 4
These revisions are necessary to clarify that applicants may check with the appropriate Enforcement Agency or Regional Water Quality Control Board for requirements and exemptions or the use of the Application/General Information Form for Waste Discharge Requirements and National Pollutant Discharge Elimination System permit (Form 200) by the Regional Water Quality Control Board.

Sentence 5
These revisions are necessary to clarify that the application and filing fees should be submitted to the appropriate Enforcement Agency and Regional Water Quality Control Board.
Paragraph 2
These revisions are grammar corrections and clarification that Department of Resources Recycling and Recovery (CalRecycle) replaced the California Integrated Waste Management Board.

NOTE

Paragraph 1
These revisions clarify that a different application form and submittal package is required for direct discharge and that the Regional Water Quality Control Board should be contacted if the operator is seeking to discharge to surface water under the NPDES permit.

Paragraph 2
The deletion of the first 2 sentences of the paragraph are necessary because the information is not pertinent for the application; sentences 2 and 3 are clarifications; and the remaining revisions specify the Regional Water Quality Control Board billing process for the application.

Paragraph 3
The deletion of this sentence is necessary because the terminology is not accurate. The Enforcement Agency stamps the application with “Date Received,” and “Date Accepted” or “Date Rejected” pursuant to California Code of Regulations, Title 27, § 21650(a) and as represented on the Application for Solid Waste Facility Permit/Waste Discharge Requirements, Form E-1-77 (Application).

Paragraph 4
This paragraph is necessary to clarify that the application must be submitted in a form and format required by the Enforcement Agency and that the Enforcement Agency has discretion to establish terms and conditions of a proposed Solid Waste Facility Permit that the Enforcement Agency deems appropriate. For example, the Enforcement Agency may find that the maximum daily tonnage proposed on an Application exceeds the facility design capacity, and could therefore include a condition that establishes lower maximum daily tonnage limit consistent with the design capacity.

Amount of Filing Fees
This revision is necessary to clarify that the applicant should contact the Enforcement Agency for fee information.

Amount of Filing Fees
This revision is necessary to clarify that applicant should contact the Regional Water Quality Control Board for fee information.

Page 2

For Official Use Only
These revisions are necessary to clarify that the Department of Resources Recycling and Recovery (CalRecycle) replaced the California Integrated Waste Management Board and that the Local Enforcement Agency should be referred to as the Enforcement Agency (EA).

SWIS Number
These revisions are necessary to clarify that the Department of Resources Recycling and Recovery (CalRecycle) replaced the California Integrated Waste Management Board and that
the applicant must include the Waste Discharge Identification and global identification numbers for use by Regional Water Quality Control Board staff.

Receipt Number
These revisions are necessary to clarify that the Department of Resources Recycling and Recovery (CalRecycle) replaced the California Integrated Waste Management Board and that the Local Enforcement Agency should be referred to as the Enforcement Agency (EA).

Date Received
These revisions are necessary to clarify that the date received is when the Enforcement Agency or the Regional Water Quality Control Board receives the Application.

Date Accepted
These revisions are necessary to clarify that this date applies to the application, not application package, and the date does not apply to a permit review.

Date Rejected
These revisions are necessary for grammar corrections and clarification that this date applies to the application, not application package, and the date does not apply to a permit review.

Date Acceptance of Incomplete Application
These revisions are necessary to make grammar corrections.

Due Date
This date is deleted because it is unnecessary and does not apply to a permit review.

Part 1. General Information

B. County:
This revision is necessary because a facility could be located in more than one county.

C. Type of Application:
These revisions are necessary provide more clarity to assist the applicant in properly completing the Application.

1. New SWFP and/or WDRs:
This revision is necessary to clarify that this subdivision applies to a facility that does not have a current Solid Waste Facility Permit or Waste Discharge Requirements, regardless of whether the Solid Waste Facility Permit is a full permit or not.

2. Change to SWFP and/or WDRs:
This revision is necessary to clarify that the applicant is applying for a proposed change to the design or operation of the facility; it is the Enforcement Agency’s discretion as to whether the proposed change results in a revision to the Solid Waste Facility Permit. The inclusion of Title 27, § 21620 and 21710 allows the applicant to refer to the specific CalRecycle and State Water Resources Control Board regulations regarding change in design or operation and Report of Waste Discharge Requirements.

3. Waiver:
The deletion of the phrase “The facility is exempted from a full SWFP pursuant to Title 27, § 21565 and/or” is necessary because the Application is not used for this purpose.
5. **Amendment of Application:**
The restructuring of this subdivision is necessary to clarify that this subdivision applies to an amendment, which includes any changes an applicant makes in the application after it has been submitted to the Enforcement Agency and before the Enforcement Agency has acted on the Application. The inclusion of Title 27, §§ 21610 and 21710 allows the applicant to refer to the specific CalRecycle and State Water Resources Control Board regulations regarding amendments to the application package and Report of Waste Discharge Requirements.

6. **RFI/ROWD/JTD Amendments:**
The restructuring of this subdivision is necessary to clarify that this subdivision applies to an amendment to the Report of Facility Information, Report of Waste Discharge, or Joint Technical Document, which includes a change that does not require a change to the Solid Waste Facility Permit or Waste Discharge Requirements.

**Part 2. Facility Description**

**A. Name of Facility:**
These revisions are necessary to clarify the name of the facility is the name that will be listed on the Solid Waste Facility Permit or the Waste Discharge Requirements.

**B. Location of Facility:**

**Paragraph 1.**
These revisions are necessary to clarify that if there is no facility address, a description of the location of the facility should be included and that the Assessor’s Parcel Number(s) should also be included in this subdivision.

**Paragraph 2.**
The restructuring of this subdivision is necessary to provide more clarity on the location at the facility where the latitude and longitude should be determined.

**Paragraph 3**
The deletion of the requirement to include a map or sketch is necessary because a map or sketch is required in other supporting permit documents, therefore it is not necessary to be submitted with the Application.

**C. Type of Activity:**
This revision is necessary to clarify that “Application” is the correct term when referencing the application package.

1. **Disposal:**
These revisions are necessary to make grammatical and clarification corrections. **The engineered municipal solid waste conversion facility type has been added.**

2. **Compostable Material Handling**
These revisions are necessary to clarify that composting activities are defined in regulation as “Compostable Material Handling” activities. The “a. Type” subdivision is deleted because the
type of compostable material (green waste, food waste, etc.) handled is required in Part 2.E.5. and, therefore, is not necessary in this subdivision.

3. **Transformation:**
   These revisions are necessary to make grammatical and clarification corrections.

4. **Transfer/Processing:**
   These revisions are necessary to clarify that transfer/processing is a type of activity and to restructure the paragraph for clarity. The “Informational Purposes Only” check box is removed because it is not necessary.

5. **Construction and Demolition/Inert Debris Processing:**
   The addition of this subdivision is necessary to define the types of activities associated with a Construction and Demolition/Inert Debris Processing facility.

6. **In-vessel Digestion:**
   This subdivision is added to define the types of activities associated with In-vessel Digestion.

7. **Other:**
   This revision is necessary to renumber based on the addition of new types of activities and to clarify that any solid waste activity listed in this subdivision must be authorized by law.

D. **Identification of Facility in CIWMP [Conformance Finding Information]:**
   The revision to the title of this subdivision is necessary to clarify that the applicant’s solid waste facility may be identified in the Conformance Finding Information specified in Title 27, § 21570(f)(5). Revisions to subdivision 1) are sentence restructuring for clarity. Subdivision 2) is removed because it is not necessary.

E. **Type Of Permitted Wastes To Be Received:**
   This revision is necessary to clarify that “Application” is the correct term when referencing the application package.

1. **Agricultural:**
   These revisions are necessary to clarify the definition of agricultural waste.

2. **Asbestos:**
   The removal of the first sentence is necessary to defer to the Department of Toxic Substances classification of asbestos. The other revisions are necessary to clarify that the Department of Toxic Substances Control, not the Department of Health Services, classify friable wastes that contain one percent or more of asbestos by weight as hazardous wastes and require that the applicant check the appropriate box to indicate if the asbestos is friable or non-friable.

3. **Ash:**
   These revisions are necessary to clarify that ash includes, but is not limited to, residue from the incineration of municipal waste, medical waste, wood waste, sludge, and agricultural waste. Replacing “infectious” waste is with “medical” waste is necessary because medical waste is the more appropriate term.

4. **Treated Auto Shredder Waste:**
   The revision in the title is necessary to clarify that “Treated Auto Shredder Waste” is the correct term to describe this material. The replacement of “sheet metal” is with “similar items” is
necessary for accuracy. The removal of the last sentence is necessary because it is outdated and unnecessary.

5. Compostable Material:
This revision is necessary to clarify that the types of compostable material are to be included in this subdivision rather than in Part 2.C.2.

6. Construction/Demolition Waste:
This revision is necessary to make a grammatical correction.

Page 4

7. Contaminated Soil:
This revision is necessary to clarify the contaminated soil is a soil that the Regional Water Quality Control Board or the Local Oversight Agency has classified as a designated waste.

8. Dead Animals:
This revision is necessary to make a grammatical correction.

11. Liquids:
This revision is necessary to make a spelling correction.

12. Municipal Solid Waste (MSW):
The revisions are necessary to clarify that solid waste derived from residential and commercial sources that may be mixed with other solid waste is considered “municipal solid waste.”

14. Waste Tires:
These revisions are necessary to be consistent with the definition specified in Public Resources Code § 42807.

Part 3. Facility Information
Removal of existing subdivision A. is necessary because applicable information is relocated to new subdivision A.1.a.

A. Facility Information

1. Information Applicable to All Existing Facilities:
The revisions are necessary to clarify that this subdivision of the Application must be filled out by every applicant regardless of the type of facility. Information in this subdivision is necessary to establish the status quo of existing facility conditions, whereas information provided in Part 3.A.2. below will identify proposed changes to status quo conditions.

a. Maximum Daily Tonnage or Cubic Yards:

Sentence 1
The revisions are necessary to change the term “Peak” Daily Tonnage or Cubic Yards and its accompanying explanation, which stakeholders had found to be unclear, to “Maximum” Daily Tonnage or Cubic Yards, and to clarify in the explanation that the maximum daily tonnage is the maximum amount of solid waste and other material the applicant is authorized by the Enforcement Agency to receive through the gate to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-to-day operations and that the applicant
should include information on all other material authorized by the Enforcement Agency to receive in the Report of Facility Information.

Sentence 2
The revisions are necessary to clarify that maximum daily tonnage shall be expressed in tons or cubic yards with a conversion factor if tonnage is not available.

Sentence 3
The removal of the sentence referring to “permitted maximum tonnage” is necessary to avoid confusion of terms.

Sentence 4
The revisions are necessary to clarify that the maximum daily tonnage must be consistent with the approved Solid Waste Facility Permit and Report of Facility Information.

Sentence 5
Reference to the maximum daily tonnage or cubic yards being consistent with the California Environmental Quality Act (CEQA) is removed because it is not necessary for it to be consistent at the time of application; it needs to be consistent prior to the Enforcement Agency issuing a permit.

Sentence 6
The revisions are necessary to clarify that applicants for new Solid Waste Facility Permits and/or Waste Discharge Requirements should enter zeros in all items of this subdivision and the two amounts in (1) Disposal/Transfer and (2) Other must equal the maximum daily tonnage.

Page 5

1. Disposal/Transfer:
This revision is necessary to clarify that the applicant must include in this subdivision the amount of solid waste that comes through the gate and is disposed of on-site or transferred off-site as waste.

2. Other:
The revisions are necessary to clarify that the applicant must include in this subdivision the amount of all other material received at the site, including, but not limited to, material that is recycled, beneficially reused (such as ADC, road building or other on-site projects), stored or processed. Deletion of the last sentence is necessary because the maximum daily tonnage is requested sentence 6 of the subdivision “a: Maximum Daily Tonnage or Cubic Yards:”

b. As-Designed Daily Tonnage or Cubic Yards:
This subdivision is restructured for clarity, and the revisions are necessary to be consistent with proposed changes in other subdivisions, such as the amount of solid waste received and reporting the amount in tonnage or cubic yards.

c. Facility Size:
The revisions are necessary for clarity and consistency and to specify that solid waste facility activities in the permit need to be authorized by the Enforcement Agency.

d. Maximum Traffic Volume Per Day (vpd):
The revisions are necessary to change the term “Peak” Traffic Volume Per Day to “Maximum” Traffic Volume Per Day to be consistent with Part 3.A.1.a, and to clarify that maximum number of vehicles is the number of vehicles authorized by the Enforcement Agency, including vehicles transporting solid waste material intended for beneficial use and the number must be consistent with the approved Report of Facility Information. Reference to the maximum traffic volume per day being consistent with the CEQA is removed because it is not necessary for it to be consistent at the time of application; it needs to be consistent prior to the Enforcement Agency issuing a permit.

e. **Days and Hours of Operation:**
The revisions are necessary to clarify that the days and hours of operation and the hours of waste receipt are authorized by the Enforcement Agency and the information must be consistent with the approved Report of Facility Information. Reference to the days and hours of operation being consistent with the CEQA is removed because it is not necessary for it to be consistent at the time of application; it needs to be consistent prior to the Enforcement Agency issuing a permit.

2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs:**
This subsection is necessary to identify an applicant’s requested changes to status quo conditions (provided in Part 3.A.1.) at a facility, and to clarify that the Enforcement Agency and RWQCB will establish permit terms and conditions for those requests that are supported by documents submitted by the applicant.

3. **Additional Information Required For Compostable Materials Handling Facilities Only:**
These revisions are necessary to clarify that compost facilities are referred to as “Compostable Material Handling” facilities and the application is referred to as the “Application.”

a. **Total Site Capacity:**
These revisions are necessary to revise the title and explanation to clarify that total capacity should be stated in tons or cubic yards of all material that is received, processed, and stored on-site at any one time.

4. **Additional Information Required For Landfills Only:**
These revisions are necessary to clarify that this portion of the Application must be filled out by the applicant if a landfill is part of the Application and that all subdivisions of the Application must be filled out completely.

Page 6

a. **Average Daily Tonnage (TPD):**
The revisions are necessary to clarify that average daily tonnage is the estimated average waste tonnage expected to be placed in a waste management unit for each operating day; non-operating days should not be used in calculating the average daily tonnage; and the average daily tonnage can be equal to but may not exceed the maximum daily tonnage.

c. **Site Capacity Proposed (Airspace) (cu yds):**
The revision is necessary to clarify that “Application” is the correct term when referencing the application package.

e. **Site Capacity Remaining (Airspace) (cu yds):**
The revision is necessary to clarify that “Date of Capacity Information” is the correct term when referencing this subdivision of the application.

f. **Date Of Capacity Information (date):**
The revision is necessary to clarify that “Application” is the correct term when referencing the application package.

i. **Disposal Footprint (acres):**
The revision is necessary to make a punctuation correction.

k. **Provide one of the following:**
The revision is necessary to clarify that the applicant must provide one of the following: In-place Waste Density (lbs of waste per cubic yard of waste) or Waste-to-Cover Ratio (estimated) (volume:volume).

(ii) **Waste-to-Cover Ratio (estimated) (volume:volume).**
The revisions are necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace).**
The revisions are necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Part 4. SOURCE OF WATER SUPPLY

D. **Other:**
This new subdivision is necessary to clarify that the applicant must identify water sources at the facility other than municipal or utility service, individual wells, and surface supply.

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A. **CHECK BOX(ES) IF ENVIRONMENTAL DOCUMENT WAS OR WILL BE PREPARED**
The revisions are necessary to make grammatical corrections.

1. If an environmental document was prepared:
The revisions are necessary to clarify that the requirements of subdivision A apply only if an environmental document was prepared.

2. If an environmental document will be prepared, …
This revision is necessary to enable government agencies and other interested parties to contact the lead agency regarding environmental documents.

B. The revisions are necessary to make grammatical corrections.

Part 6. LIST OF ATTACHMENTS
The addition is necessary to clarify that all attachments are incorporated in to the Application.

A. The revision is necessary to delete unnecessary text.
B. The revisions are necessary to clarify that this subdivision must be completed only by applicants for disposal facilities.

Operating Liability Financial Mechanism:
The revisions are necessary to clarify that the date the demonstration was last modified or renewed must be within the preceding twelve-month (annual renewal) period; the Department of Resources Recycling and Recovery (CalRecycle) replaced the California Integrated Waste Management Board; and the “effective date” identified on the Certificate of Insurance must be within the preceding twelve-month (annual renewal) period.

Financial Responsibility Documentation:
The revisions are necessary to clarify that the financial mechanism is a document and that date of the stated value must be within the preceding twelve-month (annual renewal) period.

Page 8

Closure/Post Closure Maintenance Plan:
The revisions are necessary to clarify that the closure and postclosure maintenance plans are those plans required by Title 27, §§ 21780 and 21865 as applicable.

Known or Reasonably Foreseeable Corrective Action Cost Estimates:
The water release corrective action cost estimate and the non-water release corrective action cost estimate are necessary to comply with requirements in Title 27, §§ 22100 through 22103.

Landfill Capacity Survey Results:
The revisions are necessary to ensure that terms are used consistently throughout the regulations.

For the purposes of this section the following definitions apply:
The renumbering is necessary to conform to conventional numbering standards (e.g., A.1.).

C. The revisions are necessary to clarify that additional documents may be required by the Enforcement Agency or the Regional Water Quality Control Board and the applicant should identify and list any other necessary documents that are not specified in the above list but that are required by the Enforcement Agency or the Regional Water Quality Control Board under applicable law. Grammatical corrections clarify that necessary documents could include a lease or other agreement documenting the operator's interest in and right to use the site as a solid waste facility or a contract between the permitted operator and contract operator.

Page 9

Part 7. OWNER INFORMATION:

Type of Business:
The revisions are necessary to clarify that the owner of the facility that is the subject of the Application must specify if it is a sole proprietorship, partnership, corporation, or public agency.
Owner of Land:
The revision is necessary to clarify that the owner of land means the person(s) that owns the land on which the facility is located.

Telephone #, Contact Person, Fax #, and E-mail Address:
The revision is necessary to clarify that “#” means number.

Address Where Legal Notice May Be Served:
The revisions are necessary to clarify that the applicant must provide the name and address of the person authorized to accept service for each owner of the facility.

Part 8. OPERATOR INFORMATION:
The revisions are necessary to clarify that the operator filing the Application must specify if it is a sole proprietorship, partnership, corporation, or public agency.

Type of Business:
The revisions are necessary to specify information requested in this part pertains to the owner of the facility subject to the Application, and to categorize all types of publically-operated facilities as opposed to just government-operated facilities.

Facility Operator:
The revisions are necessary to clarify that the term “The person” could be an individual(s), partnership, corporation, or public agency.

Address, City, State, Zip:
The revision is necessary to clarify that the facility operator is a single entity.

SSN or Tax ID #:
The revision is necessary to clarify that the operator is a single entity.

Telephone #, Contact Person, Fax #, and E-mail Address:
The revision is necessary to clarify that “#” means number.

Address Where Legal Notice May Be Served:
The revisions are necessary to clarify that the applicant must provide the name and address of the person authorized to accept service for the operator of the facility.

Part 9. SIGNATURE BLOCK:

Signature (landowner or agent):
The revisions are necessary to clarify that the signature of the landowner is a person(s) authorized to sign on behalf of the owner.

Signature (lessee):
The new definition is necessary to clarify that the signature of lessee is a person(s) authorized to sign on behalf of the person leasing the land, if applicable.

Signature (facility operator):
The revisions are necessary to clarify that the signature of the facility operator is a person(s) authorized to sign on behalf of the operator.
The revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

The revisions are necessary to clarify that the Department of Resources Recycling and Recovery (CalRecycle) replaced the California Integrated Waste Management Board and the 8/2004 application form revision date will be replaced by a new revision date when the proposed regulations are approved by the Office of Administrative Law.

For Official Use Only
The revision is necessary to clarify that the applicant must include the Waste Discharge Identification and global identification numbers for use by Regional Water Quality Control Board staff.

Part 1. GENERAL INFORMATION

C. Type of Application (Check one box only)

2. Change to SWFP and/or WDRs:
This revision is necessary to clarify that any type of change to the design or operation of the facility is a change to the Solid Waste Facility Permit and could be a “Revision” to the permit, a “Modification” to the permit, or “Other” change to the permit as authorized by law.

3 (existing). Exemption and/or Waiver (deleted)
The deletion of “Exemption and/or Waiver” is necessary because the Application is not used for this purpose.

3 (new). Permit Review, 4. Amendment of Application, 5. RFI/ROWD/JTD Amendments
The renumbering of these 3 subdivisions is necessary due to the deletion of the Exemption and/or Waiver subdivision above.

Part 2. FACILITY DESCRIPTION
C. Type of Activity (Check applicable boxes)

2. Compostable Material Handling
This revision is necessary to clarify that composting activities are referred to as “Compostable Material Handling” activities.

4. Transfer/Processing:
These revisions are necessary to clarify that transfer/processing is a type of activity. The “Informational Purposes Only” check box is removed because it is not necessary.

5. Construction and Demolition/Inert Debris Processing:
The addition of this subdivision is necessary to define the types of activities associated with a Construction and Demolition/Inert Debris Processing facility.

6. In-vessel Digestion:
The addition of this subdivision is necessary to define the types of activities associated with In-vessel Digestion.

7. Other:
This revision in necessary to clarify that any solid waste activity listed in this subdivision must be authorized by law.

D. Identification of Facility in CIWMP [Conformance Finding Information]:
The revision to the title of this subdivision is necessary to clarify that the applicant’s solid waste facility may be identified in the Conformance Finding Information specified in California Code of Regulations, Title 27, § 21570(f)(5).

2. Check box “FACILITY IS NOT REQUIRED TO BE IDENTIFIED IN SITING ELEMENT OR NONDISPOSAL FACILITY ELEMENT” is deleted because it is not necessary.

E. Type Of Permitted Wastes To Be Received:

12. Municipal Solid Waste (MSW):
The revisions are necessary to clarify that solid waste derived from residential and commercial sources that may be mixed with other solid waste is commonly referred to as “municipal solid waste.”

14. Waste Tires:
This revision is necessary to be consistent with the definition specified in Public Resources Code § 42807.

Part 3. Facility Information

Subdivisions “A. Proposed Change” and “B. Facility Information” are deleted and restructured to:

A. Facility Information

1. Information Applicable to All Existing Facilities
2. Proposed Change(s) or Information Applicable to New SWFP and/or WDRs

These revisions are necessary to clearly indicate proposed changes by physically positioning, in side-by-side format, information about existing terms and conditions at a Solid Waste Facility (Part 3.A.1.) next to changes the applicant is proposing (Part 3.A.2.).

3. Additional Info. Required For Compostable Materials Handling Facilities Only:
The revision is necessary to clarify that compost facilities are referred to as “Compostable Material Handling” facilities.

a. Total Site Capacity:
These revisions are necessary to clarify that the information requested of the applicant relates to the total capacity of the site rather than simply the amount of material stored on-site. The total site capacity includes all material that is received, processed, and stored on-site at any one time.

4. Additional Information Required For Landfills Only:
The renumbering of this subdivision is necessary due to restructuring of changes in the previous subdivisions of Part 3. Facility Information.

Part 4. SOURCE OF WATER SUPPLY

D. Other:
This new subdivision is necessary to clarify that the applicant must identify water sources at the facility other than municipal or utility service, individual wells, and surface supply.

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A. CHECK BOX(ES) IF ENVIRONMENTAL DOCUMENT WAS OR WILL BE PREPARED
The deletion of the reference to the State Clearinghouse Number (SCH#) in this subdivision is necessary since the SCH# needs to be provided only if an environmental document was prepared, not if an environmental document will be prepared.

1. Environmental Document Was Prepared:
This subdivision is necessary to clarify that the requirements of subdivision A.1. apply only if an environmental document was prepared.

2. Environmental Document Will Be Prepared (Enter Lead Agency if Known):
This subdivision is necessary to clarify that the requirements of subdivision A.2. apply only if an environmental document will be prepared and to enable government agencies and other interested parties to contact the lead agency regarding the environmental documents.

Part 6. LIST OF ATTACHMENTS

A. REQUIRED WITH ALL APPLICATION SUBMITTALS

Local Use/Planning Permits
The deletion of “Local Use/Planning Permits” is necessary because it is not necessary for the applicant to include this type of document(s) with the Application.
Mitigation Monitoring & Reporting Program
The deletion of “Implementation Schedules” & addition of “Reporting Program” is necessary to adjust to correct terminology “Mitigation Monitoring & Reporting Program,” as specified in California Code of Regulations, Title 14, § 15097.

List of Public Hearings and Other Meetings Open to the Public
The addition of this list is necessary to include information required by Public Resources Code, § 44004(h)(1)(A).

B. Additional Required Documents For Disposal Facilities Only
The reference to “Disposal Facilities” instead of “Landfills” is necessary to conform to common terminology used in California Code of Regulations, Title 27, Division 2.

Known or Reasonably Foreseeable Corrective Action Cost Estimates
The addition of this document is necessary to include information required by California Code of Regulations, Title 27, § 22101.

C. IF APPLICABLE:

Contract Agreements
The deletion of “Contract Agreements” is necessary because it the applicant is not required to include these types of documents with the Application.

Dept. Of Toxic Substances Control Or Certified Unified Program Agency Permit
The revisions are necessary to clarify that the applicant may provide a copy of a permit, if applicable, from the Department of Toxic Substances Control or a Certified Unified Program Agency.

Part 9. SIGNATURE BLOCK:

Lessee:
The addition of this subdivision is necessary to clarify that a lessee is a person(s) authorized to sign on behalf of the person leasing the land, if applicable, and the lessee must provide a signature, printed name, title, and date on the Application.
The proceeding pages contain the results of a Standardized Regulatory Impact Assessment performed, pursuant to Government Code section 11346.3(c)(1), on a September 2014 draft of the proposed regulations made available for an initial public comment between October 10 and December 5, 2014. During subsequent rulemaking, CalRecycle made changes to the proposed regulations associated with the allowable percentage of physical contamination in compost and compostable material. These changes reduced the specific costs of compliance with the physical contamination standard and the overall costs of the final proposed regulation.

The following tables represent updated estimated costs of the final proposed regulation.

### Summary of costs to government agencies, and private and public operations and facilities associated with the Compostable Materials Handling regulations

<table>
<thead>
<tr>
<th>Estimated Cost (based on existing operations and facilities)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td><strong>$991,179 - $48,416,091/yr.</strong></td>
</tr>
</tbody>
</table>

### Summary of costs to government agencies, and private and public operations and facilities associated with the In-vessel Digestion regulations

<table>
<thead>
<tr>
<th>Estimated Cost (based on projections)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Operations and Facilities</td>
<td>$309,625 - $2,915,075/yr.</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$629,791 - $6,130,263/yr.</strong></td>
</tr>
</tbody>
</table>

### Total Costs

<table>
<thead>
<tr>
<th>Estimated Total Costs</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Costs (Compostable Materials and In-vessel Digestion)</td>
<td>$1.079,970 - $48,007,619/yr.</td>
</tr>
<tr>
<td>Public Costs (Compostable Materials and In-vessel Digestion)</td>
<td>$541,000 - $6,538,735/yr.</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,620,970 - $54,454,354/yr.</strong></td>
</tr>
</tbody>
</table>

September 2015
I. STATEMENT OF PURPOSE

A. Statement of the Need for the Proposed Major Regulation

The central purpose of the proposed regulations is to protect public health, safety, and the environment by more effectively regulating solid waste facilities that handle compostable materials. The proposed regulations modify the existing Compostable Material Handling Operations and Facilities Regulatory Requirements by: clarifying several feedstock definitions - and the types of operations and facilities that can accept these materials; revising the maximum concentrations of metals allowed in compost to reflect changes adopted by US EPA; providing Enforcement Agencies with discretion to authorize temporary storage of additional material; revising Enforcement Agency inspection frequency language to ensure consistency throughout Title 14; providing operators and Enforcement Agencies with a mechanism to address chronic odor complaints and identify sources of odor; establishing criteria for safe land application of compostable material; requiring compost products to meet a 0.1% physical contaminant limit by weight; and clarifying small-scale composting requirements at sites, such as community gardens and schools.

The proposed regulations provide a standardized regulatory framework for in-vessel digestion activities. Currently, in-vessel digestion activities are subject to either existing Transfer/Processing Operations and Facilities Regulatory Requirements or Compostable Material Handling Operations and Facilities Regulatory Requirements, depending on the nature of the feedstock and how it is handled. The proposed regulations combine transfer/processing and compostable material handling requirements into a stand-alone set of in-vessel digestion regulations, which will have marginal impacts on in-vessel digestion activities compared to existing regulations.

The proposed regulations also clarify permitted maximum tonnage on the solid waste facility permit application.

The proposed regulations provide a wide range of benefits to public health, safety, and the environment. Benefits include: requiring subject materials to meet a 0.1% physical contaminant limit, which will reduce litter and minimize the amount of plastic entering surface water and the ocean while creating new jobs and increasing the market value of compost and mulch; establishing criteria for safe land application of compostable material, which will also reduce litter and minimize the amount of plastic entering surface water and the ocean and improve food safety and animal health by reducing toxic metals, disease-causing organisms, physical contaminants, and invasive/noxious species in compostable material; minimizing odors at compostable material handling and in-vessel digestion facilities; decreasing greenhouse gases, air pollution, and long-distance transportation of organic material by facilitating small-scale composting and in-vessel digestion; increasing the production of biofuels/bioenergy; and providing clarity to the regulated community and regulators.

Finally, the proposed regulations will ensure safe operations and facilities to handle organic material diverted as the result of California’s goal to source-reduce, recycle, or compost 75% of the solid waste generated in the State by 2020.
II. METHODOLOGY

A. Economic Impact Method and Approach

The Department used a Regional Economic Models, Inc. (REMI) model to estimate the economic impacts of the proposed regulations. The REMI model is an analytical tool which can model a regional economy and analyze year-by-year impacts and total impacts on a macro scale. The current regulations (baseline) were compared to the proposed regulations, and economic impacts on businesses complying with the proposed regulations were estimated using the REMI model.

The REMI PI+ model employed for this analysis was “Software Build 1.5.2” (Build 3283, 6/4/2013). It is a one-region, 160-sector model, which was modified using the California-specific data for population, demographics and employment (as specified by the Department of Finance).

B. Specific Categories of Individuals and Business Enterprises Affected

An estimated 363 businesses would be impacted:

- 94 - Agricultural Material Compost Operations
- 1 - Biosolids Composting Operation at Publicly Owned Treatment Works
- 18 - Research Composting Operations
- 59 - Green Material Composting Operations
- 26 - Green Material Composting Facilities
- 30 - Composting Facilities
- 55 - Chipping and Grinding Operations
- 20 - Chipping and Grinding Facilities
- 30 - In-vessel Digestion Operations
- 30 - In-vessel Digestion Facilities

The North American Industry Classifications System (NAICS) sectors that may be impacted include:

<table>
<thead>
<tr>
<th>Sector</th>
<th>NAICS</th>
<th>List</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture, Forestry, Fishing and Hunting</td>
<td>11</td>
<td>111; 112; 113; 114; 115</td>
</tr>
<tr>
<td>Utilities</td>
<td>22</td>
<td>22132</td>
</tr>
<tr>
<td>Construction</td>
<td>23</td>
<td>23661; 23621; 23731</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>31-33</td>
<td>311; 3121; 32111; 32121; 32211; 32212; 32213; 32221; 32222; 32223; 325314</td>
</tr>
<tr>
<td>Professional, Scientific, and Technical</td>
<td>54</td>
<td>54162</td>
</tr>
<tr>
<td>Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative and Support and Waste</td>
<td>56</td>
<td>562; 562111; 562920</td>
</tr>
<tr>
<td>Management and Remediation Services</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C. Inputs into the Assessment of the Economic Impact

Appendices B-1 through B-4 present the calculations and assumptions to estimate the costs of the proposed regulations.
Appendix B-1 presents the calculations and assumptions to estimate the cost to privately-owned or operated Compostable Material Handling Operations and Facilities. Appendix B-3 presents the calculations and assumptions to estimate the costs to publicly owned and operated Compostable Material Handling Operations and Facilities, and to public agencies associated with the revised Compostable Material Handling Operations and Facilities Regulatory Requirements. These proposed regulations are revisions to existing Compostable Material Handling Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3.1). The Department’s estimate of the costs to operations and facilities subject to the compostable material handling regulations is based on actual numbers of existing operations and facilities and knowledge of the throughput tonnage.

Appendix B-2 presents the calculations and assumptions to estimate the cost to privately owned or operated In-vessel Digestion Operations and Facilities. Appendix B-4 presents the calculations and assumptions to estimate the costs to publicly owned and operated In-vessel Digestion Operations and Facilities, and to public agencies associated with the proposed In-vessel Digestion Operations and Facilities Regulatory Requirements. Currently, these types of solid waste operations and facilities are subject to either the Transfer/Processing Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3, Articles 6.0 – 6.35) or the Compostable Material Handling Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3.1). These proposed in-vessel digestion regulations provide a single, stand-alone set of regulations for this type of solid waste activity. The Department’s estimate of the costs to operations and facilities subject to the in-vessel digestion regulations includes assumptions about the number of projected operations and facilities, and accounts for differential impacts related to whether the operations and facilities would have been regulated under the Compostable Materials regulations or the Transfer/Processing regulations.

Four scenarios were analyzed (Low Cost – Compostable Materials; Low Cost – In-Vessel Digestion; High Cost – Compostable Materials; High Cost – In-Vessel Digestion) under the assumption that the first year of implementation is 2015. If implementation is delayed a year, or two, then the costs will be similarly delayed. The regulations contain provisions that allow pre-existing operations and facilities to operate in accordance with an existing regulatory authorization for up to 2 years before the operation or facility would be subject to the In-vessel Digestion portion of these regulations. Therefore, the Department estimates the regulations as a whole will be fully implemented at the end of year two (from the operative date of regulations). For the purposes of this assessment, the Department is identifying costs for 2015 (first year of implementation) and 2018 (12 months after full implementation). Forecasts show increasing costs for the subsequent years, at a rate of increase of 1.0% to 1.4% annually, depending on the scenario. This increase is primarily due to the annual increase due to population, and in assumed increases in collection efficiencies. The full presentations for all years assessed, for all scenarios, are available upon request. It is important to note that these changes are from a baseline of growth in the industry for each year, as specified in the assumptions. This regulation does not create a new industry, and hence the jobs that will occur within this new and expanding industry sector are not counted in this assessment. Only the ancillary jobs, related to regulatory compliance and enforcement, are counted in this assessment.

The complete assessment of all economic impacts, including costs by sector, and changes in employment, involved a two-step assessment. The first step was to analyze the direct costs of all compliance and regulatory activities that result from the regulation. Once these were obtained, the second step was to insert the resulting annualized cost estimates for relevant
employment sectors into the REMI software. This software allows estimation of indirect and induced effects of the proposed regulation, in each of the four scenarios. The results are displayed in separate tables, as the variables are quite different for each type of assessment.

Four key cost components that comprise the annual total cost were selected:

**General Cost** includes all costs not specifically detailed in the other three categories. This is principally labor necessary to complete the sampling, removal of physical contaminants and recordkeeping requirements as specified in the regulation, under the specific assumptions of the individual scenario.

**Machinery/Equipment Cost** includes costs of purchased equipment only. The General Cost category does include some embedded machinery costs, where it was expected that work would be hired out to contractors, and the machinery cost was considered as part of the total cost of the contract. The direct expenditure for machinery is less than 10% of this listed amount, and was inserted into the REMI model in the year that expenditure was expected to occur (in the high cost scenarios).

**Laboratory Cost** includes only the cost of the laboratory in analyzing the samples. Collection of samples, and oversight of the sampling process, is contained in General Cost.

**Regulatory Agency Cost** includes the cost of oversight and enforcement of the regulation, for individual State agencies. The detailed spreadsheets contain cost estimates for each separate state agency, including Regional Water Quality Board costs.

The direct costs were separated into these categories to facilitate the modeling within REMI, which determines the related indirect costs. Within that model, different economic multipliers are contained that are specific to these selected categories. For example, the indirect jobs related to manufacturing of special equipment are attributed in much higher portion to states that have stronger manufacturing sectors, and these new jobs are assigned outside the State, and included in the job total in the first line of each scenario in Table 3. Estimated changes in California-specific jobs are shown separately.
## Table 1: Estimated Direct Cost of Compostable Materials and In-vessel Digestion Regulations, Four Scenarios: Low and High Cost Range

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Direct Costs (per year) – Compostable Materials (Public &amp; Private)</th>
<th>Direct Costs (per year) – In-Vessel Digestion (Public &amp; Private)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOW COST SCENARIO</strong></td>
<td><strong>Year</strong></td>
<td><strong>2015</strong></td>
</tr>
<tr>
<td>General Cost</td>
<td>$707,505</td>
<td>$716,121</td>
</tr>
<tr>
<td>Machinery/Equipment Cost</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Laboratory Cost</td>
<td>$90,082</td>
<td>$95,738</td>
</tr>
<tr>
<td>Regulatory Agency Cost</td>
<td>$0</td>
<td>$34,548</td>
</tr>
<tr>
<td><strong>Total Cost</strong></td>
<td>$797,587</td>
<td>$846,407</td>
</tr>
<tr>
<td><strong>HIGH COST SCENARIO</strong></td>
<td><strong>Year</strong></td>
<td><strong>2015</strong></td>
</tr>
<tr>
<td>General Cost</td>
<td>$33,480,169</td>
<td>$35,494,875</td>
</tr>
<tr>
<td>Machinery/Equipment Cost</td>
<td>$16,193,010</td>
<td>$17,184,152</td>
</tr>
<tr>
<td>Laboratory Cost</td>
<td>$1,089,174</td>
<td>$1,155,840</td>
</tr>
<tr>
<td>Regulatory Agency Cost</td>
<td>$0</td>
<td>$34,548</td>
</tr>
<tr>
<td><strong>Total Cost</strong></td>
<td>$50,762,353</td>
<td>$53,869,415</td>
</tr>
</tbody>
</table>

The range between the Low Cost and High Cost is largely due to the estimated costs associated with the proposed 0.1% physical contaminants limit. Based on stakeholder input, the Department estimates a sizable range in the cost incurred to comply with this proposed standard because some operations and facilities may already be meeting the standard and will incur zero cost, whereas others, depending on the percent contamination in feedstock, will incur higher costs associated with additional labor, equipment operation and maintenance, education, etc. That is, if incoming feedstock is low in contaminants, costs can be avoided or significantly reduced. The Department estimates actual costs to will be somewhere in between the Low Cost and High cost scenarios. The median cost would be around $31 Million per year.

The direct costs in Table 1 include summed costs for a wide range of composter types. Some of these facilities will incur costs that can be allocated to specific categories, such as purchase of new equipment and purchase of laboratory services. For other facility types, there may be some additional equipment used, but these expenditures are indirect, inasmuch as the
equipment will be included under a contract for services. Equipment not specifically identified, which may be used at facilities as a result of compliance with the regulation, is included under the “General Cost” category.

In the direct impact analysis, the costs were all based on 2012 expenditures, but the REMI model that was used for this analysis is based on 2005 dollar values. Thus the output values from the direct analysis are converted to the REMI model values. (The jobs estimate is not modified.) All of the variables in the direct cost analysis need to be converted to the units used by the REMI model, either millions or billions for the values, and all jobs estimates in thousands. These conversions were also made. The six specific REMI model policy variables selected for the model are shown in the Table 2 below.

Table 2: REMI Model Policy Variable Selected

<table>
<thead>
<tr>
<th>HIGH SCENARIOS</th>
<th>AS TRANS/PROC/OP</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005 $m  B 1-4, AS TRANS/PROC/OP</td>
<td>Production Cost Waste management &amp; remediation services COSPOL2 x7930</td>
</tr>
<tr>
<td>2005 $m  MACHINERY/EQPT.</td>
<td>Exogenous Final Demand Waste management &amp; remediation services DEMPOL X6530</td>
</tr>
<tr>
<td>2005 $m  MANUFACTURING PURCHASE</td>
<td>Capital Cost Waste management remediation services COSCAP2 x10130</td>
</tr>
<tr>
<td>2005 $m  LAB COSTS</td>
<td>Exogenous Final Demand Management, scientific, &amp; technical consulting svcs. DEMPOL x6520</td>
</tr>
<tr>
<td>2005 $m  REGULATORY COST</td>
<td>State Govt. Spending Total FDPVST 63</td>
</tr>
</tbody>
</table>
D. Outputs from the Assessment of the Economic Impact

The forecasted costs of the regulation are displayed in Table 3. The forecasted costs for the four categories were input for each of the four scenarios that resulted in four separate REMI outputs. These results are shown for the two selected years.

Table 3: Estimated Cost of Compostable Materials and In-vessel Digestion Regulations, Four Scenarios: Low and High Cost Range

<table>
<thead>
<tr>
<th>LOW COST SCENARIO</th>
<th>Costs (per year) – Compostable Materials</th>
<th>Year</th>
<th>Measure</th>
<th>2015</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Employment</td>
<td>Jobs</td>
<td></td>
<td></td>
<td>0</td>
<td>-2</td>
</tr>
<tr>
<td>Laboratory Services (Mgmt. Sci &amp; Tech Consult.)</td>
<td>Jobs</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste Mgmt. &amp; Remediation Svcs.</td>
<td>Jobs</td>
<td>0</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gross Domestic Product</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Value Added</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative Composite Input Costs</td>
<td>Proportion</td>
<td>0.0%</td>
<td>0.0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative Delivered Price</td>
<td>Proportion</td>
<td>0.0%</td>
<td>0.0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative Cost of Production</td>
<td>Proportion</td>
<td>0.0%</td>
<td>0.0%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LOW COST SCENARIO</th>
<th>Costs (per year) – In-Vessel Digestion</th>
<th>Year</th>
<th>Measure</th>
<th>2015</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Employment</td>
<td>Jobs</td>
<td></td>
<td></td>
<td>0</td>
<td>-2</td>
</tr>
<tr>
<td>Laboratory Services (Mgmt. Sci &amp; Tech Consult.)</td>
<td>Jobs</td>
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<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste Mgmt. &amp; Remediation Svcs.</td>
<td>Jobs</td>
<td>0</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gross Domestic Product</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$1.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Value Added</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative Composite Input Costs</td>
<td>Proportion</td>
<td>0.0%</td>
<td>0.0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative Delivered Price</td>
<td>Proportion</td>
<td>0.0%</td>
<td>0.0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative Cost of Production</td>
<td>Proportion</td>
<td>0.0%</td>
<td>0.0%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HIGH COST SCENARIO</th>
<th>Costs (per year) – Compostable Materials</th>
<th>Year</th>
<th>Measure</th>
<th>2015</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Employment</td>
<td>Jobs</td>
<td></td>
<td></td>
<td>1</td>
<td>-4</td>
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<tr>
<td>Laboratory Services (Mgmt. Sci &amp; Tech Consult.)</td>
<td>Jobs</td>
<td>8</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste Mgmt. &amp; Remediation Svcs.</td>
<td>Jobs</td>
<td>56</td>
<td>43</td>
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<td></td>
</tr>
<tr>
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<td>$ Mill.</td>
<td>$4.0</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Output</td>
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<td>$2.0</td>
<td>-$5.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Value Added</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative Composite Input Costs</td>
<td>Proportion</td>
<td>0.1%</td>
<td>0.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative Delivered Price</td>
<td>Proportion</td>
<td>0.3%</td>
<td>0.3%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative Cost of Production</td>
<td>Proportion</td>
<td>0.3%</td>
<td>0.3%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HIGH COST SCENARIO</th>
<th>Costs (per year) – In-Vessel Digestion</th>
<th>Year</th>
<th>Measure</th>
<th>2015</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Employment</td>
<td>Jobs</td>
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<td></td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Laboratory Services (Mgmt. Sci &amp; Tech Consult.)</td>
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<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste Mgmt. &amp; Remediation Svcs.</td>
<td>Jobs</td>
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</tr>
<tr>
<td>Gross Domestic Product</td>
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<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$1.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Value Added</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative Composite Input Costs</td>
<td>Proportion</td>
<td>0.0%</td>
<td>0.0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative Delivered Price</td>
<td>Proportion</td>
<td>0.0%</td>
<td>0.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative Cost of Production</td>
<td>Proportion</td>
<td>0.0%</td>
<td>0.1%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 4: Estimated Total Cost of Compostable Materials and In-vessel Digestion Regulations: Low and High Cost Range

<table>
<thead>
<tr>
<th>Measure</th>
<th>Costs (per year)</th>
<th>LOW COST SCENARIO</th>
<th>2015</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Employment</td>
<td>Jobs</td>
<td>0</td>
<td>-4</td>
<td></td>
</tr>
<tr>
<td>Laboratory Services (Mgmt. Sci &amp; Tech Consult.)</td>
<td>Jobs</td>
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<td>2</td>
<td></td>
</tr>
<tr>
<td>Waste Mgmt. &amp; Remediation Svcs.</td>
<td>Jobs</td>
<td>0</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Labor Domestic Product</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$0.0</td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>-$1.0</td>
<td></td>
</tr>
<tr>
<td>Value Added</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$0.0</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Measure</th>
<th>Costs (per year)</th>
<th>HIGH COST SCENARIO</th>
<th>2015</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Employment</td>
<td>Jobs</td>
<td>5</td>
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<td></td>
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<td>Laboratory Services (Mgmt. Sci &amp; Tech Consult.)</td>
<td>Jobs</td>
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<td>7</td>
<td></td>
</tr>
<tr>
<td>Waste Mgmt. &amp; Remediation Svcs.</td>
<td>Jobs</td>
<td>56</td>
<td>57</td>
<td></td>
</tr>
<tr>
<td>Gross Domestic Product</td>
<td>$ Mill.</td>
<td>$4.0</td>
<td>-$15.0</td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td>$ Mill.</td>
<td>$2.0</td>
<td>-$4.0</td>
<td></td>
</tr>
<tr>
<td>Value Added</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$0.0</td>
<td></td>
</tr>
</tbody>
</table>

E. Agency’s Interpretation of the Results of the Assessment of the Economic Impact

From the detailed REMI output, nine key cost components that comprise the annual total cost were selected, and these are displayed in Table 3 as changes occurring in three separate categories, within three groups: Employment, Output, and Relative Cost. It is important to note that these changes are from a baseline of growth in the compost industry for each year, as specified in the assumptions. The assessment estimates the overall change in the number of jobs in the U.S. economy and the ancillary jobs (almost entirely California-based) associated with compliance and enforcement of the proposed regulations.

Employment changes resulting from indirect and induced impacts of the regulation are forecasted for three groups: Total Employment, Laboratory Services (LS), and Waste Management and Remediation Services (WMRS). Under the Low Cost scenarios, the total California net job changes, for each representative year, are shown in the first line. The second and third lines show the annual job changes for LS industry sector, and the WMRS Sectors.

In general, while some economic models may predict that the higher costs resulting from the proposed regulations should lead to job losses, the Department expects the proposed regulations to create positive, net job growth. This growth will be seen in the waste management, remediation and laboratory services industries and will result from the greater certainty for investment offered by the regulations and from the efforts of businesses to comply at lower cost (for example, by receiving feedstock with lower contaminant levels, as previously discussed in Section C.).

In 2018, it is estimated that under both of the Low Cost Scenarios there will be one additional job created in Laboratory Services, and two additional jobs in the WMRS sector.
However, two jobs will be lost somewhere in the economy, as the regulation results in a net increase of one job, not the three jobs created in the specific industry sectors.

Under the High Cost scenarios, there will be seven additional jobs in the LS sector and 57 additional jobs in the WMRS sector. Four jobs will be gained and four jobs will be lost somewhere in the economy.

**Gross Domestic Product** changes resulting from indirect and induced impacts of the regulation are forecasted, as well related Economic Output and Value Added to the National economy. As the REMI model displays inputs and outputs in these categories in the billions of dollars, the model output for these categories is rounded to the nearest million. The values shown in Table 3 are in 2005 dollars, to be consistent with the REMI model output values. These values should be multiplied by 1.175 to be directly comparable to the values shown in Table 1.

For the Low Cost scenarios, this GDP changes and Output changes are on the same order of magnitude as the estimates made for Direct Costs, shown in Table 1.

The GDP reduction under the High Cost Scenarios for the year 2018 is estimated at $15 million for the Compost Materials, and at $0 for the In-Vessel Digestion.

The values determined by the model for the changes in GDP, Economic Output, and Value Added are roughly what would be expected from the imposition of a cost upon a specific industry or sector of the economy. As stated above, these costs – in terms of dollars and jobs - are completely separate from the economic value and jobs created by the expanding California composting industry.

**Relative Composite Costs and Prices** are the changes, in percent from baseline, for the three categories: Relative Composite Input Costs, Relative Delivered Price, and Relative Cost of Production. These three values are all specific to the WMRS industry sector, and measure the changes to the production costs for this industry. The costs and prices are all positive values, showing increases.

In the Low Cost scenarios, no measurable changes are observed in the model.

In the High Cost scenarios, the changes in Relative Composite Input Costs remains measurably unchanged, across all years. The Relative Delivered Price increases in the early years of the In-vessel Digestion forecast by 0.1%, and in the later years by 0.2%. For Compostable Materials forecast, the Relative Cost of Production under the High Cost scenario increases at 0.3% annually.

Not shown in the detailed REMI output in Table 3 are additional quantitative impacts that occur outside the specific sectors mentioned above (i.e., the three groups: Employment, Output, and Relative Cost). It is important to note that these changes are from a baseline of growth in the compost industry for each year, as specified in the assumptions. Not included in this table are indirect and induced effects related to direct expenditures on machinery, in the year that these impacts occurred. The REMI model amortizes these expenditures over a period of years, and even the combined impact of multiple expenditures over a period of years is so small that it does not appear in the output of the model results.
III. CRITERIA

A. Creation or Elimination of Jobs within the State

The proposed regulatory action may create between four and 57 new jobs at compostable material handling and in-vessel digestion facilities due to the hiring additional laborers to manually remove physical contaminants or operate equipment to remove physical contaminants, designing and maintaining roads, providing adequate lighting, and providing and maintaining visual screening, and up to 7 additional jobs at laboratories that analyze percent contamination. Compostable material handling and in-vessel digestion facilities may also need to purchase additional equipment to remove physical contaminants which may create new equipment manufacturing and/or maintenance/repair jobs in California.

B. Creation of New Businesses or the Elimination of Existing Businesses within the State

Based on this assessment, the proposed regulations would not affect the creation or elimination of businesses within California. Currently, these types of solid waste operations and facilities are subject to either the Transfer/Processing Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3, Articles 6.0 – 6.35) or the Compostable Material Handling Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3.1).

C. Competitive Advantages or Disadvantages for Businesses Currently Doing Business Within the State

The proposed regulations revisions would not impact the ability of California businesses to compete with businesses in other states to produce goods or services within California. The proposed regulations revisions are intended to create more equitable compostable material handling and in-vessel digestion business competition within California.

D. Increase or Decrease of Investment in the State

The results of this assessment do not indicate whether the proposed regulations would either increase or decrease investment in the State.

E. Incentives for Innovation in Products, Materials, or Processes

One proposed change in these regulations is a standard for compostable material applied to land, and compost produced at a regulated operation or facility, to meet a 0.1% physical contaminant limit. The Department assumes operators will incur costs associated with removing contaminants from feedstock or product to meet this standard. Initially, operators may employ labor and/or utilize available equipment (e.g., screens) to remove contaminants. Moving forward, the Department anticipates the standard may stimulate the development of innovative equipment or physical processes to more efficiently and cost-effectively remove contaminants.
F. Benefits of the Regulations

The principal benefit of the proposed regulations is protecting public health, safety and the environment. Requiring compost products to meet a 0.1% physical contaminant limit will reduce litter and minimize the amount of plastic entering surface water and the ocean while creating new jobs and increasing the market value of compost. Establishing criteria for safe land application of compostable material will reduce litter and minimize the amount of plastic entering surface water and the ocean and improve food safety and animal health by reducing toxic metals, disease-causing organisms, physical contaminants, and invasive/noxious species in compostable material. Other benefits of the proposed regulations include minimizing odors at compostable material handling and in-vessel digestion facilities; decreasing greenhouse gases, air pollution, and long-distance transportation of organic material by facilitating small-scale composting; providing clarity to the regulated community and regulators. Finally, the regulations will ensure safe operations and facilities to handle organic material diverted as the result of California’s goal to source-reduce, recycle, or compost 75% of the solid waste generated in the State by 2020.

The new, “stand-alone” In-vessel digestion portion of the proposed regulations will establish a clear regulatory framework for the digestion of organic material. Digesting this material will decrease greenhouse gas generation and increase production of biofuels/bioenergy.

IV. CONCLUSIONS

A. Description of the Costs and All Benefits Due to the Proposed Regulatory Change

Costs

The Department estimates the economic impact of this regulation (including the fiscal impact) is over $50 million.

<table>
<thead>
<tr>
<th></th>
<th>LOW COST SCENARIO</th>
<th></th>
<th>HIGH COST SCENARIO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Year</td>
<td>2015</td>
<td>2018</td>
</tr>
<tr>
<td>Compostable Materials</td>
<td>$797,587</td>
<td>$846,407</td>
<td>$50,762,353</td>
</tr>
<tr>
<td>In-Vessel Digestion</td>
<td>$7,380</td>
<td>$774,563</td>
<td>$8,646</td>
</tr>
<tr>
<td>Total</td>
<td>$804,967</td>
<td>$1,620,970</td>
<td>$50,770,999</td>
</tr>
</tbody>
</table>

Benefits
The principal benefit of the proposed regulations is protecting public health, safety and the environment. Requiring compost products to meet a 0.1% physical contaminant limit will reduce litter and minimize the amount of plastic entering surface water and the ocean while creating new jobs and increasing the market value of compost. Establishing criteria for safe land application of compostable material will reduce litter and minimize the amount of plastic entering surface water and the ocean and improve food safety and animal health by reducing toxic metals, disease-causing organisms, physical contaminants, and invasive/noxious species in compostable material. Other benefits of the proposed regulations include minimizing odors at compostable material handling and in-vessel digestion facilities; decreasing greenhouse gases, air pollution, and long-distance transportation of organic material by facilitating small-scale composting; providing clarity to the regulated community and regulators. Finally, the regulations will ensure safe operations and facilities to handle organic material diverted as the result of California’s goal to source-reduce, recycle, or compost 75% of the solid waste generated in the State by 2020.

The new, “stand-alone” In-vessel digestion portion of the proposed regulations will establish a clear regulatory framework for the digestion of organic material. Digesting this material will decrease greenhouse gas generation and increase production of biofuels/bioenergy.

B. Description of the Costs and Benefits of Alternatives Considered, and Reason(s) for Rejecting Alternative(s)

Alternative 1: No action.

Cost: There would be no cost associated with this alternative.

Benefits: This alternative would not achieve any of the benefits listed in the above section - Description of the Costs and All Benefits Due to the Proposed Regulatory Change.

Reason for Rejecting: The no action alternative would not address the stated need for the regulations, namely protecting public health, safety, and the environment.

Alternative 2: Increase the physical contaminant level of compost and land applied material to a higher limit than 0.1%.

Cost: While increasing the allowable physical contaminant level may seem like it would reduce labor and capital costs, staff does not estimate a significant cost savings. Based on stakeholder input, there will be certain amount of baseline level of costs (e.g., equipment capital costs; basic labor costs) regardless of the physical contaminant level set. Therefore, the Department does not anticipate a direct correlation between increasing the physical contaminant level and a reduction in costs. The Department modeled the cost of increasing the physical contaminant level that would result in an estimated 30% reduction in labor costs, with equipment and other capital costs remaining fixed. The results of the modeling are represented in Table 6.

Benefits: Increasing the allowable physical contaminant level would increase revenues for Compostable Material Handling Facilities and Operations, as more product could be sold in segments of the agriculture and erosion control markets where higher physical
Standardized Regulatory Impact Assessment
CalRecycle – Compostable Materials and Transfer/Processing Regulations

Contaminants levels are acceptable. However, increasing the allowable physical contaminant level would negatively impact public health, safety, and the environment (see Reason for Rejecting below).

Reason for Rejecting: Increasing the physical contaminant level would not address the stated need for the regulations, namely protecting public health, safety, and the environment. Increasing the physical contaminant level could: 1) adversely impact food safety and animal health by increasing toxic metals and disease-causing organisms in compostable material; 2) increase the amount of plastic entering surface water and the ocean; and 3) increase litter in areas where compost and compostable material is applied.

Table 6: Alternative 2 - Estimated Total Cost of Compostable Materials and In-vessel Digestion Regulations: Low and High Cost Range

<table>
<thead>
<tr>
<th>Measure</th>
<th>Costs (per year)</th>
<th>Year</th>
<th>2015</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Employment</td>
<td>Jobs</td>
<td>0</td>
<td>-4</td>
<td></td>
</tr>
<tr>
<td>Laboratory Services (Mgmt. Sci &amp; Tech Consult.)</td>
<td>Jobs</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Waste Mgmt. &amp; Remediation Svcs.</td>
<td>Jobs</td>
<td>0</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Gross Domestic Product</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$0.0</td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>-$1.0</td>
<td></td>
</tr>
<tr>
<td>Value Added</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$0.0</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Measure</th>
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<th>Year</th>
<th>2015</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Employment</td>
<td>Jobs</td>
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<td>-9</td>
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<td>Waste Mgmt. &amp; Remediation Svcs.</td>
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</tr>
<tr>
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</tr>
<tr>
<td>Output</td>
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<td>-$10.0</td>
<td>-$20.0</td>
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<tr>
<td>Value Added</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$1.0</td>
<td></td>
</tr>
</tbody>
</table>

C. Impact on General Fund and Special Funds

Department staff has determined that the proposed regulation does not impose a mandate on local agencies or school districts.

Department staff has further determined that the proposed regulation does not impact: 1) any costs to local government, which must be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of the Government Code; 2) any savings to local government; 3) any savings or other impacts such as revenue changes to state agencies; and 4) any additional federal funding or reduction in federal funding to the state.

Costs to local government, which are not reimbursable under Section 6 of Article XIII B of the California Constitution but which will necessarily be incurred in reasonable compliance with the regulations, and which could result in a revenue change(s), are outlined in Appendix B-2 and B-4.
Costs to state agencies that will be incurred in reasonable compliance, administration, implementation, and/or enforcement by the Department and other state agencies are outlined in Appendix B-2 and B-4.
## Private Compostable Material Handling Operations and Facilities

### Preliminary Estimates

### Agricultural Material Composting Operations (94 active)

**Odor:**
Prepare BMP Report: $5,000 - $10,450/operation x 0 active operations/yr. = $0/yr.  
Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report

Implementation BMP Report: $121.54/hr. + $9.61/hr. = $131.15/hr.  
$31.15/hr. x (80 – 160 hrs.)/yr. = $2,492 - $4,984/yr. per operation  
$2,492 - $4,984/yr. per operation x 0 active operations = $0/yr.  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report

1.0% Physical Contaminants: (incoming)
Visual observation of loads: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x (½ to ½ hr.) x 260 operating days/yr. = $2,696.97 - $4,049.50/yr. per operation  
$2,696.97 - $4,049.50/yr. per operation x 40 operations = $107,879 - $161,980/yr.  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; staff estimates less than 50% of agricultural material composting operations accept green material and will need to visually inspect loads.

0.1% Physical Contaminants: (outgoing)
Sampling and analysis: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x ½ hr. = $10.37  
$10.37 + $48.00/labor cost = $58.37/sample  
$58.37/sample x 0 samples/yr. = $0/yr.  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; staff estimates that only facilities accepting mixed material will need to sample outgoing material.

Removing contaminants: ($0 - $11)/ton x 0 tons/yr. = $0 activation operations = $0/yr.  
Based on estimates from industry: some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard; agricultural material composting operations can only accept green material with less than 1% physical contamination, and agricultural material composting operations should meet the 0.1% physical contaminant limit for finished compost.

### Biosolids Composting Operations at POTWs (1 active)

**Odor:**
Prepare BMP Report: $5,000 - $10,450/operation x 0 operations/yr. = $0/yr.  
Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report

Implementation BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x (80 – 160 hrs.)/yr. = $2,492 - $4,984/yr. per operation  
$2,492 - $4,984/yr. per operation x 0 operations = $0/yr.  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report

1.0% Physical Contaminants: (incoming)
Visual observation of loads: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x (½ to ½ hr.) x 260 operating days/yr. = $2,696.97 - $4,049.50/yr. per operation  
$2,696.97 - $4,049.50/yr. per operation x 1 operation = $2,696.97 - $4,049.50/yr.  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; all biosolids composting operations at POTWs must visually sample loads.

0.1% Physical Contaminants: (outgoing)
Sampling and analysis: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x ¼ hr. = $10.37  
$10.37 + $48.00/labor cost = $58.37/sample  
$58.37/sample x 1 sample/yr. = $58.37/yr.  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; staff estimates that only facilities accepting mixed material will need to sample outgoing material.

Removing contaminants: ($0 - $11)/ton x 82,210 tons of avg. operation/yr. = $0 to $904,310/yr.  
Based on estimates from industry: some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard; biosolids composting operations can only accept green material with less than 1% physical contamination, and most biosolids composting operations should meet the 0.1% physical contaminant limit for finished compost; tonnage based on current estimated throughout.

#### Subtotal Cost

$107,879 - $161,980/yr.

### Research Composting Operations (18 active)

**Odor:**
Prepare BMP Report: $5,000 - $10,450/operation x 0 operations/yr. = $0/yr.  
Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report

Implementation BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x (80 – 160 hrs.)/yr. = $2,492 - $4,984/yr. per operation  
$2,492 - $4,984/yr. per operation x 0 operations = $0/yr.  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report

2-Year Report:
Prepare 2-yr. Report: $35.88/hr. + $15.86/hr. = $51.74/hr.  
$51.74/hr. x 8 hrs./yr. = $413.92/yr. per operation  
$413.92/yr. per operation x 9 operations/yr. = $3,725.28/yr.  
Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to prepare report; staff estimates 50% of research operations will submit report to extend research operation.

#### Subtotal Cost

$2,755 - $908,418/yr.
**Green Material Composting Operations (59 active)**

<table>
<thead>
<tr>
<th>Description</th>
<th>Data and Calculations</th>
</tr>
</thead>
</table>
| 12,500 Cubic Yard Storage:   | **Cost for submitting request in writing for SSA:** $35.88/hr. + $15.86/hr. = $51.74/hr.  
                               | $51.74/hr. x (1 - 2 hrs.)/yr. per operation x 6 operations = $310.44 - $620.88/yr. |
| Odor:                        | **Prepare BMP Report:** $5,000 - $10,450/operation x 0 operations/yr. = $0/yr.        |
|                             | **Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report** |
|                             | **Implement BMP Report:** $21.54/hr. + $9.61/hr. = $31.15/hr.                          |
|                             | $31.15/hr. x (80 - 160 hrs.)/yr. = $2,492 - $4,984/yr. per facility                 |
|                             | $2,492 - $4,984/yr. per facility x 0 operations = $0/yr.                            |
|                             | **Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to complete request submission; staff estimates 10% of operations will submit SSA request.** |
| 1.0% Physical Contaminants:  | **Visual observation of loads:** $21.54/hr. + $9.61/hr. = $31.15/hr.                 |
| (incoming)                   | $31.15/hr. x (¾ to ½ hr.) x 260 operating days/yr. = $2,696.97 - $4,049.50/yr. per operation |
|                             | $2,696.97 - $4,049.50/yr. per operation x 9 operations = $159,121 - $238,920/yr.  |
|                             | **Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report.** |
| 0.1% Physical Contaminants:  | **Sampling and analysis:** $21.54/hr. + $9.61/hr. = $31.15/hr.                      |
| (outgoing)                   | $31.15/hr. x ¾ hr. = $10.37                                                        |
|                             | $10.37 + $48.00 lab cost = $58.37/sample                                             |
|                             | $58.37/sample x 6 samples/yr. = $350.22/yr.                                         |
|                             | **Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; staff estimates that EA will request a sample from 10% of green material composting operators (6).** |
|                             | **Removing contaminants:** (50 - $11)/ton x (529,188 tons/35 operations = 15,120 tons of avg. operation/yr.) x 6 operations = $0 to $997,920/yr.** |
|                             | **Based on estimates from industry; some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard. (Add breakdown to matrix); green material composting operations can only accept green material with less than 1% physical contamination, and most green material composting operations should meet the 0.1% physical contaminant limit for finished compost; tonnage based on current estimated throughput.** |

**Subtotal Cost** $3,725.28/yr.

---

**Green Material Composting Facilities (26 active)**

<table>
<thead>
<tr>
<th>Description</th>
<th>Data and Calculations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Odor:</td>
<td><strong>Prepare BMP Report:</strong> $5,000 - $10,450/facility x 0 facilities/yr. = $0/yr.</td>
</tr>
<tr>
<td></td>
<td><strong>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Implement BMP Report:</strong> $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (80 - 160 hrs.)/yr. = $2,492 - $4,984/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>$2,492 - $4,984/yr. per facility x 0 facilities = $0/yr.</td>
</tr>
<tr>
<td></td>
<td><strong>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in BMP report; only facilities accepting mixed material are likely to implement a BMP report.</strong></td>
</tr>
<tr>
<td>1.0% Physical Contaminants:</td>
<td><strong>Visual observation of loads:</strong> $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td>(incoming)</td>
<td>$31.15/hr. x (¾ to ½ hr.) x 260 operating days/yr. = $2,696.97 - $4,049.50/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>$2,696.97 - $4,049.50/yr. per facility x 26 facilities = $70,121 - $105,287/yr.</td>
</tr>
<tr>
<td></td>
<td><strong>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; number of samples based on current estimated throughput being sampled every 5,000 cubic yards.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Removing contaminants:</strong> (50 - $11)/ton x 877,200 tons/yr. x = $0 to $9,649,200/yr.**</td>
</tr>
<tr>
<td></td>
<td><strong>Based on estimates from industry; some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard; green material composting facilities can only accept green material with less than 1% physical contamination, and most green material composting operations should meet the 0.1% physical contaminant limit for finished compost; tonnage based on current estimated throughput.</strong></td>
</tr>
</tbody>
</table>

**Subtotal Cost** $159,781.66 - $1,237,812/yr.

---

**Vegetative Food Material Composting Facilities (≤ 12,500 cubic yards) (0 active)**

<table>
<thead>
<tr>
<th>Description</th>
<th>Data and Calculations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Odor:</td>
<td><strong>Prepare BMP Report:</strong> $5,000 - $10,450/operation x 0 active operations/yr. = $0/yr.</td>
</tr>
<tr>
<td></td>
<td><strong>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Implement BMP Report:</strong> $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (80 - 160 hrs.)/yr. = $2,492 - $4,984/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>$2,696.97 - $4,049.50/yr. per facility x 0 active facilities = $0/yr.</td>
</tr>
<tr>
<td></td>
<td><strong>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in BMP report; only facilities accepting mixed material are likely to implement a BMP report.</strong></td>
</tr>
<tr>
<td>1.0% Physical Contaminants:</td>
<td><strong>Visual observation of loads:</strong> $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td>(incoming)</td>
<td>$31.15/hr. x (¾ to ½ hr.) x 260 operating days/yr. = $2,696.97 - $4,049.50/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>$2,696.97 - $4,049.50/yr. per facility x 0 active facilities = $0/yr.</td>
</tr>
<tr>
<td></td>
<td><strong>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; number of samples based on current estimated throughput being sampled every 5,000 cubic yards.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Removing contaminants:</strong> (50 - $11)/ton x 0/yr. x = $0 to $9,649,200/yr.**</td>
</tr>
<tr>
<td></td>
<td><strong>Based on estimates from industry; some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard; green material composting facilities can only accept green material with less than 1% physical contamination, and most green material composting operations should meet the 0.1% physical contaminant limit for finished compost; tonnage based on current estimated throughput.</strong></td>
</tr>
</tbody>
</table>

**Subtotal Cost** $90,609 - $9,774,975/yr.
## Vegetative Food Material Composting Facilities (> 12,500 cubic yards) (0 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Vegetative Food Material Composting Facilities (&gt; 12,500 cubic yards) (0 active)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Odor: Prepare BMP Report: $5,000 - $10,450/operation x 0 active facilities/yr. = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
</tr>
<tr>
<td></td>
<td>Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (80 – 160 hrs./yr. = $2,492 - $4,984/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>$2,696.97 - $4,049.50/yr. per facility x 0 active facilities = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total daily compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
</tr>
<tr>
<td></td>
<td>1.0% Physical Contaminants: Visual observation of loads: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (½ to ¾ hr.) x 260 operating days/yr. = $2,696.97 - $4,049.50/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>$2,696.97 - $4,049.50/yr. per facility x 0 active facilities = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total daily compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
</tr>
<tr>
<td></td>
<td>0.1% Physical Contaminants: Sampling and analysis: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x ¼ hr. = $10.37</td>
</tr>
<tr>
<td></td>
<td>$10.37 + $48.00 labor cost = $58.37/sample</td>
</tr>
<tr>
<td></td>
<td>$58.37/sample x 0 samples/yr. = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total daily compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
</tr>
<tr>
<td></td>
<td>Subtotal Cost</td>
</tr>
<tr>
<td></td>
<td>$0/yr.</td>
</tr>
</tbody>
</table>

## Composting Facilities (all) (e.g., biosolids, digestate, food material, mixed) (30 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Composting Facilities (all) (e.g., biosolids, digestate, food material, mixed) (30 active)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Odor: Prepare BMP Report: $5,000 - $10,450 x 1 facility/yr. = $5,000 - $10,450/yr.</td>
</tr>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; staff estimates one composting facility per year will prepare a BMP report based on current odor violations.</td>
</tr>
<tr>
<td></td>
<td>Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (80 – 160 hrs./yr. = $2,492 - $4,984/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>$2,492 - $4,984/yr. per facility x 1 facility = $2,492 - $4,984/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total daily compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in BMP report; only facilities accepting composting facilities are likely to prepare a BMP report.</td>
</tr>
<tr>
<td></td>
<td>0.1% Physical Contaminants: Sampling and analysis: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x ¼ hr. = $10.37</td>
</tr>
<tr>
<td></td>
<td>$10.37 + $48.00 labor cost = $58.37/sample</td>
</tr>
<tr>
<td></td>
<td>$58.37/sample x 1186 samples/yr. x = $69,226.82/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total daily compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in BMP report; only facilities accepting composting facilities are likely to prepare a BMP report.</td>
</tr>
<tr>
<td></td>
<td>Subtotal Cost</td>
</tr>
<tr>
<td></td>
<td>$0/yr.</td>
</tr>
</tbody>
</table>

## Chipping and Grinding Operations (≤ 200 tons/day) (55 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Chipping and Grinding Operations (≤ 200 tons/day) (55 active)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Odor: Prepare BMP Report: $5,000 - $10,450/operation x 0 operations/yr. = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
</tr>
<tr>
<td></td>
<td>Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (80 – 160 hrs./yr. = $2,492 - $4,984/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>$2,492 - $4,984/yr. per operation x 0 operations = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total daily compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
</tr>
<tr>
<td></td>
<td>1.0% Physical Contaminants: Visual observation of loads: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (½ to ¾ hr.) x 260 operating days/yr. = $2,696.97 - $4,049.50/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>$2,696.97 - $4,049.50/yr. per operation x 55 operations = $148,333.35 - $222,722.50/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total daily compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; all chip and grind operations must visually sample loads.</td>
</tr>
<tr>
<td></td>
<td>Subtotal Cost</td>
</tr>
<tr>
<td></td>
<td>$148,333.35 - $222,722.50/yr.</td>
</tr>
</tbody>
</table>

## Chipping and Grinding Facilities (> 200 and ≤ 500 tons/day) (9 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Chipping and Grinding Facilities (&gt; 200 and ≤ 500 tons/day) (9 active)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Odor: Prepare BMP Report: $5,000 - $10,450/facility x 0 facilities/yr. = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
</tr>
<tr>
<td></td>
<td>Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (80 – 160 hrs./yr. = $2,492 - $4,984/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>$2,492 - $4,984/yr. per facility x 0 active facilities = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total daily compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
</tr>
</tbody>
</table>

Appendix B-1

June 2014
### Analysis:

#### Odor:

- **Chemical**: Chipping
- **Sampling**

**0.1% Physical Contaminants:** (incoming)

- **Visual observation of loads:** $21.54/hr. + $9.61/hr. = $31.15/hr.
- **$31.15/hr. x (1/8 to 1/5 hr.) x 260 operating days/yr. = $2,696.97 - $4,049.50/yr. per facility**
- **$2,696.97 - $4,049.50/yr. per facility x 9 facilities/yr. = $24,272.73 - $36,445.50/yr.**

**Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; all chip and grind facilities must visually sample loads.**

| Subtotal Cost: | $24,272.73 - $36,445.50/yr. |

### Chipping and Grinding Facilities (> 500 tons/day) (11 active)

| Odor: | Prepare BMP Report: $5,000 - $10,450/facility x 0 facilities/yr. = $0/yr. |
|--------| Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report | Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr. |
| 1.0% Physical Contaminants: (incoming) | $31.15/hr. x (80 – 160 hrs.)/yr. = $2,492 - $4,984/yr. per facility | $2,492 - $4,984/yr. per facility x 0 facilities = $0/yr. |

**Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in BMP report; only facilities accepting mixed material are likely to implement a BMP report.**

| Subtotal Cost: | $29,666.67 - $44,544.50/yr. |

### Land Application

<table>
<thead>
<tr>
<th>Sampling and Analysis:</th>
<th>$21.54/hr. + $9.61/hr. = $31.15/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.1% Physical Contaminants: (outgoing)</td>
<td>$31.15/hr. x 1/8 hr. = $10.37</td>
</tr>
<tr>
<td><strong>$10.37 + $300.00 lab cost = $310.37/sample</strong></td>
<td><strong>$31.15/hr.</strong></td>
</tr>
<tr>
<td><strong>1,000,000 tons / (30 – 600 tons)/acre + (10 – 622 acres)/site = 3 – 3,333 sites</strong></td>
<td><strong>$2,696.97 – $4,049.50/yr. per facility x 11 facilities/yr. = $29,666.67 - $44,544.40/yr.</strong></td>
</tr>
<tr>
<td><strong>3 – 3,333 sites x $310.37/sample = $931.11 - $1,034,463/yr.</strong></td>
<td><strong>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; all chip and grind facilities must visually sample loads.</strong></td>
</tr>
</tbody>
</table>

**Total number of samples based on an estimate of application sites. The number of application sites is based on estimates of tonnage available for land applied annually, range of application rate, and range of application site area.**

| Subtotal Cost: | $2,971 - $2,136,503/yr. |

<table>
<thead>
<tr>
<th>CDFA Determination:</th>
<th>Determination of &quot;agronomically beneficial&quot;: $54.75/hr. + $30.25/hr. = $85/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>$85/hr. x 8 hrs./site x 3 sites/yr. = $2,040/yr.</strong></td>
<td><strong>Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of time to process a request for an &quot;agronomically beneficial&quot; determination; staff estimate on the number of sites that will request an &quot;agronomically beneficial&quot; determination.</strong></td>
</tr>
</tbody>
</table>

| Subtotal Cost: | $2,971 - $2,136,503/yr. |

| Total Cost: | $646,710 - $47,262,955/yr. |

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93 June 2014
## Private In-vessel Digestion Operations and Facilities
### Preliminary Estimates

<table>
<thead>
<tr>
<th>Research In-vessel Digestion Operations (0 active)</th>
<th></th>
</tr>
</thead>
</table>
| **2-Year Report:** | Prepare 2-yr. Report: $35.88/hr. + $15.86/hr. = $51.74/hr.  
$51.74/hr. x 8 hrs. + 2 yrs. = $206.96/yr. per operation  
Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to prepare report; reports are due after two years. |
| **Odor:** | Prepare BMP Report: ($5,000 - $10,450)/operation  
($5,000 - $10,450)/operation x 0 operations = $0/yr.  
Based on estimates obtained from industry consultants; staff estimates that no Research In-vessel Digestion Operations will prepare a BMP report.  
Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x (80 hrs. - 160 hrs.)/yr. = ($2,492 - $4,984)/yr. per operation  
($2,492 - $4,984)/yr. per operation x 0 operations = $0/yr.  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; staff estimates that no Research In-vessel Digestion Operations will implement a BMP report. |
| **Biogas Control:** | Take precautions to minimize uncontrolled release: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x 50 hrs./yr. = $1,557.50/yr. per operation  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas. |
| **Drainage and Spill Control:** | Spill response = $100/yr. per operation  
Staff estimate of equipment and supplies costs. |
| **Subtotal Cost (to any new In-vessel Digestion operation)** | $1,864.46/yr. |
| **Odor:** | Prepare OIMP: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x (4 hrs. - 24 hrs.)/yr. = $124.60 - $747.60/yr. per operation  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP. |
| **Site Restoration:** | Provide notice; cleaning, and removal: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x 40 hrs./yr. = $1,246/yr.  
Equipment use = ($1,200 - $1,500)/yr.  
($1,200 - $1,500) + $1,246 x one every 30 yrs. (1/yr.) x = $81.53 - $91.53/yr. per operation  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of equipment costs due to OIMP only necessary upon site closure, which will occur once every 30 years. |
| **Subtotal cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.)** | $206.13 - $839.13/yr. |
| **Personnel Health and Safety:** | Make available IIPP: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x ½ hr./hr. = $3.89/yr. per operation  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to make IIPP available for review. |
| **Roads:** | Design and maintain roads: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x 50 hrs./yr. = $1,557.50/yr. per operation  
Equipment: $1,000/operation [$159/yr. (10 year amortization)]  
$1,557.50/yr. + $159/yr. = $1,716.50/yr. per operation  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs. |
| **Supervision and Personnel:** | Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $35.88/hr. + $15.86/hr. = $51.74/hr.  
$51.74/hr. x ½ hr./yr. = $25.87/yr. per operation  
Average hourly compensation of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record. |
| **Subtotal cost (to an in-vessel digestion op. that would have been regulated as a Composting op.)** | $1,746/yr. |
| **Total cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.)** | Any + TP = $2,070.59  
- $2,703.59/yr. |
| **Total cost (to an in-vessel digestion op. that would have been regulated as a Composting op.)** | Any + CM = $3,610.36/yr. |

## Dairy In-vessel Digestion Operations (0 active)

| Odor: | Prepare BMP Report: ($5,000 - $10,450)/operation  
($5,000 - $10,450)/operation x 0 operations = $0/yr.  
Based on estimates obtained from industry consultants; staff estimates that no Dairy In-vessel Digestion Operations will prepare a BMP report.  
Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x (80 hrs. - 160 hrs.)/yr. = ($2,492 - $4,984)/yr. per operation  
($2,492 - $4,984)/yr. per operation x 0 operations = $0/yr.  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; staff estimates that no Dairy In-vessel Digestion Operations will implement a BMP report. |
| Biogas Control: | Take precautions to minimize uncontrolled release: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x 50 hrs./yr. = $1,557.50/yr. per operation  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas. |

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| Distribution and Spill Control: | Spill response = $100/yr. per operation  
Staff estimate of equipment and supplies costs. |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subtotal Cost (to any new In-vessel Digestion operation)</strong></td>
<td><strong>$1,657.50/yr.</strong></td>
</tr>
</tbody>
</table>

| Odor: | Prepare OIMP: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x (4 hrs. - 24 hrs.)/yr. = $124.60 - $747.60/yr. per operation  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP. |
|--------------------------|----------------------------------------------------------------------------------|
| **Site Restoration:** | Provide notice; cleaning, and removal: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x 40 hrs./yr. = $1,246/yr. per operation  
Equipment use = ($1,200 - $1,500)/yr. per operation  
($1,200 - $1,500) + $1,246 x every 30 yrs. (1/30 yr. x = $81.53 - $91.53/yr. per operation  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur every once 30 yrs. |
| **Subtotal cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.)** | **$206.13 - $839.13/yr.** |

| Personnel Health and Safety: | Make available IIPP: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x ½ hr./yr. = $3.89/yr. per operation  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to make IIPP available for review. |
|---------------------------|--------------------------------------------------------------------|
| **Roads:** | Design and maintain roads: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x 100 hrs./yr. = $3,115/yr. per operation  
Equipment: $1,000/operation [$159/yr. (10 year amortization)]  
$3,115/yr. + $159/yr. = $3,274/yr. per operation  
Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operation record. |
| **Subtotal cost (to an In-vessel Digestion op. that would have been regulated as a Composting op.)** | **$3,103/yr.** |

<table>
<thead>
<tr>
<th>Total cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.)</th>
<th>Any + TP = $1,863.63 - $2,496.63/yr.</th>
</tr>
</thead>
</table>

| Total cost (to an In-vessel Digestion op. that would have been regulated as a Composting op.) | Any + CM = $4,961/yr. |

<table>
<thead>
<tr>
<th>Distribution Center In-vessel Digestion Operations (0 active)</th>
</tr>
</thead>
</table>

| Odor: | Prepare BMP Report: ($5,000 - $10,450)/operation  
($5,000 - $10,450)/operation x 0 operations = $0/yr.  
Based on estimates obtained from industry consultants; staff estimates that no Distribution Center In-vessel Digestion Operations will prepare a BMP report. |
|-------------------------|----------------------------------------------------------------------------------|
| **Biogas Control:** | Take precautions to minimize uncontrolled release: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr./hr. x 50 hrs./yr. = $1,557.50/yr. per operation  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; staff estimates that no Distribution Center In-vessel Digestion Operations will implement a BMP report. |
| **Drainage and Spill Control:** | Spill response = $100/yr. per operation  
Staff estimate of equipment and supplies costs. |

**Subtotal Cost (to any new In-vessel Digestion operation)**

| Odor: | Prepare OIMP: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x (4 hrs. - 24 hrs.)/yr. = $124.60 - $747.60/yr. per operation  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP. |
|--------------------------|----------------------------------------------------------------------------------|
| **Site Restoration:** | Provide notice; cleaning, and removal: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x 40 hrs./yr. = $1,246/yr. per operation  
Equipment use = ($1,200 - $1,500)/yr. per operation  
($1,200 - $1,500) + $1,246 x every 30 yrs. (1/30 yr. x = $81.53 - $91.53/yr. per operation  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur once every 30 yrs. |
| **Subtotal cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.)** | **$206.13 - $839.13/yr.** |

| Personnel Health and Safety: | Make available IIPP: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x ½ hr./yr. = $3.89/yr. per operation  
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to make IIPP available for review. |
|---------------------------|--------------------------------------------------------------------|
| **Roads:** | Design and maintain roads: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x 100 hrs./yr. = $3,115/yr. per operation  
Equipment: $1,000/operation [$159/yr. (10 year amortization)]  
$3,115/yr. + $159/yr. = $3,274/yr. per operation  
Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operation record. |

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### Odor:

Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $35.85/hr. + $15.86/hr. = $51.74/hr.

*Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and in operating record.*

| Subtotal cost (to an in-vessel digestion op. that would have been regulated as a Composting op.) | $3,303.76/yr. |
| Total cost (to an in-vessel Digestion op. that would have been regulated as a Transfer/Processing op.) | Any + TP = $1,863.63 - $2,496.63/yr. |
| Total cost (to an in-vessel digestion op. that would have been regulated as a Composting op.) | Any + CM = $4,961.26/yr. |

### Biogas Control:

Prepare BMP Report: ($5,000 - $10,450)/operation

*$Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to prepare a BMP report.*

| Subtotal cost (to an new in-vessel Digestion operation) | $1,657.50/yr. |

### Roads:

Design and maintain roads: $21.54/hr. + $9.61/hr. = $31.15/hr.

*Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.*

| Subtotal cost (to an in-vessel digestion op. that would have been regulated as a Composting op.) | $5,019.26/yr. |
| Total cost (to an in-vessel Digestion op. that would have been regulated as a Transfer/Processing op.) | Any + TP = $1,863.63 - $2,496.63/yr. |
| Total cost (to an in-vessel digestion op. that would have been regulated as a Composting op.) | Any + CM = $6,676.76/yr. |

### Medium Volume In-Vessel Digestion Facilities (0 active)

### Odor:

Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $35.85/hr. + $15.86/hr. = $51.74/hr.

*Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and in operating record.*

| Subtotal cost (to an in-vessel digestion op. that would have been regulated as a Composting op.) | $3,019.26/yr. |
| Total cost (to an in-vessel Digestion op. that would have been regulated as a Transfer/Processing op.) | Any + TP = $1,863.63 - $2,496.63/yr. |
| Total cost (to an in-vessel digestion op. that would have been regulated as a Composting op.) | Any + CM = $6,676.76/yr. |
Odor:
Personnel
Visual
Lighting:
Housekeeping:
Supervision
Drainage
Screening:
Supply:
Subtotal cost
Total

Drainage and Spill Control:
Spill response = $100/yr. per facility
Staff estimate of equipment and supplies costs.

Subtotal Cost (to any new In-vessel Digestion facility) $1,657.50/yr.

Odor:
Prepare OIMP: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x (4 hrs. - 24 hrs./yr.) = $124.60 - $747.60/yr. per facility
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.

Site Restoration:
Provide notice; cleaning, and removal: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x 40 hrs./yr. = $1,246/yr. per facility
Equipment use = ($1,200 - $1,500)/yr. per facility
($1,200 - $1,500) + $1,246 x one every 30 yrs. (10 yr. x) = $81.53 - $91.53/yr. per facility
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur every 30 yrs.

Subtotal cost (to an In-vessel Digestion fac that would have been regulated as a Transfer/Processing fac) $206.13 - $839.13/yr.

Personnel Health and Safety:
Make available IPP: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x ½ hr./yr. = $3.89/yr. per facility
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to make IPP available for review.

Rods:
Design and maintain roads: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x 200 hrs./yr. = $6,230/yr. per facility
$3,000/facility [$476/yr. (10 year amortization)]
$6,230/yr. + $476 = $6,706/yr. per facility
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.

Supervision and Personnel:
Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $35.88 + $15.86 = $51.74/hr.
$51.74/hr. x ½ hr./yr. = $25.87/yr. per facility
Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record.

Equipment:
Provide equipment adequate in type, capacity, and number: $500,000 [$79,290/yr. (10 year amortization)] = $79,290/yr. per facility
Staff estimate based on stakeholder input.

Sufficiently maintain equipment adequate in type, capacity, and number:
$21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x 300 hrs./yr. = $9,345/yr. per facility
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of labor hours to maintain equipment.

Housekeeping:
Provide adequate housekeeping: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x 25 hrs./yr. = $778.75/yr. per facility
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of labor hours to provide housekeeping.

Lighting:
Provide adequate lighting: $5,000/facility [$793/yr. (10 year amortization)] x 0.5 facilities (needing artificial light) = $400/yr. per facility
Staff estimate of cost to provide artificial lighting; staff estimates 50% of the Medium Volume In-vessel Digestion Facilities will need artificial lighting.

Visual Screening:
Consult with EA: $44.96/hr. + $24.84/hr. = $69.80/hr.
$69.80/hr. x 2 hrs./yr. = $139.60/yr. per facility
$139.60/yr. per facility x 0.1 facilities (for which no local land use authority exists) = $13.96/yr. per facility
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimates to hours to consult with EA; staff estimates 10% of Medium Volume In-vessel Digestion Facilities will have no local land use authority.

Provide aesthetics (e.g., fencing, berms, landscaping): $10,000/facility [$1,586/yr. (10 year amortization)] x 0.1 facilities (for which no local land use authority exists) = $160/yr. per facility
Staff estimate of cost to provide aesthetics; staff estimates 10% of Medium Volume In-vessel Digestion Facilities will have no local land use authority.

Maintain aesthetics: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x 50 hrs./yr. = $1,557.50/yr. per facility
$1,557.50/yr. per facility x 0.1 facilities (for which no local land use authority exists) = $155.75/yr.
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of hours to maintain aesthetics; staff estimates 10% of Medium Volume In-vessel Digestion Facilities will have no local land use authority.

Water Supply:
Provide a safe and adequate water supply for drinking = $500/yr. per facility
Staff estimate of cost to provide adequate drinking water.

Provide a safe and adequate water supply emergency use: $1,000/facility [$159/yr. (10 year amortization)] = $159/yr. per facility
Staff estimate of cost to provide adequate emergency water.

Subtotal cost (to an in-vessel digestion fac that would have been regulated as a Composting fac.) $97,538.22/yr.

Total cost (to an In-vessel Digestion fac. that would have been regulated as a Transfer/Processing fac.) Any + TP = $1,863.63 + $2,496.63/yr.

Total cost (to an in-vessel digestion fac. that would have been regulated as a Composting fac.) Any + CM = $99,195.72/yr.
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Large Volume In-vessel Digestion Facilities (0 active)

Odor:
Prepare BMP Report: ($5,000 - $10,450)/facility
Based on estimates obtained from industry consultants; staff estimates that one Large Volume In-vessel Digestion Facility will prepare a BMP report.

Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x (80 hrs. - 160 hrs.)/yr. = ($2,492 - $4,984)/yr. per facility
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; staff estimates that one Large Volume In-vessel Digestion Facility will prepare a BMP report.

Biogas Control:
Take precautions to minimize uncontrolled release: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr./hr. x 50 hrs./yr. = $1,557.50/yr. per facility
Average total hourly compensation (wages and benefits) of civilian workers - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas.

Drainage and Spill Control:
Spill response = $100/yr. per facility
Staff estimate of equipment and supplies costs.

0.1% Physical Contaminants:
Sampling and analysis: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x 5/yr. = $157.60/yr.
$10.38 + $48.00 lab cost = $58.38/sample
26,000 – 130,000 tons x 0.5 facilities x 2 yd³/ton x 0.6 (volume reduction) x 1 sample/5,000 yd³ = (2 - 10) samples
$58.38/sample x (3 - 16) samples/yr. = $160.14 - $854.08/yr. per facility
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; range of tonnage based on an estimate of 100 to 500 tons per day over 260 operating days per year; 0.5 of the Large Volume In-Vessel Facilities will compost themselves; In-vessel digestion will reduce feedstock volume by 40%.

Removing contaminant: (30 - $11)/ton x 26,000 – 130,000 tons/yr. = (30 - $1,430,000)/yr. per facility
Based on estimates from industry: some operations/facilities are already meeting this standard; some will need to hire additional labor and/or purchase additional equipment to meet the standard; tonnage based on estimated throughput.

Subtotal Cost to (any new In-vessel Digestion facility) $9,309.26 – $1,447,945.58/yr.

Odor:
Prepare OIMP: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x 4 hrs. - 24 hrs./yr. = $124.60 - $747.60/yr. per facility
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.

Site Restoration:
Provide notice; cleaning, and removal: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x 40 hrs./yr. = $1,246/yr. per facility
Equipment use = ($1,200 - $1,500)/yr. per facility
($1,200 - $1,500) + $1,246 x one every 30 yrs. (1/30 yr.) x = $81.53 - $91.53/yr. per facility
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur once every 30 years.

Subtotal cost to (an In-vessel Digestion fac that would have been regulated as a Transfer/Processing fac) $206.13 - $839.13/yr.

Personnel Health and Safety:
Make available IIPP: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x 1½ hr./yr. = $3.89/yr. per facility
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to make IIPP available for review.

Roads:
Design and maintain roads: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x 260 hrs./yr. = $8,099/yr. per facility
$4,000/facility [$634/yr. (10 year amortization)]
8,099/yr. + $634/yr. = $8,733/yr. facility
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of labor and equipment costs.

Supervision and Personnel:
Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $35.88 + $15.86 = $51.74/yr.
$51.74/hr. x 1½ hrs./yr. = $74.75/yr. per facility
Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record.

Equipment:
Provide equipment adequate in type, capacity, and number: $500,000 [$79,290/yr. (10 year amortization)] = $79,290/yr. per facility
Staff estimate based on stakeholder input.

Sufficiently maintain equipment adequate in type, capacity, and number: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x 400 hrs./yr. = $12,460/yr. per facility
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of labor hours to maintain equipment.

Housekeeping:
Provide adequate housekeeping: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x 25 hrs./yr. = $778.62/yr. per facility
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of labor hours to provide housekeeping.

Lighting:
Provide adequate lighting: $5,000/facility [$793/yr. (10 year amortization)] x 0.5 facilities (needing artificial light) for which no local land use requirement exists) = $400/yr. per facility
Staff estimate of cost to provide artificial lighting; staff estimates 50% of the Large Volume In-vessel Digestion Facilities will need artificial lighting.

Visual Screening:
Consult with EA: $44.96/hr. + $24.84/hr. = $69.80/hr.
$69.80/hr. x 2 hrs./yr. = $139.60/yr. per facility

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$139.60/yr. per facility x 0.1 facilities (for which no local land use authority exists) = $13.96/yr. per facility

Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of hours to consult with EA; staff estimates 10% of Large Volume In-vessel Digestion Facilities will have no local land use authority.

Provide aesthetics (e.g., fencing, berms, landscaping): $10,000/facility [$1,586/yr. (10 year amortization)] x 0.1 facilities (for which no local land use authority exists) = $160/yr. per facility

Staff estimate of cost to provide aesthetics; staff estimates 10% of Large Volume In-vessel Digestion Facilities will have no local land use authority.

Maintain aesthetics: $21.54/hr. + $9.61/hr. = $31.15/hr.

$31.15/hr. x 50 hrs./yr. = $1,557.50/yr. per facility

$1,557.50/yr. per facility x 0.1 facilities (for which no local land use authority exists) = $155.75/yr.

Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of hours to maintain aesthetics; staff estimates 10% of Large Volume In-vessel Digestion Facilities will have no local land use authority.

Water Supply:

Provide a safe and adequate water supply for drinking: = $500/yr. per facility

Staff estimate of cost to provide adequate drinking-water.

Provide a safe and adequate water supply emergency use: $1,000/facility [$159/yr. (10 year amortization)] = $159/yr. per facility

Staff estimate of cost to provide adequate emergency water.

**Subtotal cost (to an in-vessel digestion fac. that would have been regulated as a Composting fac.)**

| Total Cost | $102,680.22/yr. |

Total cost (to an In-vessel Digestion fac. that would have been regulated as a Transfer/Processing fac.)

Any + TP = $9,515.19 - $1,448,784.71/yr.

Total cost (to an in-vessel digestion fac. that would have been regulated as a Composting fac.)

Any + CM = $111,989.28 - $1,550,625.80/yr.

<table>
<thead>
<tr>
<th>Yr. 1 - 2</th>
<th>Yr. 3</th>
<th>Total #</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research In-vessel Digestion Operations</td>
<td>4</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Dairy In-vessel Digestion Operations</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Limited Volume In-vessel Digestion Operations</td>
<td>2</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Medium Volume In-vessel Digestion Facilities</td>
<td>2</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Large Volume In-vessel Digestion Facilities</td>
<td>2</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

$259,932.69 - $3,141,636.73/yr.
Public Compostable Material Handling Operations and Facilities

Preliminary Estimates

Agricultural Material Composting Operations (0 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Prepare BMP Report: $5,000 - $10,450/operation x 0 active operations/yr. = $0/yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>$42.51/hr. x (80 – 160 hrs./yr.) = $3,400.80 - $6,801.60/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>$3,400.80 - $6,801.60/yr. per operation x 0 active operations = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
</tr>
</tbody>
</table>

1.0% Physical Contaminants: (incoming)

<table>
<thead>
<tr>
<th>Visual observation of loads:</th>
<th>$27.38/hr. + $15.13/hr. = $42.51/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$42.51/hr. x (½ to ¾ hr.) x 260 operating days/yr. = $3,684.20 - $5,526.30/yr. per operation</td>
<td></td>
</tr>
<tr>
<td>$3,684.20 - $5,526.30/yr. per operation x 0 active operations = $0/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; zero existing public agricultural material composting operations.</td>
<td></td>
</tr>
</tbody>
</table>

0.1% Physical Contaminants: (outgoing)

<table>
<thead>
<tr>
<th>Sampling and analysis:</th>
<th>$27.38/hr. + $15.13/hr. = $42.51/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$42.51/hr. x ¼ hr. = $14.17</td>
<td></td>
</tr>
<tr>
<td>$14.17 + $48.00 lab cost = $62.17/sample</td>
<td></td>
</tr>
<tr>
<td>$62.17/sample x 0 samples/yr. = $0/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; zero existing public agricultural material composting operations.</td>
<td></td>
</tr>
</tbody>
</table>

Removing contaminants: ($0 - $1) ton x 0 tons/yr. x 0 active operations = $0/yr. |
| Based on estimates from industry; some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard. Zero existing public agricultural material composting operations. |

Subtotal Cost $0/yr.

Biosolids Composting Operations at POTWs (8 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Prepare BMP Report: $5,000 - $10,450/operation x 0 active operations/yr. = $0/yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>$42.51/hr. x (80 – 160 hrs./yr.) = $3,400.80 - $6,801.60/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>$3,400.80 - $6,801.60/yr. per operation x 0 active operations = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of how long it would take to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
</tr>
</tbody>
</table>

1.0% Physical Contaminants: (incoming)

<table>
<thead>
<tr>
<th>Visual observation of loads:</th>
<th>$27.38/hr. + $15.13/hr. = $42.51/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$42.51/hr. x (½ to ¾ hr.) x 260 operating days/yr. = $3,684.20 - $5,526.30/yr. per operation</td>
<td></td>
</tr>
<tr>
<td>$3,684.20 - $5,526.30/yr. per operation x 0 active operations = $0/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; zero existing public agricultural material composting operations.</td>
<td></td>
</tr>
</tbody>
</table>

0.1% Physical Contaminants: (outgoing)

<table>
<thead>
<tr>
<th>Sampling and analysis:</th>
<th>$27.38/hr. + $15.13/hr. = $42.51/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$42.51/hr. x ¼ hr. = $14.17</td>
<td></td>
</tr>
<tr>
<td>$14.17 + $48.00 lab cost = $62.17/sample</td>
<td></td>
</tr>
<tr>
<td>$62.17/sample x 1 sample/yr. x = $62.17/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; staff estimate that EA will require 10% of biosolids composting operations to sample outgoing material.</td>
<td></td>
</tr>
</tbody>
</table>

Removing contaminants: ($0 - $1) ton x 5,363 tons of avg. operation/yr. x 1 operation = $0 to $58,993 |
| Based on estimates from industry; some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard; biosolids operations can only accept green material with less than 1% physical contamination, and most biosolids operations should meet the 0.1% physical contaminant limit for finished compost. |

Subtotal Cost $3,746 - $64,581/yr.

Research Composting Operations (4 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Prepare BMP Report: $5,000 - $10,450/operation x 0 operations/yr. = $0/yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>$42.51/hr. x (80 – 160 hrs./yr.) = $3,400.80 - $6,801.60/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>$3,400.80 - $6,801.60/yr. per operation x 0 operations = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of how long it would take to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
</tr>
</tbody>
</table>

2-Year Report:

<table>
<thead>
<tr>
<th>Prepare 2-year Report:</th>
<th>$34.71/hr. + $17.05/hr. = $51.76/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$51.76/hr. x 8 hrs./yr. = $414.08/yr. per operation</td>
<td></td>
</tr>
<tr>
<td>$414.08/yr. per operation x 2 operation/yr. = $828.16/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of management, professional, and related - US Bureau of Labor Statistics; staff estimate on how long to prepare report; staff estimates 50% of research operations will submit report to extend research operations.</td>
<td></td>
</tr>
</tbody>
</table>

Subtotal Cost $828.16/yr.
<table>
<thead>
<tr>
<th>Green Material Composting Operations (10 active)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>12,500 Cubic Yard Storage:</strong></td>
</tr>
<tr>
<td><strong>Odor:</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>0.1% Physical Contaminants: (incoming)</strong></td>
</tr>
<tr>
<td><strong>0.1% Physical Contaminants: (outgoing)</strong></td>
</tr>
<tr>
<td><strong>1.0% Visual observation of loads:</strong></td>
</tr>
<tr>
<td><strong>Vegetative Food Material Composting Operations (≤ 12,500 cubic yards) (0 active)</strong></td>
</tr>
<tr>
<td><strong>Oxidation:</strong></td>
</tr>
<tr>
<td><strong>1.0% Physical Contaminants: (incoming)</strong></td>
</tr>
<tr>
<td><strong>1.0% Physical Contaminants: (outgoing)</strong></td>
</tr>
</tbody>
</table>

### Total Cost

<p>| Subtotal Cost | $36,955.93 - $95,622.69/yr. | $37,867 - $582,968/yr. |</p>
<table>
<thead>
<tr>
<th>Purpose</th>
<th>Contaminants</th>
<th>Odor</th>
<th>Subtotal Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Vegetable Food Material Composting Facilities (≥ 12,500 cubic yards) (0 active)</strong></td>
<td></td>
<td></td>
<td>$0/yr.</td>
</tr>
<tr>
<td><strong>Odor:</strong></td>
<td>Prepare BMP Report: $5,000 - $10,450/operation x 0 active facilities/yr. = $5,000 - $10,450/yr.</td>
<td>Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td><strong>$0/yr.</strong></td>
</tr>
<tr>
<td><strong>Vegetable Food Material Composting Facilities (≥ 12,500 cubic yards) (0 active)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.1% Physical Contaminants: (outgoing)</td>
<td>Sampling and analysis: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td>$42.51/hr. x ⅔ hr. = $14.17</td>
<td>$42.51/hr. x ⅔ hr. = $14.17 + $48.00 lab cost = $62.17/sample</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; zero existing public Vegetative Food Material Composting Facilities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; zero existing public Vegetative Food Material Composting Facilities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Vegetable Food Material Composting Facilities (≥ 12,500 cubic yards) (0 active)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.0% Physical Contaminants: (incoming)</td>
<td>Visual observation of loads: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td>$42.51/hr. x (⅔ to ⅝ hr.) x 260 operating days/yr. = $3,684.20 - $5,526.30/yr. per facility</td>
<td>$3,684.20 - $5,526.30/yr. per facility x 0 active facilities = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; zero existing public Vegetative Food Material Composting Facilities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Vegetable Food Material Composting Facilities (≥ 12,500 cubic yards) (0 active)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.1% Physical Contaminants: (outgoing)</td>
<td>Sampling and analysis: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td>$42.51/hr. x ⅔ hr. = $14.17</td>
<td>$14.17 + $48.00 lab cost = $62.17/sample</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; zero existing public Vegetative Food Material Composting Facilities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Vegetable Food Material Composting Facilities (≥ 12,500 cubic yards) (0 active)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Composting Facilities (all) (e.g., biosolids, digestate, food material, mixed) (5 active)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Odor:</td>
<td>Prepare BMP Report: $5,000 - $10,450 x 1 facility/yr. = $5,000 - $10,450/yr.</td>
<td>Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td><strong>$0/yr.</strong></td>
</tr>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; based on odor violation data from the Solid Waste Information System database, staff estimates one compost facility will implement the BMP report.</td>
<td>$42.51/hr. x (80 – 160 hrs.)/yr. = $3,400.80 - $6,801.60/yr. per facility</td>
<td>$3,400.80 - $6,801.60/yr. per facility x 1 facility = $3,400.80 - $6,801.60/yr.</td>
</tr>
<tr>
<td><strong>Composting Facilities (all) (e.g., biosolids, digestate, food material, mixed) (5 active)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.1% Physical Contaminants: (outgoing)</td>
<td>Sampling and analysis: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td>$42.51/hr. x ⅔ hr. = $14.17</td>
<td>$14.17 + $48.00 lab cost = $62.17/sample</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; based on odor violation data from the Solid Waste Information System database; staff estimates one compost facility will implement the BMP report.</td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; number of samples is based on current estimated throughput being sample every 5,000 cubic yards.</td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; number of samples is based on current estimated throughput being sample every 5,000 cubic yards.</td>
</tr>
<tr>
<td><strong>Chipping and Grinding Operations (≥ 200 tons/day) (5 active)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Odor:</td>
<td>Prepare BMP Report: $5,000 - $10,450/operation x 0 operations/yr. = $0/yr.</td>
<td>Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td><strong>$0/yr.</strong></td>
</tr>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
<td>$42.51/hr. x (80 – 160 hrs.)/yr. = $3,400.80 - $6,801.60/yr. per operation</td>
<td>$3,400.80 - $6,801.60/yr. per operation x 0 operations = $0/yr.</td>
</tr>
<tr>
<td><strong>Chipping and Grinding Operations (≥ 200 tons/day) (5 active)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.0% Physical Contaminants: (incoming)</td>
<td>Visual observation of loads: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td>$42.51/hr. x (⅔ to ⅝ hr.) x 260 operating days/yr. = $3,684.20 - $5,526.30/yr. per operation</td>
<td>$3,684.20 - $5,526.30/yr. per operation x 5 operations = $18,421 - $27,631.50/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
</tr>
<tr>
<td><strong>Chipping and Grinding Facilities (≥ 200 and ≤ 500 tons/day) (1 active)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Odor:</td>
<td>Prepare BMP Report: $5,000 - $10,450/operation x 0 facilities/yr. = $0/yr.</td>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
<td><strong>$0/yr.</strong></td>
</tr>
</tbody>
</table>

Appendix B-3

102 June 2014
## Appendix B-3

### Enforcement

**Contaminants:**

- **1.0% Physical Contaminants:** (incoming)
  - Visual observation of loads: $27.38/hr. + $15.13/hr. = $42.51/hr.
  - $42.51/hr. x (½ to ½ hr.) x 260 operating days/yr. = $3,684.20 - $5,526.30/yr. per facility
  - Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; all chip and grind facilities must visually sample loads.
  - Subtotal Cost $3,684.20 - $5,526.30/yr.

### Chipping and Grinding Facilities (> 500 tons/day) (10 active)

#### Odor:

- Prepare BMP Report: $5,000 - $10,450/facility x 0 facilities/yr. = $0/yr.
- Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.
  - $42.51/hr. x (80 – 160 hrs.)/yr. = $3,684.20 - $6,801.60/yr. per facility
  - Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; all chip and grind facilities must visually sample loads.
  - Subtotal Cost $3,684.20 - $6,801.60/yr.

#### 1.0% Physical Contaminants: (incoming)

- Visual observation of loads: $27.38/hr. + $15.13/hr. = $42.51/hr.
  - $42.51/hr. x (½ to ½ hr.) x 260 operating days/yr. = $3,684.20 - $5,526.30/yr. per facility
  - Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; all chip and grind facilities must visually sample loads.
  - Subtotal Cost $3,684.20 - $5,526.30/yr.

### Enforcement Agencies

#### Land Application:

- Request verification of compliance: $54.75/hr. + $30.25/hr. = $85.00/hr.
  - $85.00/hr. x 1 hr./request x 20 requests/yr. = $1,700/yr.
  - Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of requests received and the amount of time spent on each request.
  - Approve alternative frequencies and depths: $54.75/hr. + $30.25/hr. = $85.00/hr.
  - $85.00/hr. x 1 hr./approval x 20 approvals/yr. = $1,700/yr.
  - Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of approvals for alternative frequencies and depths.
  - Grant Seasonal Storage Adjustment: $54.75/hr. + $30.25/hr. = $85.00/hr.
  - $85.00/hr. x 1 hr./request x 7 adjustments/yr. = $595/yr.
  - Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of adjustments received and the amount of time spent on each request.

#### Odor:

- Review & approve BMP Report: $54.75/hr. + $30.25/hr. = $85.00/hr.
  - $85.00/hr. x 4 hrs./report x 1 report/yr. = $340/yr.
  - Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of BMP reports received and the amount of time spent on each request.
- Direct operator to implement/change BMP Report: $54.75/hr. + $30.25/hr. = $85.00/hr.
  - $85.00/hr. x 1 hr./report x 1 reports/yr. = $85/yr.
  - Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of BMP reports implemented/changed and the amount of time spent on each request.

#### 1.0% Physical Contaminants: (incoming)

- Notification the operation no longer qualifies for EA Notification tier: $54.75/hr. + $30.25/hr. = $85.00/hr.
  - $85.00/hr. x ½ hr./notification x 2 notifications/yr. = $85/yr.
  - Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of operations that no longer qualify for EA Notification Tier and the amount of time spent on each notification.
- Issue Cease & Desist Order: $54.75/hr. + $30.25/hr. = $85.00/hr.
  - $85.00/hr. x 4 hrs./order x 1 order/yr. = $340/yr.
  - Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of operations receive a Cease & Desist Order and the amount of time spent on each Cease & Desist Order.
- Verifying percent physical contaminants: $54.75/hr. + $30.25/hr. = $85.00/hr.
  - $85.00/hr. x 1 hr./verification x 4 verifications/yr. = $340/yr.
  - Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of verifications and the amount of time spent on each verification.

#### 0.1% Physical Contaminants: (outgoing)

- Direct operations to sample: $54.75/hr. + $30.25/hr. = $85.00/hr.
  - $85.00/hr. x ½ hr./direction x 4 directions/yr. = $170/yr.
  - Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of operations that will be directed to sample for physical contaminants and the amount of time spent providing directions to operators.
- Review lab results: $54.75/hr. + $30.25/hr. = $85.00/hr.
  - $85.00/hr. x ½ hr./review x 1,288 reviews (98 public mixed + 1186 private mixed + 4 green material operations + (10% of application sites))/yr. = $13,685/yr.
  - Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of lab samples will be reviewed and the amount of time spent reviewing each lab sample.
<table>
<thead>
<tr>
<th>Research:</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review 2-yr. report: $54.75/hr. + $30.25/hr. = $85.00/hr.</td>
<td>$3595,684/yr.</td>
</tr>
<tr>
<td>$85.00/hr. x 2 hrs./report x 4 reports/yr. = $680/yr.</td>
<td></td>
</tr>
<tr>
<td>Approve extension: $54.75/hr. + $30.25/hr. = $85.00/hr.</td>
<td></td>
</tr>
<tr>
<td>$85.00/hr. x 2 hrs./extension x 2 extensions/yr. = $340/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of Research reports received and the amount of time spent reviewing each report.</td>
<td></td>
</tr>
<tr>
<td>Alt. Sampling and Analysis:</td>
<td>Subtotal Cost $26,860/yr.</td>
</tr>
<tr>
<td>Review and approve/deny request for alternative sampling or analysis: $54.75/hr. + $30.25/hr. = $85.00/hr.</td>
<td></td>
</tr>
<tr>
<td>$85.00/hr. x 4 hrs./request x 20 requests/yr. = $6,800/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of alternative sampling requests received and the amount of time spent reviewing and approving/denying each request.</td>
<td></td>
</tr>
<tr>
<td><strong>California Department of Food and Agriculture</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Prohibition Exceptions:</strong></td>
<td>Subtotal Cost $510/yr.</td>
</tr>
<tr>
<td>Consultation with SWRCB and CalRecycle: $54.75/hr. + $30.25/hr. = $85.00/hr.</td>
<td></td>
</tr>
<tr>
<td>$85.00/hr. x ½ hr./consult x 2 consultations/yr. = $85/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of consultations and the amount of time spent on each consultation.</td>
<td></td>
</tr>
<tr>
<td><strong>Agronomically Beneficial:</strong></td>
<td>Subtotal Cost $85/yr.</td>
</tr>
<tr>
<td>Determination of “agronomically beneficial”: $54.75/hr. + $30.25/hr. = $85.00/hr.</td>
<td></td>
</tr>
<tr>
<td>$85.00/hr. x ½ hr./determination x 10 determinations/yr. = $425/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of determinations and the amount of time spent on each determination.</td>
<td></td>
</tr>
<tr>
<td><strong>State Water Resources Control Board</strong></td>
<td>Subtotal Cost $850/yr.</td>
</tr>
<tr>
<td><strong>Prohibition Exceptions:</strong></td>
<td></td>
</tr>
<tr>
<td>Consultation with CDFA and CalRecycle: $54.75/hr. + $30.25/hr. = $85.00/hr.</td>
<td></td>
</tr>
<tr>
<td>$85.00/hr. x ½ hr./consult x 2 consultations/yr. = $85/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of consultations and the amount of time spent on each consultation.</td>
<td></td>
</tr>
<tr>
<td><strong>Regional Water Quality Control Board</strong></td>
<td>Subtotal Cost $4,250/yr.</td>
</tr>
<tr>
<td><strong>Alt. Land Application Alternatives:</strong></td>
<td></td>
</tr>
<tr>
<td>Consultation with Enforcement Agencies: $54.75/hr. + $30.25/hr. = $85.00/hr.</td>
<td></td>
</tr>
<tr>
<td>$85.00/hr. x ½ hr./consult x 20 consultations (10% of application sites) = $/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of consultations and the amount of time spent on each consultation.</td>
<td></td>
</tr>
<tr>
<td><strong>CalRecycle</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Prohibition Exceptions:</strong></td>
<td>Subtotal Cost $4,250/yr.</td>
</tr>
<tr>
<td>Approve exceptions to mammalian tissue prohibition: $54.75/hr. + $30.25/hr. = $85.00/hr.</td>
<td></td>
</tr>
<tr>
<td>$85.00/hr. x 16 hrs./yr. = $1,360/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of hours spent consulting with Enforcement Agencies.</td>
<td></td>
</tr>
<tr>
<td><strong>Odor:</strong></td>
<td></td>
</tr>
<tr>
<td>Consultation with Enforcement Agencies: $54.75/hr. + $30.25/hr. = $85.00/hr.</td>
<td></td>
</tr>
<tr>
<td>$85.00/hr. x 24 hrs./yr. = $2,040/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of hours spent consulting with Enforcement Agencies.</td>
<td></td>
</tr>
<tr>
<td><strong>EA Notification Inspection Frequency:</strong></td>
<td></td>
</tr>
<tr>
<td>Concur on reduced frequency: $54.75/hr. + $30.25/hr. = $85.00/hr.</td>
<td></td>
</tr>
<tr>
<td>$85.00/hr. x ½ hr./concurrence x 20 requests/yr. = $850/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of reduced inspection frequency requests and amount of time spent on each concurrence.</td>
<td></td>
</tr>
<tr>
<td><strong>Total Cost</strong></td>
<td><strong>$185,392 -$3,595,684/yr.</strong></td>
</tr>
</tbody>
</table>
Public In-vessel Digestion Operations and Facilities

Preliminary Estimates

<table>
<thead>
<tr>
<th>Research In-vessel Digestion Operations (0 active)</th>
<th></th>
</tr>
</thead>
</table>
| **2-Year Report:** Prepare 2-yr. Report: $34.71/hr. + 17.05/hr. = $51.76/hr.  
$51.76/hr. x 8 hrs. + 2 years = $207.04/yr. per operation  
Average total hourly compensation (wages and benefits) of management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to prepare report; reports are due after two years. |  |
| **Odor:** Prepare BMP Report: ($5,000 - $10,450)/operation  
($5,000 - $10,450)/operation x 0 operations = $0/yr.  
Based on estimates obtained from industry consultants; staff estimates that no Research In-vessel Digestion Operations will prepare a BMP report. |  |
| Implement BMP Report: $27.38/hr. + 15.13/hr. = $42.51/hr.  
$42.51/hr. x (80 hrs. - 160 hrs.)/yr. = ($3,400.80 - $6,801.60)/yr. per operation  
($3,400.80 - $6,801.60)/yr. per operation x 0 operations = $0/yr.  
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report |  |
| **Biogas Control:** Take precautions to minimize uncontrolled release: $27.38/hr. + 15.13/hr. = $42.51/hr.  
$42.51/hr. x 50 hrs./yr. = $2,125.50/yr. per operation  
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas. |  |
| **Drainage and Spill Control:** Spill response = $100/yr. per operation  
Staff estimate of equipment and supplies costs. |  |
| **Site Restoration:** Provide notice; cleaning, and removal: $27.38/hr. + 15.13/hr. = $42.51/hr.  
$42.51/hr. x 40 hrs./yr. = $1,700/yr. per operation  
Equiptment use = ($1,200 - $1,500)/yr. per operation  
($1,200 - $1,500) + $1,700 x one every 30 yrs. (1/30 yr.) x = $96.67 - $106.67/yr. per operation  
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur once every 30 years. |  |
| **Total cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.)** | $266.71 - $1,126.91/yr. |
| **Personnel Health and Safety:** Make available IHP: $27.38/hr. + 15.13/hr. = $42.51/hr.  
$42.51/hr. x 1/4 hr./yr. = $5.31/yr. per operation  
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to make IHP available for review. |  |
| **Roads:** Design and maintain roads: $27.38/hr. + 15.13/hr. = $42.51/hr.  
$42.51/hr. x 50 hrs./yr. = $2,125.50/yr. per operation  
Equipment: $1,000/yr. per operation $159/yr. (10 year amortization)  
$2,125.50/yr. + $159/yr. = $2,284.50/yr. per operation  
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs. |  |
| **Supervision and Personnel:** Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $34.71/hr. + 17.05/hr. = $51.76/hr.  
$51.76/hr. x 1/3 hrs./yr. = $17.25/yr. per operation  
Average total hourly compensation (wages and benefits) of public management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record. |  |
| **Subtotal cost (to an In-vessel Digestion op. that would have been regulated as a Composting op.)** | $2,315.69/yr. |
| **Total cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.)** | Any + TP = $2,699.25 - $3,559.45/yr. |
| **Total cost (to an In-vessel Digestion op. that would have been regulated as a Composting op.)** | Any + CM = $4,748.23/yr. |
| **Dairy In-vessel Digestion Operations (0 active)** |  |
| **Odor:** Prepare BMP Report: ($5,000 - $10,450)/operation  
($5,000 - $10,450)/operation x 0 operations = $0/yr.  
Based on estimates obtained from industry consultants; staff estimates that no Dairy In-vessel Digestion Operations will prepare a BMP report. |  |
| Implement BMP Report: $27.38/hr. + 15.13/hr. = $42.51/hr.  
$42.51/hr. x (80 hrs. - 160 hrs.)/yr. = ($3,400.80 - $6,801.60)/yr. per operation  
($3,400.80 - $6,801.60)/yr. per operation x 0 operations = $0/yr.  
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; staff estimates that no Dairy In-vessel Digestion Operations will implement a BMP report. |  |
| **Biogas Control:** Take precautions to minimize uncontrolled release: $27.38/hr. + 15.13/hr. = $42.51/hr.  
$42.51/hr. x 50 hrs./yr. = $2,125.50/yr. per operation |  |
### Appendix B-4

**Distribution Center In-vessel Digestion Operations (0 active)**

<table>
<thead>
<tr>
<th>Operation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Odor</td>
<td>Prepare BMP Report: ($5,000 - $10,450)/operation</td>
</tr>
<tr>
<td></td>
<td>($5,000 - $10,450)/operation x 0 operations = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; staff estimates that no Distribution Center In-vessel Digestion Operations will prepare a BMP report.</td>
</tr>
<tr>
<td></td>
<td>Implement BMP Report: $27.38/hr. x 15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>$42.51/hr. x (80 hrs. - 160 hrs.)/yr. = ($3,400.80 - $6,801.60)/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>($3,400.80 - $6,801.60)/yr. per operation x 0 operations = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; staff estimates that no Distribution Center In-vessel Digestion Operations will implement a BMP report.</td>
</tr>
<tr>
<td>Biogas Control:</td>
<td>Take precautions to minimize uncontrolled release: $27.38/hr. x 15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>$42.51/hr. x 50 hrs./yr. = $2,125.50/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas.</td>
</tr>
<tr>
<td>Drainage and Spill Control:</td>
<td>Spill response = $100/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>Staff estimate of equipment and supplies costs.</td>
</tr>
<tr>
<td>Subtotal Cost (to any new In-vessel Digestion operation)</td>
<td>$2,225.50/yr.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Operation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Odor</td>
<td>Prepare OIMP: $27.38/hr. x 15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>$42.51/hr. x (4 hrs. - 24 hrs.)/yr. = $170.04 - $1,020.24/yr. operation</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.</td>
</tr>
<tr>
<td></td>
<td>Site Restoration: Provide notice; cleaning, and removal: $27.38/hr. x 15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>$42.51/hr. x 40 hrs./yr. = $1,700/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>Equipment use = ($1,200 - $1,500)/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>($1,200 - $1,500) + $1,700 x every 30 yrs. (1/30 yr.) x = $96.67 - $106.67/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur every 30 yrs.</td>
</tr>
<tr>
<td>Subtotal cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.)</td>
<td>$266.71 - $1,126.91/yr.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Operation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Health and Safety:</td>
<td>Make available IIPP: $27.38/hr. x 15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>$42.51/hr. x 50 hrs./yr. = $2,125.50/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record.</td>
</tr>
<tr>
<td>Roads</td>
<td>Design and maintain roads: $27.38/hr. x 15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>$42.51/hr. x 100 hrs./yr. = $4,251/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur every 30 yrs.</td>
</tr>
<tr>
<td>Subtotal cost (to any In-vessel Digestion op. that would have been regulated as a Composting op.)</td>
<td>$6,666.69/yr.</td>
</tr>
</tbody>
</table>

**Total cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.)**

- **Any + TP = $2,492.21/yr.**
- **$3,352.41/yr.**

**Total cost (to an In-vessel Digestion op. that would have been regulated as a Composting op.)**

- **Any + CM = $6,666.69/yr.**
$1,000/yr. per operation [$159/yr. (10 year amortization)]  
$4,251/yr. + $159/yr. = $4,410/yr. per operation
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.

### Supervision and Personnel:
Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $34.71/hr. + $17.05/hr. = $51.76/hr.
$51.76/hr. x ½ hrs./yr. = $25.88/yr. per operation
Average total hourly compensation (wages and benefits) of public management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record.

#### Subtotal cost (to an in-vessel digestion op. that would have been regulated as a Composting op.)
$4,411.19/yr.

#### Total cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.)
Any + TP = $2,492.21 - $3,352.41/yr.

#### Total cost (to an in-vessel digestion op. that would have been regulated as a Composting op.)
Any + CM = $6,666.69/yr.

### Limited Volume In-vessel Digestion Operations (0 active)

#### Odor:
Prepare BMP Report: ($5,000 - $10,450)/operation  
($5,000 - $10,450)/operation x 0 operations = $0/yr.

Based on estimates obtained from industry consultants; staff estimates that no Limited Volume In-vessel Digestion Operations will prepare a BMP report.

Implement BMP Report: $27.38/hr. x $15.13/hr. = $425.11/hr.
$42.51/hr. x (80 hrs. - 160 hrs.)/yr. = ($3,400.80 - $6,801.60)/yr. per operation
($3,400.80 - $6,801.60)/yr. per operation x 0 operations = $0/yr.
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; staff estimates that no Limited Volume In-vessel Digestion Operations will implement a BMP report.

#### Biogas Control:
Take precautions to minimize uncontrolled release: $27.38/hr. x $15.13/hr. = $425.11/hr.
$42.51/hr. x 50 hrs./yr. = $2,125.50/yr. per operation
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas.

#### Drainage and Spill Control:
Spill response = $100/yr. per operation
Staff estimate of equipment and supplies costs.

#### Subtotal Cost (to any new In-vessel Digestion operation)
$2,225.50/yr.

#### Odor:
Prepare OIMP: $27.38/hr. x $15.13/hr. = $425.11/hr.
$42.51/hr. x (4 hrs. - 24 hrs.)/yr. = $170.04 - $1,020.24/yr. per operation
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.

#### Site Restoration:
Provide notice; cleaning, and removal: $27.38/hr. x $15.13/hr. = $425.11/hr.
$42.51/hr. x 40 hrs. = $1,700/yr. per operation
Equipment use = ($1,200 - $1,500)/yr. per operation
($1,200 - $1,500) + $1,700 x one every 30 yrs. (1/30 yr.) x = $96.67 - $106.67/yr. per operation
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur once every 30 years.

#### Subtotal cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.)
$266.71 - $1,126.91/yr.

#### Personnel Health and Safety:
Make available IPP: $27.38/hr. x $15.13/hr. = $425.11/hr.
$42.51/hr. x ¾ hr./yr. = $5.31/yr. per operation
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to make IPP available for review.

#### Roads:
Design and maintain roads: $27.38/hr. x $15.13/hr. = $425.11/hr.
$42.51/hr. x 150 hrs./yr. = $6,376.50/yr. per operation
$2,000/yr. per operation [$317/yr. (10 year amortization)]
$6,376.50/yr. + $317 = $6,693.50/yr. per operation
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.

#### Supervision and Personnel:
Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $34.71/hr. + $17.05/hr. = $51.76/hr.
$51.76/hr. x ½ hrs./yr. = $25.88/yr. per operation
Average total hourly compensation (wages and benefits) of public management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record.

#### Subtotal cost (to an in-vessel digestion op. that would have been regulated as a Composting op.)
$6,724.69/yr.

#### Total cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.)
Any + TP = $2,492.21 - $3,352.41/yr.

#### Total cost (to an in-vessel digestion op. that would have been regulated as a Composting op.)
Any + CM = $8,950.19/yr.

### Medium Volume In-vessel Digestion Facilities (0 active)

#### Odor:
Prepare BMP Report: ($5,000 - $10,450)/facility  
($5,000 - $10,450)/facilities x 0 facilities = $0/yr.

Based on estimates obtained from industry consultants; staff estimates that no Medium Volume In-vessel Digestion Facilities will prepare a BMP report.

Implement BMP Report: $27.38/hr. x $15.13/hr. = $425.11/hr.
$42.51/hr. x (80 hrs. - 160 hrs.)/yr. = ($3,400.80 - $6,801.60)/yr. per facility
($3,400.80 - $6,801.60)/yr. per facility x 0 facilities = $0/yr.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Biogas Control:</strong></td>
<td>Take precautions to minimize uncontrolled release: $27.38/hr. + $15.13/hr. = $42.51/hr. $42.51/hr. x 50 hrs./yr. = $2,125.50/yr. per facility Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas.</td>
<td></td>
</tr>
<tr>
<td><strong>Drainage and Spill Control:</strong></td>
<td>Spill response = $100/yr. per facility Staff estimate of equipment and supplies costs.</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal Cost (to any new In-vessel Digestion facility)</strong></td>
<td></td>
<td>$2,225.50/yr.</td>
</tr>
<tr>
<td><strong>Odor:</strong></td>
<td>Prepare OIMP: $27.38/hr. + $15.13/hr. = $42.51/hr. $42.51/hr. x 4 hrs. - 24 hrs./yr. = $170.64 - $1,020.24/yr. per facility Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.</td>
<td></td>
</tr>
<tr>
<td><strong>Site Restoration:</strong></td>
<td>Provide notice; cleaning, and removal: $27.38/hr. + $15.13/hr. = $42.51/hr. $42.51/hr. x 40 hrs./yr. = $1,700/yr. per facility Equipment use = ($1,200 - $1,500)/yr. per facility ($1,200 - $1,500) + $1,700 x one every 30 yrs. (1/30 yr.) x = $96.67 - $106.67/yr. per facility Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur once every 30 years.</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal cost (to an In-vessel Digestion fac that would have been regulated as a Transfer/Processing fac)</strong></td>
<td></td>
<td>$266.71 - $1,126.91/yr.</td>
</tr>
<tr>
<td><strong>Personnel Health and Safety:</strong></td>
<td>Make available IPP: $27.38/hr. + $15.13/hr. = $42.51/hr. $42.51/hr. x ¾ hr./yr. = $31.31/yr. per facility Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to make IPP available for review.</td>
<td></td>
</tr>
<tr>
<td><strong>Roads:</strong></td>
<td>Design and maintain roads: $27.38/hr. + $15.13/hr. = $42.51/hr. $42.51/hr. x 200 hrs./yr. = $8,502/yr. per facility $3,000/facility [$476/yr. (10 year amortization)] $8,502/yr. + $476 = $8,978/yr. per facility Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.</td>
<td></td>
</tr>
<tr>
<td><strong>Supervision and Personnel:</strong></td>
<td>Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $34.71/hr. + $17.05/hr. = $51.76/hr. $51.76/hr. x ¾ hr./yr. = $25.88/yr. per facility Average total hourly compensation (wages and benefits) of public management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record.</td>
<td></td>
</tr>
<tr>
<td><strong>Equipment:</strong></td>
<td>Provide equipment adequate in type, capacity, and number: $500,000 [$79,290/yr. (10 year amortization)] per facility Sufficiently maintain equipment adequate in type, capacity, and number: $27.38/hr. + $15.13/hr. = $42.51/hr. $42.51/hr. x 300 hrs./yr. = $12,753/yr. per facility Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of labor hours to maintain equipment.</td>
<td></td>
</tr>
<tr>
<td><strong>Housekeeping:</strong></td>
<td>Provide adequate housekeeping: $27.38/hr. + $15.13/hr. = $42.51/hr. $42.51/hr. x 25 hrs./yr. = $1,062.75/yr. per facility Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of labor hours to provide housekeeping.</td>
<td></td>
</tr>
<tr>
<td><strong>Lighting:</strong></td>
<td>Provide adequate lighting: $5,000/facility [$793/yr. (10 year amortization)] x 0.5 facilities (needing artificial light) for which no local land use requirement exists) = $400/yr. per facility Staff estimate of cost to provide artificial lighting: staff estimates 50% of the Medium Volume In-vessel Digestion Facilities will need artificial lighting.</td>
<td></td>
</tr>
<tr>
<td><strong>Visual Screening:</strong></td>
<td>Consult with EA: $44.96/hr. + $24.84/hr. = $69.80/hr. $69.80/hr. x 2 hrs./yr. = $139.60/yr. per facility $139.60/yr. per facility x 0.1 facilities (for which no local land use requirement exists) = $13.96/yr. per facility Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of hours to consult with EA; staff estimates 10% of Medium Volume In-vessel Digestion Facilities will have no local land use authority.</td>
<td></td>
</tr>
<tr>
<td><strong>Water Supply:</strong></td>
<td>Provide a safe and adequate water supply for drinking: = $500/yr. per facility Staff estimate of cost to provide adequate drinking water.</td>
<td></td>
</tr>
</tbody>
</table>

Appendix B-4
Provide a safe and adequate water supply emergency use: $1,000/facility [$159/yr. (10 year amortization)] = $159/yr. per facility
Staff estimate of cost to provide adequate emergency water.

Subtotal cost (to an in-vessel digestion fac. that would have been regulated as a Composting fac.) $103,560.50/yr.

Total cost (to an In-vessel Digestion fac. that would have been regulated as a Transfer/Processing fac.) Any + TP = $2,492.21 - $3,352.41/yr.

Total cost (to an in-vessel digestion fac. that would have been regulated as a Composting fac.) Any + CM = $105,786/yr.

Large Volume In-vessel Digestion Facilities (0 active)

Odor:
Prepare BMP Report: ($5,000 - $10,450)/facility
Based on estimates obtained from industry consultants; staff estimates that one Large Volume In-vessel Digestion Facility will prepare a BMP report.

Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.
$42.51/hr. x (80 hrs. - 160 hrs.)/yr. = ($3,400.80 - $6,801.60)/yr. per facility
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; staff estimates that one Large Volume In-vessel Digestion Facility will implement a BMP report.

Biogas Control:
Take precautions to minimize uncontrolled release: $27.38/hr. + $15.13/hr. = $42.51/hr.
$42.51/hr. x 50 hrs./yr. = $2,125.50/yr. per facility
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas.

Drainage and Spill Control:
Spill response = $100/yr. per facility
Staff estimate of equipment and supplies costs.

0.1% Physical Contaminants:
Sampling and analysis: $27.38/hr. + $15.13/hr. = $42.51/hr.
$42.51/hr. x ½ hr. = $14.17
$14.17 + $48.00 lab cost = $62.17/sample
26,000 – 130,000 tons x 0.5 facilities x 2 yd³/ton x 0.6 (40% volume reduction) x 1 sample/5,000 yd³
= (3 -16) samples
$62.17/sample x (3 – 16) samples/yr. = $186.51 - $994.72/yr. per facility
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; range of tonnage based on an estimate of 100 to 500 tons per day over 260 operating days per year; 0.5% of the Large Volume In-vessel Digestion Facilities will compost themselves; in-vessel digestion will reduce (in some cases 40%)

Removing contaminants: ($80 - $111)/ton x 26,000 – 130,000 tons/yr. = $80 - $1,430,000)/yr. per facility
Based on estimates from industry: some operations/facilities are already meeting this standard; some will need to hire additional labor and/or purchase additional equipment to meet the standard; tonnage based on estimated throughput.

Subtotal Cost (to any new In-vessel Digestion facility) $10,812.81 – $1,450,472.82/yr.

Odor:
Prepare OIMP: $27.38/hr. + $15.13/hr. = $42.51/hr.
$42.51/hr. x (4 hrs. - 24 hrs.)/yr. = $170.04 - $1,020.24/yr. per facility
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.

Site Restoration:
Provide notice; cleaning, and removal: $27.38/hr. + $15.13/hr. = $42.51/hr.
$42.51/hr. x 40 hrs./yr. = $1,700/yr. per facility
Equipment use = ($1,200 - $1,500)/yr. per facility
($1,200 - $1,500) + $1,700 x one every 30 yrs. (1/30 yr.) = $96.67 - $106.67/yr. per facility
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur once every 30 years.

Subtotal cost (to an In-vessel Digestion fac that would have been regulated as a Transfer/Processing fac) $266.71 – $1,126.91/yr.

Personnel Health and Safety:
Make available IIP: $27.38/hr. + $15.13/hr. = $42.51/hr.
$42.51/hr. x ¾ hr./yr. = $31.31/yr. per facility
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to make IIP available for review.

Roads:
Design and maintain roads: $27.38/hr. + $15.13/hr. = $42.51/hr.
$42.51/hr. x 260 hrs./yr. = $11,052.60/yr. per facility
$4,000/facility [$634/yr. (10 year amortization)]
$11,052.60/yr. + $634/yr. = $11,686.60/yr. per facility
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.

Supervision and Personnel:
Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $34.71/hr. + $17.05/hr. = $51.76/hr.
$51.76/hr. x ½ hrs./yr. = $25.88/yr. per facility
Average total hourly compensation (wages and benefits) of public management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record.

Equipment:
Provide equipment adequate in type, capacity, and number: $500,000 [$79,290/yr. (10 year amortization)] per facility
Staff estimate based on stakeholder input.

Sufficiently maintain equipment adequate in type, capacity, and number: $27.38/hr. + $15.13/hr. = $42.51/hr.
$42.51/hr. x 400 hrs./yr. = $17,004/yr. per facility
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of labor hours to maintain equipment.

Housekeeping:
Provide adequate housekeeping: $27.38/hr. + $15.13/hr. = $42.51/hr.
$42.51/hr. x 25 hrs./yr. = $1,062.75/yr. per facility
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of labor hours to provide housekeeping.

**Lighting:**
Provide adequate lighting; $5,000/facility [$793/yr. (10 year amortization)] x 0.5 facilities (needing artificial light) for which no local land use requirement exists = $400/yr. per facility
Staff estimate of cost to provide artificial lighting; staff estimates 50% of the Large Volume In-vessel Digestion Facilities will need artificial lighting.

**Visual Screening:**
Consult with EA: $44.96/hr. + $24.84/hr. = $69.80/hr.
$69.80/hr. x 2 hrs./yr. = $139.60/yr. per facility
$139.60/yr. per facility x 0.1 facilities (for which no local land use requirement exists) = $13.96/yr. per facility
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of hours to consult with EA; staff estimates 50% of Large Volume In-vessel Digestion Facilities will have no local land use authority
Provide aesthetics (e.g., fencing, berms, landscaping): $10,000/facility [$1,586/yr. (10 year amortization)] x 0.1 facilities (for which no local land use requirement exists) = $160/yr. per facility
Staff estimate of cost to provide aesthetics; staff estimates 10% of Large Volume In-vessel Digestion Facilities will have no local land use authority

**Water Supply:**
Provide a safe and adequate water supply for drinking: = $500/yr. per facility
Staff estimate of cost to provide adequate drinking water.

<table>
<thead>
<tr>
<th>Subtotal cost (to an in-vessel digestion fac. that would have been regulated as a Composting fac.)</th>
<th>$1,451,598.73/yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total cost (to an In-vessel Digestion fac. that would have been regulated as a Transfer/Processing fac.)</td>
<td>$110,520.10/yr.</td>
</tr>
<tr>
<td>Total cost (to an In-vessel digestion fac. that would have been regulated as a Composting fac.)</td>
<td>Any + TP = $11,079.52 - $1,451,598.73/yr.</td>
</tr>
</tbody>
</table>

### POTW Exclusion (0 active)

**Anaerobically Digestible Material:**
Request for consideration of additional types of material: $27.38/hr. + $15.13/hr. = $42.51/hr.
$42.51/hr. x 2 hrs./request x = $85.02/request
$85.02/request x 0.25 requests/yr. = $21.26/yr.
Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent on each consultation and number of consultations.

| Total Cost | $21.26/yr. |

### California Department of Food and Agriculture

**Prohibition Exceptions:**
Consultation with SWRCB and CalRecycle: $54.75/hr. + $30.25/hr. = $85.00/hr.
$85.00/hr. x ½ hr./consult x 2 consultations/yr. = $85/yr.
Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent on each consultation and number of consultations.

| Total Cost | $255/yr. |

**Anaerobically Digestible Material:**
Consult with SWRCB and CalRecycle on additional types of material: $54.75/hr. + $30.25/hr. = $85.00/hr.
$85.00/hr. x 1 hr./consult x 2 consultations/yr. = $170/yr.
Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent on each consultation and number of consultations.

| Total Cost | $255/yr. |

### State Water Resources Control Board

**Prohibition Exceptions:**
Consultation with CDFA and CalRecycle: $54.75/hr. + $30.25/hr. = $85.00/hr.
$85.00/hr. x ½ hr./consultations x 2 consultations/yr. = $85/yr.
Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent on each consultation and number of consultations.

| Total Cost | $255/yr. |

**Anaerobically Digestible Material:**
Consult with CDFA and SWRCB on additional types of material: $54.75/hr. + $30.25/hr. = $85.00/hr.
$85.00/hr. x 1 hr./consult x 2 consultations/yr. = $170/yr.
Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent on each consultation and number of consultations.

| Total Cost | $255/yr. |

### CalRecycle

**Prohibition Exceptions:**
Consultation with CDFA and SWRCB: $54.75/hr. + $30.25/hr. = $85.00/hr.
$85.00/hr. x ½ hr./consultations x 2 consultations/yr. = $85/yr.
Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent on each consultation and number of consultations.

| Total Cost | $255/yr. |

**Anaerobically Digestible Material:**
Consult with CDFA and SWRCB on additional types of material: $54.75/hr. + $30.25/hr. = $85.00/hr.
<table>
<thead>
<tr>
<th>Enforcement Agencies</th>
<th>Research:</th>
<th>Approve extension:</th>
<th>Alt. Sampling and Analysis:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Review 2-yr. report: $54.75/yr. + $30.25/yr. = $85.00/yr.</td>
<td>$85.00/yr. x 2 hrs./extension x 2 extensions/yr. = $340/yr.</td>
<td>Review and approve/deny request for alternative sampling or analysis: $54.75/yr. + $30.25/yr. = $85.00/yr.</td>
</tr>
<tr>
<td></td>
<td>$85.00/yr. x 2 hrs./report x 4 reports/yr. = $680/yr.</td>
<td>Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent reviewing each report and number of reports.</td>
<td>$85.00/yr. x 4 hrs./request x 20 requests/yr. = $6,800/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent reviewing each report and number of reports.</td>
<td></td>
<td>Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of alternative sampling requests received and the amount of time spent reviewing and approving/denying each request.</td>
</tr>
</tbody>
</table>

### Appendix B-4

<table>
<thead>
<tr>
<th>Yr. 1-2</th>
<th>Yr. 3</th>
<th>Total #</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>$30.25/hr. + $54.75/hr. = $85.00/hr.</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>1 x $2,699.25 - $3,559.45/yr. = $2,969.25 - $3,559.45/yr.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>1 x $4,748.23/yr. = $4,748.23/yr.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>$2,699.25 - $3,559.45/yr. + $4,748.23 = $7,447.48 - $8,307.68/yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$85.00/yr. x 2 hrs./report x 4 reports/yr. = $680/yr.</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>1 x $2,699.25 - $3,559.45/yr. = $2,969.25 - $3,559.45/yr.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>1 x $8,950.19/yr. = $8,950.19/yr.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>$2,699.25 - $3,559.45/yr. + $8,950.19 = $11,442.40 - $12,302.60/yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$85.00/yr. x 2 hrs./extension x 2 extensions/yr. = $340/yr.</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>1 x $2,699.25 - $3,559.45/yr. = $2,969.25 - $3,559.45/yr.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>1 x $105,786/yr. = $105,786.00/yr.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>$2,699.25 - $3,559.45/yr. + $105,786 = $108,278.21 - $119,306.41/yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$85.00/yr. x 4 hrs./request x 20 requests/yr. = $6,800/yr.</td>
</tr>
<tr>
<td>26</td>
<td>3</td>
<td>29 x $21.26/yr. = $616.54/yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$260,197.06 - $3,142,955.88/yr.</td>
</tr>
<tr>
<td>California Department of Food and Agriculture</td>
<td>$255.00/yr.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Water Resources Control Board</td>
<td>$255.00/yr.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CalRecycle</td>
<td>$255.00/yr.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enforcement Agencies</td>
<td>$7,820.00/yr.</td>
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<td></td>
<td>$8,585/yr.</td>
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<tr>
<td></td>
<td>$268,782.06 - $3,151,540.88/yr.</td>
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<td></td>
</tr>
</tbody>
</table>

Note: The above calculations are based on the assumption that each task is conducted by a government worker with an average hourly compensation of $85.00, which includes both wages and benefits.

Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent reviewing each report and number of reports.

Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of alternative sampling requests received and the amount of time spent reviewing and approving/denying each request.

Costs are calculated based on the assumption of 26 inspection activities in the first year and 3 inspection activities in the second year.
Proposed Regulation Text

Initial comment period changes are denoted by the following:

- **Strikethrough** = deletions of existing text
- **Underline** = additions to existing text

Changes for the second comment period are denoted by:

- **Double Strikethrough** = deletions of the initial proposal
- **Double Underline** = additions to the initial proposal

Changes for the third comment period are denoted by:

- **Double Strikethrough Italic** = deletions of the text
- **Double Underline Italic** = additions to the text
Chapter 1. General Provisions

Article 1. Emergency Waiver of Standards - Definitions

§ 17017. Definitions.
As used in this division:
(a) "Department" means the Department of Resources Recycling and Recovery, which is vested with the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California Integrated Waste Management Board (board).
(b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department of Resources Recovery and Recycling (Department).


Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities - Regulatory Requirements

§ 17362.2. Contaminated Soil Transfer/Processing Operations.
All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These operations shall be inspected by the enforcement agency at least once quarterly every three (3) months unless the enforcement agency approves, with Department concurrence, a reduced inspection frequency. The enforcement agency may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


Article 5.8. Nonhazardous Ash Regulatory Tier Requirements

§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.
(a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in the California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18103).
(b) In addition to the requirements of subdivision (a), the following statement shall be included in the enforcement agency notification and signed by the operator: "The undersigned certify under penalty of perjury that the information in this document and all attachments are true and correct to the best of my knowledge, and is being executed in accordance with the requirements of the California Code of Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as
defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that there are significant penalties for submitting false or misleading information in this certification, including the possibility of fine or imprisonment, or both.”
(c) A new Enforcement Agency Notification is required any time there are changes to information required by this section.
(d) These operations may shall be inspected by the enforcement agency as necessary for the protection of public health, safety and the environment every three (3) months unless the enforcement agency approves, with Department concurrence, a reduced inspection frequency. The enforcement agency may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements
§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris Regulatory Requirements.
(a) A site that receives only construction and demolition debris and inert debris (CDI) and which meets the requirements of this section shall be classified as a CDI recycling center. A site that receives only inert debris and which meets the requirements of this section shall be classified as an inert debris recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any other requirements of this Article except as specified in this section.
(1) The CDI debris that a CDI recycling center receives shall have been separated at the point of generation.
   (A) For the purposes of this section, “separated at the point of generation” means that the material has been separated from the solid waste stream by the generator of that material or by a processor prior to receipt at a CDI recycling center and has not been commingled with other solid waste or recyclable materials. For example, each material type must be transferred in separate containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled in a single container.
(2) An inert debris recycling center shall receive only Type A inert debris that is source separated or separated for reuse. The inert debris may be commingled in a single container.
(b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:
(1) The residual shall be less than 10% by weight of the amount of debris received at the site, calculated on a monthly basis. Recycling center operators may report their residual percentage to the EA and the Department on Form CIWMB 607 (see Appendix A).
(2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible wastes shall not constitute a nuisance, as determined by the EA.
(c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited at CDI recycling centers.
(d) The following storage time limits apply to CDI recycling centers:
(1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.
(2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on-site for more than one year 90 days, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.
(3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the Department.
(4) At the EA’s discretion, storage time limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.
(5) CDI recycling center storage time limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA's findings shall be in writing.

(e) The following storage limits apply to inert debris recycling centers:

1. Inert debris stored for more than 6 months that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

2. Inert debris that has been processed and sorted for resale, or reuse, but remains stored on-site for more than 18-12 months, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

3. Storage time limits do not apply to Type A inert debris recycling centers which are located at an inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material production facility.

4. Storage time limits do not apply to Type A inert debris recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the board Department.

5. At the EA's discretion, storage limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.

6. Inert debris recycling center storage limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA's findings shall be in writing.

(f) Nothing in this section precludes the EA or the board Department from inspecting a site to verify that it is and has been operating in a manner that meets the requirements of this section, or from taking any appropriate enforcement action, including the use of a Notice and Order as provided in section 18304.

(g) In evaluating whether or not a particular site is in compliance with this section, the EA shall, among other things, do the following:

1. If the EA has reason to believe that each load of debris received at a recycling center is not separated at the point of generation, is not source separated or is not separated for reuse, or applicable, or that the residual exceeds 10% of the total debris received per month, or that the amount of putrescible wastes exceeds 1% by volume of the total debris received per month, or material is being stored in excess of the applicable storage limits, or that upon request no evidence is provided by the owner and operator that the stored debris is being accumulated for viable reuse, or that the site is not in compliance with any other requirement in this section, the EA may require the owner or operator to provide evidence that the recycling center is in compliance. The burden of proof shall be on the owner and operator of the recycling center to demonstrate it is in compliance.

2. At the time that the EA requires a recycling center to provide evidence that it is in compliance with this section, the EA shall provide the owner and operator of the recycling center a written description of the information that has caused the EA to believe that the recycling center is not in compliance. Notwithstanding, the EA shall not be required to identify the name or other identifying information regarding any person(s) who has complained about the recycling center.

(h) Sites which do not meet the applicable requirements of this section do not qualify as recycling centers and shall comply with this Article and all laws and regulations applicable to them. The burden of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are not subject to the requirements of this Article.


§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.

(a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.
The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier requirements.

1. A small volume C&D wood debris chipping and grinding operation shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq., and shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

2. A medium volume C&D wood debris chipping and grinding operation shall comply with the Registration Permit tier requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq.

3. A large volume C&D wood debris chipping and grinding facility shall comply with the Full Permit tier requirements set forth in CCR, Title 27, Division 2, Subdivision 1, Chapter 4, commencing with section 21563.

4. To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

5. Except as otherwise specified in this section, small volume C&D wood debris chipping and grinding activities shall comply with all requirements applicable to small volume CDI debris processing operations, medium volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to medium volume CDI processing facilities, and large volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to large volume CDI debris processing facilities.


§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.

All small volume CDI debris processing operations shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These operations shall be inspected quarterly by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals. The operator shall specify the operation's boundary area in the operating record.


§ 17383.7. Inert Debris Type A Processing Operations.

(f) These operations shall be inspected by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly. To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements

§ 17388.3. Inert Debris Engineered Fill Operations.

(b) Inert debris engineered fill operations shall be inspected as necessary by the EA at least once every three (3) months to verify compliance with State Minimum Standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less than annual.

Note: Authority cited: Sections 40502, 43020, and 43021, and 48007.5, Public Resources Code.

Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements

§ 17403.1. Excluded Operations.

(a) The following operations do not constitute transfer operations or facilities for the purposes of these Articles and are not required to meet the requirements set forth herein:

(8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, in accordance with Section 17896.6(a)(1).


§ 17403.2. Sealed Containers Transfer Operations.

All sealed container transfer operations subject to this Article shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA, as necessary at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less than annual. The operator shall specify the operation's boundary area in the operating record.


§ 17403.3. Limited Volume Transfer Operations.

All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100). These operations shall be inspected by EA as necessary at least once every three (3) months to verify compliance with minimum standards unless...
the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less than annual. The operator shall specify the operation's boundary area in the operating record.


Article 6.2. Operating Standards

§ 17409.2. Sanitary Facilities.
The operator shall maintain all sanitary and hand-washing facilities which may be required, by applicable state or local requirements, in a reasonably clean and adequately supplied condition.


Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 1. General

§ 17852. Definitions.
(a) For the purposes of this Chapter:
   (1) "Active Compost" means compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of compost per day, or the equivalent of oxygen uptake.
   (2) "Additives" means material mixed with feedstock or active compost in order to adjust the moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include, but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost feedstock.
   (3) "Aerated Static Pile" means a composting process that uses an air distribution system to either blow or draw air through the pile. Little or no pile agitation or turning is performed.
   (4) "Aerobic Decomposition" means the biological decomposition of organic substances in the presence of oxygen.
   (4.5) "Agricultural By-Product Material" means post-harvest agricultural by-products separated at a processing facility.
      (A) Agricultural By-product Material includes, but is not limited to, solid or semi-solid materials from fruit, nut, cotton, and vegetable processing facilities such as stems, leaves, seeds, nut hulls and shells, peels, and off-grade, over-ripe, or under-ripe produce.
      (B) Agricultural By-product Material does not contain packaging material, physical contaminants, or hazardous materials, and does not include wastewater, sludges, or additives.
   (5) "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, or material generated during nut or grain hulling, shelling, and processing, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as "food material" or "vegetative...
“food material” is not agricultural material. Agricultural material includes, including but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

(6) “Agricultural Material Composting Operation” means an operation that produces compost from green or agricultural material, additives, and/or amendments.

(7) “Amendments” means materials added to stabilized or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock.

(8) “Anaerobic Decomposition” means the biological decomposition of organic substances in the absence of oxygen.

(9) “Biosolids” means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and scum or solids removed in primary, secondary, or advanced wastewater treatment processes. Biosolids includes the residue solids resulting from the co-digestion of anaerobically digestible material with sewage sludge. Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works.

(10) “Chipping and Grinding Operations and Facilities” means an operation or facility, that does not produce compost, that mechanically reduces the size or otherwise engages in the handling, of compostable material and:

(A) The site does the following:
1. The site handles only material, excluding manure, allowed at a green material composting operation or facility as set forth in section 17852(a)(22); and,
2. Each load of green material is removed from the site within 48 hours of receipt. The EA may allow a site to keep green material on-site for up to 7 days if the EA determines that the additional time does not increase the potential for violations of this Chapter.

(B) If the site fails to meet the definition of green material because it exceeds the contamination limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing Regulatory requirements (commencing at section 17400).

(C) If the site fails to meet the definition of this section because the green material remains on-site for a longer period of time than is allowed, then the site shall be regulated as a compostable material handling operation or facility, as set forth in this Chapter.

(11) “Compostable Material” means any organic material that when accumulated will become active compost as defined in section 17852(a)(1).

(12) “Compostable Materials Handling Operation” or “Facility” means an operation or facility that processes, transfers, or stores compostable material. Handling of compostable materials results in controlled biological decomposition. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstocks, and chipped and ground materials. “Compostable Materials Handling Operation or Facility” does not include activities excluded from regulation in section 17855. “Compostable Materials Handling Operation or Facility” also includes:

(A) agricultural material composting operations;
(B) green material composting operations and facilities;
(C) vegetative food material composting facilities;
(D) research composting operations; and,
(E) chipping and grinding operations and facilities; and,
(F) biosolids composting operations at POTWs.

(13) “Curing” means the final stage of the composting process that occurs after compost has undergone pathogen reduction, as described in section 17868.3, and after most of the readily metabolized material has been decomposed and stabilized.

(13.5) “Digestate” means the solid and/or liquid residual material remaining after organic material intended to be composted pursuant to this Chapter may only be handled at a facility that has obtained a Compostable Materials Handling Facility Permit pursuant to section 17854.

(14) “Domestic Sewage” means waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

(15) “Disposal of compostable material and/or digestate” means:

(A) 1. the final deposition of compostable material and/or digestate on land, unless excluded from this Chapter 3.1 pursuant to section 17855;
2. Storing or stockpiling more than 200 cubic yards of compostable material, other than stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration requirements of section 17868.2, on land for a combined period of time greater than six months 30 days, except as provided in subdivision (A) 3.; or

3. Storing or stockpiling more than 200 cubic yards of agricultural material and green material, or compost for more than twelve months on prime land that is zoned for agricultural land uses as defined in Government Code section 51201, unless the EA, after RWQCB in consultation with the EA applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that storing or stockpiling the material more than 12 months will not adversely affect the public health and safety or the environment may remain within the operations area for a period of time greater than specified.

   (B) Disposal of compostable material does not include the use of compostable material for:

   1. Alternative daily cover material for beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of Regulations, section 20686; or

   2. For mine reclamation in accordance with applicable law. Notwithstanding this section, use of compostable organic material as an alternative daily cover material shall still require approval for use pursuant to Title 27, California Code of Regulations, section 20680 and may require additional approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.

   (C) Disposal does not include land application of compostable organic material as defined in section 17852(a)(24.5). “Land Application” means the application of compostable material, excluding food material or mixed solid waste for the following applications: to forest, agricultural, and range land at agronomic rates; in accordance with California Department of Food and Agriculture (CDFA) requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.

   (D) Should the EA have information reason to believe that a person compostable material handler is engaging in other activities that meet the definition of disposal of compostable material or authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall be on each person engaging in or authorizing such activities the land owner or operator to demonstrate otherwise.

   (E-D) If the activities at a site meet the definition of disposal of compostable material and/or digestate, the site shall be regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).

   (16) “Dry Weight Basis” or “Dry Weight” means weight calculated on the basis of having been dried until reaching a constant mass, that results in essentially 100 percent solids content.

   (17) Enclosed Composting Process means a composting process where the area that is used for the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed sides and rests on a stable surface with environmental controls for moisture and air-borne emissions present.

   (18) “EA” means enforcement agency.

   (19) “Feedstock” means any compostable organic material used in the production of compost or chipped and ground material including, but not limited to, agricultural material, green material, vegetable food material, food material, biosolids, digestate, and mixed solid waste material. Feedstocks shall not be considered as either additives or amendments.

   (19.5) “Film plastic” means sheet plastic 10 mil or less in thickness.

   (20) “Food Material” means any a waste material of plant or animal origin that was acquired for results from the preparation or processing of food for animal or human consumption, and that is separated from the municipal solid waste stream, and that does not meet the definition of “agricultural material”. Food material may includes, but is not limited to, material food waste from food facilities as defined in Health and Safety Code section 113785 113789 (such as restaurants), food processing establishments as defined in Health and Safety Code section 111955, grocery stores, institutional cafeterias (such as prisons, schools, and hospitals), or and residential food scrap collection. Food material does not include any material that is required to be handled only pursuant to the California Food and Agricultural Code and regulations adopted pursuant thereto.

   (A) “Vegetative Food Material” means that fraction of food material, defined above, that is a plant material and is separated from other food material and the municipal solid waste stream. Vegetative food material may be processed or cooked but must otherwise retain its essential natural character and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food
material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and
spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 percent
of physical contaminants by dry weight, and meets the requirements of section 17868.5.
21) “Green Material” means any plant material except food material and vegetative food material
that is separated at the point of generation, contains no greater than 1.0 percent physical
contaminants by dry weight, and meets the requirements of section 17868.5. Green material includes,
but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood
waste from silviculture and manufacturing, and construction and demolition wood waste. Green
material does not include food material, vegetative food material, biosolids, mixed solid waste
material, material processed separated from commingled solid waste collection or processing, wood
containing lead-based paint or wood preservative, or mixed construction or mixed and demolition
debris. Agricultural material, as defined in this section 17852(a)(5), that meets this definition of
“green material” may be handled as either agricultural material or green material.
22) “Green Material Composting Operation” or “Facility” is an operation or facility that comports
green material, additives, and/or amendments. A green material composting operation or facility may
also handle manure and paper products. An operation or facility that handles a feedstock that is not
green material, manure, or paper products, shall not be considered a green material composting
operation or facility. “Green Material Composting Operation” or “Facility” does not include activities
excluded from regulation in section 17855.
23) “Handling” means the processing, transfer, and storage of compostable materials. Handling of
compostable materials results in controlled biological decomposition. Handling includes composting,
screening, chipping and grinding, and storage activities related to the production of compost, compost
feedstocks, and chipped and ground materials.
24) “Insulating Material” means material used for the purpose of minimizing the loss of heat from a
compost pile undergoing the “Process to Further Reduce Pathogens” (PFRP), as described in section
17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.
24.5) “Land Application” means either subdivision (A) or (B):
(A) The final deposition of compostable material and/or digestate spread on any land, including
land zoned only for agricultural uses, under the following conditions:
1. On and after January 1, 2018, the compostable material and/or digestate does not contain
more than 0.5% by dry weight of physical contaminants greater than 4 millimeters (no more than
20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters), as specified in section
17868.3.1, at the time of land application;
2. The compostable material and/or digestate meets the maximum metal concentrations, as
specified in section 17868.2, at the time of land application;
3. The compostable material and/or digestate meets the pathogen density limits, as specified in
section 17868.3(b)(1), at the time of land application; and
4. a. On land not zoned only for agricultural uses, the compostable material and/or digestate is
not applied more frequently than once during a 12 month period, and, at the time of the land
application, the compostable material and/or digestate shall not exceed an average of 12 inches in
total, accumulated depth on the land surface. The EA, in consultation with the Regional Water Quality
Control Board, may approve alternative application frequencies and depths, if the EA after such
consultation determines that the alternatives will not adversely affect public health and safety or the
environment.
b. On land zoned only for agricultural uses, the compostable material and/or digestate is not
applied more frequently than three times during a 12 month period, and, at the time of the land
application, the compostable material and/or digestate shall not exceed 12 inches in total,
accumulated depth on the land surface. The EA, in consultation with the California Department of Food
and Agriculture to determine if the land application is agronomically beneficial and with the Regional
Water Quality Control Board regarding water quality, may approve alternative frequencies and depths,
if the EA after such consultation determines that the alternative will not adversely affect public health
and safety or the environment. The Department shall coordinate all EA requests for consultation with
the California Department of Food and Agriculture.
5. Verification of compliance with this subdivision must be provided to the EA upon request.
(B) The final deposition of compostable material spread on land zoned only for agricultural uses
under the following conditions:
1. The compostable material does not contain more than 0.1% by weight of physical
contaminants greater than 4 millimeters; and
3. Prior to land application, the California Department of Food and Agriculture (CDFA) has
determined that the land application is in compliance with all applicable requirements established by
CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land
application is agronomically beneficial; and

3. Prior to land application, the EA has received confirmation that CDFA has made the
determination specified in (B) above.

(A) This subdivision (a)(24.5) does not apply to:
1. the use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division,
2. the beneficial reuse of biosolids pursuant to Part 503, Title 40 of the Code of Federal
Regulations and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-
specific Waste Discharge Requirements or other issued requirements from the State Water Resources
Control Board having jurisdiction.

[B] As specified in section 17850(d), nothing in these standards shall be construed as
relieving any owner, operator, or designee from the obligation of obtaining all authorizations and
complying with all requirements of other regulatory agencies, including but not limited to, local health
districts, local land use authorities, and fire authorities.

25) “Manure” is an agricultural material and means accumulated herbivore or avian excrement.
This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
mixed with feces or urine.

26) “Mixed Solid Waste Material” means any compostable material that is part of the municipal
solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed
demolition or mixed construction debris, or plastics. A feedstock that is not source separated or
contains 1.0% or more of physical contaminants by dry weight is mixed solid waste material.

Compostable material that contains mixed demolition or mixed construction debris shall be considered
mixed solid waste.

27) “Mushroom Farm” means an activity that produces mushrooms. The handling of compostable
material at a mushroom farm prior to and after use as a growth medium is subject to regulation
pursuant to this chapter and is not considered mushroom farming.

27.5) “Nuisance” includes anything which:
(A) is injurious to human health or is indecent or offensive to the senses and interferes with the
comfortable enjoyment of life or property, and
(B) affects at the same time an entire community, neighborhood or any considerable number of
persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

28) “Operations Area” means the following areas within the boundary of a compostable material
handling operation or facility:
(A) equipment cleaning, maintenance, and storage areas;
(B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and
(C) process water and stormwater drainage control systems.

29) “Operator” means the owner, or other person who through a lease, franchise agreement or
other arrangement with the owner, becomes legally responsible for the following:
(A) complying with regulatory requirements set forth in this Chapter;
(B) complying with all applicable federal, state and local requirements;
(C) the design, construction, and physical operation of the site; and
(D) site restoration.

30) “Owner” means the person or persons who own, in whole or in part, a compostable material
handling operation or facility, or the land on which these operations or facilities are located.
"Pathogenic Organism" means disease-causing organisms.

"Physical Contamination" or "Contaminants" means human-made inert products material contained within feedstocks compostable material, digestate, or compost, including, but not limited to, glass, metal, and plastic.

"Process Water" means liquid that is generated during or used in the production of compost or chipped and ground materials.

"Research Composting Operation" means a composting operation, that is operated for the purpose of gathering research information on composting.

"Separated At The Point of Generation" includes material separated from the solid waste stream by the generator of that material. It may also include material from a centralized facility as long as that material was kept separate from the waste stream prior to receipt by that facility and the material was not commingled with other materials during handling.

"Stabilized Compost" means any organic material that has undergone the Process to Further Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced biological activity as indicated by reduced temperature and rate of respiration below that of active compost.

"Static Pile" means a composting process that is similar to the aerated static pile except that the air source may or may not be controlled.

"Vector" includes any insect or other arthropod, rodent, or other animal capable of transmitting the causative agents of human disease.

"Vegetative Food Material Composting Facility" is a facility that composts agricultural material, green material, vegetative food material, additives, and/or amendments. A vegetative food material composting facility may also handle manure and paper products. An operation or facility that handles a feedstock that is not agricultural material, green material, vegetative food material, manure, or paper products, shall not be considered a vegetative food material composting facility. "Vegetative Food Material Composting Facility" does not include activities excluded from regulation in section 17855.

"Vermicomposting" means an activity that produces worm castings through worm activity. The EA may determine whether an activity is or is not vermicomposting. The handling of compostable material prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered vermicomposting.

"Windrow Composting Process" means the process in which compostable material is placed in elongated piles. The piles or "windrows" are aerated and/or mechanically turned on a periodic basis.

"Within-vessel Composting Process" means an aerobic process in which compostable material is enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost, maintained under uniform conditions of temperature and moisture where air-borne emissions are controlled.

"Wood Waste" means solid waste consisting of wood pieces or particles which are generated from the manufacturing or production of wood products, harvesting, processing or storage of raw wood materials, or construction and demolition activities.

"Yard Trimmings" means any wastes generated from the maintenance or alteration of public, commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree trimmings, prunings, brush, and weeds.


**Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities**

§ 17854. Compostable Materials Handling Facility Permit Requirements.

Except as specified in this Article, all compostable materials handling activities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations.

§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities.

Sections 17854 through 17862.1 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5., Article 3.0., commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of Regulations) for compostable material handling operations and facilities. These requirements are summarized in Table 1.

### Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers

<table>
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<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency Notification Tier</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
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<tbody>
<tr>
<td>Agricultural Material Composting Operations (all)</td>
<td>Refer to Section 17855</td>
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<tr>
<td>Green Material Composting Operations (&lt; 12,500 yd³)</td>
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<td>Vegetative Food Material Composting Facilities (&lt; 12,500 yd³)</td>
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<td>Biosolids Composting Operations at POTWs (all)</td>
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<td>Research Composting Operations (&lt; 5,000 yd³) (Within-vessel &gt; 5,000 yd³ with EA determination)</td>
<td>Section 17862.1(a)</td>
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<td>Chipping and Grinding Operations (&lt; 200 tpd)</td>
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<td>Chipping and Grinding Operations (&gt; 500 tpd)</td>
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<td></td>
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</tr>
</tbody>
</table>


§ 17855. Excluded Activities.

(a) Except as provided otherwise in this Chapter, the activities listed in this section do not constitute compostable material handling operations or facilities for the purposes of this Chapter and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(1) An activity is excluded if it handles agricultural material, derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site...
owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an
 incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

(2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after
 its use as a growth medium during the vermicomposting process is not an excluded activity and is
 subject to the requirements of this chapter. Handling of agricultural material on the site of a
 vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it
 complies with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory
 Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),
 whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as
determined by the EA, the requirements of this chapter apply;

(B) at all other times when it is not being used as a growth medium during vermicomposting, the
 compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory
 Requirements.

(3) Mushroom farming is an excluded activity. The handling of compostable material prior to and
 after its use as a growth medium during the mushroom farming process is not an excluded activity
 and is subject to the requirements of this chapter. Handling of agricultural material on the site of a
 mushroom farm, for use as mushroom bedding on that same site, is an excluded activity if it complies
 with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory
 Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),
 whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as
determined by the EA, the requirements of this chapter apply;

(B) at all other times when it is not being used as a growth medium during mushroom farming,
 the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory
 Requirements.

(4) Handling of green material, feedstock, additives, amendments, compost, or chipped and ground
 material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable
 materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or
 given away annually. The compostable material may also include up to 10% food material by volume.
 Composting green material, agricultural material, food material, and vegetative food material, alone or
 in combination, is an excluded activity if the total amount of feedstock and compost on-site at any one
 time does not exceed 100 cubic yards and 500-750 square feet.

(5) The handling of compostable materials is an excluded activity if:

(A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered
 or full permit as defined in section 18101,

1. has a Report of Facility Information which is completed and submitted to the EA that
 identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

2. will only use the material on the facility site or

(B) the activity is solely for the temporary storage of biosolids sludge at a Publicly Operated
 Owned Treatment Works (POTW) or

(C) the activity is located at the site of biomass conversion and is for use in biomass conversion as
 defined in Public Resources Code section 40106; or

(D) the activity is part of a silvicultural operation or a wood, paper, or wood product
 manufacturing operation; or

(E) the activity is part of an agricultural operation and is used to temporarily store or process
 agricultural material not used in the production of compost or mulch; or

(F) the activity is part of an operation used to chip and grind materials derived from and applied
 to lands owned or leased by the owner, parent, or subsidiary of the operation; or

(G) the activity is part of an agricultural operation used to chip and grind agricultural material
 produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation,
 for use in biomass conversion; or

(H) the activity is part of an licensed animal food manufacturing or a licensed rendering operation.

(I) the activity is the storage of yard trimmings at a publicly designated site for the collection of
 lot clearing necessary for fire protection provided that the public agency designating the site has
 notified the fire protection agency; or
(J) the materials are handled in such a way to preclude their reaching temperatures at or above 122 degrees Fahrenheit as determined by the EA; or

(6) Non-commercial composting with less than one cubic yard of food material is excluded provided that all compostable material is generated and used on-site.

(7) Storage of bagged products from compostable material is an excluded activity provided that such bags are no greater than 5 cubic yards.

(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.

(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as determined by the EA; land application in accordance with California Department of Food and Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770 et seq.


§ 17855.2. Prohibitions.
The following activities are prohibited at all compostable materials handling operations and facilities and at all sites where compostable materials handling activities that are excluded from regulation under this Chapter occur:

(a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow is prohibited, except when received:

(1) from a food service industry facility as defined in Health and Safety Code section 113789, grocery stores, or residential food scrap collection; or

(2) as part of a research composting operation for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concern, in accordance with section 17862; or

(3) from a source approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture.

(b) The composting of treated or untreated medical waste is prohibited.

(c) The composting of hazardous waste is prohibited.


§ 17855.3. Permit Name.
Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and 17857.2(a), shall be entitled: "Compostable Materials Handling Facility Permit."


§ 17855.4. Pre-Existing Permits and Notifications.
(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations, sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is required. If the EA makes such a determination, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

(b) If an operation had previously been operating pursuant to an EA Notification in accordance with the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance with its EA Notification or regulatory authorization until the EA determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this determination no sooner than 120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable Materials Handling Facility Permit is required, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

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Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

(c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003, that activity may continue to operate in accordance with its regulatory exclusion until the EA determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this determination no sooner than 120 days and no later than two years from April 4, 2003. If EA determines that a Compostable Materials Handling Facility Permit is required, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

(d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate in accordance with its regulatory authorization until the EA determines that a different authorization is required. The EA shall make this determination within 120 days from April 4, 2003.

(1) If the EA determines that the activity is required to comply with the EA Notification requirements, the operator 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), within 120 days from that determination.

(2) If the EA determines that the activity is required to comply with the Registration requirements, the operator shall comply with the Registration requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) within 120 days from that determination.

(3) If the EA determines that the activity is required to comply with the Compostable Materials Handling Facility Permit requirements, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years from that determination.


§ 17856. Agricultural Material Composting Operations.
(a) All Agricultural material composting operations and chipping and grinding operations shall comply with the Enforcement Agency 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. Agricultural Compostable Materials Handling Operations shall only be subject to the requirements of section 17863.4 if the EA makes a written determination that the operation has violated the requirements for odor impacts of section 17867 and the requirements of this Chapter.
(b) Compost produced by an Agricultural material composting operations are subject to the requirements of sections 17852(a)(21) and 17863.4.1 only if the EA determines that the operation or has caused odor impacts in violation of section 17867(a)(2) and has notified the operator in writing of the violation a chipping and grinding operation which uses only agricultural material may be sold or given away in unrestricted quantities. These operations shall be inspected by the EA at least once annually.
(c) If their feedstock is limited to agricultural material, agricultural material composting operations may handle an unlimited quantity of agricultural material on the site and may sell or give away any or all compost they produce. These operations shall be inspected by the EA at least once each calendar year at a time when compostable material on the site is active compost. Compost produced by an agricultural material composting operation which uses agricultural material and/or green material, as specified in section 17852(a)(21), may be sold or given away in accordance with the following restrictions:

(1) Those sites that do not sell or give-away more than 1,000 cubic yards of material per year shall be inspected by the EA at least once annually when actively composting. If more than 12,500 cubic yards of green material, including feedstock, compost, or chipped and ground material, is to be handled on-site of productive farmland as defined in Government Code section 51201, the operator shall give advance notice to the EA. The EA shall only prohibit the on-site storage of additional materials, or impose a greater inspection frequency, if the EA makes a written finding that it will pose...
an additional risk to public health and safety and the environment. The EA shall forward a copy of the request and approval to the Board.

(2) Those operations that sell or give away more than 1,000 cubic yards of material per year, shall have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped and ground material, on-site at any one time and shall be inspected by the EA once every three (3) months.

(3) These sites shall record the quantity received of green material.

(d) Agricultural material composting operations whose feedstock is both green material and agricultural material are subject to the following requirements:

(1) Producers located on Agricultural Land:
   (A) Operations located on land that is zoned for agricultural uses that sell or give away less than 1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and green material on the site; provided, however, the EA may limit the amount of green material feedstock on-site to 12,500 cubic yards upon making a written finding that handling the excess material may pose a risk to public health and safety or the environment.
   (B) The EA shall inspect operations authorized under this subdivision (d)(1) at least once each calendar year at a time when compostable material on the site is active compost.

(2) Other Producers:
   (A) Operations located on land that is not zoned for agricultural uses and operations that sell or give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock on the site at any time.
   (B) The EA shall inspect operations authorized under this subdivision (d)(2) at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. At least one of the required inspections each year shall occur at a time when compostable material on the site is active compost.


(a) A green material composting operation that has up to may have no more than 12,500 cubic yards of feedstock, compost, or chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time. Green material composting operations 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) and with the applicable requirements specified in this Chapter.

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural users and other consumers, the operator may request in writing that the EA authorize it to temporarily exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed on-site ("seasonal storage adjustment"). At the EA’s discretion, the seasonal storage adjustment for stabilized compost may be extended to the storage time and storage volume specified in the land use entitlement for the site if the EA finds, on the basis of substantial evidence, that the adjustment does not increase the potential harm to public health and safety, and the environment. The EA shall respond in writing to the operator’s request within 30 days of receipt. The EA may authorize such a seasonal storage adjustment if the EA determines it will not adversely affect public health and safety or the environment. The EA may impose any reasonable conditions on its approval of a the seasonal storage adjustment. The initial term seasonal storage adjustment may not exceed the storage time specified in the land use entitlement or 30 days, whichever is less. The EA may grant seasonal storage adjustment may be extended by one or more additional 30-day seasonal...
storage adjustments—periods not exceeding the storage time specified in the land use entitlement or a total of 90 days per calendar year, whichever is less.

(A) With its request for a seasonal storage adjustment, the operator shall submit to the LEA a storage plan containing the following to the EA:

1. A description of the storage capacity at the operation including the assumptions, methods, and calculations used to determine total storage capacity.

2. And to the EA:

The maximum and average lengths of time the compostable material will be stored.

3. A schematic drawing showing the general layout of the operation and the location(s) where all materials at the site are stored with specific identification of the proposed location of the excess material.

4. A description of any additional fire prevention, protection and control measures needed to minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any such fires, which measures shall be approved by the local fire authority.

5. Where applicable, any revisions to the odor impact minimization plan necessary to address the storage of the additional material or a statement, with supporting information, that no revisions are necessary.

(b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost, or chipped and ground material on-site at any one time shall be inspected by the EA at least once every three (3) months, unless an operator request for a reduced inspection frequency of no less than annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA finds that it will not pose an additional risk to public health and safety and the environment. The EA shall forward a copy of the request and approval to the Board.

(b) If a green material composting operation or facility exceeds any combination of the following requirements three (3) or more times within any two (2) year period, which the EA determines constitutes a violation of this Chapter, the facility no longer qualifies for an EA Notification under this section:

1. Receipt of material that contains greater than 1.0% physical contaminants by dry weight as specified in section 17852(a)(21);

2. Failure to comply with the processing requirements set forth in section 17868.5;

3. Failure to comply with the maximum volume on-site at any one time limit set forth in subdivision (a) above.

Upon the third such violation, the EA shall notify the operator in writing that the facility no longer qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease and desist order pursuant to section 18304 directing, among other things, that the operator immediately cease accepting material at the site until the operator has demonstrated to the EA that it has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at any time take any additional enforcement action the EA deems appropriate.

(c) A site that handles green material composting facility that has more than 12,500 cubic yards of feedstock, compost, or chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time is a green material composting facility, excepting green material composting operations which the EA has authorized a seasonal storage adjustment pursuant to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations. Green material composting facilities shall comply with the applicable requirements specified in this Chapter 3.1.

[Note: See section 17868.5 for green material processing requirements.]


§ 17857.2. Vegetative Food Material Composting Facilities.

(a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock, compost, and chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time and shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of this Chapter.
§ 17859.1. Biosolids Composting at POTWs.
(a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly Owned Treatment Works (POTW) 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).

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(b) All other composting of biosolids shall comply with section 17854.


§ 17862. Research Composting Operations.
(a) An operator conducting research composting operations shall not have more than 5,000 cubic yards of feedstock, chipped and ground material, amendments, additives, active compost, and stabilized 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, chipped and ground material, additives, amendments, chipped and ground material, active compost, and stabilized 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 and approved by the EA. After each two year period of operation, the operator shall submit to the EA a report that includes the results and conclusions drawn from the research. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870, or obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to continuing operations.

(e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, 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.

(3) After no more than a six-month period of operation, the EA Notification for the operator of a research composting operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report that includes the results and conclusions drawn from the research and documentation of additional requirements of this section shall be reviewed after each six-month period of operation. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870, or obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to continuing operations.

(f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to the EA with the 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.

(g) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


(a) A chipping and grinding operation that receives up to 200 tons per day of material that may be handled by a green material composting operation 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 and the applicable requirements specified in this Chapter.

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(b) A chipping and grinding facility that receives more than 200 tons per day but not more than, and up to 500 tons per day of material that may be handled by a green material composting operation shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(c) A chipping and grinding facility that receives more than 500 tons per day of material that may be handled by a green material composting operation shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(d) On and after January 1, 2018, a chipping and grinding operation or facility shall sample every 5,000 cubic-yards of chipped and ground material produced and determine the percentage of physical contaminants greater than 4 millimeters in the sample using a method that provides accurate results and has been approved by the EA. If the chipping and grinding operation or facility produces less than 5,000 cubic-yards of chipped and grind material in a 12 month period, the operator shall analyze at least one composite sample of compost-chipped and ground material produced every 12 month period.

The determination of the percentage of physical contaminants shall occur prior to the point where material is removed from the site. A chipping and grinding operation or facility shall not be subject to...
the provisions of section 17868.3.1 of this Chapter, however any chipped and ground material that
will be land applied must meet the physical contamination requirements of section
17852(a)(24.5)(A)(1).
(d) A chipping and grinding operation or facility shall not be subject to the provisions of sections
17868.1 through 17868.3.4 of this Chapter, however, any chipped and ground material that will be
land applied must meet the maximum metal concentration and pathogen reduction requirements of
section 17852(a)(24.5)(A)(2) and (3).
(e) If a chipping and grinding operation or facility exceeds the contamination limits specified in
section 17852 (a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory
requirements (commencing at section 17400).
(f) If a chipping and grinding operation or facility stores material for a longer period of time than is
allowed by section 17852 (a)(10)(A)(2), then the site it shall be regulated as a green material
handling composting operation or facility, as set forth in this Chapter.

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

Article 3. Report of Facility Information

§ 17863. Report of Composting Site Information.
Each operator of a compostable material handling facility that is required to obtain a Compostable
Materials Handling Facility Permit or a Registration Permit for a Vegetative Food Material Composting
Facility, as specified in Article 2 of this Chapter, shall, at the time of application, file a Report of
Composting Site Information with the EA. If the operator intends to alter the permitted feedstock,
these changes must be reported to the EA for maintenance of permit status. Such changes may
become the basis for revisions to the permit or for revocation of the permit.

(m) A description of the proposed site restoration activities, in accordance with Section 17870.

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

§ 17863.4. Odor Impact Minimization Plan.
(a) All compostable material handling operations and facilities shall prepare, implement and maintain
a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the
EA Notification or permit application.
(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
describing, at a minimum, the following items. If the operator will not be implementing any of these
procedures, the plan shall explain why it is not necessary.
   (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
       proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
       possible odor receptors; and,
   (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
       causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
       described; and,
   (3) a complaint response and recordkeeping protocol; and,
   (4) a description of design considerations and/or projected ranges of optimal operation to be
       employed in minimizing odor, including method and degree of aeration, moisture content of materials,
       feedstock characteristics, airborne emission production, process water distribution, pad and site
       drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
       service interruptions, and site specific concerns as applicable; and,
   (5) a description of operating procedures for minimizing odor, including aeration, moisture
       management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
       storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
       power, and personnel), biofiltration, and tarping as applicable.
(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
provided to the EA, within 30 days of those changes.
(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
revisions are necessary.

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(e) The odor impact minimization plan shall be used by the EA to determine whether or not the 
operation or facility is following the procedures established by the operator. If the EA determines that 
the odor impact minimization plan is not being followed, the EA may issue a Notice and Order 
(pursuant to section 18304) to require the operator to either comply with the odor impact 
minimization plan or to revise it.

(f) If the odor impact minimization plan is being followed, but the EA determines, in a manner 
consistent with section 18302(d), that odor impacts are still occurring, the EA may direct 
the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report) 
as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a 
Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and 
feasible measures to minimize odors; unless:
1. the EA has evidence that a specific and immediate action would reduce the odor impacts;
2. there is an imminent threat to public health and safety and the environment; or
3. a public nuisance has occurred.

Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code. Reference: 
Sections 43020, 43021 and 43209.1, Public Resources Code.

(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report 
or the EA may require the operator to prepare a Report after consecutive or chronic odor 
violations as determined pursuant to section 17863.4(f).
(b) The Report shall:
1. Present representative and correlating odor data for each potential onsite odor source including 
but not limited to: odor severity, odor characteristics, time and weather conditions when data was 
collected, description of operations associated with the source, and any odor impacts or complaints 
received;
2. Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not 
contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in 
order of impact;
3. For odor sources contributing to odor impacts, as identified above in subdivision (b)(2);
   (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor 
   Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator 
   has used to minimize odor and analyze each BMP for the following:
   1. The effectiveness of the BMP in reducing odor impacts;
   2. The potential for more extensive use of the BMP to minimize odor impacts described by 
      complainants;
   3. If the BMP has been operationally practical and if more extensive use of the BMP would be 
      operationally practical;
   4. The approximate cost to implement a more extensive use of the BMP;
   5. Any permits or permit changes necessary to use the BMP more extensively;
   6. Overall recommendation if existing BMPs should be continued and if more extensive use of 
      the BMP is recommended; and
   7. If the BMP has been found to be ineffective (include supporting data).
   (B) List of all potential best management practices (BMPs), using the Comprehensive Compost 
   Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the 
   operator has not used and analyze each potential BMP to determine:
   1. The potential for the BMP to reduce odor impacts described by complainants;
   2. If the BMP is operationally practical;
   3. The approximate cost to implement the BMP;
   4. Any permits or permit changes necessary to use the BMP; and
   5. Overall recommendation and ranking of implementing the BMP.
   (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on 
   the analysis conducted pursuant to subdivision (b)(3)(A) and (B).
(c) The operator shall submit the Report required by subdivisions (a) and (b), and the plan and 
schedule required by subdivision (b)(3)(C), to the EA and the Department for review. If the EA has 
required the operator to prepare a Report pursuant to subdivision (a), the operator shall submit the 
plan and schedule within 14 days or other timeframe approved by the EA.
(d) The EA, in consultation with the Department, shall within 30 days:
(1) approve the Report and associated plan and direct the operator in writing to implement the plan in whole or in part; and/or
(2) direct the operator in writing to submit specific changes or additional information within a timeframe specified by the EA.
(e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision (d)(1) or (d)(2).


Article 6. Composting Operating Standards

§ 17867. General Operating Standards.
(a) All compostable materials handling operations and facilities shall meet the following requirements:
(1) All handling activities are prohibited from composting any material specified in section 17855.2 of this Chapter.
(2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not cause a nuisance.
(3) All handling activities shall be conducted in a manner that minimizes vectors, odor impacts, litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and transportation of dust, particulates, and pathogenic organisms.
(4) Random load checks of feedstocks, additives, and amendments for contaminants shall be conducted.
(5) Contamination of compostable material that has undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.
(6) Unauthorized human or animal access to the facility shall be prevented.
(7) Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe manner.
(8) All compostable materials handling operations and facilities that are open for public business shall post legible signs at all public entrances. These signs shall include the following information:
(A) name of the operation or facility,
(B) name of the operator,
(C) facility hours of operation,
(D) materials that will and will not be accepted, if applicable,
(E) schedule of charges, if applicable, and
(F) phone number where operator or designee can be reached in case of an emergency.
(9) The operator shall provide fire prevention, protection and control measures, including, but not limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression, and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided to allow fire control equipment access to all operation areas.
(10) The operator shall provide telephone or radio communication capability for emergency purposes.
(11) Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground material shall be removed from the site within 7 days and transported to an appropriate facility.
(12) Enclosed operations and facilities shall provide ventilation to prevent adverse public health effects from decomposition gases.
(13) The operator shall ensure that leachate is controlled to prevent contact with the public.
(14) The operator shall prevent or remove physical contaminants in compost and chipped and ground materials that may cause injury to humans.
(15) An attendant shall be on duty during business hours if the operation or facility is open to the public.


Article 7. Environmental Health Standards
§ 17868.1. Sampling Requirements.
All composting operations that sell or give away greater than 1,000 cubic yards of compost annually, and all composting facilities shall meet the following requirements:
(a) Operators shall verify that compost meets the maximum acceptable metal concentration limits specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3. Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site, or otherwise beneficially used on-site. Sample Test results of samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced. This verification shall be performed by taking and analyzing at least one composite sample of compost, following the requirements of this section as follows:
(1) An operator who comports agricultural material, green material, food material, vegetative food material, or mixed solid waste material shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced. If the compostable material handling composting operation or facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample of compost produced every 12 month period.
(2) An operator who comports biosolids shall meet the sampling schedule described in Table 12 below.

Table 12- Frequencies of Compost Sampling for Biosolids Composting Facilities

<table>
<thead>
<tr>
<th>Amount of Biosolids Compost Feedstock (metric tons per 365 day period)</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than zero but fewer than 290</td>
<td>annually</td>
</tr>
<tr>
<td>Equal to or greater than 290 but fewer than 1,500</td>
<td>quarterly</td>
</tr>
<tr>
<td>Equal to or greater than 1,500 but fewer than 15,000</td>
<td>bimonthly</td>
</tr>
<tr>
<td>Equal to or greater than 15,000</td>
<td>monthly</td>
</tr>
</tbody>
</table>

(A) The amount of biosolids compost feedstock shall be calculated in dry weight metric tons.
(3) Composite sample analysis for maximum acceptable metal concentrations, specified in section 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health Services, pursuant to the Health and Safety Code.
(b) A composite sample shall be representative and random, and may be obtained by taking twelve mixed samples as described below.
(1) The twelve samples shall be of equal volume.
(2) The twelve samples shall be extracted from within the compost pile as follows:
(A) Four samples from one-half the width of the pile, each at a different cross-section;
(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
(C) Four samples from one-eighth the width of the pile, each at a different cross-section.
(c) The EA may approve alternative methods of sampling for a green material composting operation or facility that ensures the maximum metal concentration requirements of section 17868.2 and the pathogen reduction requirements of section 17868.3 are met.


§ 17868.2. Maximum Metal Concentrations.
(a) Compost products derived from compostable materials that contain any metal in amounts that shall not contain metals in excess of the maximum acceptable metal concentrations shown in
Table 23. Compost that contains any metal in excess of any maximum metal concentrations shall be designated for disposal, additional processing, disposal, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Sample Test results of samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

Table 23 - Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>1200 (see subdivision (a)(1) below)</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>1500</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>36-100</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>

(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

(b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section, including but not limited to sampling frequencies, may be approved by the EA for green and food materials composting operations and facilities if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 23 are not exceeded.


§ 17868.3. Pathogen Reduction.

(a) Compost products derived from compostable materials, that contains pathogens in amounts that shall not exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, disposal, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Sample Test results of samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

(b) Operators that produce compost shall ensure that:

(1) The density of fecal coliform in compost, that is or has at one time been active compost, shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis).

(2) At enclosed or within-vessel composting process operations and facilities, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of Subdivision (b)(2) of this section.

(3) If the operation or facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

(4) If the operation or facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained...
at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

(d) Compost operations and facilities that utilize a windrow composting process or an aerated static pile composting process shall be monitored as follows to ensure that the standards in Subdivision (b) of this section are met:

1. Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.

2. Temperature measurements for pathogen reduction shall be measured as follows:
   (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;
   (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.

(d) Alternative methods of compliance to meet the pathogen reduction requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

§ 17868.3.1. Physical Contamination Limits.
This section shall become operative January 1, 2018.

(a) Compost shall not contain more than 0.105% by dry weight of physical contaminants greater than 4 millimeters; no more than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters in excess of either one or both of these limits shall be designated for disposal, additional processing, disposal or other use as approved by local, state or federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at prior to the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise or beneficially used on-site. Sample Test results of samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

(b) Upon request of the EA, a compostable material handling operation shall take a sample of compost and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

(c) All compostable material handling facilities shall take one representative sample for every 5,000 cubic-yards of compost and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

(b) The operator of a compostable material handling operation or facility shall sample every 5,000 cubic-yards of compost produced and determine the percentage of physical contaminants greater than 4 millimeters in the sample using a method that provides accurate results and has been approved by the EA. If the compostable material handling operation or facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample of compost produced every 12 month period.

(c) If the EA has reason to believe, based on the EA’s visual observation or otherwise, that a determination of percent physical contaminants made pursuant to section 17868.3.1(b) is not accurate, the EA may require an operator of a compostable material handling operation or facility to take a composite sample of compost in the presence of the EA and send the sample to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed to determine the percentage of physical contaminants by dry weight using the following protocol:

1. Determine the total dry weight of the composite sample as obtained in section 17868.3.1(d);
2. Separate the physical contaminants greater than 4 millimeters from the composite sample and determine the dry weight of the physical contaminants;
3. Determine the percentage of physical contaminants by dividing the dry weight of the physical contaminants by the total dry weight of the composite sample.
(d) Any sampling conducted to comply with this section shall require a composite sample. A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below.

(1) The twelve samples shall be of equal volume.

(2) The twelve samples shall be extracted from within the compost pile as follows:
   (A) Four samples from one-half the width of the pile, each at a different cross-section;
   (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
   (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

(e) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure the physical contamination limits requirements of this section are met.


§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.
In order for a feedstock to be considered a green material, as defined in section 17852(a)(21), and vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following requirements:

(a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste loads and load sorting to quantify the percentage of contaminating materials physical contaminants and detect receipt of unacceptable feedstock (e.g. feedstock that does not meet the definition of green material or vegetative food material).

(1) A minimum of one-tenth of daily incoming feedstock volume or at least one truck per day, whichever is greater, shall be inspected visually. If a visual load check indicates a physical contamination level greater than 1.0 percent, a representative sample shall be taken, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total weight or if the load contains materials that do not meet the definitions of green material in section 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).

(b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined.

(c) Any agricultural material handling operation using this material shall ensure the feedstock meets the metal concentration limits specified in Table 2 of section 17868.2.

(d) Facility personnel shall be adequately trained to perform the activities specified in this section.

(e)(d) Any operation or facility using this feedstock shall maintain records demonstrating compliance with this section.


Article 8. Composting Operation and Facility Records

§ 17869. General Record Keeping Requirements.
Except as provided in subsection (d), all compostable materials handling operations and facilities shall meet the following requirements:

(a) All records required by this Chapter shall be kept in one location and accessible for five (5) years and shall be available for inspection by authorized representatives of the board, Department, EA local health entity, and other duly authorized regulatory and EAs during normal working hours.

(b) The operator shall record any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.

(c) The operator shall record any public complaints received by the operator, including:

(1) the nature of the complaint,

(2) the date the complaint was received,
(3) if available, the name, address, and telephone number of the person or persons making the complaint, and
(4) any actions taken to respond to the complaint.
(d) The operator shall record the quantity and type of feedstock received and quantity of compost and chipped and ground material produced. Agricultural compostable materials handling operations shall maintain records only for compostable material accepted from off-site.
(e) The operator shall record the number of load checks performed and loads rejected.
(f) The operator shall record all test results generated by compliance with Article 7 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings; chipping and grinding operations and facilities must record the determinations of the percentage of physical contaminants required by 17862.1(d).
(1) The operator shall retain records detailing pathogen reduction methods.
(g) The operator shall record and retain records of any serious injury to the public occurring on-site and any complaint of adverse health effects to the public attributed to operations. Serious injury means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which a member of the public suffers a loss of any member of the body or suffers any degree of permanent disfigurement.
(h) The operator shall retain a record of training and instruction completed in accordance with section 17867.5.

Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements

§ 17896.1. Authority and Scope.
(a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel digestion operations and facilities that receive and process by means of in-vessel digestion solid wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of this Division, may still be subject to the regulatory requirements specified in this Chapter.
(b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code, as amended. These regulations should be read together with the Act.
(c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This Chapter establishes standards and regulatory requirements for the intentional processing of organic material by means of in-vessel digestion.
(d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage, handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to enforce any provision of law that it is authorized or required to enforce or administer, nor limits or restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter.
(e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, or reports, or other requirements of other regulatory or enforcement agencies, including but not limited to, local health agencies, regional water quality control boards, Department of Toxic Substances Control, California Department of Industrial Relations, Division of Occupational Safety and Health, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.
Agricultural Code and regulations adopted pursuant thereto.

does not include any material that is required to be handled only pursuant to the California Food and

cafeterias (such as prisons, schools and hospitals), and residential food scrap collection. Food material

establishments as defined in Health and Safety Code section 111955, grocery stores, institutional

facilities as defined in Health and Safety Code section 113789 (such as restaurants), food processing

municipal solid waste stream. Food material includes, but is not limited to, food waste from food

preparation or processing of food for animal or human consumption and that is separated from the

material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and

and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food

material may be processed or cooked but must otherwise retain its essential natural character

and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food

material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and
spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 of percent physical contaminants by dry weight, and meets the requirements of section 17896.61. (4113) “Hazardous Wastes” means any waste which meets the definitions set forth in Title 22, section 66261.3, et seq. (4114) “In-vessel Digester” means the sealed container(s) or sealed structure in which the entire digestion process occurs. (4115) “Large Volume In-vessel Digestion Facility” means a facility that receives an average greater than 100 tons or more of solid waste per operating day or greater than 700 tons (2,800 cubic yards) per week of solid waste for digestion in an in-vessel digester. (4116) “Limited Volume In-vessel Digestion Operation” means an operation that receives less than an average of 15 tons (or 60 cubic yards) of solid waste per operating day for digestion in an in-vessel digester. The amount of solid waste the operation receives but shall not exceed 105 tons (or 420 cubic yards) per week of solid waste for digestion in an in-vessel digester. Additionally, the operation shall not exceed the solid waste quantity storage capacity limitations of the general design of the operation (whichever is less). (4117) “Litter” means all solid waste which has been improperly discarded or which has migrated by wind or equipment away from the operations area. Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state. (4118) “Manure” is an agricultural material and means accumulated herbivore or avian excrement. This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is mixed with feces or urine. (4119) “Medium Volume In-vessel Digestion Facility” means a facility that receives an average of between 15 tons (or 60 cubic yards) and 100 tons or less than 100 tons of solid waste per operating day for digestion in an in-vessel digester. The amount of solid waste the operation receives but shall not exceed less than 700 tons (or 2,800 cubic yards) per week of solid waste for digestion in an in-vessel digester. Additionally, the facility shall not exceed the solid waste quantity storage capacity limitations of the general design of the operation (whichever is less). (4120) “Nuisance” includes anything which: (A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and (B) affects at the same time an entire community, neighborhood or any considerable number of persons. The extent of annoyance or damage inflicted upon an individual may be unequal. (4121) “On-site” means located within the boundary of the operation or facility. (4122) “Operating Day” means the daily hours of operation for a facility or operation as set forth in the application, Enforcement Agency Notification or solid waste facilities permit. (4123) “Operating Record” means an easily accessible collection of records of an operation's or facility's activities and compliance with required state minimum standards under Title 14. The Record may include the In-vessel Digestion Facility Plan or In-vessel Digestion Report for facilities, and shall contain but is not limited to containing: agency approvals, tonnage and load checking records, facility contacts and training history. The record may be reviewed by state and local authorities and shall be available during normal business hours. If records are too voluminous to place in the main operating record or if the integrity of the records could be compromised by on-site storage, such as exposure to weather, they may be maintained at an alternative site, as long as that site is easily accessible to the EA. (4124) “Operations Area” means: (A) the following areas within the boundary of an operation or facility as described in the permit application or Enforcement Agency Notification: 1. equipment management area, including cleaning, maintenance, and storage areas; and 2. material and/or solid waste management area, including unloading, handling, transfer, processing, and storage areas. (B) the boundary of the operations area is the same as the permitted boundary of the operation or facility but may or may not be the same as the property boundary on which the operation or facility is located. (4125) “Operator” means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, that is listed in the permit application or Enforcement Agency Notification and is legally responsible for all of the following: (A) complying with regulatory requirements set forth in these Articles;
§ 17896.3. Pre-Existing Permits and Notifications.

(a) If a facility had previously obtained a permit in accordance with regulations in effect prior to [operative date of these regulations], that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations, sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA makes such a determination, the operator shall comply with this Chapter within two years of that determination.

(b) If an operation had previously been operating pursuant to an EA Notification in accordance with regulations in effect prior to [operative date of these regulations], that operation may continue to operate in accordance with its EA Notification or regulatory authorization until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from [operative date of these regulations.

(c) If an activity had previously been excluded from regulations in effect prior to [operative date of these regulations], that activity may continue to operate in accordance with its regulatory exclusion until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from [operative date of these regulations.

(3034) "Sealed Structure" means a fully enclosed building capable of containing liquids and controlling air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance conditions.

(3236) "Special Waste" includes but is not limited to:

(A) waste requiring special collection, treatment, handling, storage, or transfer techniques as defined in Title 22, section 66260.10.

(B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

(2933) "Sealed Container" means a tank, vessel, or similar apparatus capable of containing liquids.

(2731) "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.

(2630) "Salvaging" means the controlled separation of solid waste material which do not require further processing, for reuse or recycling prior to in-vessel digestion activities.

(2528) "Putrescible Wastes" include wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions.

(2426) "Owner" means the person or persons who own, in whole or in part, an operation or facility and the land on which it is located. If the ownership of the operation or facility is not the same as the ownership of the land on which it is located, the owner of the land shall be identified as the "Land Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

(27) "Physical Contamination" or "Contaminants" means human-made inert material contained within compostable material, digestate, or compost, including, but not limited to, glass, metal, and plastic.

(24) "Physical Contamination" or "Contaminants" means human-made inert material contained within compostable material, digestate, or compost, including, but not limited to, glass, metal, and plastic.

(22) "Putrescible Wastes" include wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

(20) " Rendering" means all recycling, processing, and conversion of animal and fish materials and carcasses and inedible kitchen grease into fats, oils, proteins, and other products that are used in the animal, poultry, and pet food industries and other industries, as defined in Food and Agricultural Code section 19213.

(18) "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.

(17) "Salvaging" means the controlled separation of solid waste material which do not require further processing, for reuse or recycling prior to in-vessel digestion activities.

(16) "Putrescible Wastes" include wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions.

(15) "Owner" means the person or persons who own, in whole or in part, an operation or facility and the land on which it is located. If the ownership of the operation or facility is not the same as the ownership of the land on which it is located, the owner of the land shall be identified as the "Land Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

(14) "Physical Contamination" or "Contaminants" means human-made inert material contained within compostable material, digestate, or compost, including, but not limited to, glass, metal, and plastic.

(13) "Putrescible Wastes" include wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

(12) "Rendering" means all recycling, processing, and conversion of animal and fish materials and carcasses and inedible kitchen grease into fats, oils, proteins, and other products that are used in the animal, poultry, and pet food industries and other industries, as defined in Food and Agricultural Code section 19213.

(11) "Physical Contamination" or "Contaminants" means human-made inert material contained within compostable material, digestate, or compost, including, but not limited to, glass, metal, and plastic.

(10) "Putrescible Wastes" include wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

(9) "Owner" means the person or persons who own, in whole or in part, an operation or facility and the land on which it is located. If the ownership of the operation or facility is not the same as the ownership of the land on which it is located, the owner of the land shall be identified as the "Land Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

(8) "Physical Contamination" or "Contaminants" means human-made inert material contained within compostable material, digestate, or compost, including, but not limited to, glass, metal, and plastic.

(7) "Putrescible Wastes" include wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

(6) "Owner" means the person or persons who own, in whole or in part, an operation or facility and the land on which it is located. If the ownership of the operation or facility is not the same as the ownership of the land on which it is located, the owner of the land shall be identified as the "Land Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

(5) "Physical Contamination" or "Contaminants" means human-made inert material contained within compostable material, digestate, or compost, including, but not limited to, glass, metal, and plastic.

(4) "Putrescible Wastes" include wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

(3) "Owner" means the person or persons who own, in whole or in part, an operation or facility and the land on which it is located. If the ownership of the operation or facility is not the same as the ownership of the land on which it is located, the owner of the land shall be identified as the "Land Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

(2) "Physical Contamination" or "Contaminants" means human-made inert material contained within compostable material, digestate, or compost, including, but not limited to, glass, metal, and plastic.

(1) "Putrescible Wastes" include wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.
regulations]. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.


§ 17896.4. Permit Name.
Any permit issued pursuant to this Article, except for one issued pursuant to section 17896.12, shall be entitled: “In-vessel Digestion Facility Permit.”


§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities.
Sections 17896.6 through 17896.13 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5, Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These requirements are summarized in Table 1.

Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency Notification Tier</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anaerobically digestible materials at POTWs</td>
<td>Research In-Vessel Digestion Operations Section 17896.8</td>
<td>Medium Volume In-Vessel Digestion Facilities (average between 15 tpd (60 yd³) or 15 tpd and &lt;=100 tpd, not to exceed 700 tpd (2,800 yd³))</td>
<td>Large Volume In-Vessel Digestion Facilities (average &gt; 100 tpd, average &gt; 700 tpd (2,800 yd³))</td>
</tr>
<tr>
<td>Section 17896.6(a)(1)</td>
<td></td>
<td>Section 17896.12</td>
<td></td>
</tr>
<tr>
<td>Ag material derived from ag site &amp; returned to same site</td>
<td>Dairy In-Vessel Digestion Operations Section 17896.9</td>
<td>Section 17896.10</td>
<td></td>
</tr>
<tr>
<td>Section 17896.6(a)(2)</td>
<td></td>
<td>Section 17896.10</td>
<td></td>
</tr>
<tr>
<td>In-vessel digestion activities with less than 100 cubic yard on site capacity</td>
<td>Distribution Center In-Vessel Digestion Operations Section 17896.10</td>
<td>Section 17896.10</td>
<td></td>
</tr>
<tr>
<td>Section 17896.6(a)(2)</td>
<td></td>
<td>Section 17896.10</td>
<td></td>
</tr>
<tr>
<td>Handling activities that are already subject to more stringent handling requirements under Federal or State law</td>
<td>Limited Volume In-Vessel Digestion Operations Section 17896.11</td>
<td>Section 17896.11</td>
<td></td>
</tr>
<tr>
<td>Section 17896.6(a)(4)</td>
<td></td>
<td>Section 17896.11</td>
<td></td>
</tr>
</tbody>
</table>
Refer to Section 17896.6

[Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]


§ 17896.6. Excluded Activities.
(a) The activities listed in this section are not subject to the in-vessel digestion requirements set forth in this Chapter. Nothing in this section precludes the EA or the Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, is excluded under the following conditions:

(A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant. Once on-site, the anaerobically digestible material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and conveyed in a contained system. Any separated material at the POTW that is not suitable for anaerobic digestion and has no beneficial use shall be further managed as a solid waste.

(B) The POTW Treatment Plant has developed Standard Operating Procedures for the acceptance of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality Control Board that those Standard Operating Procedures are being implemented, and a Standard Provision (permit condition) that reflects the acceptance of anaerobically digestible material:

1. has been incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit; or
2. will be incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit no later than the next permit renewal.

(C) For the purpose of this exclusion, “anaerobically digestible material” means: inedible kitchen grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title 14, CCR, Section 17896.2(a)(12)(A) and vegetative food material as defined in Title 14, CCR, Section 17896.2(a)(12)(A).

(D) For the purpose of this exclusion, the Department, in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, will on a case-by-case basis, review and consider approval of additional types of organic materials as potential “anaerobically digestible material” beyond those specified in section 17896.6(a)(1)(C) in accordance with the following:

1. Receipt of a written request to the Department from the General Manager or designee of a POTW Treatment Plant.
   a. The written request must contain the following information:
      i. The purpose of the request.
      ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the organic waste material with the POTW wastewater.
      iii. Types of organic material requested for classification as an anaerobically digestible material.
      iv. The source(s) of the waste material.
      v. A description of how the waste material will be handled, processed, stored and transported (before and after receipt at the POTW Treatment Plant).
      vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant to accommodate the new waste materials.
      vii. Available laboratory test results, engineering reports, research or study to support the request.
      viii. Data and/or reports if this waste material has been used without incident at a different POTW Treatment Plant.
ix. The name, addresses and phone numbers for the General Manager and designee of the POTW Treatment Plant.

b. Upon receipt of the written request, the Department will communicate and coordinate the request with and between the State Water Resources Control Board and the California Department of Food and Agriculture and will complete the following actions:

i. Within 10 days of receipt, send written confirmation to the General Manager and designee of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate Department staff, as well as to the State Water Resources Control Board and California Department of Food and Agriculture staff contacts for review;

ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board and California Department of Food and Agriculture staff contacts;

iii. Prior to the meeting, Department staff will review the letter and identify questions and/or issues with the request and make a list of recommendations;

iv. Within 40 days of receipt, conduct a meeting on the request. If an agency representative does not attend the meeting, comments will be accepted by the Department up to close of business on the 45th day after receipt;

v. Within 60 days of receipt, the Department will provide a written decision to the General Manager and designee of the POTW Treatment Plant stating one of the following:

I. The waste type has or has not been determined to be an anaerobically digestible material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory Requirements (pursuant to Section 17896.6(a)(1)(C) and the Transfer/Processing Operations and Facility Regulatory Requirements (pursuant to Section 17403.1(a)(8));

II. The agencies, based on the information provided, were unable to reach a determination and additional information is required before a determination can be made; or

III. The agencies have determined that additional research or study will need to be conducted and the results analyzed prior to a determination made by the agencies.

IV. If additional information, research or study is necessary, the Department will consult with the General Manager or designee of the POTW, the State Water Resources Control Board and California Department of Food and Agriculture contacts, for the purpose of developing a timeline for either reviewing the additional information or for reviewing a proposed scope of work and timeline for additional research or study.

2. For the purpose of this exclusion, if an organic waste material is determined by the Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW wastewater, the POTW Treatment Plant must comply with Section 17896.6(a)(1)(A) prior to receipt of the material at the POTW Treatment Plant.

(2) In-vessel digestion of agricultural material is an excluded activity if the agricultural material is derived from an agricultural site and the digestate or compost produced from digestate is returned to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the agricultural site on which the in-vessel digester is located. No more than an incidental amount of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually. Digestate that is not composted may not be given away or sold.

(3) In-vessel digestion at a dairy involving the co-digestion of manure with agricultural material derived on-site, imported agricultural material, and/or imported vegetative food material in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board.

(A) Any imported materials delivered to the dairy must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an in-vessel digester at a dairy. The pumped material may be screened, otherwise separated or treated prior to in-vessel digestion, but must be processed and conveyed in a contained system. Any separated material at the dairy that is not suitable for in-vessel digestion and has no beneficial use shall be further managed as solid waste.

(B) No more than an incidental amount of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually. Digestate that is not composted may not be given away or sold.

(24) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste, feedstock, and digestate on-site are excluded.

[Note: Persons handling solid waste under the above exclusion are obligated to obtain all permits, licenses, or other clearances that may be required by other regulatory agencies including, but not limited to local health entities and local land use authorities.]

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(5) Rendering activities, authorized by the California Department of Food and Agriculture pursuant to section 19300 of the Food and Agricultural Code, in which no solid waste feedstock bypasses the rendering process.

(46) Other discrete handling activities that are already subject to more stringent handling requirements under Federal or State law, as determined by the EA in consultation with the Department, are excluded.


§ 17896.7. Prohibitions.

The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites where in-vessel digestion activities that are excluded from regulation under this Chapter occur:

(a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow, except when received:

(1) from a food facility as defined in Health and Safety Code section 113789, grocery store; or residential food scrap collection; or

(2) as part of a research activity for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concerns in accordance with section 17896.8; or

(3) from a source and processed by a facility approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, on a case-by-case basis.

(b) The in-vessel digestion of treated or untreated medical waste.

(c) The in-vessel digestion of hazardous waste.


§ 17896.8. Research In-Vessel Digestion Operations.

(a) An operator conducting research in-vessel digestion operations 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) 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.

(c) After no more than a two year period of operation, the operator of a research in-vessel digestion operation shall submit to the EA a report that includes the results and conclusions drawn from the research. If the EA determines, based on the report, that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17896.41, or obtain other appropriate authorization pursuant to Article 1 of this Chapter prior to continuing operations.

(d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, 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 in-vessel digestion operation site security plan. The research in-vessel digestion 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.

(3) After no more than a six-month period of operation the operator of a research in-vessel digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report that includes the results and conclusions drawn from the research and documentation of additional
requirements of this section. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17896.41, or obtain other appropriate authorization pursuant to Article 1 of this Chapter prior to continuing operations.

(e) The operator shall submit all additional documentation required by subdivisions (b) and (d)(2) to the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that the EA Notification for research in-vessel digestion operations is complete and correct only if the additional documentation requirements of this section have been met.

(f) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.9. Dairy In-Vessel Digestion Operations.
(a) All dairy in-vessel digestion operations 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).

(1) These operations shall be inspected by the EA at least once a month for the first 12 months of operation. After the first 12 months of operation the EA may approve, with Department concurrence, a reduced inspection frequency of once every three months. After the first 24 months of operation the EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(2) Any imported materials delivered to the dairy must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an in-vessel digester at a dairy. The pumped material may be screened, otherwise separated or treated prior to in-vessel digestion, but must be processed and conveyed in a contained system. Any separated material at the dairy that is not suitable for in-vessel digestion and has no beneficial use shall be further managed as a solid waste.


§ 17896.10. Distribution Center In-Vessel Digestion Operations.
(a) All distribution center in-vessel digestion operations 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).

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.11. Limited Volume In-Vessel Digestion Operations.
All limited volume in-vessel digestion operations shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100).

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.12. Medium Volume In-Vessel Digestion Facilities.
All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18104).

(1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.


§ 17896.13. Large Volume In-Vessel Digestion Facilities.
All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The In-vessel Digestion Report required by section 17896.15 shall constitute the Report of Facility Information required by section 21570(f)(2) of Title 27.

(1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.


Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(19) shall file with the EA an “In-Vessel Digestion Facility Plan” (as specified in section 18221.5.1). The information contained in the Plan shall be reviewed by the EA to determine whether it is complete and correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.


§ 17896.15. In-Vessel Digestion Report.
(a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(15) shall file with the EA an “In-Vessel Digestion Report” (as specified in section 18221.6.1). An operator of an existing facility who submits an application package to the EA, pursuant to Title 27, section 21570, which proposes to change the facility's operations, or to change the solid waste facility permit shall do one of the following:

(1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or

(2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.


§ 17896.16. Applicability of State Minimum Standards.
(a) Articles 1, 2, 3, 4, and 6, of this Chapter set forth the minimum standards that apply to all in-vessel digestion operations and facilities, except as noted in §section 17896.1.(a).
(b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel digestion facilities.

(c) Approvals, determinations and other requirements that the EA is authorized to make under Articles 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator shall place a copy of each approval, determination and other requirement in the operating record together with those records identified in sections 17896.45 and 17896.46.

(d) Some of the standards contained in this Chapter authorize the EA to approve an alternative method of compliance with the standard. These provisions are not intended to allow the EA to change the particular standard, but are intended to allow the EA flexibility to approve, in advance, an alternative method of meeting the existing standard which provides equivalent protection of the public health and safety and the environment as the existing standard. For facilities that require a full solid waste facility permit, the EA may choose to include the approved alternative method of compliance as a term and condition of the solid waste facility permit, rather than in the manner authorized by subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to the method may require a revision to the solid waste facility permit in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 (commencing with section 21570).


Article 2. Siting and Design

§ 17896.17 Siting On Landfills.

(a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27, California Code of Regulations, section 21190.

(b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or failure of pads or structural foundations.

(c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or with the closure or postclosure maintenance of the landfill.


§ 17896.18 General Design Requirements.

(a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as appropriate, from persons competent in engineering, architecture, landscape design, traffic engineering, air quality control, water quality protection and design of structures.

(b) The design shall be based on appropriate data regarding the expected service area, anticipated nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land use (existing and planned), types and number of vehicles anticipated to enter the operation or facility, adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and other pertinent information. If the operation or facility is to be used by the general public, the design shall take account of safety features that may be needed to accommodate such public use.

(c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the unloading area to as small an area as practicable, provide adequate control of windblown material, minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances by reason of solid wastes being handled at the operation. Other factors which shall be taken into consideration are: dust control, noise control, public safety, and other pertinent matters related to the protection of public health at the operation or facility.

(d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA may require the applicant to describe how he or she has complied with applicable local and state requirements regarding odor control measures, personnel health and safety, and sanitary facilities.
(e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and constructed to prevent loss of wastes from the container during storage. If such a container is used to store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily cleanable, designed for safe handling and constructed to prevent loss of wastes.


### Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities

The operator of an in-vessel digestion operation or facility must take precautions adequate measures to minimize the uncontrolled release of biogas that may have harmful effects to on-site users and the general public.


#### § 17896.20. Cleaning.

(a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA, in order to prevent the propagation or attraction of flies, rodents, or other vectors:

1. all operations and facilities shall be cleaned each operating day of all loose materials and litter;
2. all operations or facilities that operate 24 hours per day must clean the operations or facilities at least once every 24 hours.

(b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials.


#### § 17896.21. Drainage and Spill Control.

(a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:

1. minimize the creation of contact water outside of in-vessel digesters and sealed containers;
2. prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-site migration of contact water;
3. protect the integrity of roads and structures;
4. protect the public health; and
5. prevent safety hazards and interference with operations.

(b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills that occur.


#### § 17896.22. Dust Control.

(a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates, and prevent other safety hazards to the public caused by obscured visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent the creation of excessive dust. Measures to control dust include, but are not limited to: reduced processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the following may be an indication that dust is excessive:

1. safety hazards due to obscured visibility; or
2. irritation of the eyes; or
3. hampered breathing;
4. migration of dust off-site.

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(a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes, including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.
(b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are discovered, control measures as are necessary to protect public health, safety and the environment, such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation or removal from the operation or facility.
(c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and sludge wastes in a manner to protect public health, safety, and the environment.


§ 17896.24. Litter Control.
Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent possible given existing weather conditions.


§ 17896.25. Load Checking.
(a) The operator of an attended in-vessel digestion operation or facility shall implement a load checking program to prevent the acceptance of waste which is prohibited by this Chapter. This program must include at a minimum:
   (1) the number of random load checks to be performed;
   (2) a location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated;
   (3) records of load checks and the training of personnel in the recognition, proper handling, and disposition of prohibited waste. A copy of the load checking program and copies of the load checking records for the last year shall be maintained in the operating record and be available for review by the appropriate regulatory agencies.


All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair. The operator shall implement a preventative maintenance program to monitor and promptly repair or correct deteriorated or defective conditions.


§ 17896.27. Medical Wastes.
Medical waste, unless treated and deemed to be solid waste, which is regulated pursuant to the Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code) whether treated or untreated, shall not be accepted at an in-vessel digestion operation or facility, unless approved by the appropriate regulatory agencies.


§ 17896.28. Noise Control.
Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise include but are not limited to: posting of warning signs that recommend or require hearing protection; separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise transmission. Compliance with specific provisions regarding noise control in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.


§ 17896.29. Non-Salvageable Items.
Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles, pesticides and other materials capable of causing public health or safety problems shall not be salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and the EA.


(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to section 17896.31(f).

(b) The Report shall:

(1) Present representative and correlating odor data for each potential onsite odor source including but not limited to: odor severity, odor characteristics, time and weather conditions when data was collected, description of operations associated with the source, and any odor impacts or complaints received;

(2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in order of impact;

(3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

(A) List of all best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has used to minimize odor and analyze each BMP for the following:

1. The effectiveness of the BMP in reducing odor impacts;
2. The potential for more extensive use of the BMP to minimize odor impacts described by complainants;
3. If the BMP has been operationally practical and if more extensive use of the BMP would be operationally practical;
4. The approximate cost to implement a more extensive use of the BMP;
5. Any permits or permit changes necessary to use the BMP more extensively;
6. Overall recommendation if existing BMPs should be continued and if more extensive use of the BMP is recommended; and
7. If the BMP has been found to be ineffective (include supporting data).

(B) List of all potential best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has not used and analyze each potential BMP to determine:

1. The potential for the BMP to reduce odor impacts described by complainants;
2. If the BMP is operationally practical;
3. The approximate cost to implement the BMP;
4. Any permits or permit changes necessary to use the BMP; and
5. Overall recommendation and ranking of implementing the BMP.

(C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

(c) The operator shall submit the Report required by subdivisions (a) and (b), and the plan and schedule required by subdivision (b)(3)(C) to the EA and the Department for review. If the EA has required the operator to prepare a Report pursuant to subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe approved by the EA.
(d) The EA, in consultation with the Department, shall within 30 days:
   (1) approve the Report and associated plan and direct the operator in writing to implement the plan in whole or in part; and/or
   (2) direct the operator in writing to submit specific changes or additional information within a timeframe specified by the EA.
(e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision (d)(1) or (d)(2).


§ 17896.31. Odor Minimization Plan.
(a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.
(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.
   (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,
   (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,
   (3) a complaint response and recordkeeping protocol; and,
   (4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns as applicable; and,
   (5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), bio filtration, and tarping as applicable.
(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.
(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.
(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.
(f) If the odor impact minimization plan is being followed and the EA determines, in a manner consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors unless:
   (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
   (2) there is an imminent threat to public health and safety and the environment; or
   (3) a public nuisance has occurred.


§ 17896.32. Odor and Nuisance Control.
Each in-vessel digestion operation and facility shall be conducted and maintained:
(a) in a manner that minimizes odor impacts so as to not cause a nuisance, and
§ 17896.33. Parking.
Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.


§ 17896.34. Personnel Health and Safety.
The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations, section 3203, shall be available for review by local and state inspectors during normal business hours. Nothing in this section is intended to make the EA responsible for enforcing the IIPP.


§ 17896.35. Pre-Digestion Solid Waste Handling.
(a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or sealed structure or removed from the site within 48 hours from the time of receipt. This requirement does not apply to putrescible waste stored in a sealed bag, bottle, or can.
(b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date of receipt or at an alternate frequency approved by the EA.


§ 17896.36. Protection of Users.
An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so that contact between the public and solid wastes is minimized. This may be accomplished through the use of railings, curbs, grates, fences, and/or spotters.


§ 17896.37. Roads.
All on-site roads and driveways shall be designed and maintained to minimize the generation of dust and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable all-weather access to the site.


§ 17896.38. Sanitary Facilities.
The operator shall maintain all sanitary and hand-washing facilities which may be required, by applicable state or local requirements, in a reasonably clean and adequately supplied condition.


§ 17896.39. Scavenging and Salvaging.
Each in-vessel digestion operation or facility shall meet the following requirements:
(a) scavenging shall be prohibited;
§ 17896.40. Signs.
(a) For in-vessel digestion operations or facilities not open to the public, each point of access from a public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or facility name and location of nearest public operation or facility.
(b) If the operation or facility is open to the public, there shall be an easily visible sign at all public entrances indicating the name of the operator, the operator’s telephone number, schedule of charges, hours of operation, and a listing of the general types of materials which either (1) WILL be accepted, or (2) WILL NOT be accepted.

§ 17896.41. Site Restoration.
All in-vessel digestion operations and facilities shall meet the following requirements:
(a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30 days prior to beginning site restoration.
(b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health, safety, and the environment.
(c) The operator shall ensure that the following site restoration procedures are performed upon completion of operations and termination of service:
(1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues including, but not limited to, digestate, compost materials, construction scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed.
(2) All machinery shall be cleaned and removed or stored securely.
(3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or other residues related to the site restoration operations.

§ 17896.42. Supervision and Personnel.
The operator shall provide adequate supervision and a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the EA in writing of the name, address and telephone number of the operator or other person responsible for the operation. A copy of the written notification shall be placed in the operating record.

§ 17896.43. Training.
Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site solid waste operations and maintenance, hazardous materials recognition and screening, use of mechanized equipment, environmental controls, emergency procedures and the requirements of this Article. A record of such training history shall be maintained and made available for inspection.


§ 17896.44. Vector, Bird and Animal Control.
The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.


Article 4. Record Keeping Requirements

§ 17896.45. Record Keeping Requirements.
Each operator shall meet the following requirements:
(a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or residual weights or volumes in a form and manner approved by the EA. Such records shall be: submitted to the EA or the Department upon request; be adequate for overall planning and control purposes; and, be as current and accurate as practicable;
(b) All records required by this Chapter shall be kept by the operator in one location and accessible for five (5) years and shall be available for inspection by the EA and other duly authorized regulatory agencies during normal working hours.
(c) The operator shall submit copies of specified records to the EA upon request or at a frequency approved by the EA;
(d) The operator shall maintain a daily log book or file of special occurrences encountered during operations and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. Special occurrences shall include but are not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding, earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by telephone within 24 hours of all incidents requiring the implementation of emergency procedures, unless the EA determines that a less immediate form of notification will be sufficient to protect public health and safety and the environment;
(e) The operator shall record any written public complaints received by the operator, including:
   (1) the nature of the complaint,
   (2) the date the complaint was received,
   (3) if available, the name, address, and telephone number of the person or persons making the complaint, and
   (4) any actions taken to respond to the complaint;
(f) The operator shall maintain a copy of the written notification to the EA and local health agency of the name, address and telephone number of the operator or other person(s) responsible for the operations as required by section 17896.42;
(g) The operator shall maintain records of employee training as required by section 17896.43;
(h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809 et seq.
(i) The operator shall record all test results generated by compliance with Article 6 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings.
   (1) The operator shall retain records detailing pathogen reduction methods.

§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and Requirements.
Approvals, determinations, and other requirements the EA is authorized to make under this Chapter shall be provided in writing to the operator and placed in the operating record by the operator.


Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only

§ 17896.47. Communications Equipment.
Each in-vessel digestion facility shall have adequate communication equipment available to site personnel to allow quick response to emergencies.


§ 17896.48. Equipment.
Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-vessel digestion facility to meet all requirements of this Chapter.


§ 17896.49. Fire Fighting Equipment.
Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly maintained and located as required by the local fire authority.


§ 17896.50. Housekeeping.
The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap, and similar items.


§ 17896.51. Lighting.
The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of operations, and public health, safety and the environment.


§ 17896.52. Site Attendant.
An in-vessel digestion facility open to the public shall have an attendant present during public operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as approved by the EA to ensure that it meets all of the requirements of this Chapter.


§ 17896.53. Site Security.
The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and vehicles through the use of either a perimeter barrier or topographic constraints.


§ 17896.54. Traffic Control.
(a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:
(1) interference with or creation of a safety hazard on adjacent public streets or roads,
(2) on-site safety hazards, and
(3) interference with operations.


§ 17896.55. Visual Screening.
The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be considered compliance with this standard.


§ 17896.56. Water Supply.
A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use (e.g., fire protection, first aid) shall be available.


Article 6. Digestate Handling Standards

§ 17896.57. Digestate Handling.
(a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:
(1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an alternative handling method after determining the alternative method will not pose an additional risk to public health and safety or the environment; or
(2) incorporated in an on-site aerobic compost process.
   (A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section 17896.13.
   (B) All in-vessel digestion facilities that compost on-site shall comply with the sampling requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59, the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and physical contamination limits of section 17896.61; or
(3) removed from the site and either:
   (A) transported as solid waste only to another solid waste facility or operation for disposal, additional processing, composting, or additional processing disposal; or
   (B) used or disposed in a manner approved by local, state, and federal agencies having appropriate jurisdiction. Any digestate that will be land applied must meet the requirements of section 17852(a)(24.5).
   (C) disposed in a manner approved by local, state, and federal agencies having appropriate jurisdiction as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).
   (b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.59, pathogen concentration pursuant to section 17896.60(b)(1), and physical contaminants pursuant to
section 17896.61 or is known to contain any metal in amounts that exceed the maximum metal
concentrations described in section 17896.59, pathogens that exceed the maximum acceptable
pathogen concentrations described in section 17896.60(b)(1), or physical contaminants that exceed
the maximum physical contamination limits described in section 17896.61 shall be designated for
disposal, additional processing, or other use as approved by local, state agencies having appropriate
jurisdiction.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.58. Sampling Requirements.
(a) Operators shall verify that compost produced at an in-vessel digestion facility (pursuant to section
17896.57(a)(2)) meets the maximum metal concentrations limits specified in section 17896.59, and
the pathogen reduction requirements specified in section 17896.60. This verification shall be
performed by taking and analyzing a composite sample. The sampling of compost produced at an in-
vessel digestion facility (pursuant to section 17896.57(a)(2)) shall occur at prior to the point where
the compost is removed from the site, bagged for sale, given away for beneficial use and removed
from the site or otherwise beneficially used on site. Analytical results indicating compliance with
sections 17896.59, 17896.60, and 17896.61 shall be received by the operator prior to the sampled
compost leaving the site. Sample Test results of samples must be received by the operator prior to
removing compost from the in-vessel digestion facility where it was produced.
(b) Sampling shall be performed by taking and analyzing at least one composite sample,
following the requirements of this section as follows:
(1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of
compost produced. If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost
in a 12 month period, the operator shall analyze at least one composite sample every 12 month
period.
(2) Composite sample analysis for maximum acceptable metal concentrations, specified in section
17896.59, shall be conducted at a laboratory certified by the California Department of Public Health,
pursuant to the Health and Safety Code.
(c) A composite sample shall be representative and random, and may be obtained by taking twelve
mixed samples as described below.
(1) The twelve samples shall be of equal volume.
(2) The twelve samples shall be extracted from within the post-digested solids or compost pile as
follows:
(A) Four samples from one-half the width of the pile, each at a different cross-section;
(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
(C) Four samples from one-eighth the width of the pile, each at a different cross-section.
(d) The EA may approve alternative methods of sampling that ensures the maximum metal
concentration requirements of section 17896.59, and the pathogen reduction requirements of section
17896.60, and the physical contamination limits requirements of section 17896.61, as applicable, are
met.
Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.59. Maximum Metal Concentrations.
(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
exceed the maximum acceptable metal concentrations shown in Table 2. Compost that contains any
metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall
be designated for disposal, additional processing, disposal, or other use as approved by local, state
and federal agencies having appropriate jurisdiction. Sample Test results of samples must be received
by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

Table 2 - Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
</table>

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Arsenic (As) 41
Cadmium (Cd) 39
Chromium (Cr) (see subdivision (a)(1) below)
Copper (Cu) 1500
Lead (Pb) 300
Mercury (Hg) 17
Nickel (Ni) 420
Selenium (Se) 100
Zinc (Zn) 2800

(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

(b) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2 are not exceeded.


§ 17896.60. Pathogen Reduction.
(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not exceed the maximum acceptable pathogen concentrations described in subdivision (b)(1) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, disposal, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample Test results of samples must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) Operators of in-vessel digestion facilities that produce compost shall ensure that:
(1) The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis). Sample Test results of samples must be received by the operator prior to removing product from the site.
(2) At in-vessel digestion facilities using an enclosed or within-vessel composting process, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.
   (A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of subdivision (b)(2) of this section.
   (3) If the facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.
   (4) If the facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.
   (c) In-vessel digestion facilities that produce compost utilizing a windrow composting process or an aerated static pile composting process shall be monitored as follows to ensure that the standards in subdivision (b) of this section are met:
      (1) Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.
      (2) Temperature measurements for pathogen reduction shall be measured as follows:
         (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface:
(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.
(d) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.


§ 17896.61. Physical Contamination Limits.
This section shall become operative January 1, 2018.
(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not contain more than 0.10.5% by dry weight of physical contaminants greater than 4 millimeters; no more than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters. Compost that contains more that 0.1% by weight of physical contaminants greater than 4 millimeters in excess of either one or both of these limits shall be designated for disposal, additional processing, disposal, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at prior to the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used on-site. Sample Test results of samples must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.
(b) All in-vessel digestion facilities with an on-site aerobic compost process shall sample every 5,000 cubic-yards of compost produced and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.
(b) The operator of an in-vessel digestion facility with an on-site aerobic compost process shall sample every 5,000 cubic-yards of compost produced and determine the percentage of physical contaminants greater than 4 millimeters in the sample using a method that provides accurate results and has been approved by the EA. If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample of compost produced every 12 month period.
(c) If the EA has reason to believe, based on the EA’s visual observation or otherwise, that a determination of percent physical contaminants made pursuant to section 17896.61(b) is not accurate, the EA may require an operator of an in-vessel digestion facility to take a composite sample of compost in the presence of the EA and send the sample to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed to determine the percentage of physical contaminants by dry weight using the following protocol:
   (1) Determine the total dry weight of the composite sample as obtained in section 17896.61(d);
   (2) Separate the physical contaminants greater than 4 millimeters from the composite sample and determine the dry weight of the physical contaminants;
   (3) Determine the percentage of physical contaminants by dividing the dry weight of the physical contaminants by the total dry weight of the composite sample.
   (d) Any sampling conducted to comply with this section shall require a composite sample. A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below.
      (1) The twelve samples shall be of equal volume,
      (2) The twelve samples shall be extracted from within the compost pile as follows:
         (A) Four samples from one-half the width of the pile, each at a different cross-section;
         (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
         (C) Four samples from one-eighth the width of the pile, each at a different cross-section.
Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure the physical contaminant requirements of this section are met.


Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.
Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities

§ 18083. LEA Duties and Responsibilities for Inspections.

(a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal sites and equipment to verify compliance with the state minimum standards, solid waste facilities permits, and related state solid waste laws and regulations within their purview for the protection of the environment and the public health and safety. The LEA/EA shall perform these inspections and related duties as required below, and forward inspection reports to the operator and/or owner, and the board-Department within 30 days of the inspection:

(1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;
(2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending abatement by enforcement action(s);
(3) at the frequency required by the state minimum standards for each type of operation specified in 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA Notification tier shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, and in no case shall the inspection frequency be less than once per calendar year. The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose an additional risk to public health and safety or the environment in light of the specific circumstances at the operation in question. The Department shall concur or deny the EA-proposed approval within thirty (30) days from receipt.
(4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section 21565. For closed sites, inspections shall be made until no potential threat exists to public health and safety or the environment. This determination shall be subject to board-Department approval. For the purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable closure requirements;
(A) the board-Department may approve an alternate inspection frequency for these sites where such an action will not result in adverse impact on public health and safety and the environment.
(5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement with the board-Department through a grant program to inspect waste tire facilities, major waste tire facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once every two and a half years pursuant to 14 CCR Section 18443;
(6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;
(7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application, revision, review, RFI amendment, or closure/postclosure plan; and
(8) pursuant to the EPP, for solid waste handling and collection equipment.
(b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above inspections, whenever possible, without prior notice to the owner or operator, on randomly selected days, during normal business hours or the site’s operating hours.


Article 3.0. Regulatory Tier Requirements

§ 18100. Scope.
(a) This Article sets forth the method of application for a tiered solid waste facilities permit, procedures for review and action on an application package, and other requirements associated with regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance and other requirements associated with solid waste handling operations. Similar provisions regarding a
full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).
(b) The provisions of this Article shall apply only to those operations and facilities as specified in the minimum standards set forth in Chapters 3.0, or 3.1, or 3.2 of Division 7 of this Title.
(c) The submittal of an enforcement agency notification (in accordance with section 18103) or issuance of a tiered permit supersedes any previously submitted enforcement agency notification or issued tiered permit.
(d) Specific provisions relating to the different types of regulatory tiers may be found below as follows:

1. Excluded section 18102
2. Notification of Enforcement Agency sections 18103 – 18103.3
3. Registration Permit sections 18104 – 18104.9; and
4. Standardized Permit sections 18105 – 18105.11.


§ 18102. Excluded Solid Waste Handling.
Operators of excluded operations designated by the minimum standards set forth in Division 7 of this Title are not required to notify the enforcement agency or submit an application for a solid waste facilities permit. Nothing in this section precludes the enforcement agency or the board Department from inspecting an excluded operation to verify that the operation is being conducted in a manner that qualifies as an excluded operation or taking any appropriate enforcement action.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 44100(a), 44101(a) and 45200, Public Resources Code.

§ 18103. Enforcement Agency Notification.
(a) The enforcement agency notification provisions of this Article shall apply only to operations as specified in the minimum standards set forth in Chapters 3.0, or 3.1, or 3.2 of Division 7 of this Title.
(b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement agency notification as follows:
1. Filing Requirements section 18103.1;
2. Record Keeping Requirements section 18103.2; and
3. Termination of Operation section 18103.3.
(c) Operations authorized to use the enforcement agency notification tier are required to operate in accordance with the minimum standards set forth in Chapters 3.0, or 3.1, or 3.2 of Division 7 applicable to that operation.
(d) Nothing in this section precludes the enforcement agency or the board Department from the following: inspecting an operation to verify that the operation is being conducted in a manner that qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in compliance with the minimum standards; or, taking any appropriate enforcement action, including the use of a ‘notice and order.’

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 44100(a), 44101(a) and 45200, Public Resources Code.

§ 18103.1. Filing Requirements.
(a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency notification shall notify the enforcement agency of its intent to operate in writing prior to commencing operations. This written notification shall be legible and include the following information:
1. The name, address, and phone number of the proposed operation; the name, address, and phone number where the operator can be contacted if these differ from the operation site; and, the name, address, and phone number of the owner if these differ from the operator.
2. The section in Chapters 3.0, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier and a description of the facility’s operations, including but not limited to, volume and hours of wastes/material handled, peak and annual loading, and hours of operation.
3. Documentation that the operator has notified the local planning department with jurisdiction over the site of its intent to commence operations. Documentation may include, proof of compliance
with CEQA, correspondence from the local planning department that compliance with the California Environmental Quality Act is not required for the operation to obtain local land use approval or written notice to the local planning department of the operator's intent to commence operations.

(4) A statement by the owner and operator certifying under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.

(b) The notification shall be mailed to the enforcement agency "return receipt requested."


§ 18103.2. Record Keeping Requirements.

The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall be publicly available during normal business hours. The enforcement agency shall forward a copy of the notification to the board Department within five days of receipt. The enforcement agency shall retain a copy of the notification for a minimum of one year after the facility is known to have ceased operations.


§ 18104. Registration Permit.

(a) The registration permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title.

(b) A registration permit shall be deemed to incorporate by reference, as terms and conditions of the permit, all minimum standards applicable to it, as set forth in Chapters 3, or 3.1, or 3.2, of Division 7.

(c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:

(1) Filing Requirements section 18104.1;
(2) Enforcement Agency Processing Requirements section 18104.2;
(3) Record Keeping Requirements section 18104.3;
(4) Completeness Appeal section 18104.4;
(5) Change in Operation section 18104.5;
(6) Change in Owner section 18104.6;
(7) Permit Review & Reissuance section 18104.7;
(8) Suspend/Revoke section 18104.8, and
(9) Voiding of a Registration Permit section 18104.9.


§ 18104.1. Filing Requirements.

Any operator proposing to operate a solid waste facility pursuant to a registration permit shall file an application using form CIWMB 83 “Registration Permit Application” (rev. 12/96), which is incorporated herein by reference, with the enforcement agency. The application shall be accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). (See Appendix A.) This application shall contain the following information:

(a) The name and address of the enforcement agency, and the section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.

(b) General description of the facility including, but not limited to name, location, site map, and location map.

(c) Facility information, including, but not limited to, volume and type of waste/material; handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.

(e) Conformance finding information as follows:

(1) Until a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with...
Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.

(2) After a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public Resources Code Section 50001.

(f) The owner and operator shall each certify under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.

(g) Evidence that the application form was provided to the director of the local agency that oversees local use planning for the jurisdiction in which the site is located.

(h) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.


§ 18104.2. Enforcement Agency Processing Requirements.

…

(g) The enforcement agency shall provide a copy of the registration permit to the board Department and to any person who has so requested in writing.

…


§ 18104.3. Record Keeping Requirements.

…

(c) The enforcement agency shall forward copies of any written public comments received on an application to the board Department with the registration permit submitted pursuant to section 18104.2(f).

(d) Subsequent to the transmittal of the registration permit to the board Department, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board Department unless the comment clearly states that a copy has already been provided to the board Department.

(e) If an application is denied, the enforcement agency shall retain public comments received on that application for a period of 2 years. If a previously denied permit is approved, all comments received shall be forwarded to the board Department with the copy of the registration permit submitted under subsection (c) above.


§ 18104.6. Change in Owner.

(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever comes first. The enforcement agency shall transmit a copy of the notification to the board Department within five days of receipt.

…


§ 18104.9. Voiding of a Registration Permit.

Every registration permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at
least 15 days in advance. The enforcement agency shall forward a copy of this notification to the board Department within 7 days. “Cessation of operations” does not include temporary operational shutdowns which are seasonal or intermittent in nature.


§ 18105. Standardized Permit.
(a) The standardized permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, 3.1, or 3.2 of Division 7 of the Title.
(b) A standardized permit obtained pursuant to this Article shall contain only those terms and conditions applicable to the type of facility receiving it as set out in the minimum standards for that type of facility.
(c) Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as follows:
(1) Filing Requirements section 18105.1;
(2) Enforcement Agency Processing Requirements section 18105.2;
(3) Record keeping Requirements section 18105.3;
(4) Completeness Appeal section 18105.4;
(5) Board Department Processing Requirements section 18105.5;
(6) Appeal of Decision section 18105.6;
(7) Change in Operation section 18105.7;
(8) Change in Owner section 18105.8;
(9) Permit Review section 18105.9;
(10) Suspend/Revoke section 18105.10; and
(11) Voiding of a Standardized Permit section 18105.11.


§ 18105.1. Filing Requirements.
Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an application in duplicate with the enforcement agency accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall contain the following information:
(a) The name and address of the enforcement agency, and the section in Chapters 3, 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.
(b) General description of the facility including, but not limited to name, location, site map, and location map.
(c) Facility information, including, but not limited to, volume and types of waste/material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.
(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.
(e) A Report of Facility Information that contains all of the information required by the applicable section(s) of Article 3.2, Chapter 5, of this Division.
(f) One of the following:
   (1) Evidence that there has been compliance with the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,
   (2) Information on the status of the application’s compliance with the California Environmental Quality Act regarding the facility. Once there has been compliance with the California Environmental Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement agency.
(g) Conformance finding information as follows:
   (1) Until a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.
(2) After a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be identified in any of these elements pursuant Public Resources Code Section 50001.

(h) The owner and operator shall each certify under penalty of perjury that the information provided is true and accurate to the best of their knowledge and belief.

(i) Evidence that the application form was provided to the director of the local agency that oversees local use planning for jurisdiction in which the site is located.

(j) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.


§ 18105.2. Enforcement Agency Processing Requirements.

...Within fifteen days of acceptance of an application for filing:

(1) The enforcement agency shall evaluate the information provided in the application and the proposed facility to determine whether or not the facility will be able to operate in compliance with the applicable minimum standards and standardized solid waste facilities permit terms and conditions.

(2) The enforcement agency shall provide notice pursuant to Title 27 Section 21660.3.

(3) If the enforcement agency finds that the application and facility meet the requirements set forth in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed standardized permit, application package, and the results of any analysis to the board Department. The enforcement agency shall further provide the applicant with a copy of the proposed standardized permit submitted to the board Department. In addition, the enforcement agency shall provide a copy of the proposed standardized permit to any person who has so requested in writing.

(4) If the enforcement agency finds that the application or facility do not meet the requirements set forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy of the rejected application accompanied by an explanation shall be mailed to the applicant.

(h) If evidence of compliance with the California Environmental Quality Act, as required by Section 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this requirements has been demonstrated. Unless waived by the applicant pursuant to Public Resources Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not been submitted within 120 days of the application's acceptance for filing, the enforcement agency shall reject the application and not issue the standardized permit.

(i) Once the board Department has concurred in the issuance of the proposed standardized permit, pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

(j) If the board Department objects to the proposed standardized permit, the enforcement agency shall notify the applicant in writing of the board Department's decision, and the reasons for that decision, within five days of receipt of that decision.

...
§ 18105.5. Board-Department Processing Requirements.
(a) The board-Department shall mark the proposed standardized permit with the date of receipt.
(b) The board-Department shall evaluate the application package and the proposed standardized permit for compliance with the requirements set forth by section 18105.1 and 18105.2(g).
(c) Within 30 days of receipt of a proposed standardized permit, the board-Department shall either concur in or object to the issuance of the proposed standardized permit.
(d) If the proposed standardized permit contains terms and conditions not authorized by the minimum standards and the permit is otherwise in conformance with these regulations, any additional unauthorized terms and conditions shall be stricken. The board-Department shall concur in the edited standardized permit.
(e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the board Department shall notify the enforcement agency of its determination in writing. If the board Department objects, the reasons for the objection shall be provided to the enforcement agency.

§ 18105.6. Appeal of Decision.
(a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section 18105.2(g)(3) or of the board-Department taken pursuant to section 18105.5 to the enforcement agency within 15 days of the date that the decision was received. Such an appeal must be in writing and specify the grounds for the appeal. A final written determination on the appeal shall be made by the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources Code, no later than 60 days after receipt of the applicant's appeal.

§ 18105.8. Change in Owner.
(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever comes first. The enforcement agency shall transmit a copy of the notification to the board Department within five days of receipt.

§ 18105.9. Permit Review and Reissuance.
(d) If an operator files a certification as specified in subsection (c) above or a new application pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections 18105.2 and 18105.3 and the board-Department shall follow the procedures set forth in Section 18105.5.

§ 18105.11. Voiding of a Standardized Permit.
Every standardized permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification...
to the Department within 7 days. “Cessation of operations” does not include temporary
operational shutdowns which are seasonal or intermittent in nature.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
43020, 43021 and 43000-45802, Public Resources Code.

Article 3.2. Reports of Facility Information

§ 18221.5.1. In-Vessel Digestion Facility Plan.
Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration
Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0,
(commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility
Plan (“Plan”) with the EA as required in section 17896.14 of this Title. In order to maintain the permit,
the operator must file amendments as necessary to maintain the accuracy of the Plan. Such
amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the
permit. The Plan shall contain the following:

(a) name(s) of the operator, owner, and the company they represent, if applicable;

(b) schematic drawing of the building and other structures showing layout and general dimensions of
the operations area, including, but not limited to, unloading, storage, loading, and parking areas;

(c) descriptive statement of the manner in which activities are to be conducted at the facility;

(d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of
material processing, each set of hours may be stated. For facilities with continuous operations,
indicate the start of the operating day for purpose of calculating amount of waste received per
operating day. The operator may also indicate whether or not, and when, other activities, such as
routine maintenance will take place, if those activities will occur at times other than those indicated
above;

(e) total acreage contained within the operating area;

(f) facility design capacity including the assumptions, methods, and calculations performed to
determine the total capacity;

(g) information showing the types and the daily quantities of solid waste to be received. If tonnage
was figured from records of cubic yards, include the conversion factor used;

(h) description of the methods used by the facility to comply with each state minimum standard
contained in sections 17896.17 through 17896.61;

(i) anticipated volume of quench or process water and the planned method of treatment, and disposal
of any wastewater;

(j) description of provisions to handle unusual peak loading;

(k) description of transfer, recovery and processing equipment, including classification, capacity and
the number of units;

(l) planned method for final disposal of the solid waste;

(m) planned method for the storage and removal of salvaged material;

(n) resume of management organization which will operate the facility;

(o) An Odor Impact Minimization Plan pursuant to section 17896.31 and, if applicable, an Odor Best
Management Practice Feasibility Report and associated plan pursuant to section 17896.30.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 18221.6.1. In-Vessel Digestion Report.
Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid
Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3,
Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel
Digestion Report (“Report”) with the EA as required in section 17896.15 of this Title. In order to
maintain an existing permit, the operator must file amendments as required in section 17896.15 of
this Title and re-title the document as an In-vessel Digestion Report. Such amendments, or lack
thereof, may become the basis for changes in the permit or for revocation of the permit. A Report
shall contain the following:

(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) facility specifications or plans, to include: a site location map, a site map, and identification of
adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet
of the facility property line;
(c) schematic drawing of the building and other structures showing layout and general dimensions of
the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(d) descriptive statement of the manner in which activities are to be conducted at the facility;
(e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of
material processing, each set of hours may be stated. For facilities with continuous operations,
indicate the start of the operating day for purpose of calculating amount of waste received per
operating day. The operator may also indicate whether or not, and when, other activities, such as
routine maintenance will take place, if those activities will occur at times other than those indicated
above;
(f) total acreage contained within the operating area;
(g) facility design capacity including the assumptions, methods, and calculations performed to
determine the total capacity;
(h) information showing the types and the daily quantities of solid waste to be received. If tonnage
was figured from records of cubic yards, include the conversion factor used;
(i) description of the methods used by the facility to comply with each state minimum standard
contained in sections 17896.17 through 17896.61;
(j) anticipated volume of quench or process water, and the planned method of treatment, and disposal
of any wastewater;
(k) description of provisions to handle unusual peak loading;
(l) description of transfer, recovery and processing equipment, including classification, capacity and
the number of units;
(m) planned method for final disposal of the solid waste;
(n) planned method for the storage and removal of salvaged material;
(o) resume of management organization which will operate the facility;
(p) list of permits already obtained, and the date obtained or last revised;
(q) An Odor Impact Minimization Plan pursuant to section 17896.31 and, if applicable, an Odor Best
Management Practice Feasibility Report and associated plan pursuant to section 17896.30.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code

§ 18227. Report of Composting Site Information.
Each operator of a compostable material handling facility that is required to obtain a Compostable
Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2,
Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as
specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
with section 18104) shall, at the time of application, file a Report of Composting Site Information with
the EA as required by section 17863 of this Title. A Report of Composting Site Information shall
contain the following:
(a) A description of the processes to be used, including estimated quantities of feedstocks, additives,
and amendments.
(b) A descriptive statement of the operations conducted at the facility.
(c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized
in the production of compost including, but not limited to, unloading, storage, processing, parking,
and loading areas.
(d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and
insects, for example, how the operator will store, process and incorporate food material and
vegetative food material into windrows or static piles, timeframes for inclusion of material, collection
and containment of leachate, passive and active vector controls, methods to monitor effectiveness of
control measures.
(e) A description of the proposed emergency provisions for equipment breakdown or power failure.
(f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average
length of time compostable materials will be stored at the facility.
(g) A description of compostable materials handling equipment used at the facility including type,
capacity, and number of units.
(h) Anticipated annual operation capacity for the facility in cubic-yards.
(i) A description of provisions to handle unusual peak loadings.
(j) A description of the proposed method for storage and final disposal of nonrecoverable or nonmarketable residues.
(k) A description of the water supplies for process water required.
(l) Identification of person(s) responsible for oversight of facility operations.
(m) A description of the proposed site restoration activities, in accordance with section 17870.
(n) An Odor Impact Minimization Plan pursuant to section 17863.4, or, if applicable, an Odor Best Management Practice Feasibility Report and associated plan pursuant to section 17863.4.1. The EA may require the operator to revise the Odor Impact Minimization Plan and, if applicable, the Odor Best Management Practice Feasibility Report and associated plan if the operator proposes to accept new feedstock, such as food material or vegetative food material.


§ 18302. Written Complaints of Alleged Violations.
(a) Any person having information alleging a facility or operation is being operated without a required permit or notification, in violation of one or more terms or conditions of a permit, in violation of the state minimum standards, or in violation of any related state solid waste laws or regulations, or that a permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may file a complaint regarding such allegation in writing to the EA. The complaint shall include the following:
(1) The name, address and telephone number of the person making the complaint; however nothing in this chapter shall be construed to prevent the making of anonymous complaints by omitting the identity of the reporting party from the complaint;
(2) The identity and location, if known, of the facility or operation and the names and addresses, if known, of the persons responsible for the violation;
(3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and
(4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in investigating the complaint, including but not limited to information relating to witnesses and physical evidence.
(b) The person making the complaint may forward a copy to the Department.
(c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine whether its allegations, if true, would constitute a violation of a state minimum standard, permit term or condition or any related state solid waste law or regulation. The EA shall make its determination on the basis of the substance of the allegations rather than on the basis of the complaint's technical compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege facts constituting a violation of a state minimum standard, permit term or condition or related state solid waste law or regulation, it shall so advise the reporting party in writing at the address given in the complaint if an address is given and place a copy in its files.
(d) Upon receipt of an odor complaint related to a compostable material handling operation or facility, the EA shall investigate the complaint as soon as practical prior to issuing determine whether or not to issue a violation for failing to minimize odor. The odor complaint investigation shall include the following:
(1) The date and time the EA arrived and departed within the complaint area.
(2) Observations of wind direction and speed, and general weather conditions such as clouds, fog, high wind speed, humidity, and temperature.
(3) If odor is detected, the EA shall:
   (A) Record the location where odor was observed, such as the street address, latitude/longitude, tax parcel number, etc.
   (B) Verify the odor event at the complainant’s location and ascertain if document the complainant’s claim, if any, that the odor is interfering with the complainant’s use and comfortable enjoyment of life the or property.
   (C) Document odor characteristics, intensity, and duration at the complainant’s location, the solid waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.
(D) Identify activities conducted at the solid waste facility/operation at the time of the odor event. The EA should consult with the operator to determine if there were unusual operational changes or atypical feedstocks accepted during the time of the complaint(s).

(4) Any known facts relevant to the alleged violation provided by local, state, and federal agencies having appropriate jurisdiction.

(De) The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on that ground, it shall so advise the complaining party in writing at the address given in the complaint if an address is given and place a copy in its files.

(Ef) Except as provided in subsection (c) or subsection (de) of this section, the EA shall commence an investigation of the facts alleged in the complaint.

(fg) If an LEA has a complaint review and investigation initiation procedure that contains substantially the same basic requirements as this section, and accomplishes the intended purposes of this section within its board-Department-approved EPP, it may follow that equivalent process in lieu of subsections (c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or her complaint will receive appropriate attention.

(Gh) If the board-Department receives a complaint in a jurisdiction where it is not the EA, the complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has already received a copy from the complaining party.

California Code of Regulations
Title 27. Environmental Protection
Division 2. Solid Waste
Appendix 1 Joint Permit Application Form

NEW

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR
SOLID WASTE FACILITY PERMIT/AND WASTE DISCHARGE REQUIREMENTS

This application form is for a Solid Waste Facility Permit (SWFP) and/or Waste Discharge Requirements (WDRs) to receive, store, process, transform, or dispose of solid waste regulated by the California Integrated Waste Management Board (CIWMB), Department of Resources Recycling and Recovery (CalRecycle), and Local Enforcement Agencies (LEAs) and the California Regional Water Quality Control Boards (RWQCBs), and for related purposes. The application is to be used for both new and revised permits, changes to existing SWFPs, WDRs, and supporting documents (e.g., Reports of Facility Information, Reports of Waste Discharge), and expansions for SWFP Reviews. All [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] Applications must be filled out completely [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] and correctly [Note to OAL and publisher: Underline indicates addition. Final text should remain underlined for emphasis.]. Check with local or county enforcement agency the applicable EA or RWQCB for specific permit requirements and/or exemptions or the use of the Application/General Information Form for WDRs and National Pollutant Discharge Elimination System permit (Form 200) by the RWQCB. This form Submit the Application and the filing fees should be sent to the appropriate agency(ies) indicated below:

<table>
<thead>
<tr>
<th>FORM TYPE / USE</th>
<th>APPROPRIATE AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for a Solid Waste Facility Permit</td>
<td>CIWMB/LEA</td>
</tr>
<tr>
<td>Report of Waste Discharge for WDRs</td>
<td>RWQCB</td>
</tr>
</tbody>
</table>

If you have any questions on the completion of how to complete this form, please contact the appropriate agency(ies) for assistance. You can download this form from the CIWMB-CaliRecycle website at /LEACentral/http://www.calrecycle.ca.gov.

NOTE: For direct discharge (point source discharge) to surface waters, a different application form and submittal package is required in place of this form. Please contact the appropriate Regional Water Quality Control Board-RWQCB if seeking to discharge to surface water under the for a National Pollutant Discharge Elimination System (NPDES) permit application form to apply for a permit for this type of discharge.

The Application for Solid Waste Facility Permit/Waste Discharge Requirements provides initial notice of a waste discharge. In most instances, additional information will be required, and should be submitted on 8½ "X 11" paper. Submit two copies of the completed form Application and of any required report(s), and filing fee to the Enforcement Agency (EA). Submit one copy of the form Application and any required report and filing fee to the RWQCB. The RWQCB will notify you of your annual fee based on an evaluation of your proposed discharge. Please do not submit a check to the RWQCB until requested to do so by a RWQCB representative. Applicants applying for an update of an existing WDR will be billed through the annual fee billing system and therefore are requested NOT to submit a check with their Application. The agency(ies) will advise you of any additional information that may be required to complete this Application and waste disposal report.

You will be notified of the effective date of the application by each agency.

The Applicant shall submit this Application in a form and format required by the EA. The EA will exercise its discretion in using the information provided by the Applicant to establish terms and conditions of a proposed SWFP the EA determines to be appropriate.

AMOUNT OF FILING FEES

- EA - The enforcement agencies shall determine the exact fee Contact the EA for fee information.
• RWQCB – Use flow or units reported in Part 4 (application form) and the appropriate class schedule A, B, B1, B2, or C (attached filing fee schedule). Contact the RWQCB for fee information.

FOR OFFICIAL USE ONLY (CIWMB-CalRecycle/LEA/RWQCB staff)

SWIS/WDID/Global ID Number: The Solid Waste Information System (SWIS) number assigned to the facility by CIWMB-CalRecycle staff. The Waste Discharge Identification number (WDID) and global identification number (global ID) for use by RWQOB staff.

Filing Fee: The amount of filing fee submitted by the applicant.

Receipt Number: The number assigned to the Application by CIWMB-CalRecycle/LEA/RWQCB staff.

Date Received: The date the EA or RWQCB receives the Application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts the Application package for filing (Title 27, section 21650(a)). Leave blank if the Application is for a SWFP review (Title 27, section 21640).

Date Rejected: The date the EA rejects determines that the Application package is rejected (Title 27, section 21650(d)). Leave blank if the Application is for a SWFP review (Title 27, section 21640).

Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete Application package as incomplete (Title 27, section 21580). Date Due: Within 180 days from the date the application was accepted as incomplete (Title 27, section 21580). Leave blank if Application is for a SWFP review (Title 27, section 21640).

Due Date: 180 days from the date the application was accepted as incomplete (Title 27, section 21580).

Part 1. GENERAL INFORMATION

A. Enforcement Agency: Enter the name of the EA.

B. County: Enter the name of the county or counties in which the facility is located.

C. Type of Application: Check the box (one box only) that describes the reason the Application is being submitted, as follows:

1. New SWFP and/or WDRs: A facility that does not have a current full SWFP or WDRs.

2. Revision of Change to SWFP and/or WDRs: Applicant is proposing to make a change to the design or operation of the facility. (Title 27, section 21620 and 21710)

3. Exemption and/or Waiver: The facility is exempted from a full SWFP pursuant to Title 27, section 21565 and/or WDRs have been waived.

4. Review: To comply with the five-year permit review requirement (Title 27, section 21640).

5. Amendment of Application: If the applicant changes any of the information required in the Application after the application package it has been submitted and before the EA has acted on the Application issuance or denial of the permit or alteration thereof, the applicant changes any of the information required in the application package. (Title 27, section 21610 and 21710)

6. RFI/ROWD/JTD Amendments: For existing permitted facilities, when an owner/operator proposes to make minor changes in design or operation supported by an existing or new CEQA documentation. The application package is submitted to the EA and/or RWQCB to determine if the proposed change(s) can be allowed without an application for a revision. A change to the Report of Facility Information, Report of Waste Discharge, or Joint Technical Document that does not require a change to the SWFP or WDRs.

Part 2. FACILITY DESCRIPTION

A. Name of Facility: The name as it is to be listed on the SWFP and/or the WDRs.

B. Location of Facility:

1. The physical address of the facility or, if no address, a description of the location. Include the Assessor’s Parcel Number, directions to the location of the facility and the name of the nearest city or named place, i.e. mountain, lake, cross roads, etc. Provide the zip code for the actual facility location, not the mailing address.
2. Latitude and longitude is to be submitted in Degrees, Minutes, and Seconds, or Decimal Degrees identifying the center of the waste footprint for existing or proposed disposal sites and identifying the office or main gate for all other facilities (e.g., transfer station, composting facility, etc.). Use of a GPS instrument is recommended. It indicates the center of the waste footprint, existing or proposed, for disposal sites, and the office or gate for all other facilities (i.e., transfer, composting, etc.)

3. Map or sketch should be to a scale adequate to show the precise location of the permitted boundary. Use of a portion of a U.S.G.S. Quadrangle map is recommended. Map must show proximity of disposal location to populated areas and must indicate all wells and drainage courses within 1,000 feet of any disposal point. The map must include approaches and/or access roads, streets, and/or highways. The legal description shall include the applicable portions of the section(s) of the township, range, base, and meridian. The facility shall have permanent monuments or other physical features that adequately delineate the permitted boundary in the field.

C. Type Of Activity: Check all that apply or will apply for the type of facility covered under this application package.

1. Disposal: A facility that includes a place, location, tract of land, or premises in use, intended to be used, or which has been used, for landfill disposal of solid waste; and,
   a. Type: The type of disposal facility, such as, mono-fill, monofill, C&D/inert, municipal solid waste, or Engineered municipal solid waste conversion facility.
   2. Composting/Compostable Material Handling: A facility that is operated for the purpose of producing composts fills, composts, or handles compostable materials; and,
   a. Type: The type of composting facility, e.g., green waste, food waste, biosolids, or MSW.
   3. Transformation: A facility that at which solid waste is incinerated, or subject to pyrolysis, distillation, or biological conversion other than composting. Transformation does not include composting, gasification, or biomass conversion.
   4. Transfer/Processing Facility: A facility that receives, handles, stores, separates, converts or otherwise processes materials in solid waste; and, or transfers solid waste directly from one container to another or from one vehicle to another for transport; and/or stores solid waste. For Informational Purposes Only: Check the box if recyclable materials are recovered prior to transfer/processing.
   5. Construction and Demolition/Inert Debris Processing: A facility that receives Construction and Demolition Debris and/or Inert Debris for the purpose of controlled separation, recovery, volume reduction, or recycling.
   6. In-vessel Digestion: A facility that receives solid waste for digestion in an in-vessel digester.

D. Identification of Facility in CIWMP (Conformance Finding Information) (CIWMP Title 27, section 21570(f)(5)(S)):

1. If the location of the facility is identified in either a Countywide Siting Element or a Nondisposal Facility Element, check the appropriate box, and fill in the date of the document and the page on which the facility is identified. If you do not currently have this information, you may obtain it this information from the jurisdiction in which the facility is located.

2. If the facility is a Transfer Station that will divert less than 5% of the material that it receives, it is not required to be identified in either a Countywide Siting Element or a Nondisposal Facility Element and you should check the appropriate box.

E. Type Of Permitted Wastes To Be Received: Check all that apply for the type of material covered under this application package:

1. Agricultural: Wastes resulting directly from the production and processing/conduct of farm or agricultural products activities, including, but not limited to, manures, prunings, and crop residues.

2. Asbestos: A naturally occurring family of carcinogenic fibrous mineral substance. The State Department of Health Services Toxic Substances Control has classified friable wastes which contain more than one percent of asbestos by weight as hazardous wastes. Frible means that the material can be crumbled with pressure and, therefore, is likely to emit fibers. Indicate whether the asbestos is friable or non-friable by checking the appropriate box.

3. Ash: The residue from the incineration of solid wastes, including, but not limited to, municipal waste, infectious medical waste, woodwaste, sludge, and agricultural waste.

4. Treated Auto Shredder Waste: The "fluff" consisting of upholstery, paint, plastics, and other non-metallic substances that remains after the shredding of automobiles, discarded household major appliances, and sheet metal similar items. The State Department of Health Services has classified untreated shredded wastes as hazardous.

5. Compostable Material: Any organic material that when accumulated will become active compost. Describe the types of compostable materials to be received.
6. **Construction/Demolition Waste:** Waste that results from construction, remodeling, repair, demolition or deconstruction of buildings, and other structures.

7. **Contaminated Soil:** Waste which contains designated or nonhazardous concentrations and has been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency. Soil that the RWQCB or the Local Oversight Agency has classified as a designated waste.

8. **Dead Animals:** Animal carcasses requiring disposal that have not been previously used for medical purposes and are not known to have been infected or with known infectious diseases.

9. **Industrial:** Solid or semi-solid wastes resulting from industrial processes and manufacturing operations, e.g. cement kiln dust, ore process residues, grit or screenings removed from a waste water treatment facility, etc.

10. **Inert:** Solid waste and recyclable materials that are source separated or separated for reuse, do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives and do not contain significant quantities of decomposable waste. Inert debris may not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the putrescible wastes do not constitute a nuisance, as determined by the EA.

11. **Liquids:** Wastes which are not spadeable, usually containing less than 50% solids. These wastes include cannery and food processing wastes, landfill leachate and gas condensate, boiler blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings, rendering plant byproducts, some sewage sludge, etc.

12. **Mixed/ or Municipal Solid Waste (MSW):** Solid waste generated primarily by residential and commercial refuse sources, garbage and/or rubbish although it may contain insignificant amounts of other solid waste that, when mixed together, is all handled as MSW. Residential waste is commonly thought of as household garbage, commercial wastes contain less putrescible waste and more paper and cardboard.

13. **Sewage Sludge:** Human (not industrial) residue, excluding grit or screenings, removed from a wastewater treatment facility or septic tank, whether in a dry or semidry form.

14. **Waste Tires:** Discarded tire casings. Tires that are no longer mounted on a vehicle and are no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer’s original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not organized for inspection in a rack or a stack.

15. **Other:** Any allowable wastes not included in the above.

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**Part 3. FACILITY INFORMATION**

A. **Proposed Change:** Check the box that identifies the type of change proposed. Briefly describe the proposed change in the space provided.

1. **Design Change:** A design change would include but is not limited to: change in footprint, acreage, additional capacity, site improvements, etc.

2. **Operation:** A change in operation would include but is not limited to: change in hours or days of operation, the addition of an activity, tonnage changes, etc.

3. **Owner, Operator, Address, and/or Facility Name Change:** Complete if there is a change in the owner, operator, address, or facility name.

4. **Other:** This type of change includes, but is not limited to: change in emergency contact list, etc. For an application for permit review, if there are no changes, so indicate.

**AB. Facility Information**

1. **Information Applicable To All Existing Facilities:** This portion of Part 3 of the Application must be filled out by every applicant regardless of the type of facility.

   a. **Peak Maximum Daily Tonnage or Cubic Yards:** The peak (maximum) total amount of solid waste and other material the facility applicant is permitted authorized by the EA to receive through the gate to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-to-day operations (include information on all other material authorized by the EA to receive in the Report of Facility Information (RFI)). This amount shall be expressed in tons; if tonnage is not available or not applicable provide this specify the amount in cubic yards with a conversion factor. This will be referred to as the “permuted maximum tonnage” and is considered the facility maximum tonnage limit. This amount must be consistent with the approved SWFP and the approved Report of Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Volume figures should be converted to tons and...
the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP
and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below
must equal the maximum daily tonnage.

1. **Disposal/Transfer**: The amount of material-solid waste that comes through the gate and is
disposed of on-site or transferred off-site as waste; and

2. **Other**: That amount of all other material received at the site, including, but not limited to,
material that is recycled, or used for beneficial use (beneficially reused (such as ADC, road building or
other on-site projects), stored or processed. Note: 1 and 2 should equal the peak daily tonnage or

b. **As-Designed Daily Design-Tonnage (TPD) or Cubic Yards**: For landfills, the maximum
daily tonnage amount of solid waste and other material that the facility is designed to receive and
process on an ongoing basis over an extended period of time (e.g., a daily basis over a calendar
month) based on appropriate factors including, but not limited to, size of working face the operating
areas, vehicle traffic considerations, hours of operation, personnel, equipment operational limits, etc.
For other facilities, it is the maximum amount of solid waste and other material the facility is designed
to handle receive and process at any one time on an ongoing basis over an extended period of time
(e.g., a daily basis over a calendar month) based on appropriate factors including, but not limited to,
vehicle traffic considerations, facility size, hours of operations, length of material storage, type of
equipment and movement, personnel, equipment operational limits, etc. This amount shall be
expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion
factor. The as-designed tonnage value may be equal to or greater than the peak maximum daily

1. **Facility Size**: The area that encompasses the entire area on which solid waste facility
activities are authorized by the EA to occur and are permitted. This includes the area of the facility in
acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and
managing equipment management area, or any area that is required to maintain compliance with the
design and operating parameters of the facility. The facility size is the same as “operating area” for
compostingable material handling facilities, “permitted acreage” or the area within the permitted
boundaries for transfer/processing facilities and landfills.

d. **Peak-Maximum Traffic Volume Per Day (vpd)**: The estimated maximum number of
vehicles that will be authorized by the EA to enter the facility on a daily basis. This number should
include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including
vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or
material intended for beneficial reuse. This number must be consistent with the approved RFI and any
CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if
any, that was being conducted at the time the application was submitted.

e. **Days and Hours of Operation**: The days and hours that the facility is authorized by the EA
to be in operation and the hours of waste receipt authorized by the EA if different from the hours
of operation. This information must be consistent with the approved RFI and any CEQA existing
compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was
being conducted at the time the application was submitted. Any activities that are limited to
prescribed days and/or hours should be fully described in the RFI.

2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs**: This portion
of the Application must be filled out by every applicant requesting a change to any item(s) listed
under Part 3, A. 1 and every applicant submitting an application for a new SWFP and/or WDRs (see
Part 3.A.1., for a description of the terms used). The requests must be consistent with an RFI
submitted as part of the Application. The EA will review the requests and establish the terms and
conditions of a proposed SWFP for those requests that are supported by documents submitted by the
applicant. The RWQCB will review the requests and establish the terms and conditions of tentative
WDRs for those requests that are supported by documents submitted by the applicant. Use the
“OTHER” section to describe design or operational requests not already specified in this Part 3.A.2.

23. **Additional Information Required For Compostingable Materials Handling Facilities
Only**: This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled
out by the applicant if composting handling compostable materials is part of this application.

a. **Total Site Storage Capacity**: The total capacity in tons or cubic yards of all feedstock and
compost (active, curing, and cured) material that is received, processed, and can be stored on-site at
any one time.

34. **Additional Information Required For Landfills Only**: This portion of Part 3, section B3, in
addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of
this the aApplication. All [Note to OAL and publisher: No proposed change. Existing text underlined for
sections of the aApplication must be filled out completely. [Note to OAL and publisher: No
proposed change. Existing text underlined for emphasis.].

a. Average Daily Tonnage (TPD): The estimated average waste tonnage expected to be
received—placed in a waste management unit for each operating day on a yearly basis (calendar year)
for the next five years. Do not use non-operating days in estimating/calculating the average daily
 tonnage. This average daily tonnage can be equal to but may not exceed the peak maximum daily
 tonnage. Report as tons per day (TPD).

b. Site Capacity Currently Permitted (Airspace) (cu yds): The volume contained between
the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to
the top of the final cover) taking into consideration design slopes, benches, and other design features,
as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site
Capacity.

c. Site Capacity Proposed (Airspace) (cu yds): Additional site capacity (airspace) requested
or potentially resulting from this permit aApplication.

d. Site Capacity Used To Date (Airspace) (cu yds): The volume of permitted site capacity
used to date. See Date of Capacity Information below.

e. Site Capacity Remaining (Airspace) (cu yds): The total volume of permitted site capacity
remaining, not including any proposed site capacity. If the remaining capacity information provided is
based on estimates of capacity used since the last physical site survey, please explain the
methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume,
etc. See Date of Capacity Information below.

f. Date Of Capacity Information (date): The date as of which the remaining and used site
capacities in Part 3 were determined. This date may predate the aApplication by no more than
three months. Amendments of the aApplication including more current capacities may be required.

 g. Last Physical Site Survey (date): Date when the last aerial or ground survey was
conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see
Part 6, Section B for more details).

h. Estimated Closure Date (month and year): The closure date estimated based on
remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other
appropriate factors. Please note if the closure date is controlled by factors other than waste capacity
(e.g., conditional use permit date, etc.)

i. Disposal Footprint (acres): The permitted area where waste will be or has been placed. This
will be referred to as “permitted disposal area.”

j. Site Capacity Planned (cu yds): The estimated additional site capacity (in cubic yards)
based upon any planned expansions not currently proposed, whether within or outside the current
permitted boundary.

k. Provide one of the following:

   1. (i) In-place Waste Density (lbs of waste per cubic yard of waste). The in-place waste
density is the estimated or measured density of in-place waste material achieved by mechanical or
other means in the development of the current lift of the current operating waste cell, and

   (ii) Waste-to-Cover Ratio (estimated) (volume:volume). The waste-to-cover ratio
estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a
volume of compacted fill material, e.g., 4:1. The cover portion of the waste-to-cover ratio estimate
should include only soil or approved daily or intermediate alternative cover that is not considered a
waste material, i.e., payment of fees to the CIWMB-CalRecycle is not required. The waste portion of
the waste-to-cover ratio estimate should include only waste material for which payment of fees to the
CIWMB-CalRecycle is reported, or

   2. Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace). The
airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is
recorded as the total weight of waste material passing over the landfill scales that is placed in a known
volume of landfill airspace in a given period of time. The waste portion of the AUF should include only
waste material for which payment of fees to the CIWMB-CalRecycle is reported.

Part 4. SOURCE OF WATER SUPPLY (This is water used for any purpose at the facility)

A. Municipal or Utility Service: Give name and address of the water purveyor.

B. Individual Wells: Identify those wells that are not part of a municipal or utility service.
C. Surface Supply:
1. Provide the name of any stream, lake, spring, etc, if identified.
2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
3. If a state permit or license has been granted, give identification number.

D. Other: Enter any water source(s) not identified above.

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A. Check the appropriate box(es) if an environmental document was, or is going to will be, prepared and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.
   1. If an environmental document was prepared:
      • If an environmental document has already been prepared and circulated through the SCH and there is an SCH number, please write this number in the appropriate blank following the box that is checked.
      • If an environmental document has not yet been circulated through the SCH and no SCH number has been assigned to the environmental document yet, please check the box for the type of environmental document that is anticipated to be prepared and circulated through the SCH and write N/A in the appropriate blank for "SCH#.”
      • If the “ADDENDUM TO (Identify environmental document)” box is checked, please provide the type of environmental document that the addendum was prepared for along with the SCH number.
   2. If an environmental document will be prepared, enter the name of the lead agency for preparing the document, if known.

EXAMPLE ONLY:
If the environmental document is an environmental impact report (EIR), write “EIR” and include the dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH number for the EIR.

B. If an environmental document was not, and is not planned to be, prepared because it is not required to comply with the requirements of CEQA, please provide the requested information by checking the appropriate box to indicate why an environmental document is not required under CEQA.
   • If the “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” box is checked, please provide the CEQA Guidelines Section number and citation for the exemption.

EXAMPLE ONLY:
A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor repair to an existing facility. Therefore, check the box that says “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” and write the following in the blank after the box: “CEQA Guidelines, Section 15301, Class I Categorical Exemption.”

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

All attachments are necessary parts of the Application and are incorporated herein.

A. Section A of Part 6 must be completed by all applicants regardless of the type of facility.
B. Section B of Part 6 is additional documents required must be completed only by landfill applicants only for disposal facilities.
   • Operating Liability Financial Mechanism: The date the demonstration was last modified or renewed. That date must be within the preceding twelve-month (annual renewal) period. For example, a Certificate of Insurance (CalRecycle CIWMB 107) has an “effective date” identified on the certificate. This date should and must be within the preceding twelve-month (annual renewal) period.
   • Financial Responsibility Documentation: The financial mechanism will be is a document, (i.e., letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance) statement, etc.) identifying the current dollar value of the demonstration and the date of the stated value. The date of the stated value should must be within the preceding twelve-month (annual renewal) period.
• Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those plans required by Title 27, sections 21780 and 21865 as appropriate/applicable.

• Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release corrective action cost estimate and a copy of the non-water release corrective action cost estimate, as required by Title 27, sections 22100 through 22103.

• Landfill Capacity Survey Results: For disposal sites facilities permitted for to receive more than 20 tons per day, a ground or aerial survey is to be prepared at least every five years or more frequently as determined by the enforcement agency EA. For disposal sites facilities permitted for to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every ten years. If not previously submitted, survey results must be included with this Application. Survey results must be submitted as a CADD or vector graphics data file including at least two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum showing the existing and finished ground surfaces. For disposal sites where a change in permitted volume is proposed, a third stratum showing the base and proposed finished ground surfaces must be included. For each stratum the following information shall be included: site name, stratum name, surface1 name, surface2 name, volume calculation method (grid, composite, section), expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground surface is uncertain, the operator is allowed to provide the best available information as a substitute for the actual as-built contours. If selecting this substitute method, the operator must provide an explanation of the basis for using the substitute base ground surface.

For the purposes of this section the following definitions apply:

A1. “base ground surface” - the best available excavation plan surface that existed prior to the placement of any waste;

B2. “CADD” - computer aided design and drafting;

C3. “compaction (fill) factor” - the factor used to correct for expected compaction of fill material; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;

D4. “cut volume” - for any stratum, the volume removed by a cut of a lower surface to achieve the upper surface;

E5. “existing ground surface” - the topography that exists at the time of the subject survey;

F6. “expansion (cut) factor” - the factor used to correct for expected expansion of a cut surface; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;

G7. “fill volume” - for any stratum, the volume bound between the upper and lower surfaces;

H8. “finished ground surface” - the final fill plan surface as shown in the approved closure plan for the disposal site;

I9. “net volume” - the fill volume less the cut volume;

J10. “site name” - the name of the disposal site for which the survey information is being submitted;

K11. “stratum (plural: strata)” - a particular volume of a solid waste landfill bound by specified upper and lower surfaces;

L12. “stratum name” - a descriptive name for the stratum for which volumetric information is being submitted, e.g., total volume including proposed expansion;

M13. “surface names” - names for the pair of surfaces that define a named stratum, e.g., base ground surface and proposed finished ground surface;

N14. “survey” - a comprehensive examination of the disposal site under the direction of a registered civil engineer or a licensed land surveyor for purposes of determining the topography of the base, existing and finished ground surfaces, and the volumes bound by those surfaces;

O15. “vector graphics” - computer generated images comprised of lines and shapes of given origin, direction, thickness, color and other attributes;

P16. “volume calculation method” - grid, composite, section or other method approved by the enforcement agency EA;

C. Section C of Part 6 specifies the additional documents required only if applicable for the type of facility to be covered under this Application as required by the EA or RWQCB. Under “Other,” identify and list any other necessary documents not included specified above but that are required by the EA or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or franchise other agreement documenting the operator's interest in and right to use the site as a solid
waste facility real property. Another example would be if there is a contract operator then a copy of the or a contract between the permitted operator and contract operator and etc.

Part 7. OWNER INFORMATION:

**Type of Business**: Specify if the business owner of the facility that is the subject of the Application is a sole proprietorship, partnership, corporation, or government public agency.

**Owner of Land**: The person(s) that owns, in whole or in part, the land on which the facility is located.

**Address, City, State, Zip**: Provide the address, city, state, and zip code for the facility owner(s).

**SSN or Tax ID #**: Provide the SSN or tax identification number for the land owner(s).

**Telephone #, Contact Person, Fax #, and E-mail Address**: Provide the telephone number, fax number, and e-mail address, and print the contact name.

**Address Where Legal Notice May Be Served**: Provide the name and address of the person authorized to accept service for each owner of the facility where legal notice may be served.

Part 8. OPERATOR INFORMATION:

**Type of Business**: Specify if the business operator filing this Application is a sole proprietorship, partnership, corporation, or government public agency.

**Facility Operator**: The person(s) (e.g., individual(s), partnership, corporation, or public agency) to whom the approval to operate the facility is granted, and who is responsible for the overall operation of the facility including but not limited to, complying with regulatory requirements, complying with all applicable federal, state, and local requirements, and the design, construction, and physical operation of the operating area, and control the activities at an a facility.

**Address, City, State, Zip**: Provide the address, city, state, and zip code for the facility operator(s).

**SSN or Tax ID #**: Provide the SSN or tax identification number for the operator(s).

**Telephone #, Contact Person, Fax #, and E-mail Address**: Provide the telephone number, fax number, and e-mail address, and print the contact name.

**Address Where Legal Notice May Be Served**: Provide the name and address of the person authorized to accept service for the operator of the facility where legal notice may be served.

Part 9. SIGNATURE BLOCK:

**Signature (landowner or agent)**: The person(s) or their agent authorized to sign on behalf of the owner.

**Signature (lessee)**: A person(s) authorized to sign on behalf of the person leasing the land, if applicable.

**Signature (facility operator or agent)**: The person(s) or their agent authorized to sign on behalf of the operator above.

Part 10. OTHER:

Attach additional sheets to explain any responses that need clarification.
APPLICATION FOR SOLID WASTE FACILITY PERMIT AND WASTE DISCHARGE REQUIREMENTS

NOTE: This form has been developed for multiple uses. It is the transmittal sheet for documents required to be submitted to the appropriate agency. Please refer to the attached instructions for definitions of terms and for completing this application form in a complete and correct manner.

FOR OFFICIAL USE ONLY

<table>
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<tr>
<th>SWIS/WDID/Global ID NUMBER</th>
<th>FILING FEE</th>
<th>RECEIPT NUMBER</th>
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Part 1. GENERAL INFORMATION

A. ENFORCEMENT AGENCY:
B. COUNTY:

C. TYPE OF APPLICATION (Check one box only):
- [ ] 1. NEW SWFP and/or WDRS
- [ ] 2. REVISION OF CHANGE TO SWFP and/or WDRS
- [ ] 3. MODIFICATION
- [ ] 4. AMENDMENT OF APPLICATION
- [ ] 5. RF/ROWD/JTD AMENDMENT

Part 2. FACILITY DESCRIPTION

A. NAME OF FACILITY:

B. LOCATION OF FACILITY:
1. PHYSICAL ADDRESS OR LOCATION AND ZIP CODE:
2. LATITUDE AND LONGITUDE:
3. LEGAL DESCRIPTION OF PERMITTED BOUNDARY BY SECTION, TOWNSHIP, RANGE, BASE, AND MERIDIAN, IF SURVEYED:

C. TYPE OF ACTIVITY: (Check applicable boxes):
- [ ] 1. DISPOSAL
- [ ] 2. COMPOSTABLE MATERIALS HANDLING
- [ ] 3. TRANSFORMATION
- [ ] 4. TRANSFER/PROCESSING FACILITY
- [ ] 5. CAD/INERT DEBRIS PROCESSING
- [ ] 6. IN-VESSEL DIGESTION
- [ ] 7. OTHER (describe):

D. IDENTIFICATION OF FACILITY IN CIWMP [CONFERENCE FINDING INFORMATION (CIWMP)]:
1. FACILITY IS IDENTIFIED IN (Check one):
   - [ ] SITING ELEMENT
   - [ ] NONDISPOSAL FACILITY ELEMENT

2. FACILITY IS NOT REQUIRED TO BE IDENTIFIED IN SITING ELEMENT OR NONDISPOSAL FACILITY ELEMENT

E. TYPE OF PERMITTED WASTES TO BE RECEIVED: (Check applicable boxes):
1. AGRICULTURAL
2. ASBESTOS o Friable o Non-friable
3. ASH
4. AUTO SHREDDER
5. COMPOSTABLE MATERIAL (describe):

6. CONSTRUCTION/DEMOLITION
7. CONTAMINATED SOILS
8. DEAD ANIMALS
9. INDUSTRIAL
10. INERT

11. LIQUIDS
12. MIXED MUNICIPAL SOLID WASTE (MSW)
13. SEWAGE SLUDGE
14. WASTE TIRES
15. OTHER (describe):
Part 3. FACILITY INFORMATION

A. PROPOSED CHANGE (Check applicable box(es)):

- [ ] DESIGN (describe)
- [ ] OPERATION (describe)
- [ ] OWNER, OPERATOR, ADDRESS, AND/OR FACILITY NAME CHANGE (describe)
- [ ] OTHER (describe)

B. FACILITY INFORMATION:

1. INFORMATION APPLICABLE TO ALL FACILITIES
   a. PEAK DAILY TONNAGE OR CUBIC YARDS
      - 1) DISPOSAL/TRANSFER (unit)
      - 2) OTHER (unit)
   b. DAILY DESIGN TONNAGE (TPD)
   c. FACILITY SIZE (acres)
   d. PEAK TRAFFIC VOLUME PER DAY (vpd)
   e. DAYS AND HOURS OF OPERATION

A. FACILITY INFORMATION:

1. INFORMATION APPLICABLE TO ALL EXISTING FACILITIES:
   a. MAXIMUM DAILY TONNAGE OR CUBIC YARDS
   b. AS-DESIGNED DAILY TONNAGE or CUBIC YARDS
   c. FACILITY SIZE (acres)
   d. MAXIMUM TRAFFIC VOLUME PER DAY (vpd)
   e. DAYS AND HOURS OF OPERATION

2. PROPOSED CHANGE(S) OR INFORMATION APPLICABLE TO NEW SWFP AND/OR WDRs
   a. MAXIMUM DAILY TONNAGE OR CUBIC YARDS
   b. AS-DESIGNED DAILY TONNAGE or CUBIC YARDS
   c. FACILITY SIZE (acres)
   d. MAXIMUM TRAFFIC VOLUME PER DAY (vpd)
   e. DAYS AND HOURS OF OPERATION
   f. OTHER

23. ADDITIONAL INFO. REQUIRED FOR COMPOSTINGABLE MATERIALS HANDLING FACILITIES ONLY:
   a. TOTAL SITE STORAGE CAPACITY (cu yds)

34. ADDITIONAL INFORMATION REQUIRED FOR LANDFILLS ONLY
   a. AVERAGE DAILY TONNAGE (TPD)
   b. SITE CAPACITY CURRENTLY PERMITTED (Airspace) (cu yds)
   c. SITE CAPACITY PROPOSED (Airspace) (cu yds)
   d. SITE CAPACITY USED TO DATE (Airspace) (cu yds)
   e. SITE CAPACITY REMAINING (Airspace) (cu yds)
   f. DATE OF CAPACITY INFORMATION (Date) (See instructions):
   g. LAST PHYSICAL SITE SURVEY (Date)
   h. ESTIMATED CLOSURE DATE (month and year)
   i. DISPOSAL FOOTPRINT (acres)
   j. SITE CAPACITY PLANNED (cu yds)
   k. 1. (i) IN-PLACE WASTE DENSITY (lbs of waste per cu yd of waste)
       (ii) WASTE-TO-COVER RATIO (Estimated) (v:v)
          OR
       2. AIRSPACE UTILIZATION FACTOR (tons of waste per cu yd of landfill airspace)
Part 4. SOURCE OF WATER SUPPLY (Check applicable boxes)

A. MUNICIPAL OR UTILITY SERVICE:
   
B. INDIVIDUAL (wells):
   
C. SURFACE SUPPLY:
   1. NAME OF STREAM, LAKE, ETC. :
   2. TYPE OF WATER RIGHTS:
      [ ] RIPARIAN
      [ ] APPROPRIATION
   3. STATE PERMIT OR LICENSE NUMBER, IF APPLICABLE:
   
D. OTHER:
   
Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (Check applicable boxes)

A. CHECK BOX(ES) IF ENVIRONMENTAL DOCUMENT WAS OR WILL BE PREPARED FOR THIS PROJECT AND PROVIDE THE STATE CLEARINGHOUSE NUMBER (SCH#):
   1. ENVIRONMENTAL DOCUMENT WAS PREPARED:
      [ ] ENVIRONMENTAL IMPACT REPORT (EIR) SCH#
      [ ] NEGATIVE DECLARATION (ND)/MITIGATED NEGATIVE DECLARATION (MND) SCH#
      [ ] ADDENDUM TO (Identify environmental document) SCH#
   2. ENVIRONMENTAL DOCUMENT WILL BE PREPARED (Enter lead agency if known):
   
B. IF ENVIRONMENTAL DOCUMENT(S) WAS NOT PREPARED, PLEASE PROVIDE THE FOLLOWING INFORMATION:
   [ ] CATEGORICAL/STATUTORY EXEMPTION (CE/SE)
   EXEMPTION TYPE
   GUIDELINE #

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

A. REQUIRED WITH ALL APPLICATION SUBMITTALS:
   [ ] RFI/JTD
   [ ] LOCAL USE/PLANNING PERMITS
   [ ] LOCATION MAP
   [ ] MITIGATION MONITORING IMPLEMENTATION SCHEDULE & REPORTING PROGRAM
   [ ] LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC
   [ ] ENVIRONMENTAL DOCUMENT(S):
      [ ] EIR
      [ ] MND/ND
      [ ] EXEMPTION
      [ ] ADDENDUM
   
B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS-DISPOSAL FACILITIES ONLY:
   [ ] OPERATING LIABILITY FINANCIAL MECHANISM
   [ ] CLOSURE/POST CLOSURE MAINTENANCE PLAN
      [ ] PRELIMINARY
      [ ] FINAL
   [ ] FINANCIAL RESPONSIBILITY DOCUMENTATION
   [ ] KNOWN OR REASONABLY FORSEEABLE CORRECTIVE ACTION COST ESTIMATES
   [ ] LANDFILL CAPACITY SURVEY RESULTS (see instructions)
   
C. IF APPLICABLE:
   [ ] REPORT OF WASTE DISCHARGE
   [ ] CONTRACT AGREEMENTS
   [ ] STORMWATER PERMIT APPLICATION
   [ ] NPDES PERMIT APPLICATION
   [ ] DEPT. OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT
   [ ] SWAT (Air and water)
   [ ] WETLANDS PERMITS
   [ ] VERIFICATION OF FIRE DISTRICT COMPLIANCE
   [ ] OTHER
### Part 7. OWNER INFORMATION
(For disposal site, if operator is different from land owner, attach lease or other agreement)

<table>
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<tr>
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<th>CORPORATION</th>
<th>GOVERNMENT AGENCY</th>
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**OWNER(S) OF LAND**

(Name):

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<th>SSN OR TAX ID #</th>
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**ADDRESS, CITY, STATE, ZIP**

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### Part 8. OPERATOR INFORMATION
(For disposal site, if operator is different from land owner, attach lease or other agreement)

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**FACILITY OPERATOR(S)**

(Name):

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**ADDRESS WHERE LEGAL NOTICE MAY BE SERVED:**
Part 9. SIGNATURE BLOCK

Owner:

I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application and understand that I may be responsible for the site should the operator fail to meet applicable requirements.

SIGNATURE (LAND OWNER OR AGENT):

PRINTED NAME:

TITLE:

DATE:

Lessee:

I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application.

SIGNATURE (LESSEE):

PRINTED NAME:

TITLE:

DATE:

Operator:

I certify under penalty of perjury that the information contained in this application and all attachments are true and accurate to the best of my knowledge and belief.

SIGNATURE (FACILITY OPERATOR OR AGENT):

PRINTED NAME:

TITLE:

DATE:

Part 10. OTHER (Attach additional sheets to explain any responses that need clarification).
Proposed Regulation Text

Initial comment period changes are denoted by the following:

- **Strikethrough** = deletions of existing text
- **Underline** = additions to existing text

Changes for the second comment period are denoted by:

- **Double Strikethrough** = deletions of the initial proposal
- **Double Underline** = additions to the initial proposal

Changes for the third comment period are denoted by:

- **Double Strikethrough Italic** = deletions of the text
- **Double Underline Italic** = additions to the text
Chapter 1. General Provisions

Article 1. Emergency Waiver of Standards—Definitions

§ 17017. Definitions.
As used in this division:
(a) "Department" means the Department of Resources Recycling and Recovery, which is vested with the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California Integrated Waste Management Board (board).
(b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department of Resources Recovery and Recycling (Department).


Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities Regulatory Requirements

§ 17362.2. Contaminated Soil Transfer/Processing Operations.
All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These operations shall be inspected by the enforcement agency at least once every three (3) months unless the enforcement agency approves, with Department concurrence, a reduced inspection frequency. The enforcement agency may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


Article 5.8. Nonhazardous Ash Regulatory Tier Requirements

§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.
(a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in the California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18103).
(b) In addition to the requirements of subdivision (a), the following statement shall be included in the enforcement agency notification and signed by the operator: "The undersigned certify under penalty of perjury that the information in this document and all attachments are true and correct to the best of my knowledge, and is being executed in accordance with the requirements of the California Code of Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as
defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that there are significant penalties for submitting false or misleading information in this certification, including the possibility of fine or imprisonment, or both.”

(c) A new Enforcement Agency Notification is required any time there are changes to information required by this section.

(d) These operations may be inspected by the enforcement agency as necessary for the protection of public health, safety and the environment every three (3) months unless the enforcement agency approves, with Department concurrence, a reduced inspection frequency. The enforcement agency may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements

§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris Regulatory Requirements.

(a) A site that receives only construction and demolition debris and inert debris (CDI) and which meets the requirements of this section shall be classified as a CDI recycling center. A site that receives only inert debris and which meets the requirements of this section shall be classified as an inert debris recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any other requirements of this Article except as specified in this section.

(1) The CDI debris that a CDI recycling center receives shall have been separated at the point of generation.

(A) For the purposes of this section, “separated at the point of generation” means that the material has been separated from the solid waste stream by the generator of that material or by a processor prior to receipt at a CDI recycling center and has not been commingled with other solid waste or recyclable materials. For example, each material type must be transferred in separate containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled in a single container.

(2) An inert debris recycling center shall receive only Type A inert debris that is source separated or separated for reuse. The inert debris may be commingled in a single container.

(b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:

(1) The residual shall be less than 10% by weight of the amount of debris received at the site, calculated on a monthly basis. Recycling center operators may report their residual percentage to the EA and the Department on Form CIWMB 607 (see Appendix A).

(2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible wastes shall not constitute a nuisance, as determined by the EA.

(c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited at CDI recycling centers.

(d) The following storage time limits apply to CDI recycling centers:

(1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on-site for more than one year 90 days, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the Department.

(4) At the EA’s discretion, storage time limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.
for more than 18-12 months, shall be deemed to have been unlawfully disposed and therefore subject
findings shall be in writing.

determination. The extended storage term, any applicable conditions the EA imposes and the EA's
findings shall be in writing.

(e) The following storage limits apply to inert debris recycling centers:

1. Inert debris stored for more than 6 months that has not been processed and sorted for resale or
reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
including the use of a Notice and Order as provided in section 18304.

2. Inert debris that has been processed and sorted for resale, or reuse, but remains stored on-site
for more than 18-12 months, shall be deemed to have been unlawfully disposed and therefore subject
to enforcement action, including the use of a Notice and Order as provided in section 18304.

3. Storage time limits do not apply to Type A inert debris recycling centers which are located at an
inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material
production facility.

4. Storage time limits do not apply to Type A inert debris recycling centers where a financial
assurance mechanism pursuant to section 17384(c) has been approved by the board Department.

5. At the EA's discretion, storage limits for sorted and processed materials may be extended to the
time specified in a land use entitlement for the site that has an express time limit for the storage of
materials.

6. Inert debris recycling center storage limits may be extended for a specified period, if the
operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the
basis of substantial evidence, that the additional time does not increase the potential harm to public
health, safety and the environment. The EA may consult with other public agencies in making this
determination. The extended storage term, any applicable conditions the EA imposes and the EA's
findings shall be in writing.

(f) Nothing in this section precludes the EA or the board Department from inspecting a site to verify
that is and has been operating in a manner that meets the requirements of this section, or from
taking any appropriate enforcement action, including the use of a Notice and Order as provided in
section 18304.

(g) In evaluating whether or not a particular site is in compliance with this section, the EA shall,
among other things, do the following:

1. If the EA has reason to believe that each load of debris received at a recycling center is not
separated at the point of generation, is not source separated or is not separated for reuse, as
applicable, or that the residual exceeds 10% of the total debris received per month, or that the
amount of putrescible wastes exceeds 1% by volume of the total debris received per month, or
material is being stored in excess of the applicable storage limits, or that upon request no evidence is
provided by the owner and operator that the stored debris is being accumulated for viable reuse, or
that the site is not in compliance with any other requirement in this section, the EA may require the
owner or operator to provide evidence that the recycling center is in compliance. The burden of proof
shall be on the owner and operator of the recycling center to demonstrate it is in compliance.

2. At the time that the EA requires a recycling center to provide evidence that it is in compliance
with this section, the EA shall provide the owner and operator of the recycling center a written
description of the information that has caused the EA to believe that the recycling center is not in
compliance. Notwithstanding, the EA shall not be required to identify the name or other identifying
information regarding any person(s) who has complained about the recycling center.

(h) Sites which do not meet the applicable requirements of this section do not qualify as recycling
centers and shall comply with this Article and all laws and regulations applicable to them. The burden
of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are
not subject to the requirements of this Article.

Note: Authority cited: Section 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.

(a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding
activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active
compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.
The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier requirements.

(1) A small volume C&D wood debris chipping and grinding operation shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq., and shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(2) A medium volume C&D wood debris chipping and grinding operation shall comply with the Registration Permit tier requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq.

(3) A large volume C&D wood debris chipping and grinding facility shall comply with the Full Permit tier requirements set forth in CCR, Title 27, Division 2, Subdivision 1, Chapter 4, commencing with section 21563.

(4) To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

(5) Except as otherwise specified in this section, small volume C&D wood debris chipping and grinding activities shall comply with all requirements applicable to small volume CDI debris processing operations, medium volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to medium volume CDI processing facilities, and large volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to large volume CDI debris processing facilities.

...
Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements

§ 17388.3. Inert Debris Engineered Fill Operations.

(b) Inert debris engineered fill operations shall be inspected as necessary by the EA at least once every three (3) months to verify compliance with State Minimum Standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less than annual. The operator shall specify the operation's boundary area in the operating record.


Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements

§ 17403.1. Excluded Operations.

(a) The following operations do not constitute transfer operations or facilities for the purposes of these Articles and are not required to meet the requirements set forth herein:

(8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, in accordance with Section 17896.6(a)(1).


§ 17403.2. Sealed Containers Transfer Operations.

All sealed container transfer operations subject to this Article shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA, as necessary, at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less than annual. The operator shall specify the operation's boundary area in the operating record.


§ 17403.3. Limited Volume Transfer Operations.

All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100). These operations shall be inspected by EA as necessary, at least once every three (3) months to verify compliance with minimum standards unless
the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less than annual. The operator shall specify the operation’s boundary area in the operating record.


Article 6.2. Operating Standards

§ 17409.2. Sanitary Facilities.
The operator shall maintain all sanitary and hand-washing facilities which may be required, by applicable state or local requirements, in a reasonably clean and adequately supplied condition.


Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 1. General

§ 17852. Definitions.
(a) For the purposes of this Chapter:
(1) "Active Compost" means compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of compost per day, or the equivalent of oxygen uptake.
(2) "Additives" means material mixed with feedstock or active compost in order to adjust the moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include, but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost feedstock.
(3) "Aerated Static Pile" means a composting process that uses an air distribution system to either blow or draw air through the pile. Little or no pile agitation or turning is performed.
(4) "Aerobic Decomposition" means the biological decomposition of organic substances in the presence of oxygen.
(4.5) "Agricultural By-Product Material" means post-harvest agricultural by-products separated at a processing facility.
(A) Agricultural By-product Material includes, but is not limited to, solid or semi-solid materials from fruit, nut, cotton, and vegetable processing facilities such as stems, leaves, seeds, nut hulls and shells, peels, and off-grade, over-ripe, or under-ripe produce.
(B) Agricultural By-product Material does not contain packaging material, physical contaminants, or hazardous materials, and does not include wastewater, sludges, or additives.
(5) "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, or material generated during nut or grain hulling, shelling, and processing, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as “food material” or “vegetative

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Agricultural Material Composting Operation” means an operation that produces compost from green or agricultural material, additives, and/or amendments.

(7) “Amendments” means materials added to stabilized or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock.

(8) “Anaerobic Decomposition” means the biological decomposition of organic substances in the absence of oxygen.

(9) “Biosolids” means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and scum or solids removed in primary, secondary, or advanced wastewater treatment processes. Biosolids includes the residue solids resulting from the co-digestion of anaerobically digestible material with sewage sludge. Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works.

(10) “Chipping and Grinding Operations and Facilities” means an operation or facility, that does not produce compost, that mechanically reduces the size or otherwise engages in the handling, of compostable material and:

(A) The site does the following:
   1. The site handles only material, excluding manure, allowed at a green material composting operation or facility as set forth in section 17852(a)(22); and,
   2. Each load of green material is removed from the site within 48 hours of receipt. The EA may allow a site to keep green material on-site for up to 7 days if the EA determines that the additional time does not increase the potential for violations of this Chapter.

(B) If the site fails to meet the definition of green material because it exceeds the contamination limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing Regulatory requirements (commencing at section 17400).

(C) If the site fails to meet the definition of this section because the green material remains on-site for a longer period of time than is allowed, then the site shall be regulated as a compostable material handling operation or facility, as set forth in this Chapter.

(11) “Compostable Material” means any organic material that when accumulated will become active compost as defined in section 17852(a)(1).

(12) “Compostable Materials Handling Operation” or “Facility” means an operation or facility that processes, transfers, or stores compostable material. Handling of compostable materials results in controlled biological decomposition. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstocks, and chipped and ground materials. "Compostable Materials Handling Operation or Facility” does not include activities excluded from regulation in section 17855. “Compostable Materials Handling Operation or Facility” also includes:

(A) agricultural material composting operations;
(B) green material composting operations and facilities;
(C) vegetative food material composting facilities;
(D) research composting operations; and,
(EB) chipping and grinding operations and facilities.; and.
(F) biosolids composting operations at POTWs.

(13) “Curing” means the final stage of the composting process that occurs after compost has undergone pathogen reduction, as described in section 17868.3, and after most of the readily metabolized material has been decomposed and stabilized.

(13.5) "Digestate" means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester, as defined in section 17896.2(a)(14). Digestate intended to be composted pursuant to this Chapter may only be handled at a facility that has obtained a Compostable Materials Handling Facility Permit pursuant to section 17854.

(14) “Domestic Sewage” means waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

(15) “Disposal of compostable material and/or digestate” means:

(A) 1. the final deposition of compostable material and/or digestate on land, unless excluded from this Chapter 3.1 pursuant to section 17855;
2. Storing or stockpiling more than 200 cubic yards of compostable material, other than stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration requirements of section 17866.2, on land for a combined period of time greater than six months — 30 days, except as provided in subdivision (A) 3.; or

3. Storing or stockpiling more than 200 cubic yards of agricultural material and green material, or compost for more than twelve months on prime land that is zoned for agricultural land use as defined in Government Code section 51204, unless the EA, after RWQCB in consultation with the EA applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that storing or stockpiling the material more than 12 months will not adversely affect the public health and safety or the environment may remain within the operations area for a period of time greater than specified.

(B) Disposal of compostable material does not include the use of compostable material for:

1. Alternative daily cover material for beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of Regulations, section 20686; or

2. For mine reclamation in accordance with applicable law. Notwithstanding this section, use of compostable organic material as a alternative daily cover material shall still require approval for use pursuant to Title 27, California Code of Regulations, section 20680 and may require additional approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.

(C) Disposal does not include for land application of compostable organic material as defined in section 17852(a)(24.5). “Land Application” means the application of compostable material, excluding food material or mixed solid waste for the following applications: to forest, agricultural, and range land at agronomic rates; in accordance with California Department of Food and Agriculture (CDFA) requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.

4. as specified in section 17852(a)(24.5)(B).

(D) Should the EA have reasonable reason to believe that a person engaged in activities that meet the definition of disposal of compostable material or authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall be on each person engaging in or authorizing such activities the land owner or operator to demonstrate otherwise.

(E) If the activities at a site meet the definition of disposal of compostable material and/or digestate, the site shall be regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).

16) “Dry Weight Basis” or “Dry Weight” means weight calculated on the basis of having been dried until reaching a constant mass, that results in essentially 100 percent solids content.

17) “Enclosed Composting Process” means a composting process where the area that is used for the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed sides and rests on a stable surface with environmental controls for moisture and air-borne emissions present.

18) “EA” means enforcement agency.

19) “Feedstock” means any compostable organic material used in the production of compost or chipped and ground material including, but not limited to, agricultural material, green material, vegetative food material, food material, biosolids, digestate, and mixed solid waste material. Feedstocks shall not be considered as either additives or amendments.

20) “Film plastic” means sheet plastic 10 mil or less in thickness.

21) “Food Material” means any waste material of plant or animal origin that was acquired for results from the preparation or processing of food for animal or human consumption, and that is separated from the municipal solid waste stream, and that does not meet the definition of “agricultural material”. Food material may include, but is not limited to, material food waste from food facilities as defined in Health and Safety Code section 113785 113789 (such as restaurants), food processing establishments as defined in Health and Safety Code section 111955, grocery stores, institutional cafeterias (such as prisons, schools and hospitals), and residential food scrap collection. Food material does not include any material that is required to be handled only pursuant to the California Food and Agricultural Code and regulations adopted pursuant thereto.

(A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant material and is separated from other food material and the municipal solid waste stream. Vegetative food material may be processed or cooked but must otherwise retain its essential natural character and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food
material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and
spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 percent
of physical contaminants by dry weight, and meets the requirements of section 17868.5.
(21) "Green Material" means any plant material except food material and vegetative food material
that is separated at the point of generation contains no greater than 1.0 percent physical
contaminants by dry weight, and meets the requirements of section 17868.5. Green material includes,
but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood
waste from silviculture and manufacturing, and construction and demolition wood waste. Green
material does not include food material, vegetative food material, biosolids, mixed solid waste
material, material processed separated from commingled solid waste collection or processing, wood
containing lead-based paint or wood preservative, or mixed construction or mixed and demolition
debris. Agricultural material, as defined in this section 17852(a)(5), that meets this definition of
"green material" may be handled as either agricultural material or green material.
(22) "Green Material Composting Operation" or "Facility" is an operation or facility that composes
green material, additives, and/or amendments. A green material composting operation or facility may
also handle manure and paper products. An operation or facility that handles a feedstock that is not
green material, manure, or paper products, shall not be considered a green material composting
operation or facility. "Green Material Composting Operation" or "Facility" does not include activities
excluded from regulation in section 17855.
(23) "Handling" means the processing, transfer, and storage of compostable materials. Handling of
compostable materials results in controlled biological decomposition. Handling includes composting,
screening, chipping and grinding, and storage activities related to the production of compost, compost
feedstocks, and chipped and ground materials.
(24) "Insulating Material" means material used for the purpose of minimizing the loss of heat from a
compost pile undergoing the "Process to Further Reduce Pathogens" (PFRP), as described in section
17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.
(24.5) "Land Application" means either subdivision (A) or (B):
(A) The final deposition of compostable material and/or digestate spread on any land, including
land zoned only for agricultural uses, under the following conditions:
1. On and after January 1, 2018, the compostable material and/or digestate does not contain
more than 0.05% by dry weight of physical contaminants greater than 4 millimeters (no more than
20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters), as specified in section
17868.3.1, at the time of land application;
2. The compostable material and/or digestate meets the maximum metal concentrations, as
specified in section 17868.2, at the time of land application;
3. The compostable material and/or digestate meets the pathogen density limits, as specified in
section 17868.3(b)(1), at the time of land application; and
4. a. On land not zoned only for agricultural uses, the compostable material and/or digestate is
not applied more frequently than once during a 12 month period, and, at the time of the land
application, the compostable material and/or digestate shall not exceed an average of 12 inches in
total, accumulated depth on the land surface. The EA, in consultation with the Regional Water Quality
Control Board, may approve alternative application frequencies and depths, if the EA after such
consultation determines that the alternatives will not adversely affect public health and safety or the
environment.
b. On land zoned only for agricultural uses, the compostable material and/or digestate is not
applied more frequently than three times during a 12 month period, and, at the time of the land
application, the compostable material and/or digestate shall not exceed 12 inches in total,
accumulated depth on the land surface. The EA, in consultation with the California Department of Food
and Agriculture to determine if the land application is agronomically beneficial and with the Regional
Water Quality Control Board regarding water quality, may approve alternative frequencies and depths,
if the EA after such consultation determines that the alternative will not adversely affect public health
and safety or the environment. The Department shall coordinate all EA requests for consultation with
the California Department of Food and Agriculture.
5. Verification of compliance with this subdivision must be provided to the EA upon request.
(B) The final deposition of compostable material spread on land zoned only for agricultural uses
under the following conditions:
1. The compostable material does not contain more than 0.1% by weight of physical
contaminants greater than 4 millimeters; and
2. Prior to land application, the California Department of Food and Agriculture (CDFA) has
determined that the land application is in compliance with all applicable requirements established by
CDFA under Title 2 of the California Code of Regulations, and CDFA has determined that the land
application is agronomically beneficial; and

3. Prior to land application, the EA has received confirmation that CDFA has made the
determination specified in (B) above.

[Notes: (B) This subdivision (a)(24.5) does not apply to:
1. the use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division,
2. the use of compostable material and/or digestate for gardening or landscaping on a parcel of
land 5 acres or less in size,
3. the final deposition of compostable material and/or digestate spread on land by a Federal,
State, or local government entity, provided the material is applied in accordance with applicable law,
4. the final deposition of agricultural by-products material spread on land as authorized by the
State Water Resources Control Board or a Regional Water Quality Control Board pursuant to Waste
Discharge Requirements, a Waiver of Waste Discharge Requirements, an EA Resolution, or other issued
requirements from the State Water Resources Control Board or a Regional Water Quality Control
Board having jurisdiction, provided this final deposition does not adversely affect public health and
safety or the environment.
4. the beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of
Regulations, section 20686, or
5. the beneficial reuse of biosolids pursuant to Part 503, Title 40 of the Code of Federal
Regulations and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-
specific Waste Discharge Requirements or other issued requirements from the State Water Resources
Control Board or a Regional Water Quality Control Board having jurisdiction.
[Note: In addition, as specified in section 17850(d), nothing in these standards shall be construed as
relieving any owner, operator, or designee from the obligation of obtaining all authorizations and
complying with all requirements of other regulatory agencies, including but not limited to, local health
entities, regional water quality control boards, air quality management districts or air pollution control
districts, local land use authorities, and fire authorities.]

(25) “Manure” is an agricultural material and means accumulated herbivore or avian excrement.
This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
mixed with feces or urine.
(26) “Mixed Solid Waste Material” means any compostable material that is part of the municipal
solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed
demolition or mixed construction debris, or plastics. A feedstock that is not source separated or
contains 1.0% or more of physical contaminants by dry weight is mixed solid waste material.
Compostable material that contains mixed demolition or mixed construction debris shall be considered
mixed solid waste.
(27) “Mushroom Farm” means an activity that produces mushrooms. The handling of compostable
material at a mushroom farm prior to and after use as a growth medium is subject to regulation
pursuant to this chapter and is not considered mushroom farming.
(27.5) “Nuisance” includes anything which:
(A) is injurious to human health or is indecent or offensive to the senses and interferes with the
comfortable enjoyment of life or property, and
(B) affects at the same time an entire community, neighborhood or any considerable number of
persons. The extent of annoyance or damage inflicted upon an individual may be unequal.
(28) “Operations Area” means the following areas within the boundary of a compostable material
handling operation or facility:
(A) equipment cleaning, maintenance, and storage areas;
(B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and
(C) process water and stormwater drainage control systems.
(29) “Operator” means the owner, or other person who through a lease, franchise agreement or
other arrangement with the owner, becomes legally responsible for the following:
(A) complying with regulatory requirements set forth in this Chapter;
(B) complying with all applicable federal, state and local requirements;
(C) the design, construction, and physical operation of the site; and
(D) site restoration.
(30) “Owner” means the person or persons who own, in whole or in part, a compostable material
handling operation or facility, or the land on which these operations or facilities are located.
(31) "Pathogenic Organism" means disease-causing organisms.
(32) "Physical Contamination" or "Contaminants" means human-made inert products contained within feedstocks, compostable material, digestate, or compost, including, but not limited to, glass, metal, and plastic.
(33) "Process Water" means liquid that is generated during or used in the production of compost or chipped and ground materials.
(34) "Research Composting Operation" means a composting operation, that is operated for the purpose of gathering research information on composting.
(35) "Separated At The Point of Generation" includes material separated from the solid waste stream by the generator of that material. It may also include material from a centralized facility as long as that material was kept separate from the waste stream prior to receipt by that facility and the material was not commingled with other materials during handling.
(36) "Stabilized Compost" means any organic material that has undergone the Process to Further Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced biological activity as indicated by reduced temperature and rate of respiration below that of active compost.
(37) "Static Pile" means a composting process that is similar to the aerated static pile except that the air source may or may not be controlled.
(38) "Vector" includes any insect or other arthropod, rodent, or other animal capable of transmitting the causative agents of human disease.
(38.5) "Vegetative Food Material Composting Facility" is a facility that comports agricultural material, green material, vegetative food material, additives, and/or amendments. A vegetative food material composting facility may also handle manure and paper products. An operation or facility that handles a feedstock that is not agricultural material, green material, vegetative food material, manure, or paper products, shall not be considered a vegetative food material composting facility. "Vegetative Food Material Composting Facility" does not include activities excluded from regulation in section 17855.
(39) "Vermicomposting" means an activity that produces worm castings through worm activity. The EA may determine whether an activity is or is not vermicomposting. The handling of compostable material prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered vermicomposting.
(40) "Windrow Composting Process" means the process in which compostable material is placed in elongated piles. The piles or "windrows" are aerated and/or mechanically turned on a periodic basis.
(41) "Within-vessel Composting Process" means an aerobic process in which compostable material is enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost, maintained under uniform conditions of temperature and moisture where air-borne emissions are controlled.
(42) "Wood Waste" means solid waste consisting of wood pieces or particles which are generated from the manufacturing or production of wood products, harvesting, processing or storage of raw wood materials, or construction and demolition activities.
(43) "Yard Trimmings" means any wastes generated from the maintenance or alteration of public, commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree trimmings, prunings, brush, and weeds.


Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities

§ 17854. Compostable Materials Handling Facility Permit Requirements.
Except as specified in this Article, all compostable materials handling activities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations.

§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities.

Sections 17854 through 17862.1 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5., Article 3.0., commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of Regulations) for compostable material handling operations and facilities. These requirements are summarized in Table 1.

Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency Notification Tier</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Material Composting Operations (all)</td>
<td>Composting Facilities (all)</td>
<td>(e.g. biosolids, digestate, food material, mixed material)</td>
<td>Section 17854.</td>
</tr>
<tr>
<td>Refer to Section 17855</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Green Material Composting Operations (≤ 12,500 yd³)</td>
<td>Vegetative Food Material Composting Facilities (≤ 12,500 yd³)</td>
<td>Green Material Composting Facilities (&gt; 12,500 yd³)</td>
<td>Section 17857.1 (c)</td>
</tr>
<tr>
<td>Section 17857.1(a)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Biosolids Composting Operations at POTWs (all)</td>
<td></td>
<td>Vegetative Food Material Composting Facilities (&gt; 12,500 yd³)</td>
<td>Section 17857.2</td>
</tr>
<tr>
<td>Section 17859.1</td>
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<td></td>
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</tr>
<tr>
<td>Research Composting Operations (≤ 5,000 yd³) (Within-vessel &gt; 5,000 yd³ with EA determination)</td>
<td></td>
<td></td>
<td>Section 17857.2</td>
</tr>
<tr>
<td>Section 17862.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chipping and Grinding Operations (≤ 200 tpd)</td>
<td>Chipping and Grinding Facilities (&gt; 200 tpd and ≤ 500 tpd)</td>
<td>Chipping and Grinding Facilities (&gt; 500 tpd)</td>
<td>Section 17862.1(c)</td>
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<td>Section 17862.1(a)</td>
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§ 17855. Excluded Activities.

(a) Except as provided otherwise in this Chapter, the activities listed in this section do not constitute compostable material handling operations or facilities for the purposes of this Chapter and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(1) An activity is excluded if it handles agricultural material, derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site...
owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an
incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

(2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after
its use as a growth medium during the vermicomposting process is not an excluded activity and is
subject to the requirements of this chapter. Handling of agricultural material on the site of a
vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it
complies with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory
Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),
whichever is applicable, as follows:
(A) when the compostable material is active compost or is likely to become active compost, as
determined by the EA, the requirements of this chapter apply;
(B) at all other times when it is not being used as a growth medium during vermicomposting, the
compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory
Requirements.

(3) Mushroom farming is an excluded activity. The handling of compostable material prior to and
after its use as a growth medium during the mushroom farming process is not an excluded activity
and is subject to the requirements of this chapter. Handling of agricultural material on the site of a
mushroom farm, for use as mushroom bedding on that same site, is an excluded activity if it complies
with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory
Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),
whichever is applicable, as follows:
(A) when the compostable material is active compost or is likely to become active compost, as
determined by the EA, the requirements of this chapter apply;
(B) at all other times when it is not being used as a growth medium during mushroom farming,
the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory
Requirements.

(4) Handling of green material, feedstock, additives, amendments, compost, or chipped and ground
material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable
materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or
given away annually. The compostable material may also include up to 10% food material by volume.

Composting green material, agricultural material, food material, and vegetative food material, alone or
in combination, is an excluded activity if the total amount of feedstock and compost on-site at any one
time does not exceed 100 cubic yards and 500-750 square feet.

[Note: Persons handling compostable material under the above exclusion are obligated to obtain all
permits, licenses, or other clearances that may be required by other regulatory agencies including, but
not limited to local health entities and local land use authorities.]

(5) The handling of compostable materials is an excluded activity if:
(A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered
or full permit as defined in section 18101,
   1. has a Report of Facility Information which is completed and submitted to the EA that
identifies and describes the activity and meets the requirements of Titles 14 or 27; and,
   2. will only use the material on the facility site or
(B) the activity is solely for the temporary storage of biosolids sludge at a Publicly Operated
Owned Treatment Works (POTW), or
(C) the activity is located at the site of biomass conversion and is for use in biomass conversion as
defined in Public Resources Code section 40106; or
(D) the activity is part of a silvicultural operation or a wood, paper, or wood product
manufacturing operation; or
(E) the activity is part of an agricultural operation and is used to temporarily store or process
agricultural material not used in the production of compost or mulch; or
(F) the activity is part of an operation used to chip and grind materials derived from and applied
to lands owned or leased by the owner, parent, or subsidiary of the operation; or
(G) the activity is part of an agricultural operation used to chip and grind agricultural material
produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation,
for use in biomass conversion; or
(H) the activity is part of a licensed animal food manufacturing or a licensed rendering operation.
(I) the activity is the storage of yard trimmings at a publicly designated site for the collection of
lot clearing necessary for fire protection provided that the public agency designating the site has
notified the fire protection agency; or

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(J) the materials are handled in such a way to preclude their reaching temperatures at or above 122 degrees Fahrenheit as determined by the EA.; or
(6) Non-commercial composting with less than one cubic yard of food material is excluded provided that all compostable material is generated and used on site.
(7) Storage of bagged products from compostable material is an excluded activity provided that such bags are no greater than 5 cubic yards.
(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.
(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as determined by the EA; land application in accordance with California Department of Food and Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770 et seq.


§ 17855.2. Prohibitions.
The following activities are prohibited at all compostable materials handling operations and facilities and at all sites where compostable materials handling activities that are excluded from regulation under this Chapter occur:
(a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow is prohibited, except when received:
(1) from the a food service industry facility as defined in Health and Safety Code section 113789, grocery stores, or residential food scrap collection; or
(2) as part of a research composting operation for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concern, in accordance with section 17862.; or
(3) from a source approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture.
(b) The composting of treated or untreated medical waste is prohibited.
(c) The composting of hazardous waste is prohibited.


§ 17855.3. Permit Name.
Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and 17857.2(a), shall be entitled: “Compostable Materials Handling Facility Permit.”


§ 17855.4. Pre-Existing Permits and Notifications.
(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations, sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is required. If the EA makes such a determination, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.
(b) If an operation had previously been operating pursuant to an EA Notification in accordance with the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance with its EA Notification or regulatory authorization until the EA determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this determination no sooner than 120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable Materials Handling Facility Permit is required, the operator shall comply with the Compostable Materials Handling Facility Permit.
§ 17856. Agricultural Material Composting Operations.
(a) All agricultural material composting operations and chipping and grinding operations shall comply with the Enforcement Agency Notification requirements set forth in Title 14, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.
(b) If the operation has violated the requirements for odor impacts of section 17867 and the requirements of this Chapter.
(c) If the EA determines that the activity is required to comply with the Compostable Materials Handling Facility Permit requirements, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.
(d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate in accordance with its regulatory authorization until the EA determines that a different authorization is required. The EA shall make this determination within 120 days from April 4, 2003.
(1) If the EA determines that the activity is required to comply with the EA Notification requirements, the operator 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), within 120 days from that determination.
(2) If the EA determines that the activity is required to comply with the Registration requirements, the operator shall comply with the Registration requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) within 120 days from that determination.
(3) If the EA determines that the activity is required to comply with the Compostable Materials Handling Facility Permit requirements, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years from that determination.

an additional risk to public health and safety and the environment. The EA shall forward a copy of the request and approval to the Board.

(2) Those operations that sell or give away more than 1,000 cubic yards of material per year, shall have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped and ground material, on-site at any one time and shall be inspected by the EA once every three (3) months.

(3) These sites shall record the quantity received of green material.

(d) Agricultural material composting operations whose feedstock is both green material and agricultural material are subject to the following requirements:

(1) Producers located on Agricultural Land:

(A) Operations located on land that is zoned for agricultural uses that sell or give away less than 1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and green material on the site; provided, however, the EA may limit the amount of green material feedstock on-site to 12,500 cubic yards upon making a written finding that handling the excess material may pose a risk to public health and safety or the environment.

(B) The EA shall inspect operations authorized under this subdivision (d)(1) at least once each calendar year at a time when compostable material on the site is active compost.

(2) Other Producers:

(A) Operations located on land that is not zoned for agricultural uses and operations that sell or give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock on the site at any time.

(B) The EA shall inspect operations authorized under this subdivision (d)(2) at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. At least one of the required inspections each year shall occur at a time when compostable material on the site is active compost.


(a) A green material composting operation that has up to may have no more than 12,500 cubic yards of feedstock, compost, or chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time. Green material composting operations 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) and with the applicable requirements specified in this Chapter.

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural users and other consumers, the operator may request in writing that the EA authorize it to temporarily exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed on-site ("seasonal storage adjustment"). At the EA’s discretion, the seasonal storage adjustment for stabilized compost may be extended to the storage time and storage volume specified in the land use entitlement for the site if the EA finds, on the basis of substantial evidence, that the adjustment does not increase the potential harm to public health and safety, and the environment. The EA shall respond in writing to the operator’s request within 30 days of receipt.

The EA may authorize such a seasonal storage adjustment if the EA determines it will not adversely affect public health and safety or the environment. The EA may impose any reasonable conditions on its approval of a the seasonal storage adjustment. The initial term seasonal storage adjustment may not exceed the storage time specified in the land use entitlement or 30 days, whichever is less. The EA may extend the seasonal storage adjustment may be extended by one or more additional 30-day seasonal
storage adjustments: periods not exceeding the storage time specified in the land use entitlement or a total of 90 days per calendar year, whichever is less.

(A) With its request for a seasonal storage adjustment, the operator shall submit to the LEA a storage plan containing the following to the EA:

1. A description of the storage capacity at the operation including the assumptions, methods, and calculations used to determine total storage capacity.

2. A schematic drawing showing the general layout of the operation and the location(s) where all materials at the site are stored with specific identification of the proposed location of the excess material.

3. A description of any additional fire prevention, protection and control measures needed to minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any such fires, which measures shall be approved by the local fire authority.

4. Where applicable, any revisions to the odor impact minimization plan necessary to address the storage of the additional material or a statement, with supporting information, that no revisions are necessary.

(b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost, or chipped and ground material on-site at any one time shall be inspected by the EA at least once every three (3) months, unless an operator request for a reduced inspection frequency of no less than annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA finds that it will not pose an additional risk to public health and safety and the environment. The EA shall forward a copy of the request and approval to the Board.

(b) A green material composting operation or facility exceeds any combination of the following requirements three (3) or more times within any two (2) year period, which the EA determines constitutes a violation of this Chapter, the facility no longer qualifies for an EA Notification under this section:

1. Receipt of material that contains greater than 1.0% physical contaminants by dry weight as specified in section 17852(a)(21);

2. Failure to comply with the processing requirements set forth in section 17868.5;

3. Failure to comply with the maximum volume on-site at any one time limit set forth in subdivision (a) above.

Upon the third such violation, the EA shall notify the operator in writing that the facility no longer qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease and desist order pursuant to section 18304 directing, among other things, that the operator immediately cease accepting material at the site until the operator has demonstrated to the EA that it has corrected the violations and eliminated the cause of the violation. Notwithstanding, the EA may at any time take any additional enforcement action the EA deems appropriate.

(c) A site that handles green material composting facility that has more than 12,500 cubic yards of feedstock, compost, or-chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time is a green material composting facility, excepting green material composting operations which the EA has authorized a seasonal storage adjustment pursuant to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations. Green material composting facilities shall comply with the applicable requirements specified in this Chapter 3.1.

[Note: See section 17868.5 for green material processing requirements.]


§ 17857.2. Vegetative Food Material Composting Facilities.

(a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock, compost, and chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time and shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of this Chapter.
(b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock, chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(Note: See section 17868.5 for green material and vegetative food material processing requirements.)


§ 17859.1. Biosolids Composting at POTWs.
(a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly Operated Owned Treatment Works (POTW) 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).

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]
(b) All other composting of biosolids shall comply with section 17854.


§ 17862. Research Composting Operations.
(a) An operator conducting research composting operations shall not have more than 5,000 cubic yards of feedstock, chipped and ground material, additives, amendments, active compost, and stabilized 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, chipped and ground material, additives, amendments, chipped and ground material, active compost, and stabilized 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 at least once each no more than a two year period of operation. Review criteria the operator of a research composting operation shall submit to the EA a report that includes the results and conclusions drawn from the research. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870, or obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to continuing operations.
(e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, 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.
(3) After no more than a six-month period of operation, the EA Notification for the operator of a
research composting operation using unprocessed mammalian tissue as feedstock shall include the EA
report that includes the results and conclusions drawn from the research and documentation of
additional requirements of this section shall be reviewed after each six month period of operation. If
the EA determines based on the report that there are further research objectives to be met or data to
be gathered, the EA may extend the research for a specified time period not to exceed two years. If
the EA determines based on the report that there are no further research objectives to be met or data
to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870, or
obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to continuing
operations.
(f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to
the EA with the 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.
(g) These operations shall be inspected by the EA at least once every three (3) months unless the EA
approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.]

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

(a) A chipping and grinding operation that receives up to 200 tons per day of material that may be
handled by a green material composting operation 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 and the applicable requirements specified in this
Chapter.
(1) These operations shall be inspected by the EA at least once every three (3) months unless the
EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.]
(b) A chipping and grinding facility that receives more than 200 tons per day but not more than,
and up to 500 tons per day of material that may be handled by a green material composting operation
shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of
Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply
with the applicable requirements of this Chapter.
(c) A chipping and grinding facility that receives more than 500 tons per day of material that may be
handled by a green material composting operation shall obtain a Compostable Materials Handling
Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2,
Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
section 21450) prior to commencing operations and shall comply with the applicable requirements of
this Chapter.
(d) On and after January 1, 2018, a chipping and grinding operation or facility shall sample every
5,000 cubic-yards of chipped and ground material produced and determine the percentage of physical
contaminants greater than 4 millimeters in the sample using a method that provides accurate results
and has been approved by the EA. If the chipping and grinding operation or facility produces less than
5,000 cubic-yards of chipped and ground material in a 12 month period, the operator shall analyze at
least one composite sample of composted chipped and ground material produced every 12 month period.
The determination of the percentage of physical contaminants shall occur prior to the point where
material is removed from the site. A chipping and grinding operation or facility shall not be subject to

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
43020 and 43021, Public Resources Code.
Any chipped and ground material that will be land applied must meet the physical contamination requirements of section 17852(a)(24.5)(A)(1).

de) A chipping and grinding operation or facility shall not be subject to the provisions of sections 17868.1 through 17868.3.1 of this Chapter, however, any chipped and ground material that will be land applied must meet the maximum metal concentration and pathogen reduction requirements of section 17852(a)(24.5)(A)(2) and (3).

ef) If a chipping and grinding operation or facility exceeds the contamination limits specified in section 17852(a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory requirements (commencing at section 17400).

g) If a chipping and grinding operation or facility stores material for a longer period of time than is allowed by section 17852(a)(10)(A)(2), then the site it shall be regulated as a green material handling-composting operation or facility, as set forth in this Chapter.


### Article 3. Report of Facility Information

§ 17863. Report of Composting Site Information.

Each operator of a compostable material handling facility that is required to obtain a Compostable Materials Handling Facility Permit or a Registration Permit for a Vegetative Food Material Composting Facility, as specified in Article 2 of this Chapter, shall, at the time of application, file a Report of Composting Site Information with the EA. If the operator intends to alter the permitted feedstock, these changes must be reported to the EA for maintenance of permit status. Such changes may become the basis for revisions to the permit or for revocation of the permit.

(m) A description of the proposed site restoration activities, in accordance with Section 17870.


§ 17863.4. Odor Impact Minimization Plan.

(a) All compostable material handling operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.

(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.

(1) an odor monitoring and data collection protocol for on-site odor sources, which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,

(2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,

(3) a complaint response and recordkeeping protocol; and,

(4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns as applicable; and,

(5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), biofiltration, and tarping as applicable.

(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.

(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.
(e) The odor impact minimization plan shall be used by the EA to determine whether or not the
operation or facility is following the procedures established by the operator. If the EA determines that
the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
(pursuant to section 18304) to require the operator to either comply with the odor impact
minimization plan or to revise it.

(f) If the odor impact minimization plan is being followed, but and the EA determines, in a manner
consistent with section 18302(d), that odor impacts are still occurring, the EA may issue shall direct
the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report)
as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a
Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and
feasible measures to minimize odors; unless:
   (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
   (2) there is an imminent threat to public health and safety and the environment; or
   (3) a public nuisance has occurred.

Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code. Reference:
Sections 43020, 43021 and 43209.1, Public Resources Code.

(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
or the EA may require the operator to prepare a Report after consecutive or chronic odor
violations as determined pursuant to section 17863.4(f).

(b) The Report shall:
   (1) Present representative and correlating odor data for each potential onsite odor source including
       but not limited to: odor severity, odor characteristics, time and weather conditions when data was
       collected, description of operations associated with the source, and any odor impacts or complaints
       received;
   (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
       contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
       order of impact;
   (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):
       (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
           Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
           has used to minimize odor and analyze each BMP for the following:
           1. The effectiveness of the BMP in reducing odor impacts;
           2. The potential for more extensive use of the BMP to minimize odor impacts described by
              complainants;
           3. If the BMP has been operationally practical and if more extensive use of the BMP would be
              operationally practical;
           4. The approximate cost to implement a more extensive use of the BMP;
           5. Any permits or permit changes necessary to use the BMP more extensively;
           6. Overall recommendation if existing BMPs should be continued and if more extensive use of
              the BMP is recommended; and
           7. If the BMP has been found to be ineffective (include supporting data);
       (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
           Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
           operator has not used and analyze each potential BMP to determine:
           1. The potential for the BMP to reduce odor impacts described by complainants;
           2. If the BMP is operationally practical;
           3. The approximate cost to implement the BMP;
           4. Any permits or permit changes necessary to use the BMP; and
           5. Overall recommendation and ranking of implementing the BMP.
       (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
           the analysis conducted pursuant to subdivision (b)(3)(A) and (B).
   (c) The operator shall submit the Report required by subdivisions (a) and (b), and the plan and
       schedule required by subdivision (b)(3)(C), to the EA and the Department for review. If the EA has
       required the operator to prepare a Report pursuant to subdivision (a), the operator shall submit the
       plan and schedule within 14 days or other timeframe approved by the EA.
   (d) The EA, in consultation with the Department, shall within 30 days:
(1) approve the Report and associated plan and direct the operator in writing to implement the plan in whole or in part; and/or
(2) direct the operator in writing to submit specific changes or additional information within a timeframe specified by the EA.
(e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision (d)(1) or (d)(2).


Article 6. Composting Operating Standards

§ 17867. General Operating Standards.
(a) All compostable materials handling operations and facilities shall meet the following requirements:
(1) All handling activities are prohibited from composting any material specified in section 17855.2 of this Chapter.
(2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not cause a nuisance.
(3) All handling activities shall be conducted in a manner that minimizes vectors, odor impacts, litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and transportation of dust, particulates, and pathogenic organisms.
(4) Random load checks of feedstocks, additives, and amendments for contaminants shall be conducted.
(5) Contamination of compostable material that has undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.
(6) Unauthorized human or animal access to the facility shall be prevented.
(7) Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe manner.
(8) All compostable materials handling operations and facilities that are open for public business shall post legible signs at all public entrances. These signs shall include the following information:
(A) name of the operation or facility,
(B) name of the operator,
(C) facility hours of operation,
(D) materials that will and will not be accepted, if applicable,
(E) schedule of charges, if applicable, and
(F) phone number where operator or designee can be reached in case of an emergency.
(9) The operator shall provide fire prevention, protection and control measures, including, but not limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression, and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided to allow fire control equipment access to all operation areas.
(10) The operator shall provide telephone or radio communication capability for emergency purposes.
(11) Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground material shall be removed from the site within 7 days and transported to an appropriate facility.
(12) Enclosed operations and facilities shall provide ventilation to prevent adverse public health effects from decomposition gases.
(13) The operator shall ensure that leachate is controlled to prevent contact with the public.
(14) The operator shall prevent or remove physical contaminants in compost and chipped and ground materials that may cause injury to humans.
(15) A attendant shall be on duty during business hours if the operation or facility is open to the public.


Article 7. Environmental Health Standards
§ 17868.1. Sampling Requirements.

All composting operations that sell or give away greater than 1,000 cubic yards of compost annually, and all composting facilities shall meet the following requirements:

(a) Operators shall verify that compost meets the maximum acceptable metal concentration limits specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3. Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall occur at prior to the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used on-site. Sample Test results of samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced. This verification shall be performed by taking and analyzing at least one composite sample of compost, following the requirements of this section as follows:

(1) An operator who composes agricultural material, green material, food material, vegetative food material, or mixed solid waste material shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced. If the compostable material handling composting operation or facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample of compost produced every 12 month period.

(2) An operator who composts biosolids shall meet the sampling schedule described in Table 12 below.

Table 12- Frequencies of Compost Sampling for Biosolids Composting Facilities

<table>
<thead>
<tr>
<th>Amount of Biosolids Compost Feedstock</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than zero but fewer than 290</td>
<td>annually</td>
</tr>
<tr>
<td>Equal to or greater than 290 but fewer than 1,500</td>
<td>quarterly</td>
</tr>
<tr>
<td>Equal to or greater than 1,500 but fewer than 15,000</td>
<td>bimonthly</td>
</tr>
<tr>
<td>Equal to or greater than 15,000</td>
<td>monthly</td>
</tr>
</tbody>
</table>

(A) The amount of biosolids compost feedstock shall be calculated in dry weight metric tons.

(3) Composite sample analysis for maximum acceptable metal concentrations, specified in section 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health Services, pursuant to the Health and Safety Code.

(b) A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below.

(1) The twelve samples shall be of equal volume.

(2) The twelve samples shall be extracted from within the compost pile as follows:
   (A) Four samples from one-half the width of the pile, each at a different cross-section;
   (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
   (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

(c) The EA may approve alternative methods of sampling for a green material composting operation or facility that ensures the maximum metal concentration requirements of section 17868.2 and the pathogen reduction requirements of section 17868.3 are met.


§ 17868.2. Maximum Metal Concentrations.

(a) Compost products derived from compostable materials that contain any metal in amounts that shall not contain metals in excess exceed of the maximum acceptable metal concentrations shown in
Table 23. Compost that contains any metal in excess of any maximum metal concentrations shall be designated for disposal, additional processing, disposal, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Sample Test results of samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

Table 23 - Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>1200 (see subdivision (a)(1) below)</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>1500</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>36-100</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>

(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

(b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section, including but not limited to sampling frequencies, may be approved by the EA for green and food materials composting operations and facilities if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 23 are not exceeded.


§ 17868.3. Pathogen Reduction.
(a) Compost products derived from compostable materials, that contains pathogens in amounts that shall not exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, disposal, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Sample Test results of samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

(b) Operators that produce compost shall ensure that:
   (1) The density of fecal coliform in compost, that is or has at one time been active compost, shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis).
   (2) At enclosed or within-vessel composting process operations and facilities, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.
      (A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of Subdivision (b)(2) of this section.
      (3) If the operation or facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.
      (4) If the operation or facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained...
at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

d) Compost operations and facilities that utilize a windrow composting process or an aerated static pile composting process shall be monitored as follows to ensure that the standards in Subdivision (b) of this section are met:

   (1) Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.

   (2) Temperature measurements for pathogen reduction shall be measured as follows:

      (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;

      (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.

(d) Alternative methods of compliance to meet the pathogen reduction requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.


§ 17868.3.1. Physical Contamination Limits.
This section shall become operative January 1, 2018.

(a) Compost shall not contain more than 0.10.5% by dry weight of physical contaminants greater than 4 millimeters; no more than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters in excess of either one or both of these limits shall be designated for disposal, additional processing, disposal or other use as approved by local, state or federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur prior to the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise or beneficially used on-site. Sample Test results of samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

(b) Upon request of the EA, a compostable material handling operation shall take a sample of compost and send it to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

(c) All compostable material handling facilities shall take one representative sample for every 5,000 cubic-yards of compost and send it to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

(b) The operator of a compostable material handling operation or facility shall sample every 5,000 cubic-yards of compost produced and determine the percentage of physical contaminants greater than 4 millimeters in the sample using a method that provides accurate results and has been approved by the EA. If the compostable material handling operation or facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample of compost produced every 12 month period.

(c) If the EA has reason to believe, based on the EA’s visual observation or otherwise, that a determination of percent physical contaminants made pursuant to section 17868.3.1(b) is not accurate, the EA may require an operator of a compostable material handling operation or facility to take a composite sample of compost in the presence of the EA and send the sample to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed to determine the percentage of physical contaminants by dry weight using the following protocol:

   (1) Determine the total dry weight of the composite sample as obtained in section 17868.3.1(d);

   (2) Separate the physical contaminants greater than 4 millimeters from the composite sample and determine the dry weight of the physical contaminants;

   (3) Determine the percentage of physical contaminants by dividing the dry weight of the physical contaminants by the total dry weight of the composite sample.
(d) Any sampling conducted to comply with this section shall require a composite sample. A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below.

(1) The twelve samples shall be of equal volume.
(2) The twelve samples shall be extracted from within the compost pile as follows:
   (A) Four samples from one-half the width of the pile, each at a different cross-section;
   (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
   (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

(e) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure the physical contamination limits requirements of this section are met.

(3) if available, the name, address, and telephone number of the person or persons making the complaint, and
(4) any actions taken to respond to the complaint.
(d) The operator shall record the quantity and type of feedstock received and quantity of compost and chipped and ground material produced. Agricultural compostable materials handling operations shall maintain records only for compostable material accepted from off-site.
(e) The operator shall record the number of load checks performed and loads rejected.
(f) The operator shall record all test results generated by compliance with Article 7 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings; chipping and grinding operations and facilities must record the determinations of the percentage of physical contaminants required by 17862.1(d).
(1) The operator shall retain records detailing pathogen reduction methods.
(g) The operator shall record and retain records of any serious injury to the public occurring on-site and any complaint of adverse health effects to the public attributed to operations. Serious injury means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which a member of the public suffers a loss of any member of the body or suffers any degree of permanent disfigurement.
(h) The operator shall retain a record of training and instruction completed in accordance with section 17867.5.


Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements

§ 17896.1. Authority and Scope.
(a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel digestion operations and facilities that receive and process by means of in-vessel digestion solid wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of this Division, may still be subject to the regulatory requirements specified in this Chapter.
(b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code, as amended. These regulations should be read together with the Act.
(c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This Chapter establishes standards and regulatory requirements for the intentional processing of organic material by means of in-vessel digestion.
(d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage, handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to enforce any provision of law that it is authorized or required to enforce or administer, nor limits or restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter.
(e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, or reports, or other requirements of other regulatory or enforcement agencies, including but not limited to, local health agencies, regional water quality control boards, Department of Toxic Substances Control, California Department of Industrial Relations, Division of Occupational Safety and Health, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.

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§ 17896.2. Definitions.
(a) For the purposes of this Chapter:

(1) "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as "food material" or "vegetative food material" is not agricultural material. Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

(2) "Agricultural Site" means activities located on land that is zoned for agricultural uses.

(3) "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.

(4) "Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.

(5) "Contact Water" means water that has come in contact with waste and may include leachate.

(6) "Digestate" means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester.

(7) "Digestion" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic solid wastes. Digestion includes:

(A) Aerobic digestion - the controlled biological decomposition of organic material in the presence of oxygen.

(B) Anaerobic digestion - the controlled biological decomposition of organic material in the absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a residual digestate.

(C) Other controlled biological decomposition processes.

(8) "Dairy In-vessel Digestion Operation" means, except as otherwise specified in section 17896.6(a)(3), a dairy that receives imported solid waste feedstock, for purposes of co-digestion, with manure in an in-vessel digester, imported solid waste feedstock with manure and other agricultural materials in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board. The Dairy In-vessel Digestion Operation may also co-digest agricultural material.

(9) "Distribution Center In-vessel Digestion Operation" means a site that receives, for the purpose of digestion in an in-vessel digester, unsold products from retail stores to which the products were originally sent. All unsold products shall be collected and processed in covered, leak-proof containers, and remain in the custody of the owner at all times. All unsold products that are putrescible material shall be refrigerated at the retail store and shall be maintained at a core temperature of 3 degrees Celsius (55 degrees Fahrenheit) or less during transport to the operation.

(10) "EA" means enforcement agency as defined in PRC section 40130.

(11) "Film plastic" means sheet plastic 10 mil or less in thickness.

(12) "Food Material" means a waste material of plant or animal origin that results from the preparation or processing of food for animal or human consumption and that is separated from the municipal solid waste stream. Food material includes, but is not limited to, food waste from food facilities as defined in Health and Safety Code section 113789 (such as restaurants), food processing establishments as defined in Health and Safety Code section 111955, grocery stores, institutional cafeterias (such as prisons, schools and hospitals), and residential food scrap collection. Food material does not include any material that is required to be handled only pursuant to the California Food and Agricultural Code and regulations adopted pursuant thereto.

(A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant material and is separated from other food material and the municipal solid waste stream. Vegetative food material may be processed or cooked but must otherwise retain its essential natural character and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and
spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 of percent
physical contaminants by dry weight, and meets the requirements of section 17896.61.
\((\text{4113})\) “Hazardous Wastes” means any waste which meets the definitions set forth in Title 22,
section 66261.3, et seq.
\((\text{4114})\) “In-vessel Digester” means the sealed container(s) or sealed structure in which the entire
digestion process occurs.
\((\text{4115})\) “Large Volume In-vessel Digestion Facility” means a facility that receives an average greater
than 100 tons or more of solid waste per operating day or greater than 700 tons (2,800 cubic yards)
per week of solid waste for digestion in an in-vessel digester.
\((\text{4116})\) “Limited Volume In-vessel Digestion Operation” means an operation that receives less than
an average of 15 tons (or 60 cubic yards) of solid waste per operating day for digestion in an in-vessel
digester. The amount of solid waste the operation receives but shall not exceed 105 tons (or 420 cubic
yards) per week of solid waste for digestion in an in-vessel digester. Additionally, the operation shall
not exceed the solid waste quantity storage capacity limitations of the general design of the
operation (whichever is less).
\((\text{4117})\) “Litter” means all solid waste which has been improperly discarded or which has migrated by
wind or equipment away from the operations area. Litter includes, but is not limited to, convenience
food, beverage, and other product packages or containers constructed of steel, aluminum, glass,
paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters
of the state.
\((\text{4118})\) “Manure” is an agricultural material and means accumulated herbivore or avian excrement.
This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
mixed with feces or urine.
\((\text{4119})\) “Medium Volume In-vessel Digestion Facility” means a facility that receives an average of
between 15 tons (or 60 cubic yards) and or more but less than 100 tons of solid waste per operating
day for digestion in an in-vessel digester. The amount of solid waste the operation receives but shall
not exceed be less than 700 tons (or 2,800 cubic yards) per week of solid waste for digestion in an in-
vessel digester. Additionally, the facility shall not exceed the solid waste quantity storage capacity
limitations of the general design of the operation (whichever is less).
\((\text{4120})\) “Nuisance” includes anything which:
\((\text{A})\) is injurious to human health or is indecent or offensive to the senses and interferes with the
comfortable enjoyment of life or property, and
\((\text{B})\) affects at the same time an entire community, neighborhood or any considerable number of
persons. The extent of annoyance or damage inflicted upon an individual may be unequal.
\((\text{4121})\) “On-site” means located within the boundary of the operation or facility.
\((\text{4122})\) “Operating Day” means the daily hours of operation for a facility or operation as set forth in
the application, Enforcement Agency Notification or solid waste facilities permit.
\((\text{4123})\) “Operating Record” means an easily accessible collection of records of an operation's or
facility's activities and compliance with required state minimum standards under Title 14. The Record
may include the In-vessel Digestion Facility Plan or In-vessel Digestion Report for facilities, and shall
contain but is not limited to containing: agency approvals, tonnage and load checking records, facility
contacts and training history. The record may be reviewed by state and local authorities and shall be
available during normal business hours. If records are too voluminous to place in the main operating
record or if the integrity of the records could be compromised by on-site storage, such as exposure to
weather, they may be maintained at an alternative site, as long as that site is easily accessible to the
EA.
\((\text{4124})\) “Operations Area” means:
\((\text{A})\) the following areas within the boundary of an operation or facility as described in the permit
application or Enforcement Agency Notification:
\(1.\) equipment management area, including cleaning, maintenance, and storage areas; and
\(2.\) material and/or solid waste management area, including unloading, handling, transfer,
processing, and storage areas.
\((\text{B})\) the boundary of the operations area is the same as the permitted boundary of the operation or
facility but may or may not be the same as the property boundary on which the operation or facility is
located.
\((\text{4125})\) “Operator” means the owner, or other person who through a lease, franchise agreement or
other arrangement with the owner, that is listed in the permit application or Enforcement Agency
Notification and is legally responsible for all of the following:
\((\text{A})\) complying with regulatory requirements set forth in these Articles;
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(2426) “Owner” means the person or persons who own, in whole or in part, an operation or facility and the land on which it is located. If the ownership of the operation or facility is not the same as the ownership of the land on which it is located, the owner of the land shall be identified as the “Land Owner” and the owner of the operation or facility shall be identified as the “Facility Owner.”

(27) “Physical Contamination” or “Contaminants” means human-made inert material contained within compostable material, digestate, or compost, including, but not limited to, glass, metal, and plastic.

(2428) “Putrescible Wastes” include wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

(29) “Rendering” means all recycling, processing, and conversion of animal and fish materials and carcasses and inedible kitchen grease into fats, oils, proteins, and other products that are used in the animal, poultry, and pet food industries and other industries, as defined in Food and Agricultural Code section 19213.

(2630) “Salvaging” means the controlled separation of solid waste material which do not require further processing, for reuse or recycling prior to in-vessel digestion activities.

(2231) “Scavenging” means the uncontrolled and/or unauthorized removal of solid waste materials.

(2832) “Sealed Container” means a tank, vessel, or similar apparatus capable of containing liquids and air-borne emissions during the entire digestion process to control odors or other nuisance conditions.

(2933) “Sealed Structure” means a fully enclosed building capable of containing liquids and controlling air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance conditions.

(3034) “Special Waste” includes, but is not limited to:

(A) waste requiring special collection, treatment, handling, storage, or transfer techniques as defined in Title 22, section 66260.10.

(B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

(D) controlling the activities at an operation or facility as listed on the permit application or Enforcement Agency Notification.


§ 17896.3. Pre-Existing Permits and Notifications.

(a) If a facility had previously obtained a permit in accordance with regulations in effect prior to the operative date of these regulations, that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations, sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA makes such a determination, the operator shall comply with this Chapter within two years of that determination.

(b) If an operation had previously been operating pursuant to an EA Notification in accordance with regulations in effect prior to the operative date of these regulations, that operation may continue to operate in accordance with its EA Notification or regulatory authorization until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from the operative date of these regulations. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.

(c) If an activity had previously been excluded from regulations in effect prior to the operative date of these regulations, that activity may continue to operate in accordance with its regulatory exclusion until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from the operative date of these regulations.
regulations]. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.


§ 17896.4. Permit Name.
Any permit issued pursuant to this Article, except for one issued pursuant to section 17896.12, shall be entitled: “In-vessel Digestion Facility Permit.”


§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities.
Sections 17896.6 through 17896.13 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5, Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These requirements are summarized in Table 1.

Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anaerobically digestible materials at POTWs</td>
<td>Research In-Vessel Digestion Operations</td>
<td>Medium Volume In-Vessel Digestion Facilities</td>
<td>Large Volume In-Vessel Digestion Facilities</td>
</tr>
<tr>
<td>Section 17896.6(a)(1)</td>
<td>Section 17896.8</td>
<td>(average between 15 tpd (60 yd³) or 15 tpd and &lt;100 tpd, not to exceed 700 tpd (2,800 yd³))</td>
<td>Section 17896.13</td>
</tr>
<tr>
<td>Ag material derived from ag site &amp; returned to same site</td>
<td>Dairy In-Vessel Digestion Operations</td>
<td>Section 17896.9</td>
<td></td>
</tr>
<tr>
<td>Section 17896.6(a)(2)</td>
<td></td>
<td>Medium Volume In-Vessel Digestion Facilities</td>
<td></td>
</tr>
<tr>
<td>In-vessel digestion activities with less than 100 cubic yard on site capacity</td>
<td>Distribution Center In-Vessel Digestion Operations</td>
<td>Section 17896.10</td>
<td></td>
</tr>
<tr>
<td>Section 17896.6(a)(2)</td>
<td></td>
<td>Large Volume In-Vessel Digestion Facilities</td>
<td></td>
</tr>
<tr>
<td>Handling activities that are already subject to more stringent handling requirements under Federal or State law</td>
<td>Limited Volume In-Vessel Digestion Operations</td>
<td>Section 17896.11</td>
<td></td>
</tr>
<tr>
<td>Section 17896.6(a)(4)</td>
<td></td>
<td>Medium Volume In-Vessel Digestion Facilities</td>
<td></td>
</tr>
</tbody>
</table>

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Refer to Section 17896.6

(Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.)


§ 17896.6. Excluded Activities.
(a) The activities listed in this section are not subject to the in-vessel digestion requirements set forth in this Chapter. Nothing in this section precludes the EA or the Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, is excluded under the following conditions:
   (A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant. Once on-site, the anaerobically digestible material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and conveyed in a contained system. Any separated material at the POTW that is not suitable for anaerobic digestion and has no beneficial use shall be further managed as a solid waste.
   (B) The POTW Treatment Plant has developed Standard Operating Procedures for the acceptance of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality Control Board that those Standard Operating Procedures are being implemented, and a Standard Provision (permit condition) that reflects the acceptance of anaerobically digestible material:
      1. has been incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit; or
      2. will be incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit no later than the next permit renewal.
   (C) For the purpose of this exclusion, “anaerobically digestible material” means: inedible kitchen grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title 14, CCR, Section 17852(a)(20), 17896.2(a)(12) and vegetative food material as defined in Title 14, CCR, Section 17852(a)(20)(A), 17896.2(a)(12)(A).
   (D) For the purpose of this exclusion, the Department, in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, will on a case-by-case basis, review and consider approval of additional types of organic materials as potential “anaerobically digestible material” beyond those specified in section 17896.6(a)(1)(C) in accordance with the following:
      1. Receipt of a written request to the Department from the General Manager or designee of a POTW Treatment Plant.
      a. The written request must contain the following information:
         i. The purpose of the request.
         ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the organic waste material with the POTW wastewater.
         iii. Types of organic material requested for classification as an anaerobically digestible material.
         iv. The source(s) of the waste material.
         v. A description of how the waste material will be handled, processed, stored and transported (before and after receipt at the POTW Treatment Plant).
         vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant to accommodate the new waste materials.
         vii. Available laboratory test results, engineering reports, research or study to support the request.
         viii. Data and/or reports if this waste material has been used without incident at a different POTW Treatment Plant.

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ix. The name, addresses and phone numbers for the General Manager and designee of the POTW Treatment Plant.

b. Upon receipt of the written request, the Department will communicate and coordinate the request with and between the State Water Resources Control Board and the California Department of Food and Agriculture and will complete the following actions:

i. Within 10 days of receipt, send written confirmation to the General Manager and designee of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate Department staff, as well as to the State Water Resources Control Board and California Department of Food and Agriculture staff contacts for review;

ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board and California Department of Food and Agriculture contacts, for the purpose of developing a timeline for conducting and the results analyzed prior to a determination made by the agencies.

iii. Prior to the meeting, Department staff will review the letter and identify questions and/or issues with the request and make a list of recommendations;

iv. Within 40 days of receipt, conduct a meeting on the request. If an agency representative does not attend the meeting, comments will be accepted by the Department up to close of business on the 45th day after receipt;

v. Within 60 days of receipt, the Department will provide a written decision to the General Manager and designee of the POTW Treatment Plant stating one of the following:

I. The waste type has or has not been determined to be an anaerobically digestible material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory Requirements (pursuant to §17896.6(a)(1)(C) and the Transfer/Processing Operations and Facility Regulatory Requirements (pursuant to §17403.1(a)(8)));

II. The agencies, based on the information provided, were unable to reach a determination and additional information is required before a determination can be made; or

III. The agencies have determined that additional research or study will need to be conducted and the results analyzed prior to a determination made by the agencies.

IV. If additional information, research or study is necessary, the Department will consult with the General Manager or designee of the POTW, the State Water Resources Control Board and California Department of Food and Agriculture contacts, for the purpose of developing a timeline for either reviewing the additional information or for reviewing a proposed scope of work and timeline for additional research or study.

2. For the purpose of this exclusion, if an organic waste material is determined by the Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW wastewater, the POTW Treatment Plant must comply with section 17896.6(a)(1)(A) prior to receipt of the material at the POTW Treatment Plant.

(2) In-vessel digestion of agricultural material is an excluded activity if the agricultural material is derived from an agricultural site and the digestate or compost produced from digestate is returned to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the agricultural site on which the in-vessel digester is located. No more than an incidental amount of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually. Digestate that is not composted may not be given away or sold.

(3) In-vessel digestion at a dairy involving the co-digestion of manure with agricultural material derived on-site, imported agricultural material, and/or imported vegetative food material in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board.

(A) Any imported materials delivered to the dairy must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an in-vessel digester at a dairy. The pumped material may be screened, otherwise separated or treated prior to in-vessel digestion, but must be processed and conveyed in a contained system. Any separated material at the dairy that is not suitable for in-vessel digestion and has no beneficial use shall be further managed as a solid waste.

(B) No more than an incidental amount of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually. Digestate that is not composted may not be given away or sold.

(24) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste, feedstock, and digestate on-site are excluded.

[Note: Persons handling solid waste under the above exclusion are obligated to obtain all permits, licenses, or other clearances that may be required by other regulatory agencies including, but not limited to local health entities and local land use authorities.]
(5) Rendering activities, authorized by the California Department of Food and Agriculture pursuant to section 19300 of the Food and Agricultural Code, in which no solid waste feedstock bypasses the rendering process.

(46) Other discrete handling activities that are already subject to more stringent handling requirements under Federal or State law, as determined by the EA in consultation with the Department, are excluded.


§ 17896.7. Prohibitions.
The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites where in-vessel digestion activities that are excluded from regulation under this Chapter occur:

(a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow, except when received:

(1) from a food facility as defined in Health and Safety Code section 113789, grocery store; or residential food scrap collection; or

(2) as part of a research activity for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concerns in accordance with section 17896.8; or

(3) from a source and processed by a facility approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, on a case-by-case basis.

(b) The in-vessel digestion of treated or untreated medical waste.

(c) The in-vessel digestion of hazardous waste.


§ 17896.8. Research In-Vessel Digestion Operations.

(a) An operator conducting research in-vessel digestion operations 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) 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.

(c) After no more than a two year period of operation, the operator of a research in-vessel digestion operation shall submit to the EA a report that includes the results and conclusions drawn from the research. If the EA determines, based on the report, that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17896.41, or obtain other appropriate authorization pursuant to Article 1 of this Chapter prior to continuing operations.

(d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, 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 in-vessel digestion operation site security plan. The research in-vessel digestion 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.

(3) After no more than a six-month period of operation the operator of a research in-vessel digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report that includes the results and conclusions drawn from the research and documentation of additional
requirements of this section. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17896.41, or obtain other appropriate authorization pursuant to Article 1 of this Chapter prior to continuing operations.

(e) The operator shall submit all additional documentation required by subdivisions (b) and (d)(2) to the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that the EA Notification for research in-vessel digestion operations is complete and correct only if the additional documentation requirements of this section have been met.

(f) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.9. Dairy In-Vessel Digestion Operations.

(a) All dairy in-vessel digestion operations 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).

(1) These operations shall be inspected by the EA at least once a month for the first 12 months of operation. After the first 12 months of operation the EA may approve, with Department concurrence, a reduced inspection frequency of once every three months. After the first 24 months of operation the EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(2) Any imported materials delivered to the dairy must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an in-vessel digester at a dairy. The pumped material may be screened, otherwise separated or treated prior to in-vessel digestion, but must be processed and conveyed in a contained system. Any separated material at the dairy that is not suitable for in-vessel digestion and has no beneficial use shall be further managed as a solid waste.


§ 17896.10. Distribution Center In-Vessel Digestion Operations.

(a) All distribution center in-vessel digestion operations 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).

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.11. Limited Volume In-Vessel Digestion Operations.
All limited volume in-vessel digestion operations shall comply with the Enforcement Agency
Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
Code of Regulations (commencing with section 18100).

(1) These operations shall be inspected by the EA at least once every three (3) months unless the
EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a
lesser inspection frequency if it will not pose an additional risk to public health and safety and the
environment but in no case shall the frequency be less than annual. The EA shall submit, for
concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note:
See section 18083(a)(3) for additional EA and Department requirements regarding the approval or
denial of requests for reducing the frequency of inspections.]

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.12. Medium Volume In-Vessel Digestion Facilities.
All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements
set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations
(commencing with section 18104).

(1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.13. Large Volume In-Vessel Digestion Facilities.
All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in
accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter
3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The
In-vessel Digestion Report required by section 17896.15 shall constitute the Report of Facility
Information required by section 21570(f)(2) of Title 27.

(1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section
17896.2(a)(19) shall file with the EA an “In-Vessel Digestion Facility Plan” (as specified in section
18221.5.1). The information contained in the Plan shall be reviewed by the EA to determine whether it
is complete and correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.15. In-Vessel Digestion Report.
(a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section
17896.2(a)(15) shall file with the EA an “In-Vessel Digestion Report” (as specified in section
18221.6.1). An operator of an existing facility who submits an application package to the EA, pursuant
to Title 27, section 21570, which proposes to change the facility’s operations, or to change the solid
waste facility permit shall do one of the following:

(1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or
(2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.16. Applicability of State Minimum Standards.
(a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-
vessel digestion operations and facilities, except as noted in §section 17896.1.(a).
Article 2. Siting and Design

§ 17896.17. Siting On Landfills.
(a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27, California Code of Regulations, section 21190.

(b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or failure of pads or structural foundations.

(c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or with the closure or postclosure maintenance of the landfill.


§ 17896.18. General Design Requirements.
(a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as appropriate, from persons competent in engineering, architecture, landscape design, traffic engineering, air quality control, water quality protection and design of structures.

(b) The design shall be based on appropriate data regarding the expected service area, anticipated nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land use (existing and planned), types and number of vehicles anticipated to enter the operation or facility, adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and other pertinent information. If the operation or facility is to be used by the general public, the design shall take account of safety features that may be needed to accommodate such public use.

(c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the unloading area to as small an area as practicable, provide adequate control of windblown material, minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances by reason of solid wastes being handled at the operation. Other factors which shall be taken into consideration are: dust control, noise control, public safety, and other pertinent matters related to the protection of public health at the operation or facility.

(d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA may require the applicant to describe how he or she has complied with applicable local and state requirements regarding odor control measures, personnel health and safety, and sanitary facilities.
(e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and constructed to prevent loss of wastes from the container during storage. If such a container is used to store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily cleanable, designed for safe handling and constructed to prevent loss of wastes.


Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities

The operator of an in-vessel digestion operation or facility must take precautions adequate measures to minimize prevent the uncontrolled release of biogas that may have harmful effects to on-site users and the general public.


§ 17896.20. Cleaning.
(a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA, in order to prevent the propagation or attraction of flies, rodents, or other vectors:
   (1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;
   (2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at least once every 24 hours.
(b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials.


§ 17896.21. Drainage and Spill Control.
(a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:
   (1) minimize the creation of contact water outside of in-vessel digesters and sealed containers;
   (2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-site migration of contact water;
   (3) protect the integrity of roads and structures;
   (4) protect the public health; and
   (5) prevent safety hazards and interference with operations.
(b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills that occur.


§ 17896.22. Dust Control.
(a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates, and prevent other safety hazards to the public caused by obscured visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent the creation of excessive dust. Measures to control dust include, but are not limited to: reduced processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the following may be an indication that dust is excessive:
   (1) safety hazards due to obscured visibility; or
   (2) irritation of the eyes; or
   (3) hampered breathing;
   (4) migration of dust off-site.
(a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes, including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.
(b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are discovered, control measures as are necessary to protect public health, safety and the environment, such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation or removal from the operation or facility.
(c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and sludge wastes in a manner to protect public health, safety, and the environment.


§ 17896.24. Litter Control.
Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent possible given existing weather conditions.


§ 17896.25. Load Checking.
(a) The operator of an attended in-vessel digestion operation or facility shall implement a load checking program to prevent the acceptance of waste which is prohibited by this Chapter. This program must include at a minimum:
   (1) the number of random load checks to be performed;
   (2) a location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated;
   (3) records of load checks and the training of personnel in the recognition, proper handling, and disposition of prohibited waste. A copy of the load checking program and copies of the load checking records for the last year shall be maintained in the operating record and be available for review by the appropriate regulatory agencies.


All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair. The operator shall implement a preventative maintenance program to monitor and promptly repair or correct deteriorated or defective conditions.


§ 17896.27. Medical Wastes.
Medical waste, unless treated and deemed to be solid waste, which is regulated pursuant to the Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code) whether treated or untreated, shall not be accepted at an in-vessel digestion operation or facility, unless approved by the appropriate regulatory agencies.


§ 17896.28. Noise Control.
Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise include but are not limited to: posting of warning signs that recommend or require hearing protection; separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise transmission. Compliance with specific provisions regarding noise control in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.


§ 17896.29. Non-Salvageable Items.
Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles, pesticides and other materials capable of causing public health or safety problems shall not be salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and the EA.


(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to section 17896.31(f).
(b) The Report shall:
(1) Present representative and correlating odor data for each potential onsite odor source including but not limited to: odor severity, odor characteristics, time and weather conditions when data was collected, description of operations associated with the source, and any odor impacts or complaints received;
(2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in order of impact;
(3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):
(A) List of all best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has used to minimize odor and analyze each BMP for the following:
1. The effectiveness of the BMP in reducing odor impacts;
2. The potential for more extensive use of the BMP to minimize odor impacts described by complainants;
3. If the BMP has been operationally practical and if more extensive use of the BMP would be operationally practical;
4. The approximate cost to implement a more extensive use of the BMP;
5. Any permits or permit changes necessary to use the BMP more extensively;
6. Overall recommendation if existing BMPs should be continued and if more extensive use of the BMP is recommended; and
7. If the BMP has been found to be ineffective (include supporting data).
(B) List of all potential best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has not used and analyze each potential BMP to determine:
1. The potential for the BMP to reduce odor impacts described by complainants;
2. If the BMP is operationally practical;
3. The approximate cost to implement the BMP;
4. Any permits or permit changes necessary to use the BMP; and
5. Overall recommendation and ranking of implementing the BMP.
(C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on the analysis conducted pursuant to subdivision (b)(3)(A) and (B).
(c) The operator shall submit the Report required by subdivisions (a) and (b), and the plan and schedule required by subdivision (b)(3)(C) to the EA and the Department for review. If the EA has required the operator to prepare a Report pursuant to subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe approved by the EA.
(d) The EA, in consultation with the Department, shall within 30 days:
   (1) approve the Report and associated plan and direct the operator in writing to implement the plan
       in whole or in part; and/or
   (2) direct the operator in writing to submit specific changes or additional information within a
       timeframe specified by the EA.
(e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
   (d)(1) or (d)(2).

Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
Sections 43020, 43021 and 43209.1, Public Resources Code.

§ 17896.31. Odor Minimization Plan.
(a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-
    specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA
    Notification or permit application.
(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
    describing, at a minimum, the following items. If the operator will not be implementing any of these
    procedures, the plan shall explain why it is not necessary.
       (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
           proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
           possible odor receptors; and,
       (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
           causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
           described; and,
       (3) a complaint response and recordkeeping protocol; and,
       (4) a description of design considerations and/or projected ranges of optimal operation to be
           employed in minimizing odor, including method and degree of aeration, moisture content of materials,
           feedstock characteristics, airborne emission production, process water distribution, pad and site
           drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
           service interruptions, and site specific concerns as applicable; and,
       (5) a description of operating procedures for minimizing odor, including aeration, moisture
           management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
           storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
           power, and personnel), bio filtration, and tarping as applicable.
(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
    provided to the EA, within 30 days of those changes.
(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
    revisions are necessary.
(e) The odor impact minimization plan shall be used by the EA to determine whether or not the
    operation or facility is following the procedures established by the operator. If the EA determines that
    the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
    (pursuant to section 18304) to require the operator to either comply with the odor impact
    minimization plan or to revise it.
(f) If the odor impact minimization plan is being followed and the EA determines, in a manner
    consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator
    to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified
    in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order
    (pursuant to section 18304) requiring the operator to take additional reasonable and feasible
    measures to minimize odors unless:
       (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
       (2) there is an imminent threat to public health and safety and the environment; or
       (3) a public nuisance has occurred.

Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
Sections 43020, 43021 and 43209.1, Public Resources Code.

§ 17896.32. Odor and Nuisance Control.
Each in-vessel digestion operation and facility shall be conducted and maintained:
   (a) in a manner that minimizes odor impacts so as to not cause a nuisance, and
(b) to otherwise prevent the creation of a nuisance.


§ 17896.33. Parking.
Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.


§ 17896.34. Personnel Health and Safety.
The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations, section 3203, shall be available for review by local and state inspectors during normal business hours. Nothing in this section is intended to make the EA responsible for enforcing the IIPP.


§ 17896.35. Pre-Digestion Solid Waste Handling.
(a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or sealed structure or removed from the site within 48 hours from the time of receipt. This requirement does not apply to putrescible waste stored in a sealed bag, bottle, or can.
(b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date of receipt or at an alternate frequency approved by the EA.


§ 17896.36. Protection of Users.
An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so that contact between the public and solid wastes is minimized. This may be accomplished through the use of railings, curbs, grates, fences, and/or spotters.


§ 17896.37. Roads.
All on-site roads and driveways shall be designed and maintained to minimize the generation of dust and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable all-weather access to the site.


§ 17896.38. Sanitary Facilities.
The operator shall maintain all sanitary and hand-washing facilities which may be required, by applicable state or local requirements, in a reasonably clean and adequately supplied condition.


§ 17896.39. Scavenging and Salvaging.
Each in-vessel digestion operation or facility shall meet the following requirements:
(a) scavenging shall be prohibited;
(b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part of the operation, subject to conditions established by the EA, the local land use authority, or other approving agencies.
(c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious entry and exit of vehicles delivering waste to the in-vessel digestion operation or facility. Salvaging activities conducted at an in-vessel digestion operation or facility shall be confined to specified, clearly identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety or nuisance problems;
(d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel Digestion Facility Plan, or In-vessel Digestion Facility Report.


§ 17896.40. Signs.
(a) For in-vessel digestion operations or facilities not open to the public, each point of access from a public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or facility name and location of nearest public operation or facility.
(b) If the operation or facility is open to the public, there shall be an easily visible sign at all public entrances indicating the name of the operator, the operator's telephone number, schedule of charges, hours of operation, and a listing of the general types of materials which either (1) WILL be accepted, or (2) WILL NOT be accepted.


§ 17896.41. Site Restoration.
All in-vessel digestion operations and facilities shall meet the following requirements:
(a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30 days prior to beginning site restoration.
(b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health, safety, and the environment.
(c) The operator shall ensure that the following site restoration procedures are performed upon completion of operations and termination of service:
   (1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues including, but not limited to, digestate, compost materials, construction scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed.
   (2) All machinery shall be cleaned and removed or stored securely.
   (3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or other residues related to the site restoration operations.


§ 17896.42. Supervision and Personnel.
The operator shall provide adequate supervision and a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the EA in writing of the name, address and telephone number of the operator or other person responsible for the operation. A copy of the written notification shall be placed in the operating record.

§ 17896.43. Training.
Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site solid waste operations and maintenance, hazardous materials recognition and screening, use of mechanized equipment, environmental controls, emergency procedures and the requirements of this Article. A record of such training history shall be maintained and made available for inspection.


§ 17896.44. Vector, Bird and Animal Control.
The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.


Article 4. Record Keeping Requirements

§ 17896.45. Record Keeping Requirements.
Each operator shall meet the following requirements:
(a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or residual weights or volumes in a form and manner approved by the EA. Such records shall be:
submitted to the EA or the Department upon request; be adequate for overall planning and control purposes; and, be as current and accurate as practicable;
(b) All records required by this Chapter shall be kept by the operator in one location and accessible for five (5) years and shall be available for inspection by the EA and other duly authorized regulatory agencies during normal working hours.
(c) The operator shall submit copies of specified records to the EA upon request or at a frequency approved by the EA;
(d) The operator shall maintain a daily log book or file of special occurrences encountered during operations and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. Special occurrences shall include but are not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding, earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by telephone within 24 hours of all incidents requiring the implementation of emergency procedures, unless the EA determines that a less immediate form of notification will be sufficient to protect public health and safety and the environment;
(e) The operator shall record any written public complaints received by the operator, including:
(1) the nature of the complaint,
(2) the date the complaint was received,
(3) if available, the name, address, and telephone number of the person or persons making the complaint, and
(4) any actions taken to respond to the complaint;
(f) The operator shall maintain a copy of the written notification to the EA and local health agency of the name, address and telephone number of the operator or other person(s) responsible for the operations as required by section 17896.42;
(g) The operator shall maintain records of employee training as required by section 17896.43;
(h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809 et seq.
(i) The operator shall record all test results generated by compliance with Article 6 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings.
(1) The operator shall retain records detailing pathogen reduction methods.

§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and Requirements.
Approvals, determinations, and other requirements the EA is authorized to make under this Chapter shall be provided in writing to the operator and placed in the operating record by the operator.


Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only

§ 17896.47. Communications Equipment.
Each in-vessel digestion facility shall have adequate communication equipment available to site personnel to allow quick response to emergencies.


§ 17896.48. Equipment.
Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-vessel digestion facility to meet all requirements of this Chapter.


§ 17896.49. Fire Fighting Equipment.
Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly maintained and located as required by the local fire authority.


§ 17896.50. Housekeeping.
The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap, and similar items.


§ 17896.51. Lighting.
The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of operations, and public health, safety and the environment.


§ 17896.52. Site Attendant.
An in-vessel digestion facility open to the public shall have an attendant present during public operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as approved by the EA to ensure that it meets all of the requirements of this Chapter.


§ 17896.53. Site Security.
The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and vehicles through the use of either a perimeter barrier or topographic constraints.


§ 17896.54. Traffic Control.
(a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:
(1) interference with or creation of a safety hazard on adjacent public streets or roads,
(2) on-site safety hazards, and
(3) interference with operations.


§ 17896.55. Visual Screening.
The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be considered compliance with this standard.


§ 17896.56. Water Supply.
A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use (e.g., fire protection, first aid) shall be available.


Article 6. Digestate Handling Standards

§ 17896.57. Digestate Handling.
(a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:
(1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an alternative handling method after determining the alternative method will not pose an additional risk to public health and safety or the environment; or
(2) incorporated in an on-site aerobic compost process.

(A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section 17896.4.

(B) All in-vessel digestion facilities that compost on-site shall comply with the sampling requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59, the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and physical contamination limits of section 17896.61; or

(3) removed from the site and either:
(A) transported as solid waste only to another solid waste facility or for disposal, additional processing, composting, or additional processing disposal; or
(B) used or disposed in a manner approved by local, state, and federal agencies having appropriate jurisdiction. Any digestate that will be land applied must meet the requirements of section 17852(a)(24.5).

(C) disposed in a manner approved by local, state, and federal agencies having appropriate jurisdiction as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).

(b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.59, pathogen concentration pursuant to section 17896.60(b)(1), and physical contaminants pursuant to
section 17896.61 or is known to contain any metal in amounts that exceed the maximum metal concentrations described in section 17896.59, pathogens that exceed the maximum acceptable pathogen concentrations described in section 17896.60(b)(1), or physical contaminants that exceed the maximum physical contamination limits described in section 17896.61 shall be designated for disposal, additional processing, or other use as approved by local, state agencies having appropriate jurisdiction.


§ 17896.58. Sampling Requirements.
(a) Operators shall verify that compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) meets the maximum metal concentrations limits specified in section 17896.59, and the pathogen reduction requirements specified in section 17896.60. This verification shall be performed by taking and analyzing a composite sample. The sampling of compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall occur at prior to the point where the compost is removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used on site. Analytical results indicating compliance with sections 17896.59, 17896.60, and 17896.61 shall be received by the operator prior to the sampled compost leaving the site. Sample Test results of samples must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.
(b) Composite sampling shall be performed by taking and analyzing at least one composite sample, following the requirements of this section as follows:
(1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced. If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample every 12 month period.
(2) Composite sample analysis for maximum acceptable metal concentrations, specified in section 17896.59, shall be conducted at a laboratory certified by the California Department of Public Health, pursuant to the Health and Safety Code.
(c) A composite sample shall be representative and random, and may be obtained by taking twelve mixed samples as described below.
(1) The twelve samples shall be of equal volume.
(2) The twelve samples shall be extracted from within the post-digested solids or compost pile as follows:
(A) Four samples from one-half the width of the pile, each at a different cross-section;
(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
(C) Four samples from one-eighth the width of the pile, each at a different cross-section.
(d) The EA may approve alternative methods of sampling that ensures the maximum metal concentration requirements of section 17896.59, and the pathogen reduction requirements of section 17896.60, and the physical contamination limits requirements of section 17896.61, as applicable, are met.


§ 17896.59. Maximum Metal Concentrations.
(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not exceed the maximum acceptable metal concentrations shown in Table 2. Compost that contains any metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall be designated for disposal, additional processing, disposal, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample Test results of samples must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

Table 2 - Maximum Acceptable Metal Concentrations

| Constituent | Concentration (mg/kg) on dry weight basis |

June 2015
Arsenic (As) 41
Cadmium (Cd) 39
Chromium (Cr) (see subdivision (a)(2) below)
Copper (Cu) 1500
Lead (Pb) 300
Mercury (Hg) 17
Nickel (Ni) 420
Selenium (Se) 100
Zinc (Zn) 2800

(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

(b) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2 are not exceeded.


§ 17896.60. Pathogen Reduction.
(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not exceed the maximum acceptable pathogen concentrations described in subdivision (b)(1) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, disposal, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample Test results of samples must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) Operators of in-vessel digestion facilities that produce compost shall ensure that:
(1) The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis).

Sample Test results of samples must be received by the operator prior to removing product from the site.

(2) At in-vessel digestion facilities using an enclosed or within-vessel composting process, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of subdivision (b)(2) of this section.

(3) If the facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

(4) If the facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(c) In-vessel digestion facilities that produce compost utilizing a windrow composting process or an aerated static pile composting process shall be monitored as follows to ensure that the standards in subdivision (b) of this section are met:
(1) Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.

(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;
(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.
(d) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.


§ 17896.61. Physical Contamination Limits.
This section shall become operative January 1, 2018.
(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not contain more than 0.1% by dry weight of physical contaminants greater than 4 millimeters; no more than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters in excess of either one or both of these limits shall be designated for disposal, additional processing, disposal, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at prior to the point where compost is sold or removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise or beneficially used on-site. Sample Test results of samples must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.
(b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one representative sample for every 5,000 cubic-yards of compost produced and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.
(b) The operator of an in-vessel digestion facility with an on-site aerobic compost process shall sample every 5,000 cubic-yards of compost produced and determine the percentage of physical contaminants greater than 4 millimeters in the sample using a method that provides accurate results and has been approved by the EA. If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample of compost produced every 12 month period.
(c) If the EA has reason to believe, based on the EA’s visual observation or otherwise, that a determination of percent physical contaminants made pursuant to section 17896.61(b) is not accurate, the EA may require an operator of an in-vessel digestion facility to take a composite sample of compost in the presence of the EA and send the sample to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed to determine the percentage of physical contaminants by dry weight using the following protocol:
(1) Determine the total dry weight of the composite sample as obtained in section 17896.61(d);
(2) Separate the physical contaminants greater than 4 millimeters from the composite sample and determine the dry weight of the physical contaminants;
(3) Determine the percentage of physical contaminants by dividing the dry weight of the physical contaminants by the total dry weight of the composite sample.
(d) Any sampling conducted to comply with this section shall require a composite sample. A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below.
(1) The twelve samples shall be of equal volume,
(2) The twelve samples shall be extracted from within the compost pile as follows:
(A) Four samples from one-half the width of the pile, each at a different cross-section;
(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
(C) Four samples from one-eighth the width of the pile, each at a different cross-section.
(e) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure the physical contaminant requirements of this section are met.


Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.
Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities

§ 18083. LEA Duties and Responsibilities for Inspections.

(a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal sites and equipment to verify compliance with the state minimum standards, solid waste facilities permits, and related state solid waste laws and regulations within their purview for the protection of the environment and the public health and safety. The LEA/EA shall perform these inspections and related duties as required below, and forward inspection reports to the operator and/or owner, and the board-Department within 30 days of the inspection:

(1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;

(2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending abatement by enforcement action(s);

(3) at the frequency required by the state minimum standards for each type of operation specified in 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA Notification tier shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, and in no case shall the inspection frequency be less than once per calendar year. The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose an additional risk to public health and safety or the environment in light of the specific circumstances at the operation in question. The Department shall concur or deny the EA-proposed approval within thirty (30) days from receipt.

(4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section 21565. For closed sites, inspections shall be made until no potential threat exists to public health and safety or the environment. This determination shall be subject to board-Department approval. For the purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable closure requirements;

(A) the board-Department may approve an alternate inspection frequency for these sites where such an action will not result in adverse impact on public health and safety and the environment.

(5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement with the board-Department through a grant program to inspect waste tire facilities, major waste tire facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once every two and a half years pursuant to 14 CCR Section 18443;

(6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

(7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application, revision, review, RFI amendment, or closure/postclosure plan; and

(8) pursuant to the EPP, for solid waste handling and collection equipment.

(b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above inspections, whenever possible, without prior notice to the owner or operator, on randomly selected days, during normal business hours or the site’s operating hours.


Article 3.0. Regulatory Tier Requirements

§ 18100. Scope.

(a) This Article sets forth the method of application for a tiered solid waste facilities permit, procedures for review and action on an application package, and other requirements associated with regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance and other requirements associated with solid waste handling operations. Similar provisions regarding a
full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).

(b) The provisions of this Article shall apply only to those operations and facilities as specified in the minimum standards set forth in Chapters 3.0, or 3.1, or 3.2 of Division 7 of this Title.

(c) The submittal of an enforcement agency notification (in accordance with section 18103) or issuance of a tiered permit supersedes any previously submitted enforcement agency notification or issued tiered permit.

(d) Specific provisions relating to the different types of regulatory tiers may be found below as follows:

1. Excluded section 18102
2. Notification of Enforcement Agency sections 18103 – 18103.3
3. Registration Permit sections 18104 – 18104.9; and
4. Standardized Permit sections 18105 – 18105.11.


§ 18102. Excluded Solid Waste Handling.

Operators of excluded operations designated by the minimum standards set forth in Division 7 of this Title are not required to notify the enforcement agency or submit an application for a solid waste facilities permit. Nothing in this section precludes the enforcement agency or the board Department from inspecting an excluded operation to verify that the operation is being conducted in a manner that qualifies as an excluded operation or taking any appropriate enforcement action.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 44100(a), 44101(a) and 45200, Public Resources Code.

§ 18103. Enforcement Agency Notification.

(a) The enforcement agency notification provisions of this Article shall apply only to operations as specified in the minimum standards set forth in Chapters 3.0, or 3.1, or 3.2 of Division 7 of this Title.

(b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement agency notification as follows:

1. Filing Requirements section 18103.1;
2. Record Keeping Requirements section 18103.2; and
3. Termination of Operation section 18103.3.

(c) Operations authorized to use the enforcement agency notification tier are required to operate in accordance with the minimum standards set forth in Chapters 3.0, or 3.1, or 3.2 of Division 7 applicable to that operation.

(d) Nothing in this section precludes the enforcement agency or the board Department from the following: inspecting an operation to verify that the operation is being conducted in a manner that qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in compliance with the minimum standards; or, taking any appropriate enforcement action, including the use of a 'notice and order.'

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 44100(a), 44101(a) and 45200, Public Resources Code.

§ 18103.1. Filing Requirements.

(a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency notification shall notify the enforcement agency of its intent to operate in writing prior to commencing operations. This written notification shall be legible and include the following information:

1. The name, address, and phone number of the proposed operation; the name, address, and phone number where the operator can be contacted if these differ from the operation site; and, the name, address, and phone number of the owner if these differ from the operator.

2. The section in Chapters 3.0, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier and a description of the facility's operations, including but not limited to, volume and hours of wastes/material handled, peak and annual loading, and hours of operation.

3. Documentation that the operator has notified the local planning department with jurisdiction over the site of its intent to commence operations. Documentation may include proof of compliance...
with CEQA, correspondence from the local planning department that compliance with the California Environmental Quality Act is not required for the operation to obtain local land use approval or written notice to the local planning department of the operator's intent to commence operations.

(4) A statement by the owner and operator certifying under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.

(b) The notification shall be mailed to the enforcement agency "return receipt requested."


§ 18103.2. Record Keeping Requirements.
The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall be publicly available during normal business hours. The enforcement agency shall forward a copy of the notification to the board Department within five days of receipt. The enforcement agency shall retain a copy of the notification for a minimum of one year after the facility is known to have ceased operations.


§ 18104. Registration Permit.
(a) The registration permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title.

(b) A registration permit shall be deemed to incorporated by reference, as terms and conditions of the permit, all minimum standards applicable to it, as set forth in Chapters 3, or 3.1, or 3.2, of Division 7.

(c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:

(1) Filing Requirements section 18104.1;

(2) Enforcement Agency Processing Requirements section 18104.2;

(3) Record Keeping Requirements section 18104.3;

(4) Completeness Appeal section 18104.4;

(5) Change in Operation section 18104.5;

(6) Change in Owner section 18104.6;

(7) Permit Review & Reissuance section 18104.7;

(8) Suspend/Revoke section 18104.8, and

(9) Voiding of a Registration Permit section 18104.9.


§ 18104.1. Filing Requirements.
Any operator proposing to operate a solid waste facility pursuant to a registration permit shall file an application using form CIWMB 83 “Registration Permit Application” (rev. 12/96), which is incorporated herein by reference, with the enforcement agency. The application shall be accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). (See Appendix A.) This application shall contain the following information:

(a) The name and address of the enforcement agency, and the section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.

(b) General description of the facility including, but not limited to name, location, site map, and location map.

(c) Facility information, including, but not limited to, volume and type of waste/material; handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.

(e) Conformance finding information as follows:

(1) Until a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with...
Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.

(2) After a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public Resources Code Section 50001.

(f) The owner and operator shall each certify under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.

(g) Evidence that the application form was provided to the director of the local agency that oversees local use planning for the jurisdiction in which the site is located.

(h) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.


§ 18104.2. Enforcement Agency Processing Requirements.

... (g) The enforcement agency shall provide a copy of the registration permit to the board Department and to any person who has so requested in writing.


§ 18104.3. Record Keeping Requirements.

... (c) The enforcement agency shall forward copies of any written public comments received on an application to the board Department with the registration permit submitted pursuant to section 18104.2(f).

(d) Subsequent to the transmittal of the registration permit to the board Department, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board Department unless the comment clearly states that a copy has already been provided to the board Department.

(e) If an application is denied, the enforcement agency shall retain public comments received on that application for a period of 2 years. If a previously denied permit is approved, all comments received shall be forwarded to the board Department with the copy of the registration permit submitted under subsection (c) above.


§ 18104.6. Change in Owner.

(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever comes first. The enforcement agency shall transmit a copy of the notification to the board Department within five days of receipt.


§ 18104.9. Voiding of a Registration Permit.

Every registration permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at
least 15 days in advance. The enforcement agency shall forward a copy of this notification to the board Department within 7 days. “Cessation of operations” does not include temporary operational shutdowns which are seasonal or intermittent in nature.


§ 18105. Standardized Permit.
(a) The standardized permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of the Title.
(b) A standardized permit obtained pursuant to this Article shall contain only those terms and conditions applicable to the type of facility receiving it as set out in the minimum standards for that type of facility.
(c) Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as follows:
   (1) Filing Requirements section 18105.1;
   (2) Enforcement Agency Processing Requirements section 18105.2;
   (3) Record keeping Requirements section 18105.3;
   (4) Completeness Appeal section 18105.4;
   (5) Board Department Processing Requirements section 18105.5;
   (6) Appeal of Decision section 18105.6;
   (7) Change in Operation section 18105.7;
   (8) Change in Owner section 18105.8;
   (9) Permit Review section 18105.9;
   (10) Suspend/Revoke section 18105.10; and
   (11) Voiding of a Standardized Permit section 18105.11.


§ 18105.1. Filing Requirements.
Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an application in duplicate with the enforcement agency accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall contain the following information:
(a) The name and address of the enforcement agency, and the section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.
(b) General description of the facility including, but not limited to name, location, site map, and location map.
(c) Facility information, including, but not limited to, volume and types of waste/material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.
(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.
(e) A Report of Facility Information that contains all of the information required by the applicable section(s) of Article 3.2, Chapter 5, of this Division.
(f) One of the following:
   (1) Evidence that there has been compliance with the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,
   (2) Information on the status of the application’s compliance with the California Environmental Quality Act regarding the facility. Once there has been compliance with the California Environmental Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement agency.
(g) Conformance finding information as follows:
   (1) Until a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.
(2) After a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be identified in any of these elements pursuant Public Resources Code Section 50001.

(h) The owner and operator shall each certify under penalty of perjury that the information provided is true and accurate to the best of their knowledge and belief.

(i) Evidence that the application form was provided to the director of the local agency that oversees local use planning for jurisdiction in which the site is located.

(j) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.


§ 18105.2. Enforcement Agency Processing Requirements.

... (g) Within fifteen days of acceptance of an application for filing:

(1) The enforcement agency shall evaluate the information provided in the application and the proposed facility to determine whether or not the facility will be able to operate in compliance with the applicable minimum standards and standardized solid waste facilities permit terms and conditions.

(2) The enforcement agency shall provide notice pursuant to Title 27 Section 21660.3.

(3) If the enforcement agency finds that the application and facility meet the requirements set forth in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed standardized permit, application package, and the results of any analysis to the board Department. The enforcement agency shall further provide the applicant with a copy of the proposed standardized permit submitted to the board Department. In addition, the enforcement agency shall provide a copy of the proposed standardized permit to any person who has so requested in writing.

(4) If the enforcement agency finds that the application or facility do not meet the requirements set forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy of the rejected application accompanied by an explanation shall be mailed to the applicant.

(h) If evidence of compliance with the California Environmental Quality Act, as required by Section 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this requirements has been demonstrated. Unless waived by the applicant pursuant to Public Resources Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not been submitted within 120 days of the application's acceptance for filing, the enforcement agency shall reject the application and not issue the standardized permit.

(i) Once the board Department has concurred in the issuance of the proposed standardized permit, pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

(j) If the board Department objects to the proposed standardized permit, the enforcement agency shall notify the applicant in writing of the board Department's decision, and the reasons for that decision, within five days of receipt of that decision.


§ 18105.3. Record Keeping Requirements.

... (c) The enforcement agency shall forward copies of any written public comments received on a pending application to the board Department with the proposed standardized permit submitted pursuant to section 18105.2(g).

(d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board Department, unless the comment clearly states that a copy has already been provided to the board Department.

...
§ 18105.5. Board-Department Processing Requirements.
(a) The board Department shall mark the proposed standardized permit with the date of receipt.
(b) The board Department shall evaluate the application package and the proposed standardized permit for compliance with the requirements set forth by section 18105.1 and 18105.2(g).
(c) Within 30 days of receipt of a proposed standardized permit, the board Department shall either concur in or object to the issuance of the proposed standardized permit.
(d) If the proposed standardized permit contains terms and conditions not authorized by the minimum standards and the permit is otherwise in conformance with these regulations, any additional unauthorized terms and conditions shall be stricken. The board Department shall concur in the edited standardized permit.
(e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the board Department shall notify the enforcement agency of its determination in writing. If the board Department objects, the reasons for the objection shall be provided to the enforcement agency.

§ 18105.6. Appeal of Decision.
(a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section 18105.2(g) or of the board Department taken pursuant to section 18105.5 to the enforcement agency within 15 days of the date that the decision was received. Such an appeal must be in writing and specify the grounds for the appeal. A final written determination on the appeal shall be made by the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources Code, no later than 60 days after receipt of the applicant's appeal.

§ 18105.8. Change in Owner.
(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever comes first. The enforcement agency shall transmit a copy of the notification to the board Department within five days of receipt.

§ 18105.9. Permit Review and Reissuance.
(d) If an operator files a certification as specified in subsection (c) above or a new application pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections 18105.2 and 18105.3 and the board Department shall follow the procedures set forth in Section 18105.5.

§ 18105.11. Voiding of a Standardized Permit.
Every standardized permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification
to the Department within 7 days. "Cessation of operations" does not include temporary operational shutdowns which are seasonal or intermittent in nature.


Article 3.2. Reports of Facility Information

§ 18221.5.1. In-Vessel Digestion Facility Plan.
Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0, (commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility Plan ("Plan") with the EA as required in section 17896.14 of this Title. In order to maintain the permit, the operator must file amendments as necessary to maintain the accuracy of the Plan. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. The Plan shall contain the following:

(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(c) descriptive statement of the manner in which activities are to be conducted at the facility;
(d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of material processing, each set of hours may be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;
(e) total acreage contained within the operating area;
(f) facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity;
(g) information showing the types and the daily quantities of solid waste to be received. If tonnage was figured from records of cubic yards, include the conversion factor used;
(h) description of the methods used by the facility to comply with each state minimum standard contained in sections 17896.17 through 17896.61;
(i) anticipated volume of quench or process water and the planned method of treatment, and disposal of any wastewater;
(j) description of provisions to handle unusual peak loading;
(k) description of transfer, recovery and processing equipment, including classification, capacity and the number of units;
(l) planned method for final disposal of the solid waste;
(m) planned method for the storage and removal of salvaged material;
(n) resume of management organization which will operate the facility;
(o) An Odor Impact Minimization Plan pursuant to section 17896.31 and, if applicable, an Odor Best Management Practice Feasibility Report and associated plan pursuant to section 17896.30.


§ 18221.6.1. In-Vessel Digestion Report.
Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel Digestion Report ("Report") with the EA as required in section 17896.15 of this Title. In order to maintain an existing permit, the operator must file amendments as required in section 17896.15 of this Title and re-title the document as an In-vessel Digestion Report. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. A Report shall contain the following:

(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) facility specifications or plans, to include: a site location map, a site map, and identification of
adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet
of the facility property line;
(c) schematic drawing of the building and other structures showing layout and general dimensions of
the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(d) descriptive statement of the manner in which activities are to be conducted at the facility;
(e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of
material processing, each set of hours may be stated. For facilities with continuous operations,
indicate the start of the operating day for purpose of calculating amount of waste received per
operating day. The operator may also indicate whether or not, and when, other activities, such as
routine maintenance will take place, if those activities will occur at times other than those indicated
above;
(f) total acreage contained within the operating area;
(g) facility design capacity including the assumptions, methods, and calculations performed to
determine the total capacity;
(h) information showing the types and the daily quantities of solid waste to be received. If tonnage
was figured from records of cubic yards, include the conversion factor used;
(i) description of the methods used by the facility to comply with each state minimum standard
contained in sections 17896.17 through 17896.61;
(j) anticipated volume of quench or process water, and the planned method of treatment, and disposal
of any wastewater;
(k) description of provisions to handle unusual peak loading;
(l) description of transfer, recovery and processing equipment, including classification, capacity and
the number of units;
(m) planned method for final disposal of the solid waste;
(n) planned method for the storage and removal of salvaged material;
(o) resume of management organization which will operate the facility;
(p) list of permits already obtained, and the date obtained or last revised;
(q) An Odor Impact Minimization Plan pursuant to section 17896.31 and, if applicable, an Odor Best
Management Practice Feasibility Report and associated plan pursuant to section 17896.30.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code

 § 18227. Report of Composting Site Information.
 Each operator of a compostable material handling facility that is required to obtain a Compostable
Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2,
Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as
specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
with section 18104) shall, at the time of application, file a Report of Composting Site Information with
the EA as required by section 17863 of this Title. A Report of Composting Site Information shall
contain the following:
(a) A description of the processes to be used, including estimated quantities of feedstocks, additives,
and amendments.
(b) A descriptive statement of the operations conducted at the facility.
(c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized
in the production of compost including, but not limited to, unloading, storage, processing, parking,
and loading areas.
(d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and
insects, for example, how the operator will store, process and incorporate food material and
vegetative food material into windrows or static piles, timeframes for inclusion of material, collection
and containment of leachate, passive and active vector controls, methods to monitor effectiveness of
control measures.
(e) A description of the proposed emergency provisions for equipment breakdown or power failure.
(f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average
length of time compostable materials will be stored at the facility.
(g) A description of compostable materials handling equipment used at the facility including type,
capacity, and number of units.

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(h) Anticipated annual operation capacity for the facility in cubic-yards.
(i) A description of provisions to handle unusual peak loadings.
(j) A description of the proposed method for storage and final disposal of nonrecoverable or nonmarketable residues.
(k) A description of the water supplies for process water required.
(l) Identification of person(s) responsible for oversight of facility operations.
(m) A description of the proposed site restoration activities, in accordance with section 17870.
(n) An Odor Impact Minimization Plan pursuant to section 17863.4 and, if applicable, an Odor Best Management Practice Feasibility Report and associated plan pursuant to section 17863.4.1. The EA may require the operator to revise the Odor Impact Minimization Plan and, if applicable, the Odor Best Management Practice Feasibility Report and associated plan if the operator proposes to accept new feedstock, such as food material or vegetative food material.


Article 4. Enforcement by EA and Review by Board Department

§ 18302. Written Complaints of Alleged Violations.
(a) Any person having information alleging a facility or operation is being operated without a required permit or notification, in violation of one or more terms or conditions of a permit, in violation of the state minimum standards, or in violation of any related state solid waste laws or regulations, or that a permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may file a complaint regarding such allegation in writing to the EA. The complaint shall include the following:
(1) The name, address and telephone number of the person making the complaint, however nothing in this chapter shall be construed to prevent the making of anonymous complaints by omitting the identity of the reporting party from the complaint;
(2) The identity and location, if known, of the facility or operation and the names and addresses, if known, of the persons responsible for the violation;
(3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and
(4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in investigating the complaint, including but not limited to information relating to witnesses and physical evidence.
(b) The person making the complaint may forward a copy to the Board Department.
(c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine whether its allegations, if true, would constitute a violation of a state minimum standard, permit term or condition or any related state solid waste law or regulation. The EA shall make its determination on the basis of the substance of the allegations rather than on the basis of the complaint's technical compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege facts constituting a violation of a state minimum standard, permit term or condition or related state solid waste law or regulation, it shall so advise the reporting party in writing at the address given in the complaint if an address is given and place a copy in its files.
(d) Upon receipt of an odor complaint related to a compostable material handling operation or facility, the EA shall investigate the complaint as soon as practical prior to issuing determine whether or not to issue a violation for failing to minimize odor. The odor complaint investigation shall include the following:
(1) The date and time the EA arrived and departed within the complaint area.
(2) Observations of wind direction and speed, and general weather conditions such as clouds, fog, high wind speed, humidity, and temperature.
(3) If odor is detected, the EA shall:
   (A) Record the location where odor was observed, such as the street address, latitude/longitude, tax parcel number, etc. 
   (B) Verify the odor event at the complainant's location and ascertain if document the complainant's claim, if any, that the odor is interfering with the complainant's use and comfortable enjoyment of life on the property.
   (C) Document odor characteristics, intensity, and duration at the complainant's location, the solid waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.
(D) Identify activities conducted at the solid waste facility/operation at the time of the odor event.

The EA should consult with the operator to determine if there were unusual operational changes or atypical feedstocks accepted during the time of the complaint(s).

Any known facts relevant to the alleged violation provided by local, state, and federal agencies having appropriate jurisdiction.

The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on that ground, it shall so advise the complaining party in writing at the address given in the complaint if an address is given and place a copy in its files.

Except as provided in subsection (c) or subsection (de) of this section, the EA shall commence an investigation of the facts alleged in the complaint.

If an LEA has a complaint review and investigation initiation procedure that contains substantially the same basic requirements as this section, and accomplishes the intended purposes of this section within its board-Department-approved EPP, it may follow that equivalent process in lieu of subsections (c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or her complaint will receive appropriate attention.

If the board-Department receives a complaint in a jurisdiction where it is not the EA, the complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has already received a copy from the complaining party.

Appendix 1 Joint Permit Application Form

NEW

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR
SOLID WASTE FACILITY PERMIT/AND WASTE DISCHARGE REQUIREMENTS

This application form is for a Solid Waste Facility Permit (SWFP) and/or Waste Discharge Requirements (WDRs) to receive, store, process, transform, or dispose of solid waste regulated by the California Integrated Waste Management Board (CIWMB), Department of Resources Recycling and Recovery (CalRecycle), and Local Enforcement Agencies (LEAs) and the California Regional Water Quality Control Boards (RWQCBs), and for related purposes. The Application is to be used for both new and revised permits—changes to existing SWFPs, WDRs, and supporting documents (e.g. Reports of Facility Information, Reports of Waste Discharge), and expansions—for SWFP Reviews. All [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] Applications must be filled out completely [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] and correctly [Note to OAL and publisher: Underline indicates addition. Final text should remain underlined for emphasis.]. Check with local or county enforcement agency the applicable EA or RWQCB for specific permit requirements and/or exemptions or the use of the Application/General Information Form for WDRs and National Pollutant Discharge Elimination System permit (Form 200) by the RWQCB. This form Submit the Application and the filing fees should be sent to the appropriate agency(ies) indicated below:

<table>
<thead>
<tr>
<th>FORM TYPE / USE</th>
<th>APPROPRIATE AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for a Solid Waste Facility Permit</td>
<td>CIWMB/LEA</td>
</tr>
<tr>
<td>Report of Waste Discharge #for WDRs</td>
<td>RWQCB</td>
</tr>
</tbody>
</table>

If you have any questions on the completion of how to complete this form, please contact the appropriate agency(ies) for assistance. You can download this form from the CIWMB-CalRecycle website at /LEACentral/http://www.calrecycle.ca.gov.

NOTE: For direct discharge (point source discharge) to surface waters, a different application form and submittal package is required in place of this form. Please contact the applicable Regional Water Quality Control Board RWQCB if seeking to discharge to surface water under the for a National Pollutant Discharge Elimination System (NPDES) permit application form to apply for a permit for this type of discharge..

The Application for Solid Waste Facility Permit/Waste Discharge Requirements provides initial notice of a waste discharge. In most instances, additional information will be required, and should be submitted on 8 ½” X 11” paper. Submit two copies of the completed form Application and of any required report(s), and filing fee to the Enforcement Agency (EA). Submit one copy of the form Application and any required report and filing fee to the RWQCB. The RWQCB will notify you of your annual fee based on an evaluation of your proposed discharge. Please do not submit a check to the RWQCB until requested to do so by a RWQCB representative. Applicants applying for an update of an existing WDR will be billed through the annual fee billing system and therefore are requested NOT to submit a check with their Application. The agency(ies) will advise you of any additional information that may be required to complete this Application and waste disposal report.

You will be notified of the effective date of the application by each agency.

The Applicant shall submit this Application in a form and format required by the EA. The EA will exercise its discretion in using the information provided by the Applicant to establish terms and conditions of a proposed SWFP the EA determines to be appropriate.

AMOUNT OF FILING FEES

• EA - The enforcement agencies shall determine the exact fee Contact the EA for fee information.
RWQCB – Use flow or units reported in Part 4 (application form) and the appropriate class schedule A, B, B1, B3, or C (attached filing fee schedule). Contact the RWQCB for fee information.

FOR OFFICIAL USE ONLY (CIWMB-CalRecycle/LEA/RWQCB staff)

SWIS/WDID/Global ID Number: The Solid Waste Information System (SWIS) number assigned to the facility by CIWMB-CalRecycle staff. The Waste Discharge Identification number (WDID) and global identification number (global ID) for use by RWQOB staff.

Filing Fee: The amount of filing fee submitted by the applicant.

Receipt Number: The number assigned to the Application by CIWMB-CalRecycle/LEA/RWQCB staff.

Date Received: The date the EA or RWQCB receives the Application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts the Application package for filing (Title 27, section 21650(a)). Leave blank if the Application is for a SWFP review (Title 27, section 21640).

Date Rejected: The date the EA rejects determines that the Application package is rejected (Title 27, section 21650(d)). Leave blank if the Application is for a SWFP review (Title 27, section 21640).

Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete Application package as incomplete (Title 27, section 21580). Date Due: Within 180 days from the date the application was accepted as incomplete (Title 27, section 21580). Leave blank if Application is for a SWFP review (Title 27, section 21640).

Due Date: 180 days from the date the application was accepted as incomplete (Title 27, section 21580).

Part 1. GENERAL INFORMATION

A. Enforcement Agency: Enter the name of the EA.

B. County: Enter the name of the county or counties in which the facility is located.

C. Type of Application: Check the box (one box only) that describes the reason the Application is being submitted, as follows:

1. New SWFP and/or WDRs: A facility that does not have a current full SWFP or WDRs.

2. Revision of Change to SWFP and/or WDRs: Applicant is proposing to make a change to the design or operation of the facility. (Title 27, section 21620 and 21710)

3. Exemption and/or Waiver: The facility is exempted from a full SWFP pursuant to Title 27, section 21565 and/or WDRs have been waived.

4. Review: To comply with the five-year permit review requirement (Title 27, section 21640).

5. Amendment of Application: If the applicant changes any of the information required in the Application after the application package it has been submitted and before the EA has acted on the Application issuance or denial of the permit or alteration thereof, the applicant changes any of the information required in the application package. (Title 27, section 21610 and 21710)

6. RFI/ROWD/JTD Amendments: For existing permitted facilities, when an owner/operator proposes to make minor changes in design or operation supported by an existing or new CEQA documentation. The application package is submitted to the EA and/or RWQCB to determine if the proposed change(s) can be allowed without an application for a revision. A change to the Report of Facility Information, Report of Waste Discharge, or Joint Technical Document that does not require a change to the SWFP or WDRs.

Part 2. FACILITY DESCRIPTION

A. Name of Facility: The name as it is to be listed on the SWFP and/or the WDRs.

B. Location of Facility:

1. The physical address of the facility or, if no address, a description of the location. Include the Assessor’s Parcel Number, directions to the location of the facility and the name of the nearest city or named place, i.e. mountain, lake, cross roads, etc. Provide the zip code for the actual facility location, not the mailing address.
2. Latitude and longitude is to be submitted in Degrees, Minutes, and Seconds, or Decimal Degrees identifying the center of the waste footprint for existing or proposed disposal sites and identifying the office or main gate for all other facilities (e.g., transfer station, composting facility, etc.). Use of a GPS instrument is recommended. It indicates the center of the waste footprint, existing or proposed, for disposal sites, and the office or gate for all other facilities (i.e., transfer, composting, etc.)

3. Map or sketch should be to a scale adequate to show the precise location of the permitted boundary. Use of a portion of a U.S.G.S. Quadrangle map is recommended. Map must show proximity of disposal location to populated areas and must indicate all wells and drainage courses within 1,000 feet of any disposal point. The map must include approaches and/or access roads, streets, and/or highways. The legal description shall include the applicable portions of the section(s) of the township, range, base, and meridian. The facility shall have permanent monuments or other physical features that adequately delineate the permitted boundary in the field.

C. Type Of Activity: Check all that apply or will apply for the type of facility covered under this application package.

1. Disposal: A facility that includes a place, location, tract of land, area, or premises in use, intended to be used, or which has been used, for landfill disposal of solid waste; and,
   a. Type: The type of disposal facility, such as, monofill-monofil and C&D/inert, municipal solid waste, or Engineered municipal solid waste conversion facility.
   2. Composting-Compostable Material Handling: A facility that is operated for the purpose of producing compost handles compostable materials, and
      a. Type: The type of composting facility, e.g. green waste, food waste, biosolids, or MSW.
   3. Transformation: A facility that at which solid waste is incinerated, or subject to pyrolysis, distillation, or biological conversion other than composting. Transformation does not include composting, gasification, or biomass conversion.
   4. Transfer/Processing Facility: A facility that receives, handles, stores, separates, converts or otherwise processes materials in solid waste; and, or transfers solid waste directly from one container to another or from one vehicle to another for transport; and/or store solid waste. For informational purposes only: Check the box if recyclable materials are recovered prior to transfer/processing.
   5. Construction and Demolition/Inert Debris Processing: A facility that receives Construction and Demolition Debris and/or Inert Debris for the purpose of controlled separation, recovery, volume reduction, or recycling.
   6. In-vessel Digestion: A facility that receives solid waste for digestion in an in-vessel digester.
   7. Other: An activity authorized by law not listed above.

D. Identification of Facility in CIWMP [Conformance Finding Information] (CIWMP Title 27, section 21570(f)(5)(5)):
1. If the location of the facility is identified in either a Countywide Siting Element or a Nondisposal Facility Element, check the appropriate box, and fill in the date of the document and the page on which the facility is identified. If you do not currently have this information, (you may obtain it this information from the jurisdiction in which the facility is located).
2. If the facility is a Transfer Station that will divert less than 5% of the material that it receives, it is not required to be identified in either a Countywide Siting Element or a Nondisposal Facility Element and you should check the appropriate box.

E. Type Of Permitted Wastes To Be Received: Check all that apply for the type of material covered under this application package:
1. Agricultural: Wastes resulting directly from the production and processing-conduct of farm or agricultural products activities, including, but not limited to, manures, prunings, and crop residues.
2. Asbestos: A naturally occurring family of carcinogenic fibrous mineral substance. The State Department of Health Services-Toxic Substances Control has classified friable wastes which contain more than one percent or more asbestos by weight as hazardous wastes. Frible means that the material can be crumbled with pressure and, therefore, is likely to emit fibers. Indicate whether the asbestos is friable or non-friable by checking the appropriate box.
3. Ash: The residue from the incineration of solid wastes, including, but not limited to, municipal waste, infectious medical waste, wood waste, sludge, and agricultural waste.
4. Treated Auto Shredder Waste: The "fluff" consisting of upholstery, paint, plastics, and other non-metallic substances that remains after the shredding of automobiles, discarded household major appliances, and sheet metal-similar items. The State Department of Health Services has classified untreated shredder wastes as hazardous.
5. Compostable Material: Any organic material that when accumulated will become active compost. Describe the types of compostable materials to be received.

7. Contaminated Soil: Waste which contains designated or nonhazardous concentrations and has been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency. Soil that the RWQCB or the Local Oversight Agency has classified as a designated waste.

8. Dead Animals: Animal carcasses requiring disposal that have not been previously used for medical purposes and are not known to have been infected or with known-infectious diseases.

9. Industrial: Solid or semi-solid wastes resulting from industrial processes and manufacturing operations, e.g. cement kiln dust, ore process residues, grit or screenings removed from a waste water treatment facility, etc.

10. Inert: Solid waste and recyclable materials that are source separated or separated for reuse, do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives and do not contain significant quantities of decomposable waste. Inert debris may not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the putrescible wastes do not constitute a nuisance, as determined by the EA.

11. Liquids: Wastes which are not spadeable, usually containing less than 50% solids. These wastes include cannery and food processing wastes, landfill leachate and gas condensate, boiler blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings, rendering plant byproducts, some sewage sludge, etc.

12. Mixed/ or Municipal Solid Waste (MSW): Solid waste generated primarily by Residential and commercial refuse-sources, garbage and/or rubbish although it may contain insignificant amounts of other solid waste that, when mixed together, is all handled as MSW. Residential waste is commonly thought of as household garbage, commercial wastes contain less putrescible waste and more paper and cardboard.

13. Sewage Sludge: Human (not industrial) residue, excluding grit or screenings, removed from a wastewater treatment facility or septic tank, whether in a dry or semidry form.

14. Waste Tires: Discarded tire casings; Tires that are no longer mounted on a vehicle and are no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer’s original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not organized for inspection in a rack or a stack.

15. Other: Any allowable wastes not included in the above.

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**Part 3. FACILITY INFORMATION**

**A. Proposed Change:** Check the box that identifies the type of change proposed. Briefly describe the proposed change in the space provided.

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1. **Design Change:** A design change would include but is not limited to: change in footprint, acreage, additional capacity, site improvements, etc.

2. **Operation:** A change in operation would include but is not limited to: change in hours or days of operation, the addition of an activity, tonnage changes, etc.

3. **Owner, Operator, Address, and/or Facility Name Change:** Complete if there is a change in the owner, operator, address, or facility name.

4. **Other:** This type of change includes, but is not limited to: change in emergency contact list, etc.

**For an application for permit review, if there are no changes, so indicate.**

**AB. Facility Information**

1. **Information Applicable To All Existing Facilities:** This portion of Part 3 of the Application must be filled out by every applicant regardless of the type of facility.

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a. **Peak-Maximum Daily Tonnage or Cubic Yards:** The peak (maximum) total amount of solid waste and other material the facility applicant is permitted authorized by the EA to receive through the gate to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-to-day operations (include information on all other material authorized by the EA to receive in the Report of Facility Information (RFI)). This amount shall be expressed in tons\(^2\) if tonnage is not available or not applicable provide this specify the amount in cubic yards with a conversion factor. This will be referred to as the “permitted maximum tonnage” and is considered the facility maximum tonnage limit. This amount must be consistent with the approved SWFP and the approved Report of Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Volume figures should be converted to tons and

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the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below must equal the maximum daily tonnage.

1. **Disposal/Transfer**: The amount of material — solid waste that comes through the gate and is disposed of on-site or transferred off-site as waste; and

2. **Other**: That amount of all other material received at the site, including, but not limited to, material that is recycled, or used for beneficial use beneficially reused (such as ADC, road building or other on-site projects), stored or processed. Note: 1 and 2 should equal the peak daily tonnage or cubic yards.

b. **As-Designed Daily Design-Tonnage—(TPD) or Cubic Yards**: For landfills, the maximum daily tonnage amount of solid waste and other material that the facility is designed to receive and process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited to, size of working face the operating areas, vehicle traffic considerations, hours of operation, personnel, equipment operational limits, etc. For other facilities, it is the maximum amount of solid waste and other material the facility is designed to handle receive and process at any one time on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited to, vehicle traffic consideration, facility size, hours of operations, length of material storage, type of equipment and movement, personnel, equipment operational limits, etc. This amount shall be expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion factor. The as-designed tonnage value may be equal to or greater than the peak maximum daily tonnage value.

c. **Facility Size**: The area that encompasses the entire area on which solid waste facility activities are authorized by the EA to occur and are permitted. This includes the area of the facility in acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and managing equipment-management area, or any area that is required to maintain compliance with the design and operating parameters of the facility. The facility size is the same as “operating area” for composting material handling facilities, “permitted acreage” or the area within the “permitted boundaries” for transfer/processing facilities and landfills.

d. **Peak-Maximum Traffic Volume Per Day (vpd)**: The estimated maximum number of vehicles that will be authorized by the EA to enter the facility on a daily basis. This number should include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or material intended for beneficial reuse. This number must be consistent with the approved RFI and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted.

e. **Days and Hours of Operation**: The days and hours that the facility is authorized by the EA to operate and the hours of waste receipt authorized by the EA if different from the hours of operation. This information must be consistent with the approved RFI and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Any activities that are limited to prescribed days and/or hours should be fully described in the RFI.

2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs**: This portion of the Application must be filled out by every applicant requesting a change to any item(s) listed under Part 3. A. 1 and every applicant submitting an application for a new SWFP and/or WDRs (see Part 3. A. 1, for a description of the terms used). The requests must be consistent with an RFI submitted as part of the Application. The EA will review the requests and establish the terms and conditions of a proposed SWFP for those requests that are supported by documents submitted by the applicant. The RWQCB will review the requests and establish the terms and conditions of tentative WDRs for those requests that are supported by documents submitted by the applicant. Use the "OTHER" section to describe design or operational requests not already specified in this Part 3. A. 2.

23. **Additional Information Required For Compostable Materials Handling Facilities Only**: This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled out by the applicant if composting handling compostable materials is part of this application.

a. **Total Site Storage Capacity**: The total capacity in tons or cubic yards of all feedstock and compost (active, curing, and cured) material that is received, processed, and can be stored on-site at any one time.

24. **Additional Information Required For Landfills Only**: This portion of Part 3, section B3, in addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of
this the Application. All sections of the Application must be filled out completely. 

a. **Average Daily Tonnage (TPD):** The estimated average waste tonnage expected to be received/placed in a waste management unit for each operating day on a yearly basis (calendar year) for the next five years. Do not use non-operating days in calculating the average daily tonnage. This average daily tonnage can be equal to but may not exceed the peak maximum daily tonnage. Report as tons per day (TPD).

b. **Site Capacity Currently Permitted (Airspace) (cu yds):** The volume contained between the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to the top of the final cover) taking into consideration design slopes, benches, and other design features, as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site Capacity.

c. **Site Capacity Proposed (Airspace) (cu yds):** Additional site capacity (airspace) requested or potentially resulting from this permit Application.

d. **Site Capacity Used To Date (Airspace) (cu yds):** The volume of permitted site capacity used to date. See Date of Capacity Information below.

e. **Site Capacity Remaining (Airspace) (cu yds):** The total volume of permitted site capacity remaining, not including any proposed site capacity. If the remaining capacity information provided is based on estimates of capacity used since the last physical site survey, please explain the methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume, etc. See Date of Capacity Information below.

f. **Date Of Capacity Information (date):** The date as of which the remaining and used site capacities in Part 3 were determined. This date may predate the Application date by no more than three months. Amendments of the Application including more current capacities may be required.

g. **Last Physical Site Survey (date):** Date when the last aerial or ground survey was conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see Part 6, Section B for more details).

h. **Estimated Closure Date (month and year):** The closure date estimated based on remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other appropriate factors. Please note if the closure date is controlled by factors other than waste capacity (e.g., conditional use permit date, etc.).

i. **Disposal Footprint (acres):** The permitted area where waste will be or has been placed. This will be referred to as “permitted disposal area.”

j. **Site Capacity Planned (cu yds):** The estimated additional site capacity (in cubic yards) based upon any planned expansions not currently proposed, whether within or outside the current permitted boundary.

k. Provide one of the following:

1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste).** The in-place waste density is the estimated or measured density of in-place waste material achieved by mechanical or other means in the development of the current lift of the current operating waste cell, and

   (ii) **Waste-to-Cover Ratio (estimated) (volume:volume).** The waste-to-cover ratio estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate should include only soil or approved daily or intermediate alternative cover that is not considered a waste material, i.e., payment of fees to the CIWMB CalRecycle is not required. The waste portion of the waste-to-cover ratio estimate should include only waste material for which payment of fees to the CIWMB CalRecycle is reported, or

2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace).** The airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is recorded as the total weight of waste material passing over the landfill scales that is placed in a known volume of landfill airspace in a given period of time. The waste portion of the AUF should include only waste material for which payment of fees to the CIWMB CalRecycle is reported.

Part 4. SOURCE OF WATER SUPPLY (This is water used for any purpose at the facility)

A. Municipal or Utility Service: Give name and address of the water purveyor.

B. Individual Wells: Identify those wells that are not part of a municipal or utility service.
C. Surface Supply:
1. Provide the name of any stream, lake, spring, etc, if identified.
2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
3. If a state permit or license has been granted, give identification number.

D. Other: Enter any water source(s) not identified above.

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
A. Check the appropriate box(es) if an environmental document was, or is going to will be, prepared and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.
1. If an environmental document was prepared:
   • If an environmental document has already been prepared and circulated through the SCH and there is an SCH number, please write this number in the appropriate blank following the box that is checked.
   • If an environmental document has not yet been circulated through the SCH and no SCH number has been assigned to the environmental document yet, please check the box for the type of environmental document that is anticipated to be prepared and circulated through the SCH and write N/A in the appropriate blank for “SCH#.”
   • If the “ADDENDUM TO (Identify environmental document)” box is checked, please provide the type of environmental document that the addendum was prepared for along with the SCH number.
2. If an environmental document will be prepared, enter the name of the lead agency for preparing the document, if known.

EXAMPLE ONLY:
If the environmental document is an environmental impact report (EIR), write “EIR” and include the dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH number for the EIR.

B. If an environmental document was not, and is not planned to be, prepared because it is not required to comply with the requirements of CEQA, please provide the requested information by checking the appropriate box to indicate why an environmental document is not required for under CEQA.
   • If the “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” box is checked, please provide the CEQA Guidelines Section number and citation for the exemption.

EXAMPLE ONLY:
A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor repair to an existing facility. Therefore, check the box that says “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” and write the following in the blank after the box: “CEQA Guidelines, Section 15301, Class I Categorical Exemption.”

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

All attachments are necessary parts of the Application and are incorporated herein.

A. Section A of Part 6 must be completed by all applicants regardless of the type of facility.
B. Section B of Part 6 is additional documents required by landfill applicants only for disposal facilities.
   • Operating Liability Financial Mechanism: The date the demonstration was last modified or renewed. That date must be within the preceding twelve-month (annual renewal) period. For example, a Certificate of Insurance (CalRecycle CIWMB 107) has an “effective date” identified on the certificate. This date should and must be within the preceding twelve-month (annual renewal) period.
   • Financial Responsibility Documentation: The financial mechanism will be is a document, (i.e., letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance) statement, etc.) identifying the current dollar value of the demonstration and the date of the stated value. The date of the stated value should must be within the preceding twelve-month (annual renewal) period.
• Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those plans required by Title 27, sections 21780 and 21865 as applicable.

• Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release corrective action cost estimate and a copy of the non-water release corrective action cost estimate, as required by Title 27, sections 22100 through 22103.

• Landfill Capacity Survey Results: For disposal sites facilities permitted for to receive more than 20 tons per day, a ground or aerial survey is to be prepared at least every five years or more frequently as determined by the enforcement agency EA. For disposal sites facilities permitted for to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every ten years. If not previously submitted, survey results must be included with this Application. Survey results must be submitted as a CADD or vector graphics data file including at least two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum showing the existing and finished ground surfaces. For disposal sites where a change in permitted volume is proposed, a third stratum showing the base and proposed finished ground surfaces must be included. For each stratum the following information shall be included: site name, stratum name, surface1 name, surface2 name, volume calculation method (grid, composite, section), compaction (fill) factor, compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground surface is uncertain, the operator is allowed to provide the best available information as a substitute for the actual as-built contours. If selecting this substitute method, the operator must provide an explanation of the basis for using the substitute base ground surface.

For the purposes of this section the following definitions apply:

A1. "base ground surface" - the best available excavation plan surface that existed prior to the placement of any waste;

B2. "CADD" - computer aided design and drafting;

C3. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;

D4. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the upper surface;

E5. "existing ground surface" - the topography that exists at the time of the subject survey;

F6. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;

G7. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;

H8. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for the disposal site;

I9. "net volume" - the fill volume less the cut volume;

J10. "site name" - the name of the disposal site for which the survey information is being submitted;

K11. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified upper and lower surfaces;

L12. "stratum name" - a descriptive name for the stratum for which volumetric information is being submitted, e.g., total volume including proposed expansion;

M13. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base ground surface and proposed finished ground surface;

N14. "survey" - a comprehensive examination of the disposal site under the direction of a registered civil engineer or a licensed land surveyor for purposes of determining the topography of the base, existing and finished ground surfaces, and the volumes bound by those surfaces;

O15. "vector graphics" - computer generated images comprised of lines and shapes of given origin, direction, thickness, color and other attributes;

P16. "volume calculation method" - grid, composite, section or other method approved by the enforcement agency EA.

C. Section C of Part 6 specifies additional documents required only if applicable, for the type of facility to be covered under this Application as required by the EA or RWQCB. Under "Other," identify and list any other necessary documents not included specified above that are required by the EA or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or franchise other agreement documenting the operator's interest in and right to use the site as a solid waste landfill.
waste facility real property. Another example would be if there is a contract operator then a copy of the or a contract between the permitted operator and contract operator and etc.

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Part 7. OWNER INFORMATION:

Type of Business: Specify if the business owner of the facility that is the subject of the Application is a sole proprietorship, partnership, corporation, or government public agency.

Owner of Land: The person(s) that owns, in whole or in part, the land on which the facility is located.

Address, City, State, Zip: Provide the address, city, state, and zip code for the facility owner(s).

SSN or Tax ID #: Provide the SSN or tax identification number for the land owner(s).

Telephone #, Contact Person, Fax #, and E-mail Address: Provide the telephone number, fax number, and e-mail address, and print the contact name.

Address Where Legal Notice May Be Served: Provide the name and address of the person authorized to accept service for each owner of the facility where legal notice may be served.

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Part 8. OPERATOR INFORMATION:

Type of Business: Specify if the business operator filing this Application is a sole proprietorship, partnership, corporation, or government public agency.

Facility Operator: The person(s) (e.g., individual(s), partnership, corporation, or public agency) to whom the approval to operate the facility is granted, and who is responsible for the overall operation of the facility including but not limited to, complying with regulatory requirements, complying with all applicable federal, state, and local requirements, and the design, construction, and physical operation of the operating area, and control the activities at an a facility.

Address, City, State, Zip: Provide the address, city, state, and zip code for the facility operator(s).

SSN or Tax ID #: Provide the SSN or tax identification number for the operator(s).

Telephone #, Contact Person, Fax #, and E-mail Address: Provide the telephone number, fax number, and e-mail address, and print the contact name.

Address Where Legal Notice May Be Served: Provide the name and address of the person authorized to accept service for the operator of the facility where legal notice may be served.

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Part 9. SIGNATURE BLOCK:

Signature (landowner or agent): The A person(s) or their agent authorized to sign on behalf of the above owner.

Signature (lessee): A person(s) authorized to sign on behalf of the person leasing the land, if applicable.

Signature (facility operator or agent): The A person(s) or their agent authorized to sign on behalf of the operator above.

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Part 10. OTHER:

Attach additional sheets to explain any responses that need clarification.
APPLICATION FOR SOLID WASTE FACILITY PERMIT/AND WASTE DISCHARGE REQUIREMENTS

NOTE: This form has been developed for multiple uses. It is the transmittal sheet for documents required to be submitted to the appropriate agency. Please refer to the attached instructions for definitions of terms and for completing this application form in a complete and correct manner.

FOR OFFICIAL USE ONLY

SWIS/WDID/Global ID NUMBER: FILING FEE: RECEIPT NUMBER: DATE RECEIVED:

DATE ACCEPTED: DATE REJECTED: ACCEPTANCE DATE OF INCOMPLETE APPLICATION:

DATE DUE:

Part 1. GENERAL INFORMATION

A. ENFORCEMENT AGENCY: B. COUNTY:

C. TYPE OF APPLICATION (Check one box only):

1. NEW SWFP and/or WDRS  4-3. PERMIT REVIEW
2. REVISION OF CHANGE TO SWFP and/or WDRS  6-4. AMENDMENT OF APPLICATION
   ☑ REVISION ☐ MODIFICATION ☐ OTHER (As authorized by law)
3. EXEMPTION and/or WAIVER/WAIVER  6-5. RFV/ROWD/JTD AMENDMENT

Part 2. FACILITY DESCRIPTION

A. NAME OF FACILITY:

B. LOCATION OF FACILITY:

1. PHYSICAL ADDRESS OR LOCATION AND ZIP CODE:

2. LATITUDE AND LONGITUDE:

3. LEGAL DESCRIPTION OF PERMITTED BOUNDARY BY SECTION, TOWNSHIP, RANGE, BASE, AND MERIDIAN, IF SURVEYED:

C. TYPE OF ACTIVITY: (Check applicable boxes):

1. DISPOSAL  3. TRANSFORMATION  5. CAD/INERT DEBRIS PROCESSING
   a. TYPE: ☑

2. COMPOSTABLE MATERIALS HANDLING  4. TRANSFER/PROCESSING FACILITY  8. IN-VESSEL DIGESTION
   a. TYPE: ☑ CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING.

D. IDENTIFICATION OF FACILITY IN CIWMP [CONFORMANCE FINDING] INFORMATION (CIWMP):

1. FACILITY IS IDENTIFIED IN (Check one):

   ☑ SITING ELEMENT ☐ NONDISPOSAL FACILITY ELEMENT

   DATE OF DOCUMENT DATE OF DOCUMENT PAGE # PAGE #

2. FACILITY IS NOT REQUIRED TO BE IDENTIFIED IN SITING ELEMENT OR NONDISPOSAL FACILITY ELEMENT

E. TYPE OF PERMITTED WASTES TO BE RECEIVED: (Check applicable boxes):

1. AGRICULTURAL  6. CONSTRUCTION/DEMOLITION  11. LIQUIDS

2. ASBESTOS o Friable o Non-friable  7. CONTAMINATED SOILS  12. MIXED/MUNICIPAL SOLID WASTE (MSW)

3. ASH  8. DEAD ANIMALS  13. SEWAGE SLUDGE

4. AUTO SHREDDER  9. INDUSTRIAL  14. WASTE TIRES

5. COMPOSTABLE MATERIAL (describe):

10. INERT  15. OTHER (describe):

Page 1
Part 3. FACILITY INFORMATION

A. PROPOSED CHANGE (Check applicable box(es)):

☐ 1. DESIGN (describe):

☐ 2. OPERATION (describe):

☐ 3. OWNER, OPERATOR, ADDRESS AND/OR FACILITY NAME CHANGE (describe):

☐ 4. OTHER (describe):

B. FACILITY INFORMATION:

1. INFORMATION APPLICABLE TO ALL FACILITIES
   a. PEAK DAILY TONNAGE OR CUBIC YARDS
      1) DISPOSAL/TRANSFER (unit)
      2) OTHER (unit)
   b. DAILY DESIGN TONNAGE (TPD)
   c. FACILITY SIZE (acres)
   d. PEAK TRAFFIC VOLUME PER DAY (vpd)
   e. DAYS AND HOURS OF OPERATION

A. FACILITY INFORMATION:

1. INFORMATION APPLICABLE TO ALL EXISTING FACILITIES:
   a. MAXIMUM DAILY TONNAGE OR CUBIC YARDS
   b. AS-DESIGNED DAILY TONNAGE or CUBIC YARDS
   c. FACILITY SIZE (acres)
   d. MAXIMUM TRAFFIC VOLUME PER DAY (vpd)
   e. DAYS AND HOURS OF OPERATION
   f. OTHER

2. PROPOSED CHANGE(S) OR INFORMATION APPLICABLE TO NEW SWFP AND/OR WDRs
   a. MAXIMUM DAILY TONNAGE OR CUBIC YARDS
   b. AS-DESIGNED DAILY TONNAGE or CUBIC YARDS
   c. FACILITY SIZE (acres)
   d. MAXIMUM TRAFFIC VOLUME PER DAY (vpd)
   e. DAYS AND HOURS OF OPERATION
   f. OTHER

23. ADDITIONAL INFO. REQUIRED FOR COMPOSTINGABLE MATERIALS HANDLING FACILITIES ONLY:
   a. TOTAL SITE STORAGE CAPACITY (cu yds)

34. ADDITIONAL INFORMATION REQUIRED FOR LANDFILLS ONLY
   a. AVERAGE DAILY TONNAGE (TPD)
   b. SITE CAPACITY CURRENTLY PERMITTED (Airspace) (cu yds)
   c. SITE CAPACITY PROPOSED (Airspace) (cu yds)
   d. SITE CAPACITY USED TO DATE (Airspace) (cu yds)
   e. SITE CAPACITY REMAINING (Airspace) (cu yds)
   f. DATE OF CAPACITY INFORMATION (Date) (See instructions):
   g. LAST PHYSICAL SITE SURVEY (Date)
   h. ESTIMATED CLOSURE DATE (month and year)
   i. DISPOSAL FOOTPRINT (acres)
   j. SITE CAPACITY PLANNED (cu yds)
   k. 1. (i) IN-PLACE WASTE DENSITY (lbs of waste per cu yd of waste)
       AND
       (ii) WASTE-TO-COVER RATIO (Estimated) (v:v)
       OR
   2. AIRSPACE UTILIZATION FACTOR (tons of waste per cu yd of landfill airspace)
Part 4. SOURCE OF WATER SUPPLY (Check applicable boxes)

☐ A. MUNICIPAL OR UTILITY SERVICE: ________________________________

☐ B. INDIVIDUAL (wells): ________________________________

☐ C. SURFACE Supply:

1. NAME OF STREAM, LAKE, ETC.: ________________________________

2. TYPE OF WATER RIGHTS:

☐ RIPARIAN
☐ APPROPRIATION

3. STATE PERMIT OR LICENSE NUMBER, IF APPLICABLE: ________________________________

☐ D. OTHER: ________________________________

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (Check applicable boxes)

☐ A. CHECK BOX(ES) IF ENVIRONMENTAL DOCUMENT WAS OR WILL BE PREPARED FOR THIS PROJECT AND PROVIDE THE STATE CLEARINGHOUSE NUMBER (SCH#)

1. ENVIRONMENTAL DOCUMENT WAS PREPARED:

☐ ENVIRONMENTAL IMPACT REPORT (EIR) SCH# ________________________________

☐ NEGATIVE DECLARATION (ND)/MITIGATED NEGATIVE DECLARATION (MND) SCH# ________________________________

☐ ADDENDUM TO (Identify environmental document) SCH# ________________________________

2. ENVIRONMENTAL DOCUMENT WILL BE PREPARED (Enter lead agency if known):

☐ CATEGORICAL/STATUTORY EXEMPTION (CE/SE) EXEMPTION TYPE ________________________________ GUIDELINE # __________________

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

A. REQUIRED WITH ALL APPLICATION SUBMITTALS:

☐ RFI/JTD ________________________________ ☐ ENVIRONMENTAL DOCUMENT(S):

☐ LOCAL USE/PLANNING PERMITS ________________________________ ☐ EIR __________________

☐ LOCATION MAP ________________________________ ☐ MND/ND __________________

☐ MITIGATION MONITORING IMPLEMENTATION SCHEDULE & REPORTING PROGRAM ________________________________ ☐ EXEMPTION __________________

☐ LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC ________________________________ ☐ ADDENDUM __________________

B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS-DISPOSAL FACILITIES ONLY:

☐ OPERATING LIABILITY FINANCIAL MECHANISM ________________________________ ☐ FINANCIAL RESPONSIBILITY DOCUMENTATION __________________

☐ CLOSURE/POST CLOSURE MAINTENANCE PLAN ________________________________ ☐ KNOWN OR REASONABLY FORESEEABLE CORRECTIVE ACTION COST ESTIMATES __________________

☐ PRELIMINARY ________________________________ ☐ LANDFILL CAPACITY SURVEY RESULTS (see instructions) __________________

☐ FINAL ________________________________

C. IF APPLICABLE:

☐ REPORT OF WASTE DISCHARGE ________________________________ ☐ DEPT. OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT __________________

☐ CONTRACT AGREEMENTS ________________________________ ☐ SWAT (Air and water) __________________

☐ STORMWATER PERMIT APPLICATION ________________________________ ☐ WETLANDS PERMITS __________________

☐ NPDES PERMIT APPLICATION ________________________________ ☐ VERIFICATION OF FIRE DISTRICT COMPLIANCE __________________

☐ OTHER ________________________________
### Part 7. OWNER INFORMATION
(For disposal site, if operator is different from land owner, attach lease or other agreement)

<table>
<thead>
<tr>
<th>TYPE OF BUSINESS:</th>
<th>SOLE PROPRIETORSHIP</th>
<th>PARTNERSHIP</th>
<th>CORPORATION</th>
<th>GOVERNMENT AGENCY</th>
</tr>
</thead>
</table>

**OWNER(S) OF LAND**

(Name):

<table>
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<tr>
<th>SSN OR TAX ID #</th>
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**ADDRESS, CITY, STATE, ZIP**

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<th>TELEPHONE #:</th>
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<th>FAX #:</th>
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<th>E-MAIL ADDRESS:</th>
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<tr>
<th>CONTACT PERSON (Print Name):</th>
</tr>
</thead>
</table>

### Part 8. OPERATOR INFORMATION
(For disposal site, if operator is different from land owner, attach lease or other agreement)

<table>
<thead>
<tr>
<th>TYPE OF BUSINESS:</th>
<th>SOLE PROPRIETORSHIP</th>
<th>PARTNERSHIP</th>
<th>CORPORATION</th>
<th>GOVERNMENT AGENCY</th>
</tr>
</thead>
</table>

**FACILITY OPERATOR(S)**

(Name):

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<tr>
<th>SSN OR TAX ID #:</th>
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**ADDRESS, CITY, STATE, ZIP**

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<tr>
<th>CONTACT PERSON (Print Name):</th>
</tr>
</thead>
</table>

**ADDRESS WHERE LEGAL NOTICE MAY BE SERVED:**
Part 9. SIGNATURE BLOCK

Owner:
I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application and understand that I may be responsible for the site should the operator fail to meet applicable requirements.

SIGNATURE (LAND OWNER OR AGENT):

PRINTED NAME:

TITLE: DATE:

Lessee:
I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application.

SIGNATURE (LESSEE):

PRINTED NAME:

TITLE: DATE:

Operator:
I certify under penalty of perjury that the information contained in this application and all attachments are true and accurate to the best of my knowledge and belief.

SIGNATURE (FACILITY OPERATOR OR AGENT):

PRINTED NAME:

TITLE: DATE:

Part 10. OTHER (Attach additional sheets to explain any responses that need clarification).
Date:       June 26, 2015
To:         Interested Parties
From:       Ken Decio, Senior Environmental Scientist
Subject:    Notice of Changes to Proposed Compostable Materials, Transfer/Processing Regulations

A 45-day public comment period for the proposed Compostable Materials, Transfer/Processing Regulations ran from October 10, 2014 through December 5, 2014. California Department of Resources Recycling and Recovery (CalRecycle) staff held a public hearing on the proposed regulations on December 10, 2014. After considering comments received during the 45-day comment period and comments made at the public hearing, CalRecycle staff revised the proposed regulations. A 15-day public comment period for the proposed revisions ran from April 21, 2015 through May 6, 2015. On June 29, 2015 CalRecycle will initiate a second 15-day comment period for revisions made to the proposed regulations in response to comments received.

A copy of the full text of the regulations as originally proposed with the newly proposed changes clearly indicated is available on Compostable Materials rulemaking website at: http://calrecycle.ca.gov/Laws/Rulemaking/Compost/. Text shown in double underline italics (addition) and double strikethrough italics (deletion) depict proposed changes made after the first 15-day comment period. CalRecycle staff is only required to respond to comments related to the newly proposed changes to the regulations.

This second 15-day written public comment period for this rulemaking ends at 4:00 pm on July 14, 2015.

Please submit your written comments to:

Ken Decio
Waste Permitting, Compliance, and Mitigation Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95814-4025
Fax: (916) 319-7244
Email: compost.transfer.regs@calrecycle.ca.gov

Thank you for your interest and participation in this process.
Proposed Regulation Text

Initial comment period changes are denoted by the following:

- **Strikethrough** = deletions of existing text
- **Underline** = additions to existing text

Changes for the second comment period are denoted by:

- **Strikethrough** = deletions of the initial proposal
- **Underline** = additions to the initial proposal
Chapter 1. General Provisions

Article 1. Emergency Waiver of Standards-Definitions

§ 17017. Definitions.
As used in this division:
(a) "Department" means the Department of Resources Recycling and Recovery, which is vested with the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California Integrated Waste Management Board (board).
(b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department of Resources Recovery and Recycling (Department).


Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities Regulatory Requirements

§ 17362.2. Contaminated Soil Transfer/Processing Operations.
All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These operations shall be inspected by the enforcement agency at least once quarterly—every three (3) months unless the enforcement agency approves, with Department concurrence, a reduced inspection frequency. The enforcement agency may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


Article 5.8. Nonhazardous Ash Regulatory Tier Requirements

§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.
(a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in the California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18103).
(b) In addition to the requirements of subdivision (a), the following statement shall be included in the enforcement agency notification and signed by the operator: "The undersigned certify under penalty of perjury that the information in this document and all attachments are true and correct to the best of my knowledge, and is being executed in accordance with the requirements of the California Code of Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as
defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that there are significant penalties for submitting false or misleading information in this certification, including the possibility of fine or imprisonment, or both.”

(c) A new Enforcement Agency Notification is required any time there are changes to information required by this section.

(d) These operations may shall be inspected by the enforcement agency as necessary for the protection of public health, safety and the environment every three (3) months unless the enforcement agency approves, with Department concurrence, a reduced inspection frequency. The enforcement agency may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements

§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris Regulatory Requirements.

(a) A site that receives only construction and demolition debris and inert debris (CDI) and which meets the requirements of this section shall be classified as a CDI recycling center. A site that receives only inert debris and which meets the requirements of this section shall be classified as an inert debris recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any other requirements of this Article except as specified in this section.

(1) The CDI debris that a CDI recycling center receives shall have been separated at the point of generation.

(A) For the purposes of this section, “separated at the point of generation” means that the material has been separated from the solid waste stream by the generator of that material or by a processor prior to receipt at a CDI recycling center and has not been commingled with other solid waste or recyclable materials. For example, each material type must be transferred in separate containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled in a single container.

(2) An inert debris recycling center shall receive only Type A inert debris that is source separated or separated for reuse. The inert debris may be commingled in a single container.

(b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:

(1) The residual shall be less than 10% by weight of the amount of debris received at the site, calculated on a monthly basis. Recycling center operators may report their residual percentage to the EA and the board Department on Form CIWMB 607 (see Appendix A).

(2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible wastes shall not constitute a nuisance, as determined by the EA.

(c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited at CDI recycling centers.

(d) The following storage time limits apply to CDI recycling centers:

(1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on-site for more than one year 90 days, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the board Department.

(4) At the EA’s discretion, storage time limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.
(5) CDI recycling center storage time limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA's findings shall be in writing.

(e) The following storage limits apply to inert debris recycling centers:

1. Inert debris stored for more than 6 months that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

2. Inert debris that has been processed and sorted for resale, or reuse, but remains stored on-site for more than 18-12 months, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

3. Storage time limits do not apply to Type A inert debris recycling centers which are located at an inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material production facility.

4. Storage time limits do not apply to Type A inert debris recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the board-Department.

5. At the EA's discretion, storage limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.

6. Inert debris recycling center storage limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA's findings shall be in writing.

(f) Nothing in this section precludes the EA or the board-Department from inspecting a site to verify that it is and has been operating in a manner that meets the requirements of this section, or from taking any appropriate enforcement action, including the use of a Notice and Order as provided in section 18304.

(g) In evaluating whether or not a particular site is in compliance with this section, the EA shall, among other things, do the following:

1. If the EA has reason to believe that each load of debris received at a recycling center is not separated at the point of generation, is not source separated or is not separated for reuse, as applicable, or that the residual exceeds 10% of the total debris received per month, or that the amount of putrescible wastes exceeds 1% by volume of the total debris received per month, or material is being stored in excess of the applicable storage limits, or that upon request no evidence is provided by the owner and operator that the stored debris is being accumulated for viable reuse, or that the site is not in compliance with any other requirement in this section, the EA may require the owner or operator to provide evidence that the recycling center is in compliance. The burden of proof shall be on the owner and operator of the recycling center to demonstrate it is in compliance.

2. At the time that the EA requires a recycling center to provide evidence that it is in compliance with this section, the EA shall provide the owner and operator of the recycling center a written description of the information that has caused the EA to believe that the recycling center is not in compliance. Notwithstanding, the EA shall not be required to identify the name or other identifying information regarding any person(s) who has complained about the recycling center.

(h) Sites which do not meet the applicable requirements of this section do not qualify as recycling centers and shall comply with this Article and all laws and regulations applicable to them. The burden of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are not subject to the requirements of this Article.


§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.

(a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.
The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier requirements.

(1) A small volume C&D wood debris chipping and grinding operation shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq. and shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(2) A medium volume C&D wood debris chipping and grinding operation shall comply with the Registration Permit tier requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq.

(3) A large volume C&D wood debris chipping and grinding facility shall comply with the Full Permit tier requirements set forth in CCR, Title 27, Division 2, Subdivision 1, Chapter 4, commencing with section 21563.

(4) To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

(5) Except as otherwise specified in this section, small volume C&D wood debris chipping and grinding activities shall comply with all requirements applicable to small volume CDI debris processing operations, medium volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to medium volume CDI processing facilities, and large volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to large volume CDI debris processing facilities.


§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.

All small volume CDI debris processing operations shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These operations shall be inspected quarterly by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals. The operator shall specify the operation's boundary area in the operating record.


§ 17383.7. Inert Debris Type A Processing Operations.

(f) These operations shall be inspected by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

Inspections shall be conducted quarterly. To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements

§ 17388.3. Inert Debris Engineered Fill Operations.
...
(b) Inert debris engineered fill operations shall be inspected as necessary by the EA at least once every three (3) months to verify compliance with State Minimum Standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less than annual.
...
Note: Authority cited: Sections 40502, 43020, and 43021, and 48007.5, Public Resources Code.
Reference: Sections 40053, 43020, and 43021, and 48007.5, Public Resources Code.

Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements

§ 17403.1. Excluded Operations.
(a) The following operations do not constitute transfer operations or facilities for the purposes of these Articles and are not required to meet the requirements set forth herein:
...
(8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, in accordance with Section 17896.6(a)(1).
...

§ 17403.2. Sealed Containers Transfer Operations.
All sealed container transfer operations subject to this Article shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA, as necessary, at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less than annual. The operator shall specify the operation's boundary area in the operating record.
...

§ 17403.3. Limited Volume Transfer Operations.
All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100). These operations shall be inspected by EA as necessary, at least once every three (3) months to verify compliance with minimum standards unless
the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. \(^\text{[Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]}\)

Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less than annual. The operator shall specify the operation’s boundary area in the operating record.


### Article 6.2. Operating Standards

**§ 17409.2. Sanitary Facilities.**

The operator shall maintain all sanitary and hand-washing facilities which may be required, by applicable state or local requirements, in a reasonably clean and adequately supplied condition.


### Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

#### Article 1. General

**§ 17852. Definitions.**

(a) For the purposes of this Chapter:

1. "Active Compost" means compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of compost per day, or the equivalent of oxygen uptake.

2. "Additives" means material mixed with feedstock or active compost in order to adjust the moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include, but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost feedstock.

3. "Aerated Static Pile" means a composting process that uses an air distribution system to either blow or draw air through the pile. Little or no pile agitation or turning is performed.


4.5) "Agricultural By-Product Material” means post-harvest agricultural by-products separated at a processing facility.

A. Agricultural By-product Material includes, but is not limited to, solid or semi-solid materials from fruit, nut, cotton, and vegetable processing facilities such as stems, leaves, seeds, nut hulls and shells, peels, and off-grade, over-ripe, or under-ripe produce.

B. Agricultural By-product Material does not contain packaging material, physical contaminants, or hazardous materials, and does not include wastewater, sludges, or additives.

5. "Agricultural Material” means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as “food material” or
"vegetative food material" is not agricultural material. Agricultural material includes, including but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

(6) “Agricultural Material Composting Operation” means an operation that produces compost from green or agricultural material, additives, and/or amendments.

(7) “Amendments” means materials added to stabilized or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock.

(8) “Anaerobic Decomposition” means the biological decomposition of organic substances in the absence of oxygen.

(9) “Biosolids” means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and scum or solids removed in primary, secondary, or advanced wastewater treatment processes. Biosolids includes the residue solids resulting from the co-digestion of anaerobically digestible material with sewage sludge. Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works.

(10) “Chipping and Grinding Operations and Facilities” means an operation or facility, that does not produce compost, that mechanically reduces the size or otherwise engages in the handling, of compostable material and:

(A) The site does the following:

1. The site handles only material, excluding manure, allowed at a green material composting operation or facility as set forth in section 17852(a)(22); and,

2. Each load of green material is removed from the site within 48 hours of receipt. The EA may allow a site to keep green material on-site for up to 7 days if the EA determines that the additional time does not increase the potential for violations of this Chapter.

(B) If the site fails to meet the definition of green material because it exceeds the contamination limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing Regulatory requirements (commencing at section 17400).

(C) If the site fails to meet the definition of this section because the green material remains on-site for a longer period of time than is allowed, then the site shall be regulated as a compostable material handling operation or facility, as set forth in this Chapter.

(11) “Compostable Material” means any organic material that when accumulated will become active compost as defined in section 17852(a)(1).

(12) “Compostable Materials Handling Operation” or “Facility” means an operation or facility that processes, transfers, or stores compostable material. Handling of compostable materials results in controlled biological decomposition. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstocks, and chipped and ground materials. “Compostable Materials Handling Operation or Facility” does not include activities excluded from regulation in section 17855. “Compostable Materials Handling Operation or Facility” also includes:

(A) agricultural material composting operations;
(B) green material composting operations and facilities;
(C) vegetative food material composting facilities;
(D) research composting operations; and,
(E) chipping and grinding operations and facilities.

(13) “Curing” means the final stage of the composting process that occurs after compost has undergone pathogen reduction, as described in section 17868.3, and after most of the readily metabolized material has been decomposed and stabilized.

(13.5) “Digestate” means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester, as defined in section 17896.2(a)(14). Digestate intended to be composted pursuant to this Chapter may only be handled at a facility that has obtained a Compostable Materials Handling Facility Permit pursuant to section 17854.

(14) “Domestic Sewage” means waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

(15) “Disposal of compostable material and/or digestate” means:

(A) 1. The final deposition of compostable material and/or digestate on land, unless excluded from this Chapter 3.1 pursuant to section 17855;

2. Storing or stockpiling more than 200 cubic yards of compostable material, other than stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration...
requirements of section 17868.2, enter on land for a combined period of time greater than six months, 30 days, except as provided in subdivision (A); or

3. storing or stockpiling more than 200 cubic yards of agricultural material and green material, or compost for more than twelve months on prime land that is zoned for agricultural land uses as defined in Government Code section 51201, unless the EA, after RWQCB in consultation with the EA applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that storing or stockpiling the material more than 12 months will not adversely affect the public health and safety or the environment may remain within the operations area for a period of time greater than specified.

(B) Disposal of compostable material does not include the use of compostable material for:
1. alternative daily cover material for a solid waste landfill pursuant to Title 27, California Code of Regulations, section 20686; or
2. for mine reclamation in accordance with applicable law. Notwithstanding this section, use of compostable organic material as a alternative daily cover material shall still require approval for use pursuant to Title 27, California Code of Regulations, section 20680 and may require additional approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.

(C) Disposal does not include for land application of compostable material as defined in section 17852(a)(24.5) “Land Application” means the application of compostable material, excluding food material or mixed solid waste for the following applications: to forest, agricultural, and range land at agronomic rates; in accordance with California Department of Food and Agriculture (CDFA) requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.

(D) as specified in section 17852(a)(24.5)(B).

(E) Should the EA have information reason to believe that a person compostable material handler is engaging in activities that meet the definition of disposal of compostable material or authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall be on each person engaging in or authorizing such activities the land owner or operator to demonstrate otherwise.

(F) If the activities at a site meet the definition of disposal of compostable material and/or digestate, the site shall be regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).

(16) "Dry Weight Basis" means weight calculated on the basis of having been dried until reaching a constant mass, that results in essentially 100 percent solids content.

(17) "Enclosed Composting Process" means a composting process where the area that is used for the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed sides and rests on a stable surface with environmental controls for moisture and air-borne emissions present.

(18) “EA” means enforcement agency.

(19) “Feedstock” means any compostable organic material used in the production of compost or chipped and ground material including, but not limited to, agricultural material, green material, vegetative food material, food material, biosolids, and mixed solid waste material. Feedstocks shall not be considered as either additives or amendments.

(19.5) “Film plastic” means sheet plastic 10 mil or less in thickness.

(20) “Food Material” means any waste material of plant or animal origin that was acquired for results from the preparation or processing of food for animal or human consumption, and that is separated from the municipal solid waste stream, and that does not meet the definition of “agricultural material”. Food material may includes, but is not limited to, material food waste from food facilities as defined in Health and Safety Code section 113785-113789 (such as restaurants), food processing establishments as defined in Health and Safety Code section 111955, grocery stores, institutional cafeterias (such as prisons, schools and hospitals) or-and residential food scrap collection. Food material does not include any material that is required to be handled only pursuant to the California Food and Agricultural Code and regulations adopted pursuant thereto.

(A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant material and is separated from other food material and the municipal solid waste stream. Vegetative food material may be processed or cooked but must otherwise retain its essential natural character and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and

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spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 of percent physical contaminants by dry weight, and meets the requirements of section 17868.5.

(21) “Green Material” means any plant material except food material and vegetative food material that is separated at the point of generation, contains no greater than 1.0 of percent physical contaminants by dry weight, and meets the requirements of section 17868.5. Green material includes, but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood waste from silviculture and manufacturing, and construction and demolition wood waste. Green material does not include food material, vegetative food material, biosolids, mixed solid waste material, material processed separated from commingled solid waste collection or processing, wood containing lead-based paint or wood preservative, or mixed construction or mixed and demolition debris. Agricultural material, as defined in this section 17852(a)(5), that meets this definition of “green material” may be handled as either agricultural material or green material.

(22) “Green Material Composting Operation” or “Facility” is an operation or facility that composts green material, additives, and/or amendments. A green material composting operation or facility may also handle manure and paper products. An operation or facility that handles a feedstock that is not green material, manure, or paper products, shall not be considered a green material composting operation or facility. “Green Material Composting Operation” or “Facility” does not include activities excluded from regulation in section 17855.

(23) “Handling” means the processing, transfer, and storage of compostable materials. Handling of compostable materials results in controlled biological decomposition. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstocks, and chipped and ground materials.

(24) “Insulating Material” means material used for the purpose of minimizing the loss of heat from a compost pile undergoing the “Process to Further Reduce Pathogens” (PFRP), as described in section 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.

(24.5) “Land Application” means either subdivision (A) or (B):

(A) The final deposition of compostable material and/or digestate spread on any land, including land zoned only for agricultural uses, under the following conditions:

1. On and after January 1, 2018, the compostable material and/or digestate does not contain more than 0.5% by dry weight of physical contaminants greater than 4 millimeters, as specified in section 17868.3.2(b) at the time of land application;
2. The compostable material and/or digestate meets the maximum metal concentrations, as specified in section 17868.2.2 at the time of land application;
3. The compostable material and/or digestate meets the pathogen density limits, as specified in section 17868.3(b)(1) at the time of land application; and
4. On land not zoned for agricultural uses, the compostable material and/or digestate is not applied more frequently than once during a 12 month period, and, at the time of the land application, the compostable material shall not exceed an average of 12 inches in total, accumulated depth on the land surface. The EA, in consultation with the Regional Water Quality Control Board, may approve alternative application frequencies and depths, if the EA after such consultation determines that the alternatives will not adversely affect public health and safety or the environment.

b. On land zoned only for agricultural uses, the compostable material and/or digestate is not applied more frequently than three times during a 12 month period, and, at the time of the land application, the compostable material shall not exceed 12 inches in total, accumulated depth on the land surface. The EA, in consultation with the California Department of Food and Agriculture to determine if the land application is agronomically beneficial and with the Regional Water Quality Control Board regarding water quality, may approve alternative frequencies and depths, if the EA after such consultation determines that the alternative will not adversely affect public health and safety or the environment. The Department shall coordinate all EA requests for consultation with the California Department of Food and Agriculture.

5. Verification of compliance with this subdivision must be provided to the EA upon request.

(B) The final deposition of compostable material spread on land zoned only for agricultural uses under the following conditions:

1. The compostable material does not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters; and
2. Prior to land application, the California Department of Food and Agriculture (CDFA) has determined that the land application is in compliance with all applicable requirements established by
CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land
application is agronomically beneficial; and

2. Prior to land application, the EA has received confirmation that CDFA has made the
determination specified in (B)(2) above.

(Note: This subdivision (a)(25.4) does not apply to:
1. the use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division,
2. the use of compostable material for gardening or landscaping on a parcel of land 5 acres or
less in size,
3. the final deposition of compostable material spread on land by a Federal, State, or local
government entity, provided the material is applied in accordance with applicable law,
4. the final deposition of agricultural by-products material spread on land as authorized by the
State Water Resources Control Board or a Regional Water Quality Control Board pursuant to Waste
Discharge Requirements, a Waiver of Waste Discharge Requirements, or a Resolution, provided this
final deposition does not adversely affect public health and safety or the environment,
4.5. the beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of
Regulations, section 20686, or
5. the beneficial reuse of biosolids pursuant to Part 503, Title 40 of the Code of Federal
Regulations and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-
specific Waste Discharge Requirements or other issued requirements from the State Water Resources
Control Board or a Regional Water Quality Control Board having jurisdiction.
[Note: In addition, as specified in section 17850(d), nothing in these standards shall be construed as
relieving any owner, operator, or designee from the obligation of obtaining all authorizations and
complying with all requirements of other regulatory agencies, including but not limited to, local health
entities, regional water quality control boards, air quality management districts or air pollution control
districts, local land use authorities, and fire authorities.]

25. “Manure” is an agricultural material and means accumulated herbivore or avian excrement.
This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
mixed with feces or urine.

26. “Mixed Solid Waste Material” means any compostable material that is part of the municipal
solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed
demolition or mixed construction debris, or plastics. A feedstock that is not source separated or
contains 1.0% or more of physical contaminants by dry weight is mixed solid waste material.

27. “Mushroom Farm” means an activity that produces mushrooms. The handling of compostable
material at a mushroom farm prior to and after use as a growth medium is subject to regulation
pursuant to this chapter and is not considered mushroom farming.

27.5 “Nuisance” includes anything which:
(A) is injurious to human health or is indecent or offensive to the senses and interferes with the
comfortable enjoyment of life or property, and
(B) affects at the same time an entire community, neighborhood or any considerable number of
persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

28. “Operations Area” means the following areas within the boundary of a compostable material
handling operation or facility:
(A) equipment cleaning, maintenance, and storage areas;
(B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and
(C) process water and stormwater drainage control systems.

29. “Operator” means the owner, or other person who through a lease, franchise agreement or
other arrangement with the owner, becomes legally responsible for the following:
(A) complying with regulatory requirements set forth in this Chapter;
(B) complying with all applicable federal, state and local requirements;
(C) the design, construction, and physical operation of the site; and
(D) site restoration.

30. “Owner” means the person or persons who own, in whole or in part, a compostable material
handling operation or facility, or the land on which these operations or facilities are located.


32. “Physical Contamination” or “Contaminants” means human-made inert products material
contained within feedstocks, compostable material, digestate, or compost, including, but not limited to,
glass, metal, and plastic.
(33) "Process Water" means liquid that is generated during or used in the production of compost or chipped and ground materials.

(34) "Research Composting Operation" means a composting operation that is operated for the purpose of gathering research information on composting.

(35) "Separated At The Point of Generation" includes material separated from the solid waste stream by the generator of that material. It may also include material from a centralized facility as long as that material was kept separate from the waste stream prior to receipt by that facility and the material was not commingled with other materials during handling.

(36) "Stabilized Compost" means any organic material that has undergone the Process to Further Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced biological activity as indicated by reduced temperature and rate of respiration below that of active compost.

(37) "Static Pile" means a composting process that is similar to the aerated static pile except that the air source may or may not be controlled.

(38) "Vector" includes any insect or other arthropod, rodent, or other animal capable of transmitting the causative agents of human disease.

(38.5) "Vegetative Food Material Composting Facility" is a facility that composes agricultural material, green material, vegetative food material, additives, and/or amendments. A vegetative food material composting facility may also handle manure and paper products. An operation or facility that handles a feedstock that is not agricultural material, green material, vegetative food material, manure, or paper products, shall not be considered a vegetative food material composting facility. "Vegetative Food Material Composting Facility" does not include activities excluded from regulation in section 17855.

(39) "Vermicomposting" means an activity that produces worm castings through worm activity. The EA may determine whether an activity is or is not vermicomposting. The handling of compostable material prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered vermicomposting.

(40) "Windrow Composting Process" means the process in which compostable material is placed in elongated piles. The piles or "windrows" are aerated and/or mechanically turned on a periodic basis.

(41) "Within-vessel Composting Process" means an aerobic process in which compostable material is enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost, maintained under uniform conditions of temperature and moisture where air-borne emissions are controlled.

(42) "Wood Waste" means solid waste consisting of wood pieces or particles which are generated from the manufacturing or production of wood products, harvesting, processing or storage of raw wood materials, or construction and demolition activities.

(43) "Yard Trimmings" means any wastes generated from the maintenance or alteration of public, commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree trimmings, prunings, brush, and weeds.

Sections 17854 through 17862.1 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5., Article 3.0., commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of Regulations) for compostable material handling operations and facilities. These requirements are summarized in Table 1.

Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency</th>
<th>Registration</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Material Composting Operations (all)</td>
<td>Refer to Section 17855</td>
<td>Section 17856</td>
<td>Composting Facilities (all) (e.g. biosolids, digestate, food material, mixed material) Section 17854.</td>
</tr>
<tr>
<td>Green Material Composting Operations (≤ 12,500 yd³)</td>
<td>Section 17857.1(a)</td>
<td>Vegetative Food Material Composting Facilities (≤ 12,500 yd³) Section 17857.2</td>
<td>Green Material Composting Facilities (&gt; 12,500 yd³) Section 17857.1 (c)</td>
</tr>
<tr>
<td>Biosolids Composting Operations at POTWs (all)</td>
<td>Section 17859.1</td>
<td></td>
<td>Vegetative Food Material Composting Facilities (&gt; 12,500 yd³) Section 17857.2</td>
</tr>
<tr>
<td>Research Composting Operations (≤ 5,000 yd³) (Within-vessel &gt; 5,000 yd³ with EA determination)</td>
<td>Section 17862.</td>
<td>Chipping and Grinding Operations (≤ 200 tpd) Section 17862.1(a)</td>
<td>Chipping and Grinding Facilities (&gt; 500 tpd) Section 17862.1(c)</td>
</tr>
<tr>
<td>Chipping and Grinding Operations (&gt; 200 tpd and ≤ 500 tpd)</td>
<td>Section 17862.1(b)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


§ 17855. Excluded Activities.
(a) Except as provided otherwise in this Chapter, (b) The activities listed in this section do not constitute compostable material handling operations or facilities for the purposes of this Chapter and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the Board-Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.
(1) An activity is excluded if it handles agricultural material, derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.
(2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after its use as a growth medium during the vermicomposting process is not an excluded activity and is
subject to the requirements of this chapter. Handling of agricultural material on the site of a
vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it
Eq. 17855(a)(11), or the Transfer/Processing Operations and Facilities Regulatory
Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35,
whichever is applicable, as follows:
(A) when the compostable material is active compost or is likely to become active compost, as
determined by the EA, the requirements of this chapter apply;
(B) at all other times when it is not being used as a growth medium during vermicomposting, the
compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory
Requirements.
(3) Mushroom farming is an excluded activity. The handling of compostable material prior to and
after its use as a growth medium during the mushroom farming process is not an excluded activity
and is subject to the requirements of this chapter. Handling of agricultural material on the site of a
mushroom farm, for use as mushroom bedding on that same site, is an excluded activity if it complies
with section 17855(a)(1) or the Transfer/Processing Operations and Facilities Regulatory
Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),
whichever is applicable, as follows:
(A) when the compostable material is active compost or is likely to become active compost, as
determined by the EA, the requirements of this chapter apply;
(B) at all other times when it is not being used as a growth medium during mushroom farming,
the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory
Requirements.
(4) Handling of green material, feedstock, additives, amendments, compost, or chipped and ground
material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable
materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or
given away annually. The compostable material may also include up to 10% food material by volume.
Composting green material, food material, and vegetative food material is an excluded activity if the
total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and
500-750 square feet.
[Note: Persons handling compostable material under the above exclusion are obligated to obtain all
permits, licenses, or other clearances that may be required by other regulatory agencies including, but
not limited to local health entities and local land use authorities.]
(5) The handling of compostable materials is an excluded activity if:
(A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered
or full permit as defined in section 18101,
1. has a Report of Facility Information which is completed and submitted to the EA that
identifies and describes the activity and meets the requirements of Titles 14 or 27; and,
2. will only use the material on the facility site;
(B) the activity is solely for the temporary storage of biosolids sludge at a Publicly Operated
Owned Treatment Works (POTW) or
(C) the activity is located at the site of biomass conversion and is for use in biomass conversion as
defined in Public Resources Code section 40106; or
(D) the activity is part of a silvicultural operation or a wood, paper, or wood product
manufacturing operation; or
(E) the activity is part of an agricultural operation and is used to temporarily store or process
agricultural material not used in the production of compost or mulch; or
(F) the activity is part of an operation used to chip and grind materials derived from and applied
to lands owned or leased by the owner, parent, or subsidiary of the operation; or
(G) the activity is part of an agricultural operation used to chip and grind agricultural material
produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation,
for use in biomass conversion; or
(H) the activity is part of a licensed animal food manufacturing or a licensed rendering operation.
(I) the activity is the storage of yard trimmings at a publicly designated site for the collection of
lot clearing necessary for fire protection provided that the public agency designating the site has
noticed the fire protection agency; or
(J) the materials are handled in such a way to preclude their reaching temperatures at or above
122 degrees Fahrenheit as determined by the EA or
(K) Non-commercial composting with less than one cubic yard of food material is excluded provided
that all compostable material is generated and used on-site.
(26) Storage of bagged products from compostable material is an excluded activity provided that such bags are no greater than 5 cubic yards.

(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.

(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as determined by the EA; land application in accordance with California Department of Food and Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770 et seq.


§ 17855.2. Prohibitions.
The following activities are prohibited at all compostable materials handling operations and facilities and at all sites where compostable materials handling activities that are excluded from regulation under this Chapter occur:

(a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow is prohibited, except when received:

(1) from the food service industry facility as defined in Health and Safety Code section 113789, grocery stores, or residential food scrap collection; or

(2) as part of a research composting operation for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concern, in accordance with section 17862.1; or

(3) from a source approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture.

(b) The composting of treated or untreated medical waste is prohibited.

(c) The composting of hazardous waste is prohibited.


§ 17855.3. Permit Name.
Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and 17857.2(a), shall be entitled: “Compostable Materials Handling Facility Permit.”


§ 17855.4. Pre-Existing Permits and Notifications.
(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations, sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is required. If the EA makes such a determination, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

(b) If an operation had previously been operating pursuant to an EA Notification in accordance with the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance with its EA Notification or regulatory authorization until the EA determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this determination no sooner than 120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable Materials Handling Facility Permit is required, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.
(a) All agricultural material composting operations and chipping and grinding operations shall comply with the Enforcement Agency 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. Agricultural Compostable Materials Handling Facilities shall only be subject to the requirements of section 17863.4 if the EA makes a written determination that the operation has violated the requirements for odor impacts of section 17867 and the requirements of this Chapter.

(b) Compost produced by an agricultural material composting operation is subject to the requirements of sections 17863.4 and 17863.4.1 only if the EA determines that the operation or has caused odor impacts in violation of section 17867(a)(2) and has notified the operator in writing of the violation a chipping and grinding operation which uses only agricultural material may be sold or given away in unrestricted quantities. These operations shall be inspected by the EA at least once annually.

(c) If their feedstock is limited to agricultural material, agricultural material composting operations may handle an unlimited quantity of agricultural material on the site and may sell or give away any or all compost they produce. These operations shall be inspected by the EA at least once each calendar year at a time when compostable material on the site is active compost. Compost produced by an agricultural material composting operation which uses agricultural material and/or green material, as specified in section 17852(a)(21), may be sold or given away in accordance with the following restrictions:

1. Those sites that do not sell or give away more than 1,000 cubic yards of material per year shall be inspected by the EA at least once annually when actively composting. If more than 12,500 cubic yards of green material, including feedstock, compost, or chipped and ground material, is to be handled on-site of productive farmland as defined in Government Code section 51201, the operator shall give advance notice to the EA. The EA shall only prohibit the on-site storage of additional materials, or impose a greater inspection frequency, if the EA makes a written finding that it will pose an additional risk to public health and safety and the environment. The EA shall forward a copy of the request and approval to the Board.

2. Those operations that sell or give away more than 1,000 cubic yards of material per year, shall have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped...
and ground material, on-site at any one time and shall be inspected by the EA once every three (3) months.

(3) These sites shall record the quantity received of green material.

(d) Agricultural material composting operations whose feedstock is both green material and agricultural material are subject to the following requirements:

(1) Producers located on Agricultural Land:

(A) Operations located on land that is zoned for agricultural uses that sell or give away less than 1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and green material on the site; provided, however, the EA may limit the amount of green material feedstock on-site to 12,500 cubic yards upon making a written finding that handling the excess material may pose a risk to public health and safety or the environment.

(B) The EA shall inspect operations authorized under this subdivision (d)(1) at least once each calendar year at a time when compostable material on the site is active compost.

(2) Other Producers:

(A) Operations located on land that is not zoned for agricultural uses and operations that sell or give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock on the site at any time.

(B) The EA shall inspect operations authorized under this subdivision (d)(2) at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. At least one of the required inspections each year shall occur at a time when compostable material on the site is active compost.


(a) A green material composting operation that has up to may have no more than 12,500 cubic yards of feedstock, compost, or chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time. Green material composting operations 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) and with the applicable requirements specified in this Chapter.

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural users and other consumers, the operator may request in writing that the EA authorize it to temporarily exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed on-site ("seasonal storage adjustment"). The EA shall respond in writing to the operator's request within 30 days of receipt. The EA may authorize such a seasonal storage adjustment if the EA determines it will not adversely affect public health and safety or the environment. The EA may impose any reasonable conditions on its approval of a seasonal storage adjustment. The initial term seasonal storage adjustment may not exceed 30 days. The EA may grant one or more additional 30-day seasonal storage adjustments not exceeding a total of 90 days per calendar year.

(A) With its request for a seasonal storage adjustment, the operator shall submit the following to the EA:

1. A description of the storage capacity at the operation and the maximum and average lengths of time the compostable material will be stored.

2. A schematic drawing showing the general layout of the operation and the location(s) where all materials at the site are stored with specific identification of the proposed location of the excess material.
3. A description of any additional fire prevention, protection and control measures needed to minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any such fires, which measures shall be approved by the local fire authority.

4. Where applicable, any revisions to the odor impact minimization plan necessary to address the storage of the additional material or a statement, with supporting information, that no revisions are necessary.

(b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost, or chipped and ground material on-site at any one time shall be inspected by the EA at least once every three (3) months, unless an operator request for a reduced inspection frequency of no less than annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA finds that it will not pose an additional risk to public health and safety and the environment. The EA shall forward a copy of the request and approval to the Board.

(b) A green material composting operation or facility exceeds any combination of the following requirements three (3) or more times within any two (2) year period, which the EA determines constitutes a violation of this Chapter, the facility no longer qualifies for an EA Notification under this section:

1. Receipt of material that contains greater than 1.0% physical contaminants by dry weight as specified in section 17852(a)(21);
2. Failure to comply with the processing requirements set forth in section 17868.5;
3. Failure to comply with the maximum volume on-site at any one time limit set forth in subdivision (a) above.

Upon the third such violation, the EA shall notify the operator in writing that the facility no longer qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease and desist order pursuant to section 18304 directing, among other things, that the operator immediately cease accepting material at the site until the operator has demonstrated to the EA that it has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at any time take any additional enforcement action the EA deems appropriate.

(c) A site that handles green material composting facility that has more than 12,500 cubic yards of feedstock, compost, or-chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time is a green material composting facility, excepting green material composting operations which the EA has authorized a seasonal storage adjustment pursuant to subdivision (a) above. Green material composting facilities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations. Green material composting facilities shall comply with the applicable requirements specified in this Chapter 3.1.

[Note: See section 17868.5 for green material processing requirements.]


§ 17857.2. Vegetative Food Material Composting Facilities.
(a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock, compost, and chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time and shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock, compost, and chipped and ground material on-site at any one time shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations and shall comply with the applicable requirements of this Chapter.

[Note: See section 17868.5 for green material and vegetative food material processing requirements.]

§ 17859.1. Biosolids Composting at POTWs.
(a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly Operated Owned Treatment Works (POTW) 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).

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]
(b) All other composting of biosolids shall comply with section 17854.


§ 17862. Research Composting Operations.
(a) An operator conducting research composting operations shall not have more than 5,000 cubic yards of feedstock, chipped and ground material, additives, amendments, chipped and ground material, active compost, and stabilized 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, chipped and ground material, additives, amendments, chipped and ground material, active compost, and stabilized 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 six month period of operation. Review criteria the operator of a research composting operation shall submit to the EA a report that includes the results and conclusions drawn from the research. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870, or obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to continuing operations.
(e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, 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.
(3) After no more than a six-month period of operation, the EA Notification for the operator of a research composting operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report that includes the results and conclusions drawn from the research and documentation of additional requirements of this section shall be reviewed after each six month period of operation. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years.
the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870, or obtain other appropriate authorization pursuant to Article 2 of this Chapter prior to continuing operations.

(f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to the EA with the 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.

(g) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


(a) A chipping and grinding operation that receives up to 200 tons per day of material that may be handled by a green material composting operation 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 and the applicable requirements specified in this Chapter.

1. These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(b) A chipping and grinding facility that receives more than 200 tons per day but not more than, and up to 500 tons per day of material that may be handled by a green material composting operation shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(c) A chipping and grinding facility that receives more than 500 tons per day of material that may be handled by a green material composting operation shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(d) On and after January 1, 2018, a chipping and grinding operation or facility shall sample every 5,000 cubic-yards of chipped and ground material produced and determine the percentage of physical contaminants greater than 4 millimeters in the sample using a method that provides accurate results and has been approved by the EA. If the chipping and grinding operation or facility produces less than 5,000 cubic-yards of chipped and ground material in a 12 month period, the operator shall analyze at least one composite sample of compost produced every 12 month period. The determination of the percentage of physical contaminants shall occur prior to the point where material is removed from the site. Any chipped and ground material that will be land applied must meet the physical contamination requirements of section 17852(a)(24.5).

(e) A chipping and grinding operation or facility shall not be subject to the provisions of sections 17868.1 through 17868.3 of this Chapter, however, any chipped and ground material that will be land applied must meet the maximum metal concentration and pathogen reduction requirements of section 17852(a)(24.5).

(f) If a chipping and grinding operation or facility exceeds the contamination limits specified in section 17852(a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory requirements (commencing at section 17400).
If a chipping and grinding operation or facility stores material for a longer period of time than is allowed by section 17852 (a)(10)(A)(2), then the site shall be regulated as a green material handling-composting operation or facility, as set forth in this Chapter.


Article 3. Report of Facility Information

§ 17863. Report of Composting Site Information.
Each operator of a compostable material handling facility that is required to obtain a Compostable Materials Handling Facility Permit or a Registration Permit for a Vegetative Food Material Composting Facility, as specified in Article 2 of this Chapter, shall, at the time of application, file a Report of Composting Site Information with the EA. If the operator intends to alter the permitted feedstock, these changes must be reported to the EA for maintenance of permit status. Such changes may become the basis for revisions to the permit or for revocation of the permit.

(m) A description of the proposed site restoration activities, in accordance with Section 17870.


§ 17863.4. Odor Impact Minimization Plan.
(a) All compostable material handling operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.
(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.
   (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,
   (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,
   (3) a complaint response and recordkeeping protocol; and,
   (4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns as applicable; and,
   (5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), biofiltration, and tarping as applicable.
(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.
(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.
(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.
(f) If the odor impact minimization plan is being followed, but and the EA determines, in a manner consistent with section 18302(d), that odor impacts are still occurring, the EA may issue shall direct the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a

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Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors; unless:
1. the EA has evidence that a specific and immediate action would reduce the odor impacts;
2. there is an imminent threat to public health and safety and the environment; or
3. a public nuisance has occurred.


§ 17863.4.1. Odor Best Management Practice Feasibility Report
(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to section 17863.4(f).
(b) The Report shall:
1. Present representative and correlating odor data for each potential onsite odor source including but not limited to: odor severity, odor characteristics, time and weather conditions when data was collected, description of operations associated with the source, and any odor impacts or complaints received;
2. Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in order of impact;
3. For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):
   (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has used to minimize odor and analyze each BMP for the following:
      1. The effectiveness of the BMP in reducing odor impacts;
      2. The potential for more extensive use of the BMP to minimize odor impacts described by complainants;
      3. If the BMP has been operationally practical and if more extensive use of the BMP would be operationally practical;
      4. The approximate cost to implement a more extensive use of the BMP;
      5. Any permits or permit changes necessary to use the BMP more extensively;
      6. Overall recommendation if existing BMPs should be continued and if more extensive use of the BMP is recommended; and
      7. If the BMP has been found to be ineffective (include supporting data).
   (B) List of all potential best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has not used and analyze each potential BMP to determine:
      1. The potential for the BMP to reduce odor impacts described by complainants;
      2. If the BMP is operationally practical;
      3. The approximate cost to implement the BMP;
      4. Any permits or permit changes necessary to use the BMP; and
      5. Overall recommendation and ranking of implementing the BMP.
   (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on the analysis conducted pursuant to subdivision (b)(3)(A) and (B).
(c) The operator shall submit the Report required by subdivisions (a) and (b), and the plan and schedule required by subdivision (b)(3)(C), to the EA and the Department for review. If the EA has required the operator to prepare a Report pursuant to subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe approved by the EA.
(d) The EA, in consultation with the Department, shall within 30 days:
   (1) approve the Report and associated plan and direct the operator in writing to implement the plan in whole or in part; and/or
   (2) direct the operator in writing to submit specific changes or additional information within a timeframe specified by the EA.
(e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision (d)(1) or (d)(2).

§ 17867. General Operating Standards.

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

1. All handling activities are prohibited from composting any material specified in section 17855.2 of this Chapter.

2. All handling activities shall be conducted in a manner that minimizes odor impacts so as to not cause a nuisance.

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

4. Random load checks of feedstocks, additives, and amendments for contaminants shall be conducted.

5. Contamination of compostable material that has undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.

6. Unauthorized human or animal access to the facility shall be prevented.

7. Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe manner.

8. All compostable materials handling operations and facilities, that are open for public business, shall post legible signs at all public entrances. These signs shall include the following information:
   
   A. name of the operation or facility,
   
   B. name of the operator,
   
   C. facility hours of operation,
   
   D. materials that will and will not be accepted, if applicable,
   
   E. schedule of charges, if applicable, and
   
   F. phone number where operator or designee can be reached in case of an emergency.

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

10. The operator shall provide telephone or radio communication capability for emergency purposes.

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

12. Enclosed operations and facilities shall provide ventilation to prevent adverse public health effects from decomposition gases.

13. The operator shall ensure that leachate is controlled to prevent contact with the public.

14. The operator shall prevent or remove physical contaminants in compost and chipped and ground materials that may cause injury to humans.

15. An attendant shall be on duty during business hours if the operation or facility is open to the public.


Article 7. Environmental Health Standards

§ 17868.1. Sampling Requirements.

All composting operations that sell or give away greater than 1,000 cubic yards of compost annually, and all composting facilities shall meet the following requirements:

(a) Operators shall verify that compost meets the maximum acceptable metal concentration limits specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3. Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used on-site.
results of samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced. This verification shall be performed by taking and analyzing at least one composite sample of compost, following the requirements of this section as follows:

1. An operator who composts agricultural material, green material, food material, vegetative food material, or mixed solid waste material shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced. If the compostable material handling operation or facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample of compost produced every 12 month period.

2. An operator who composites biosolids shall meet the sampling schedule described in Table 12 below.

Table 12- Frequencies of Compost Sampling for Biosolids Composting Facilities

<table>
<thead>
<tr>
<th>Amount of Biosolids Compost Feedstock (metric tons per 365 day period)</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than zero but fewer than 290</td>
<td>annually</td>
</tr>
<tr>
<td>Equal to or greater than 290 but fewer than 1,500</td>
<td>quarterly</td>
</tr>
<tr>
<td>Equal to or greater than 1,500 but fewer than 15,000</td>
<td>bimonthly</td>
</tr>
<tr>
<td>Equal to or greater than 15,000</td>
<td>monthly</td>
</tr>
</tbody>
</table>

3. Composite sample analysis for maximum acceptable metal concentrations, specified in section 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health Services, pursuant to the Health and Safety Code.

4. A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below.

5. The twelve samples shall be of equal volume.

6. The twelve samples shall be extracted from within the compost pile as follows:

   A) Four samples from one-half the width of the pile, each at a different cross-section;

   B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

   C) Four samples from one-eighth the width of the pile, each at a different cross-section.

7. The EA may approve alternative methods of sampling for a composting operation or facility that ensures the maximum metal concentration requirements of section 17868.2 and the pathogen reduction requirements of section 17868.3 are met.


§ 17868.2. Maximum Metal Concentrations.

(a) Compost products derived from compostable materials that contain any metal in amounts that shall not contain metals in excess of the maximum acceptable metal concentrations shown in Table 23. Compost that contains any metal in excess of any maximum metal concentrations shall be designated for disposal, additional processing, disposal, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Sample Test results of samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

Table 23 - Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg)</th>
</tr>
</thead>
</table>

April 2015
on dry weight basis

Arsenic (As)  41
Cadmium (Cd)  39
Chromium (Cr)  1200 (see subdivision (a)(1) below)
Copper (Cu)  1500
Lead (Pb)  300
Mercury (Hg)  17
Nickel (Ni)  420
Selenium (Se)  36
Zinc (Zn)  2800

(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

(b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section, including but not limited to sampling frequencies, may be approved by the EA for green and food materials composting operations and facilities. If the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 23 are not exceeded.


§ 17868.3. Pathogen Reduction.
(a) Compost products derived from compostable materials, that contains pathogens in amounts that shall not exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, disposal, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Sample Test results of samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

(b) Operators that produce compost shall ensure that:
(1) The density of fecal coliform in compost, that is or has at one time been active compost, shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis).
(2) At enclosed or within-vessel composting process operations and facilities, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.
   (A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of Subdivision (b)(2) of this section.
   (3) If the operation or facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.
(4) If the operation or facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.
(e) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.
(dc) Compost operations and facilities that utilize a windrow composting process or an aerated static pile composting process shall be monitored as follows to ensure that the standards in Subdivision (b) of this section are met:
(1) Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.

(2) Temperature measurements for pathogen reduction shall be measured as follows:
   (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;
   (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.

(d) Alternative methods of compliance to meet the pathogen reduction requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.


§ 17868.3.1. Physical Contamination Limits.
This section shall become operative January 1, 2018.

(a) Compost shall not contain more than 0.10% by dry weight of physical contaminants greater than 4 millimeters; no more than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters in excess of either one or both of these limits shall be designated for disposal, additional processing, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at prior to the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used on-site. Sample Test results of samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

(b) Upon request of the EA, a compostable material handling operation shall take a sample of compost and send it to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

(c) All compostable material handling facilities shall take one representative sample for every 5,000 cubic-yards of compost and send it to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

(b) The operator of a compostable material handling operation or facility shall sample every 5,000 cubic-yards of compost produced and determine the percentage of physical contaminants greater than 4 millimeters in the sample using a method that provides accurate results and has been approved by the EA. If the compostable material handling operation or facility produces less than 5,000 cubic-yards of compost in a 12 month period, the operator shall analyze at least one composite sample of compost produced every 12 month period.

(c) If the EA has reason to believe, based on the EA’s visual observation or otherwise, that a determination of percent physical contaminants made pursuant to section 17868.3.1(b) is not accurate, the EA may require an operator of a compostable material handling operation or facility to take a composite sample of compost in the presence of the EA and send the sample to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed to determine the percentage of physical contaminants by dry weight using the following protocol:

(1) Determine the total dry weight of the composite sample as obtained in section 17868.3.1(d);
(2) Separate the physical contaminants greater than 4 millimeters from the composite sample and determine the dry weight of the physical contaminants;
(3) Determine the percentage of physical contaminants by dividing the dry weight of the physical contaminants by the total dry weight of the composite sample.

(d) Any sampling conducted to comply with this section shall require a composite sample. A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below:

(1) The twelve samples shall be of equal volume,
(2) The twelve samples shall be extracted from within the compost pile as follows:
   (A) Four samples from one-half the width of the pile, each at a different cross-section;
   (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
   (C) Four samples from one-eighth the width of the pile, each at a different cross-section.
(e) Alternative methods of compliance to meet the requirements of this section may be approved by
the EA if the EA determines that the alternative method will ensure the physical contamination limits
requirements of this section are met.

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

§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.
In order for a feedstock to be considered green material, as defined in section 17852(a)(21), and
vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following
requirements shall be met:
(a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater
than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste
loads and load sorting to quantify the percentage of contaminating materials physical contaminants
and detect receipt of unacceptable feedstock (e.g. feedstock that does not meet the definition of green
material or vegetative food material).

(1) A minimum of one-thousand percent of daily incoming feedstock volume or at least one truck per day,
whichever is greater, shall be inspected visually. If a visual load check indicates a physical
contamination level greater than 1.0 percent, a representative sample shall be taken, physical
contaminants shall be collected and weighed, and the percentage of physical contaminants
determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total
weight or if the load contains materials that do not meet the definitions of green material in section
17852(a)(21) or vegetative food material in section 17852(a)(20)(A).
(b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative
sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of
physical contaminants determined.
(c) Any agricultural material handling operation using this material shall ensure the feedstock meets
the metal concentration limits specified in Table 2 of section 17868.2.
(d) Facility personnel shall be adequately trained to perform the activities specified in this section.
(e) Any operation or facility using this feedstock shall maintain records demonstrating compliance
with this section.

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

Article 8. Composting Operation and Facility Records

§ 17869. General Record Keeping Requirements.
Except as provided in subsection (d), all compostable materials handling operations and facilities shall
meet the following requirements:
(a) All records required by this Chapter shall be kept in one location and accessible for five (5) years
and shall be available for inspection by authorized representatives of the board Department, EA local
health entity, and other duly authorized regulatory and EAs during normal working hours.
(b) The operator shall record any special occurrences encountered during operation and methods used
to resolve problems arising from these events, including details of all incidents that required
implementing emergency procedures.
(c) The operator shall record any public complaints received by the operator, including:
(1) the nature of the complaint,
(2) the date the complaint was received,
(3) if available, the name, address, and telephone number of the person or persons making the
complaint, and
(4) any actions taken to respond to the complaint.
(d) The operator shall record the quantity and type of feedstock received and quantity of compost and
chipped and ground material produced. Agricultural compostable materials handling operations shall
maintain records only for compostable material accepted from off-site.
(e) The operator shall record the number of load checks performed and loads rejected.
The operator shall record all test results generated by compliance with Article 7 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

(1) The operator shall retain records detailing pathogen reduction methods.

(g) The operator shall record and retain records of any serious injury to the public occurring on-site and any complaint of adverse health effects to the public attributed to operations. Serious injury means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which a member of the public suffers a loss of any member of the body or suffers any degree of permanent disfigurement.

(h) The operator shall retain a record of training and instruction completed in accordance with section 17867.5.


Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements

§ 17896.1. Authority and Scope.
(a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel digestion operations and facilities that receive and process by means of in-vessel digestion solid wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of this Division, may still be subject to the regulatory requirements specified in this Chapter.

(b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code, as amended. These regulations should be read together with the Act.

(c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This Chapter establishes standards and regulatory requirements for the intentional processing of organic material by means of in-vessel digestion.

(d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage, handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to enforce any provision of law that it is authorized or required to enforce or administer, nor limits or restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter.

(e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, or reports, or other requirements of other regulatory or enforcement agencies, including but not limited to, local health agencies, regional water quality control boards, Department of Toxic Substances Control, California Department of Industrial Relations, Division of Occupational Safety and Health, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.


§ 17896.2. Definitions.
(a) For the purposes of this Chapter:

(1) “Agricultural Material” means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of
generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as “food material” or “vegetative food material” is not agricultural material. Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

(2) “Agricultural Site” means activities located on land that is zoned for agricultural uses.

(3) “Biogas” is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.

(4) “Compost” means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.

(5) “Contact Water” means water that has come in contact with waste and may include leachate.

(6) “Digestate” means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester.

(7) “Digestion” means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic solid wastes. Digestion includes:

(A) Aerobic digestion - the controlled biological decomposition of organic material in the presence of oxygen.

(B) Anaerobic digestion - the controlled biological decomposition of organic material in the absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a residual digestate.

(C) Other controlled biological decomposition processes.

(8) “Dairy In-vessel Digestion Operation” means, except as otherwise specified in section 17896.6(a)(3), a dairy that receives imported solid waste feedstock for purposes of co-digestion, with manure in an in-vessel digester, imported solid waste feedstock with manure and other agricultural materials in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board. The Dairy In-vessel Digestion Operation may also co-digest agricultural material.

(9) “Distribution Center In-vessel Digestion Operation” means a site that receives, for the purpose of digestion in an in-vessel digester, unsold products from retail stores to which the products were originally sent. All unsold products shall be collected and processed in covered, leak-proof containers, and remain in the custody of the owner at all times. All unsold products that are putrescible material shall be refrigerated at the retail store and during transport to the operation.

(10) “EA” means enforcement agency as defined in PRC section 40130.

(11) “Film plastic” means sheet plastic 10 mil or less in thickness.

(12) “Food Material” means a waste material of plant or animal origin that results from the preparation or processing of food for animal or human consumption and that is separated from the municipal solid waste stream. Food material includes, but is not limited to, food waste from food facilities as defined in Health and Safety Code section 113789 (such as restaurants), food processing establishments as defined in Health and Safety Code section 111955, grocery stores, institutional cafeterias (such as prisons, schools and hospitals), and residential food scrap collection. Food material does not include any material that is required to be handled only pursuant to the California Food and Agricultural Code and regulations adopted pursuant thereto.

(A) “Vegetative Food Material” means that fraction of food material, defined above, that is a plant material and is separated from other food material and the municipal solid waste stream. Vegetative food material may be processed or cooked but must otherwise retain its essential natural character and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and spoiled produce, and coffee grounds. Vegetative food material contains no greater than 1.0 percent physical contaminants by dry weight, and meets the requirements of section 17896.61.

(13) “Hazardous Wastes” means any waste which meets the definitions set forth in Title 22, section 66261.3, et seq.

(14) “In-vessel Digester” means the sealed container(s) or sealed structure in which the entire digestion process occurs.

(15) “Large Volume In-vessel Digestion Facility” means a facility that receives an average greater than 100 tons or more of solid waste per operating day or greater than 700 tons (2,800 cubic yards) per week of solid waste for digestion in an in-vessel digester.

(16) “Limited Volume In-vessel Digestion Operation” means an operation that receives less than an average of 15 tons (or 60 cubic yards) of solid waste per operating day for digestion in an in-vessel digester. The amount of solid waste the operation receives but shall not exceed 105 tons (or 420 cubic
yards) per week of solid waste for digestion in an in-vessel digester. Additionally, the operation shall not exceed the solid waste quantity storage capacity limitations of the general design of the operation (whichever is less).

(1617) "Litter" means all solid waste which has been improperly discarded or which has migrated by wind or equipment away from the operations area. Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state.

(1618) "Manure" is an agricultural material and means accumulated herbivore or avian excrement. This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is mixed with feces or urine.

(1619) "Medium Volume In-vessel Digestion Facility" means a facility that receives an average of between 15 tons (or 60 cubic yards) and or more but less than 100 tons of solid waste per operating day for digestion in an in-vessel digester. The amount of solid waste the operation receives but shall not exceed be less than 700 tons (or 2,800 cubic yards) per week of solid waste for digestion in an in-vessel digester. Additionally, the facility shall not exceed or the solid waste quantity storage capacity limitations of the general design of the operation facility (whichever is less).

(1620) "Nuisance" includes anything which:

(A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and

(B) affects at the same time an entire community, neighborhood or any considerable number of persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

(1621) "On-site" means located within the boundary of the operation or facility.

(1622) "Operating Day" means the daily hours of operation for a facility or operation as set forth in the application, Enforcement Agency Notification or solid waste facilities permit.

(1623) "Operating Record" means an easily accessible collection of records of an operation's or facility's activities and compliance with required state minimum standards under Title 14. The Record may include the In-vessel Digestion Facility Plan or In-vessel Digestion Report for facilities, and shall contain but is not limited to containing: agency approvals, tonnage and load checking records, facility contacts and training history. The record may be reviewed by state and local authorities and shall be available during normal business hours. If records are too voluminous to place in the main operating record or if the integrity of the records could be compromised by on-site storage, such as exposure to weather, they may be maintained at an alternative site, as long as that site is easily accessible to the EA.

(1624) "Operations Area" means:

(A) the following areas within the boundary of an operation or facility as described in the permit application or Enforcement Agency Notification:

1. equipment management area, including cleaning, maintenance, and storage areas; and

2. material and/or solid waste management area, including unloading, handling, transfer, processing, and storage areas.

(B) the boundary of the operations area is the same as the permitted boundary of the operation or facility but may or may not be the same as the property boundary on which the operation or facility is located.

(1625) "Operator" means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, that is listed in the permit application or Enforcement Agency Notification and is legally responsible for all of the following:

(A) complying with regulatory requirements set forth in these Articles;

(B) complying with all applicable federal, state and local requirements;

(C) the design, construction, and physical operation of the operations area;

(D) controlling the activities at an operation or facility as listed on the permit application or Enforcement Agency Notification.

(1626) "Owner" means the person or persons who own, in whole or in part, an operation or facility and the land on which it is located. If the ownership of the operation or facility is not the same as the ownership of the land on which it is located, the owner of the land shall be identified as the "Land Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

(27) "Physical Contamination" or "Contaminants" means human-made inert material contained within compostable material, digestate, or compost, including, but not limited to, glass, metal, and plastic.
(25) "Putrescible Wastes" include wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

(29) "Rendering" means all recycling, processing, and conversion of animal and fish materials and carcasses and inedible kitchen grease into fats, oils, proteins, and other products that are used in the animal, poultry, and pet food industries and other industries, as defined in Food and Agricultural Code section 19213.

(30) "Salvaging" means the controlled separation of solid waste material which do not require further processing, for reuse or recycling prior to in-vessel digestion activities.

(31) "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.

(32) "Sealed Container" means a tank, vessel, or similar apparatus capable of containing liquids and air-borne emissions during the entire digestion process to control odors or other nuisance conditions.

(33) "Sealed Structure" means a fully enclosed building capable of containing liquids and controlling air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance conditions.

(34) "Special Waste" includes but is not limited to:

(A) waste requiring special collection, treatment, handling, storage, or transfer techniques as defined in Title 22, section 66260.10.

(B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

(35) "Spotter" means an employee who conducts activities that include, but are not limited to, traffic control, hazardous waste recognition and removal for proper handling, storage and transport or disposal, and protection of the public from health and/or safety hazards.

(36) "Store" means to stockpile or accumulate for later use.


§ 17896.3. Pre-Existing Permits and Notifications.

(a) If a facility had previously obtained a permit in accordance with regulations in effect prior to [operative date of these regulations], that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations, sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA makes such a determination, the operator shall comply with this Chapter within two years of that determination.

(b) If an operation had previously been operating pursuant to an EA Notification in accordance with regulations in effect prior to [operative date of these regulations], that operation may continue to operate in accordance with its EA Notification or regulatory authorization until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from [operative date of these regulations]. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.

(c) If an activity had previously been excluded from regulations in effect prior to [operative date of these regulations], that activity may continue to operate in accordance with its regulatory exclusion until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from [operative date of these regulations]. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.


§ 17896.4. Permit Name.

Any permit issued pursuant to this Article, except for one issued pursuant to section 17896.12, shall be entitled: "In-vessel Digestion Facility Permit."

April 2015
§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities.

Sections 17896.6 through 17896.13 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5, Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These requirements are summarized in Table 1.

Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Notification Tier</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anaerobically digestible materials at POTWs</td>
<td>Research In-Vessel Digestion Operations Section 17896.8</td>
<td>Medium Volume In-Vessel Digestion Facilities ((\text{average} \leq 15 \text{ tdp (60 yd}^3)) or (15 \text{ tdp and } \leq 100 \text{ tdp, not to exceed 700 tdp (2,800 yd}^3)))</td>
<td>Large Volume In-Vessel Digestion Facilities ((\text{average} &gt; 100 \text{ tdp, average} &gt; 700 \text{ tpd (2,800 yd}^3)))</td>
</tr>
<tr>
<td>Ag material derived from ag site &amp; returned to same site</td>
<td>Dairy In-Vessel Digestion Operations Section 17896.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-vessel digestion activities with less than 100 cubic yard on-site capacity</td>
<td>Limited Volume In-Vessel Digestion Operations Section 17896.10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Handling activities that are already subject to more stringent handling requirements under Federal or State law</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]

§ 17896.6. Excluded Activities.

(a) The activities listed in this section are not subject to the in-vessel digestion requirements set forth in this Chapter. Nothing in this section precludes the EA or the Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.
(1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, is excluded under the following conditions:

(A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant. Once on-site, the anaerobically digestible material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and conveyed in a contained system. Any separated material at the POTW that is not suitable for anaerobic digestion and has no beneficial use shall be further managed as a solid waste.

(B) The POTW Treatment Plant has developed Standard Operating Procedures for the acceptance of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality Control Board that those Standard Operating Procedures are being implemented, and a Standard Provision (permit condition) that reflects the acceptance of anaerobically digestible material:

1. has been incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit; or
2. will be incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit no later than the next permit renewal.

(C) For the purpose of this exclusion, “anaerobically digestible material” means: inedible kitchen grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title 14, CCR, section 17852(a)(20), 17896.2(a)(12) and vegetative food material as defined in Title 14, CCR, section 17852(a)(20)(A), 17896.2(a)(12)(A).

(D) For the purpose of this exclusion, the Department, in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, will on a case-by-case basis, review and consider approval of additional types of organic materials as potential “anaerobically digestible material” beyond those specified in section 17896.6(a)(1)(C) in accordance with the following:

1. Receipt of a written request to the Department from the General Manager or designee of a POTW Treatment Plant.
   a. The written request must contain the following information:
      i. The purpose of the request.
      ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the organic waste material with the POTW wastewater.
      iii. Types of organic material requested for classification as an anaerobically digestible material.
      iv. The source(s) of the waste material.
      v. A description of how the waste material will be handled, processed, stored and transported (before and after receipt at the POTW Treatment Plant).
      vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant to accommodate the new waste materials.
      vii. Available laboratory test results, engineering reports, research or study to support the request.
      viii. Data and/or reports if this waste material has been used without incident at a different POTW Treatment Plant.
      ix. The name, addresses and phone numbers for the General Manager and designee of the POTW Treatment Plant.
   b. Upon receipt of the written request, the Department will communicate and coordinate the request with and between the State Water Resources Control Board and the California Department of Food and Agriculture and will complete the following actions:
      i. Within 10 days of receipt, send written confirmation to the General Manager and designee of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate Department staff, as well as to the State Water Resources Control Board and California Department of Food and Agriculture staff contacts for review;
      ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board and California Department of Food and Agriculture staff contacts;
      iii. Prior to the meeting, Department staff will review the letter and identify questions and/or issues with the request and make a list of recommendations;
iv. Within 40 days of receipt, conduct a meeting on the request. If an agency representative does not attend the meeting, comments will be accepted by the Department up to close of business on the 45th day after receipt;

v. Within 60 days of receipt, the Department will provide a written decision to the General Manager and designee of the POTW Treatment Plant stating one of the following:

I. The waste type has or has not been determined to be an anaerobically digestible material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory Requirements (pursuant to § section 17896.6(a)(1)(C) and the Transfer/Processing Operations and Facility Regulatory Requirements (pursuant to § section 17403.1(a)(8));

II. The agencies, based on the information provided, were unable to reach a determination and additional information is required before a determination can be made; or

III. The agencies have determined that additional research or study will need to be conducted and the results analyzed prior to a determination made by the agencies.

IV. If additional information, research or study is necessary, the Department will consult with the General Manager or designee of the POTW, the State Water Resources Control Board and California Department of Food and Agriculture contacts, for the purpose of developing a timeline for either reviewing the additional information or for reviewing a proposed scope of work and timeline for additional research or study.

2. For the purpose of this exclusion, if an organic waste material is determined by the Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW wastewater, the POTW Treatment Plant must comply with section 17896.6(a)(1)(A) prior to receipt of the material at the POTW Treatment Plant.

(2) In-vessel digestion of agricultural material is an excluded activity if the agricultural material is derived from an agricultural site and the digestate or compost produced from digestate is returned to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the agricultural site on which the in-vessel digester is located. No more than an incidental amount of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually. Digestate that is not composted may not be given away or sold.

(3) In-vessel digestion at a dairy involving the co-digestion of manure with agricultural material derived on-site, imported agricultural material, and/or imported vegetative food material in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board.

(A) Any imported materials delivered to the dairy must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an in-vessel digester at a dairy. The pumped material may be screened, otherwise separated or treated prior to in-vessel digestion, but must be processed and conveyed in a contained system. Any separated material at the dairy that is not suitable for in-vessel digestion and has no beneficial use shall be further managed as a solid waste.

(B) No more than an incidental amount of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually. Digestate that is not composted may not be given away or sold.

(24) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste, feedstock, and digestate on-site are excluded.

[Note: Persons handling solid waste under the above exclusion are obligated to obtain all permits, licenses, or other clearances that may be required by other regulatory agencies including, but not limited to local health entities and local land use authorities.]

(5) Rendering activities, authorized by the California Department of Food and Agriculture pursuant to section 19300 of the Food and Agricultural Code, in which no solid waste feedstock bypasses the rendering process.

(46) Other discrete handling activities that are already subject to more stringent handling requirements under Federal or State law, as determined by the EA in consultation with the Department, are excluded.


§ 17896.7. Prohibitions.
The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites where in-vessel digestion activities that are excluded from regulation under this Chapter occur:
(a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow, except when received:

(1) from a food facility as defined in Health and Safety Code section 113789, grocery store; or residential food scrap collection; or

(2) as part of a research activity for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concerns in accordance with section 17896.8; or

(3) from a source approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture.

(b) The in-vessel digestion of treated or untreated medical waste.

(c) The in-vessel digestion of hazardous waste.


§ 17896.8. Research In-Vessel Digestion Operations.

(a) An operator conducting research in-vessel digestion operations 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) 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.

(c) After no more than a two year period of operation, the operator of a research in-vessel digestion operation shall submit to the EA a report that includes the results and conclusions drawn from the research. If the EA determines, based on the report, that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17896.41, or obtain other appropriate authorization pursuant to Article 1 of this Chapter prior to continuing operations.

(d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, 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 in-vessel digestion operation site security plan. The research in-vessel digestion 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.

(3) After no more than a six-month period of operation the operator of a research in-vessel digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report that includes the results and conclusions drawn from the research and documentation of additional requirements of this section. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17896.41, or obtain other appropriate authorization pursuant to Article 1 of this Chapter prior to continuing operations.

(e) The operator shall submit all additional documentation required by subdivisions (b) and (d)(2), to the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that the EA Notification for research in-vessel digestion operations is complete and correct only if the additional documentation requirements of this section have been met.

(f) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See
§ 17896.9. Dairy In-Vessel Digestion Operations.

(a) All dairy in-vessel digestion operations 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).

(1) These operations shall be inspected by the EA at least once a month for the first 12 months of operation. After the first 12 months of operation the EA may approve, with Department concurrence, a reduced inspection frequency of once every three months. After the first 24 months of operation the EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(2) Any imported materials delivered to the dairy must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an in-vessel digester at a dairy. The pumped material may be screened, otherwise separated or treated prior to in-vessel digestion, but must be processed and conveyed in a contained system. Any separated material at the dairy that is not suitable for in-vessel digestion and has no beneficial use shall be further managed as a solid waste.


§ 17896.10. Distribution Center In-Vessel Digestion Operations.

(a) All distribution center in-vessel digestion operations 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).

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.11. Limited Volume In-Vessel Digestion Operations.

All limited volume in-vessel digestion operations shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100).

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.12. Medium Volume In-Vessel Digestion Facilities.

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All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18104).

(1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.


§ 17896.13. Large Volume In-Vessel Digestion Facilities.
All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The In-vessel Digestion Report required by section 17896.15 shall constitute the Report of Facility Information required by section 21570(f)(2) of Title 27.

(1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.


Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(19), shall file with the EA an “In-vessel Digestion Facility Plan” (as specified in section 18221.5.1). The information contained in the Plan shall be reviewed by the EA to determine whether it is complete and correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.


§ 17896.15. In-Vessel Digestion Report.
(a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(15) shall file with the EA an “In-Vessel Digestion Report” (as specified in section 18221.6.1). An operator of an existing facility who submits an application package to the EA, pursuant to Title 27, section 21570, which proposes to change the facility’s operations, or to change the solid waste facility permit shall do one of the following:

(1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or
(2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.


§ 17896.16. Applicability of State Minimum Standards.
(a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-vessel digestion operations and facilities, except as noted in section 17896.1.(a).
(b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel digestion facilities.
(c) Approvals, determinations and other requirements that the EA is authorized to make under Articles 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator shall place a copy of each approval, determination and other requirement in the operating record together with those records identified in sections 17896.45 and 17896.46.
(d) Some of the standards contained in this Chapter authorize the EA to approve an alternative method of compliance with the standard. These provisions are not intended to allow the EA to change the particular standard, but are intended to allow the EA flexibility to approve, in advance, an alternative method of meeting the existing standard which provides equivalent protection of the public health and safety and the environment as the existing standard. For facilities that require a full solid waste facility permit, the EA may choose to include the approved alternative method of compliance as a term and condition of the solid waste facility permit, rather than in the manner authorized by subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to the method may require a revision to the solid waste facility permit in accordance with the procedures.
set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 (commencing with section 21570).


**Article 2. Siting and Design**

**§ 17896.17. Siting On Landfills.**

(a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27, California Code of Regulations, section 21190.

(b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or failure of pads or structural foundations.

(c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or with the closure or postclosure maintenance of the landfill.


**§ 17896.18. General Design Requirements.**

(a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as appropriate, from persons competent in engineering, architecture, landscape design, traffic engineering, air quality control, water quality protection and design of structures.

(b) The design shall be based on appropriate data regarding the expected service area, anticipated nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land use (existing and planned), types and number of vehicles anticipated to enter the operation or facility, adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and other pertinent information. If the operation or facility is to be used by the general public, the design shall take account of safety features that may be needed to accommodate such public use.

(c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the unloading area to as small an area as practicable, provide adequate control of windblown material, minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances by reason of solid wastes being handled at the operation. Other factors which shall be taken into consideration are: dust control, noise control, public safety, and other pertinent matters related to the protection of public health at the operation or facility.

(d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA may require the applicant to describe how he or she has complied with applicable local and state requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

(e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and constructed to prevent loss of wastes from the container during storage. If such a container is used to store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily cleanable, designed for safe handling and constructed to prevent loss of wastes.


**Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities**

**§ 17896.19. Biogas Control.**

The operator of an in-vessel digestion operation or facility must take precautions adequate measures to minimize prevent the uncontrolled release of biogas that may have harmful effects on site users and the general public.
§ 17896.20. Cleaning.
(a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA, in order to prevent the propagation or attraction of flies, rodents, or other vectors:
1. all operations and facilities shall be cleaned each operating day of all loose materials and litter;
2. all operations or facilities that operate 24 hours per day must clean the operations or facilities at least once every 24 hours.
(b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials.

§ 17896.21. Drainage and Spill Control.
(a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:
1. minimize the creation of contact water outside of in-vessel digesters and sealed containers;
2. prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-site migration of contact water;
3. protect the integrity of roads and structures;
4. protect the public health; and
5. prevent safety hazards and interference with operations.
(b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills that occur.

§ 17896.22. Dust Control.
(a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates, and prevent other safety hazards to the public caused by obscured visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent the creation of excessive dust. Measures to control dust include, but are not limited to: reduced processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the following may be an indication that dust is excessive:
1. safety hazards due to obscured visibility; or
2. irritation of the eyes; or
3. hampered breathing;
4. migration of dust off-site.

(a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes, including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.
(b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are discovered, control measures as are necessary to protect public health, safety and the environment, such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation or removal from the operation or facility.
(c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and sludge wastes in a manner to protect public health, safety, and the environment.

§ 17896.24. Litter Control.
Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to
prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent
possible given existing weather conditions.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.25. Load Checking.
(a) The operator of an attended in-vessel digestion operation or facility shall implement a load
checking program to prevent the acceptance of waste which is prohibited by this Chapter. This
program must include at a minimum:
(1) the number of random load checks to be performed;
(2) a location for the storage of prohibited wastes removed during the load checking process that is
separately secured or isolated;
(3) records of load checks and the training of personnel in the recognition, proper handling, and
disposition of prohibited waste. A copy of the load checking program and copies of the load checking
records for the last year shall be maintained in the operating record and be available for review by the
appropriate regulatory agencies.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair.
The operator shall implement a preventative maintenance program to monitor and promptly repair or
correct deteriorated or defective conditions.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.27. Medical Wastes.
Medical waste, unless treated and deemed to be solid waste, which is regulated pursuant to the
Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code)
whether treated or untreated, shall not be accepted at an in-vessel digestion operation or facility,
unless approved by the appropriate regulatory agencies.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.28. Noise Control.
Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise
include but are not limited to: posting of warning signs that recommend or require hearing protection;
separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise
transmission. Compliance with specific provisions regarding noise control in a local land use approval,
such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with
this standard.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.29. Non-Salvageable Items.
Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles,
pesticides and other materials capable of causing public health or safety problems shall not be
salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and
the EA.
(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to section 17896.31(f).
(b) The Report shall:
1. Present representative and correlating odor data for each potential onsite odor source including but not limited to: odor severity, odor characteristics, time and weather conditions when data was collected, description of operations associated with the source, and any odor impacts or complaints received;
2. Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in order of impact;
3. For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):
   (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has used to minimize odor and analyze each BMP for the following:
      1. The effectiveness of the BMP in reducing odor impacts;
      2. The potential for more extensive use of the BMP to minimize odor impacts described by complainants;
      3. If the BMP has been operationally practical and if more extensive use of the BMP would be operationally practical;
      4. The approximate cost to implement a more extensive use of the BMP;
      5. Any permits or permit changes necessary to use the BMP more extensively;
      6. Overall recommendation if existing BMPs should be continued and if more extensive use of the BMP is recommended; and
      7. If the BMP has been found to be ineffective (include supporting data).
   (B) List of all potential best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has not used and analyze each potential BMP to determine:
      1. The potential for the BMP to reduce odor impacts described by complainants;
      2. If the BMP is operationally practical;
      3. The approximate cost to implement the BMP;
      4. Any permits or permit changes necessary to use the BMP; and
      5. Overall recommendation and ranking of implementing the BMP.
   (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on the analysis conducted pursuant to subdivision (b)(3)(A) and (B).
3. The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and the Department for review. If the EA has required the operator to prepare a Report pursuant to subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe approved by the EA.
(d) The EA, in consultation with the Department, shall within 30 days:
1. Approve the Report and associated plan and direct the operator in writing to implement the plan in whole or in part; and/or
2. Direct the operator in writing to submit specific changes or additional information within a timeframe specified by the EA.
(e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision (d)(1) or (d)(2).

§ 17896.31. Odor Minimization Plan.
(a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.
(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.

(1) an odor monitoring and data collection protocol for on-site odor sources, which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,

(2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,

(3) a complaint response and recordkeeping protocol; and,

(4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns as applicable; and,

(5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), bio filtration, and tarping as applicable.

(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.

(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.

(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.

(f) If the odor impact minimization plan is being followed and the EA determines, in a manner consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors unless:

(1) the EA has evidence that a specific and immediate action would reduce the odor impacts;

(2) there is an imminent threat to public health and safety and the environment; or

(3) a public nuisance has occurred.


§ 17896.32. Odor and Nuisance Control.

Each in-vessel digestion operation and facility shall be conducted and maintained:

(a) in a manner that minimizes odor impacts so as to not cause a nuisance, and

(b) to otherwise prevent the creation of a nuisance.


§ 17896.33. Parking.

Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.


§ 17896.34. Personnel Health and Safety.
The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations, section 3203, shall be available for review by local and state inspectors during normal business hours. Nothing in this section is intended to make the EA responsible for enforcing the IIPP.


§ 17896.35. Pre-Digestion Solid Waste Handling.
(a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or sealed structure or removed from the site within 48 hours from the time of receipt. This requirement does not apply to putrescible waste stored in a sealed bag, bottle, or can.
(b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date of receipt or at an alternate frequency approved by the EA.


§ 17896.36. Protection of Users.
An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so that contact between the public and solid wastes is minimized. This may be accomplished through the use of railings, curbs, grates, fences, and/or spotters.


§ 17896.37. Roads.
All on-site roads and driveways shall be designed and maintained to minimize the generation of dust and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable all-weather access to the site.


§ 17896.38. Sanitary Facilities.
The operator shall maintain all sanitary and hand-washing facilities which may be required, by applicable state or local requirements, in a reasonably clean and adequately supplied condition.


§ 17896.39. Scavenging and Salvaging.
Each in-vessel digestion operation or facility shall meet the following requirements:
(a) scavenging shall be prohibited;
(b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part of the operation, subject to conditions established by the EA, the local land use authority, or other approving agencies;
(c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious entry and exit of vehicles delivering waste to the in-vessel digestion operation or facility. Salvaging activities conducted at an in-vessel digestion operation or facility shall be confined to specified, clearly identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety or nuisance problems;
(d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a
specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel Digestion Facility Plan, or In-vessel Digestion Facility Report.


§ 17896.40. Signs.
(a) For in-vessel digestion operations or facilities not open to the public, each point of access from a public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or facility name and location of nearest public operation or facility.
(b) If the operation or facility is open to the public, there shall be an easily visible sign at all public entrances indicating the name of the operator, the operator's telephone number, schedule of charges, hours of operation, and a listing of the general types of materials which either (1) WILL be accepted, or (2) WILL NOT be accepted.


§ 17896.41. Site Restoration.
All in-vessel digestion operations and facilities shall meet the following requirements:
(a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30 days prior to beginning site restoration.
(b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health, safety, and the environment.
(c) The operator shall ensure that the following site restoration procedures are performed upon completion of operations and termination of service:
(1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues including, but not limited to, digestate, compost materials, construction scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed.
(2) All machinery shall be cleaned and removed or stored securely.
(3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or other residues related to the site restoration operations.


§ 17896.42. Supervision and Personnel.
The operator shall provide adequate supervision and a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the EA in writing of the name, address and telephone number of the operator or other person responsible for the operation. A copy of the written notification shall be placed in the operating record.


§ 17896.43. Training.
Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site solid waste operations and maintenance, hazardous materials recognition and screening, use of mechanized equipment, environmental controls, emergency procedures and the requirements of this Article. A record of such training history shall be maintained and made available for inspection.


§ 17896.44. Vector, Bird and Animal Control.
The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.
Article 4. Record Keeping Requirements

§ 17896.45. Record Keeping Requirements.
Each operator shall meet the following requirements:
(a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or
residual weights or volumes in a form and manner approved by the EA. Such records shall be;
submitted to the EA or the Department upon request; be adequate for overall planning and control
purposes; and, be as current and accurate as practicable;
(b) All records required by this Chapter shall be kept by the operator in one location and accessible for
five (5) years and shall be available for inspection by the EA and other duly authorized regulatory
agencies during normal working hours.
(c) The operator shall submit copies of specified records to the EA upon request or at a frequency
approved by the EA;
(d) The operator shall maintain a daily log book or file of special occurrences encountered during
operations and methods used to resolve problems arising from these events, including details of all
incidents that required implementing emergency procedures. Special occurrences shall include but are
not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of
prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding,
earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by
telephone within 24 hours of all incidents requiring the implementation of emergency procedures,
unless the EA determines that a less immediate form of notification will be sufficient to protect public
health and safety and the environment;
(e) The operator shall record any written public complaints received by the operator, including:
(1) the nature of the complaint,
(2) the date the complaint was received,
(3) if available, the name, address, and telephone number of the person or persons making the
complaint, and
(4) any actions taken to respond to the complaint;
(f) The operator shall maintain a copy of the written notification to the EA and local health agency of
the name, address and telephone number of the operator or other person(s) responsible for the
operations as required by section 17896.42;
(g) The operator shall maintain records of employee training as required by section 17896.43;
(h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809
et seq.
(i) The operator shall record all test results generated by compliance with Article 6 of this Chapter,
including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
Salmonella sp. densities, temperature measurements, and dates of windrow turnings.
(1) The operator shall retain records detailing pathogen reduction methods.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and
Requirements.
Approvals, determinations, and other requirements the EA is authorized to make under this Chapter
shall be provided in writing to the operator and placed in the operating record by the operator.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only

§ 17896.47. Communications Equipment.
Each in-vessel digestion facility shall have adequate communication equipment available to site personnel to allow quick response to emergencies.


§ 17896.48. Equipment.
Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-vessel digestion facility to meet all requirements of this Chapter.


§ 17896.49. Fire Fighting Equipment.
Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly maintained and located as required by the local fire authority.


§ 17896.50. Housekeeping.
The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap, and similar items.


§ 17896.51. Lighting.
The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of operations, and public health, safety and the environment.


§ 17896.52. Site Attendant.
An in-vessel digestion facility open to the public shall have an attendant present during public operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as approved by the EA to ensure that it meets all of the requirements of this Chapter.


§ 17896.53. Site Security.
The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and vehicles through the use of either a perimeter barrier or topographic constraints.


§ 17896.54. Traffic Control.
(a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:
   (1) interference with or creation of a safety hazard on adjacent public streets or roads,
   (2) on-site safety hazards, and
   (3) interference with operations.

§ 17896.55. Visual Screening.
The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create
and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if
none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening
in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be
considered compliance with this standard.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.56. Water Supply.
A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use
(e.g., fire protection, first aid) shall be available.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

Article 6. Digestate Handling Standards

§ 17896.57. Digestate Handling.
(a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:
(1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an
alternative handling method after determining the alternative method will not pose an additional risk
to public health and safety or the environment; or
(2) incorporated in an on-site aerobic compost process.
(A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion
facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section
17896.13.
(B) All in-vessel digestion facilities that compost on-site shall comply with the sampling
requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59,
the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and
physical contamination limits of section 17896.61; or
(3) removed from the site and either:
(A) transported as solid waste to another solid waste facility or operation for disposal, composting,
or additional processing; or
(B) used or disposed in a manner approved by local, state, and federal agencies having
appropriate jurisdiction. Any digestate that will be land applied must meet the requirements of section
17852(a)(24.5).
(C) disposed in a manner approved by local, state, and federal agencies having appropriate
jurisdiction.
(b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.59,
pathogen concentration pursuant to section 17896.60(b)(1), and physical contaminants pursuant to
section 17896.61 or is known to contain any metal in amounts that exceed the maximum metal
concentrations described in section 17896.59, pathogens that exceed the maximum acceptable
pathogen concentrations described in section 17896.60(b)(1), or physical contaminants that exceed
the maximum physical contamination limits described in section 17896.61 shall be designated for
disposal, additional processing, or other use as approved by local, state agencies having appropriate
jurisdiction.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.58. Sampling Requirements.
(a) Operators shall verify that compost produced at an in-vessel digestion facility (pursuant to section
17896.57(a)(2)) meets the maximum metal concentrations limits specified in section 17896.59, and
the pathogen reduction requirements specified in section 17896.60. This verification shall be
performed by taking and analyzing a composite sample. The sampling of compost produced at an in-
vessel digestion facility (pursuant to section 17896.57(a)(2)) shall occur at prior to the point where
the compost is removed from the site, bagged for sale, given away for beneficial use and removed
from the site or otherwise beneficially used on site. Analytical results indicating compliance with
sections 17896.59, 17896.60, and 17896.61 shall be received by the operator prior to the sampled
compost leaving the site. Sample Test results of samples must be received by the operator prior to
removing compost from the in-vessel digestion facility where it was produced. 
(b) This sole Sampling shall be performed by taking and analyzing at least one composite sample,
following the requirements of this section as follows:
(1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of
compost produced. If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost
in a 12 month period, the operator shall analyze at least one composite sample every 12 month
period.
(2) Composite sample analysis for maximum acceptable metal concentrations, specified in section
17896.59, shall be conducted at a laboratory certified by the California Department of Public Health,
pursuant to the Health and Safety Code.
(c) A composite sample shall be representative and random, and may be obtained by taking twelve
(12) mixed samples as described below.
(1) The twelve samples shall be of equal volume.
(2) The twelve samples shall be extracted from within the post-digested solids or compost pile as
follows:
(A) Four samples from one-half the width of the pile, each at a different cross-section;
(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
(C) Four samples from one-eighth the width of the pile, each at a different cross-section.
(d) The EA may approve alternative methods of sampling that ensures the maximum metal
concentration requirements of section 17896.59, and the pathogen reduction requirements of section
17896.60, and the physical contamination limits requirements of section 17896.61, as applicable, are
met.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
43020 and 43021, Public Resources Code.
§ 17896.59. Maximum Metal Concentrations.
(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
exceed the maximum acceptable metal concentrations shown in Table 2. Compost that contains any
metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall
be designated for disposal, additional processing, disposal, or other use as approved by local, state
and federal agencies having appropriate jurisdiction. Sample Test results of samples must be received
by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

Table 2 - Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>(see subdivision (a)(1) below)</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>1500</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>100</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>

(1) Although there is no maximum acceptable metal concentration for chromium in compost,
operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they
produce to be determined in connection with the analysis of other metals. Operators shall maintain
records of all chromium concentrations together with their records of other metal concentrations.
(b) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2 are not exceeded.


§ 17896.60. Pathogen Reduction.
(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not exceed the maximum acceptable pathogen concentrations described in subdivision (b)(1) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample Test results of samples must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) Operators of in-vessel digestion facilities that produce compost shall ensure that:

1. The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis). Sample Test results of samples must be received by the operator prior to removing product from the site.

2. At in-vessel digestion facilities using an enclosed or within-vessel composting process, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

   (A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of subdivision (b)(2) of this section.

3. If the facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

4. If the facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(c) In-vessel digestion facilities that produce compost utilizing a windrow composting process or an aerated static pile composting process shall be monitored as follows to ensure that the standards in subdivision (b) of this section are met:

1. Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.

2. Temperature measurements for pathogen reduction shall be measured as follows:

   (A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;

   (B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.

(d) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.


§ 17896.61. Physical Contamination Limits.
This section shall become operative January 1, 2018.
(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not contain more than 0.10.5% by dry weight of physical contaminants greater than 4 millimeters; no more than 20% by dry weight of this 0.5% shall be film plastic greater than 4 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters in excess of either one or both of these limits shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample Test results of samples must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

other use as approved by local, state and federal agencies having appropriate jurisdiction. Verification
of physical contamination limits shall occur at prior to the point where compost is sold and removed
from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise
or beneficially used on-site. Sample Test results of samples must be received by the operator prior to
removing compost from the in-vessel digestion facility where it was produced.
(b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one
representative sample for every 5,000 cubic-yards of compost produced and send to a laboratory at
which physical contaminants greater than 4 millimeters shall be collected and weighed, and the
percentage of physical contaminants determined.
(b) The operator of an in-vessel digestion facility with an on-site aerobic compost process shall sample
every 5,000 cubic-yards of compost produced and determine the percentage of physical contaminants
greater than 4 millimeters in the sample using a method that provides accurate results and has been
approved by the EA. If the in-vessel digestion facility produces less than 5,000 cubic-yards of compost
in a 12 month period, the operator shall analyze at least one composite sample of compost produced
every 12 month period.
(c) If the EA has reason to believe, based on the EA’s visual observation or otherwise, that a
determination of percent physical contaminants made pursuant to section 17896.61(b) is not
accurate, the EA may require an operator of an in-vessel digestion facility to take a composite sample
of compost in the presence of the EA and send the sample to a laboratory at which physical
contaminants greater than 4 millimeters shall be collected and weighed to determine the percentage
of physical contaminants by dry weight using the following protocol:
(1) Determine the total dry weight of the composite sample as obtained in section 17896.61(d);
(2) Separate the physical contaminants greater than 4 millimeters from the composite sample and
determine the dry weight of the physical contaminants;
(3) Determine the percentage of physical contaminants by dividing the dry weight of the physical
contaminants by the total dry weight of the composite sample.
(d) Any sampling conducted to comply with this section shall require a composite sample. A
composite sample shall be representative and random, and may be obtained by taking twelve (12)
mixed samples as described below.
(1) The twelve samples shall be of equal volume.
(2) The twelve samples shall be extracted from within the compost pile as follows;
(A) Four samples from one-half the width of the pile, each at a different cross-section;
(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
(C) Four samples from one-eighth the width of the pile, each at a different cross-section.
(e) Alternative methods of compliance to meet the requirements of this section may be approved by
the EA if the EA determines that the alternative method will ensure the physical contaminant
requirements of this section are met.

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

Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility
Permits; Loan Guarantees.

Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities

§ 18083. LEA Duties and Responsibilities for Inspections.
(a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3
and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and
investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal
sites and equipment to verify compliance with the state minimum standards, solid waste facilities
permits, and related state solid waste laws and regulations within their purview for the protection of
the environment and the public health and safety. The LEA/EA shall perform these inspections and
related duties as required below, and forward inspection reports to the operator and/or owner, and the
board-Department within 30 days of the inspection:
(1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;
monthly, for all active and inactive facilities, and for illegal sites and facilities, pending
abatement by enforcement action(s);
(3) at the frequency required by the state minimum standards for each type of operation specified in
14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA
Notification tier shall be inspected by the EA at least once every three (3) months unless the EA
approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment, and in no case shall the inspection frequency be less than once per calendar year.
The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall
concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose
an additional risk to public health and safety or the environment in light of the specific circumstances
at the operation in question. The Department shall concur or deny the EA-proposed approval within
thirty (30) days from receipt.
(4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section
21565. For closed sites, inspections shall be made until no potential threat exists to public health and
safety or the environment. This determination shall be subject to board Department approval. For the
purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site
that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable
closure requirements;
(A) the board Department may approve an alternate inspection frequency for these sites where
such an action will not result in adverse impact on public health and safety and the environment.
(5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement
with the board Department through a grant program to inspect waste tire facilities, major waste tire
facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once
every two and a half years pursuant to 14 CCR Section 18443;
(6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;
(7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application,
revision, review, RFI amendment, or closure/postclosure plan; and
(8) pursuant to the EPP, for solid waste handling and collection equipment.
(b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above
inspections, whenever possible, without prior notice to the owner or operator, on randomly selected
days, during normal business hours or the site’s operating hours.

Note: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference:
Sections 43200, 43209, 43218, 44100 and 44101, Public Resources Code.

Article 3.0. Regulatory Tier Requirements

§ 18100. Scope.
(a) This Article sets forth the method of application for a tiered solid waste facilities permit,
procedures for review and action on an application package, and other requirements associated with
regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance
and other requirements associated with solid waste handling operations. Similar provisions regarding a
full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4,
Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).
(b) The provisions of this Article shall apply only to those operations and facilities as specified in the
minimum standards set forth in Chapters 3.0, 3.1, or 3.2 of Division 7 of this Title.
(c) The submittal of an enforcement agency notification (in accordance with section 18103) or
issuance of a tiered permit supersedes any previously submitted enforcement agency notification or
issued tiered permit.
(d) Specific provisions relating to the different types of regulatory tiers may be found below as
follows:
(1) Excluded section 18102
(2) Notification of Enforcement Agency sections 18103 – 18103.3
(3) Registration Permit sections 18104 – 18104.9; and
(4) Standardized Permit sections 18105 – 18105.11.
§ 18102. Excluded Solid Waste Handling.
Operators of excluded operations designated by the minimum standards set forth in Division 7 of this Title are not required to notify the enforcement agency or submit an application for a solid waste facilities permit. Nothing in this section precludes the enforcement agency or the board from inspecting an excluded operation to verify that the operation is being conducted in a manner that qualifies as an excluded operation or taking any appropriate enforcement action.

§ 18103. Enforcement Agency Notification.
(a) The enforcement agency notification provisions of this Article shall apply only to operations as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title.
(b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement agency notification as follows:
(1) Filing Requirements section 18103.1;
(2) Record Keeping Requirements section 18103.2; and
(3) Termination of Operation section 18103.3.
(c) Operations authorized to use the enforcement agency notification tier are required to operate in accordance with the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 applicable to that operation.
(d) Nothing in this section precludes the enforcement agency or the board from the following: inspecting an operation to verify that the operation is being conducted in a manner that qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in compliance with the minimum standards; or, taking any appropriate enforcement action, including the use of a 'notice and order.'

§ 18103.1. Filing Requirements.
(a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency notification shall notify the enforcement agency of its intent to operate in writing prior to commencing operations. This written notification shall be legible and include the following information:
(1) The name, address, and phone number of the proposed operation; the name, address, and phone number where the operator can be contacted if these differ from the operation site; and, the name, address, and phone number of the owner if these differ from the operator.
(2) The section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier and a description of the facility's operations, including but not limited to, volume and hours of wastes/material handled, peak and annual loading, and hours of operation.
(3) Documentation that the operator has notified the local planning department with jurisdiction over the site of its intent to commence operations. Documentation may include proof of compliance with CEQA, correspondence from the local planning department that compliance with the California Environmental Quality Act is not required for the operation to obtain local land use approval or written notice to the local planning department of the operator's intent to commence operations.
(4) A statement by the owner and operator certifying under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.
(b) The notification shall be mailed to the enforcement agency "return receipt requested."

§ 18103.2. Record Keeping Requirements.
The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall be publicly available during normal business hours. The enforcement agency shall forward a copy of the notification to the board within five days of receipt. The enforcement agency shall
retain a copy of the notification for a minimum of one year after the facility is known to have ceased operations.


§ 18104. Registration Permit.
(a) The registration permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, 3.1, or 3.2 of Division 7 of this Title.
(b) A registration permit shall be deemed to incorporated by reference, as terms and conditions of the permit, all minimum standards applicable to it, as set forth in Chapters 3, 3.1, or 3.2, of Division 7.
(c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:
   (1) Filing Requirements section 18104.1;
   (2) Enforcement Agency Processing Requirements section 18104.2;
   (3) Record Keeping Requirements section 18104.3;
   (4) Completeness Appeal section 18104.4;
   (5) Change in Operation section 18104.5;
   (6) Change in Owner section 18104.6;
   (7) Permit Review & Reissuance section 18104.7;
   (8) Suspend/Revoke section 18104.8, and
   (9) Voiding of a Registration Permit section 18104.9.


§ 18104.1. Filing Requirements.
Any operator proposing to operate a solid waste facility pursuant to a registration permit shall file an application using form CIWMB 83 "Registration Permit Application" (rev. 12/96), which is incorporated herein by reference, with the enforcement agency. The application shall be accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). (See Appendix A.) This application shall contain the following information:
(a) The name and address of the enforcement agency, and the section in Chapters 3, 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.
(b) General description of the facility including, but not limited to name, location, site map, and location map.
(c) Facility information, including, but not limited to, volume and type of waste/material; handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.
(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.
(e) Conformance finding information as follows:
   (1) Until a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.
   (2) After a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public Resources Code Section 50001.
(f) The owner and operator shall each certify under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.
(g) Evidence that the application form was provided to the director of the local agency that oversees local use planning for the jurisdiction in which the site is located.
(h) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.

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§ 18104.2. Enforcement Agency Processing Requirements.

... (g) The enforcement agency shall provide a copy of the registration permit to the board Department and to any person who has so requested in writing.


§ 18104.3. Record Keeping Requirements.

... (c) The enforcement agency shall forward copies of any written public comments received on an application to the board Department with the registration permit submitted pursuant to section 18104.2(f).

(d) Subsequent to the transmittal of the registration permit to the board Department, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board Department unless the comment clearly states that a copy has already been provided to the board Department.

(e) If an application is denied, the enforcement agency shall retain public comments received on that application for a period of 2 years. If a previously denied permit is approved, all comments received shall be forwarded to the board Department with the copy of the registration permit submitted under subsection (c) above.


§ 18104.6. Change in Owner.

(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever comes first. The enforcement agency shall transmit a copy of the notification to the board Department within five days of receipt.


§ 18104.9. Voiding of a Registration Permit.

Every registration permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification to the board Department within 7 days. "Cessation of operations" does not include temporary operational shutdowns which are seasonal or intermittent in nature.


§ 18105. Standardized Permit.

(a) The standardized permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of the Title.

(b) A standardized permit obtained pursuant to this Article shall contain only those terms and conditions applicable to the type of facility receiving it as set out in the minimum standards for that type of facility.
Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as follows:

1. Filing Requirements section 18105.1;
2. Enforcement Agency Processing Requirements section 18105.2;
3. Record keeping Requirements section 18105.3;
4. Completeness Appeal section 18105.4;
5. Board Department Processing Requirements section 18105.5;
6. Appeal of Decision section 18105.6;
7. Change in Operation section 18105.7;
8. Change in Owner section 18105.8;
9. Permit Review section 18105.9;
10. Suspend/Revoke section 18105.10; and
11. Voiding of a Standardized Permit section 18105.11.


§ 18105.1. Filing Requirements.
Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an application in duplicate with the enforcement agency accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall contain the following information:

(a) The name and address of the enforcement agency, and the section in Chapters 3, 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.
(b) General description of the facility including, but not limited to name, location, site map, and location map.
(c) Facility information, including, but not limited to, volume and types of waste/material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.
(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.
(e) A Report of Facility Information that contains all of the information required by the applicable section(s) of Article 3.2, Chapter 5, of this Division.
(f) One of the following:
   (1) Evidence that there has been compliance with the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,
   (2) Information on the status of the application's compliance with the California Environmental Quality Act regarding the facility. Once there has been compliance with the California Environmental Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement agency.
(g) Conformance finding information as follows:
   (1) Until a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.
   (2) After a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be identified in any of these elements pursuant Public Resources Code Section 50001.
(h) The owner and operator shall each certify under penalty of perjury that the information provided is true and accurate to the best of their knowledge and belief.
(i) Evidence that the application form was provided to the director of the local agency that oversees local use planning for jurisdiction in which the site is located.
(j) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.
§ 18105.2. Enforcement Agency Processing Requirements.

... (g) Within fifteen days of acceptance of an application for filing:

1. The enforcement agency shall evaluate the information provided in the application and the
   proposed facility to determine whether or not the facility will be able to operate in compliance with the
   applicable minimum standards and standardized solid waste facilities permit terms and conditions.

2. The enforcement agency shall provide notice pursuant to Title 27 Section 21660.3.

3. If the enforcement agency finds that the application and facility meet the requirements set forth
   in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed
   standardized permit, application package, and the results of any analysis to the board Department.
   The enforcement agency shall further provide the applicant with a copy of the proposed standardized
   permit submitted to the board Department. In addition, the enforcement agency shall provide a copy
   of the proposed standardized permit to any person who has so requested in writing.

4. If the enforcement agency finds that the application or facility do not meet the requirements set
   forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy
   of the rejected application accompanied by an explanation shall be mailed to the applicant.

(h) If evidence of compliance with the California Environmental Quality Act, as required by Section
18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then
the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this
requirements has been demonstrated. Unless waived by the applicant pursuant to Public Resources
Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not
been submitted within 120 days of the application's acceptance for filing, the enforcement agency
shall reject the application and not issue the standardized permit.

(i) Once the board Department has concurred in the issuance of the proposed standardized permit,
pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

(j) If the board Department objects to the proposed standardized permit, the enforcement agency
shall notify the applicant in writing of the board Department's decision, and the reasons for that
decision, within five days of receipt of that decision.

...
unauthorized terms and conditions shall be stricken. The board shall concur in the edited
standardized permit.
(e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the board
shall notify the enforcement agency of its determination in writing. If the board objects, the reasons for the objection shall be provided to the enforcement agency.


§ 18105.6. Appeal of Decision.
(a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section 18105.2(g)(3) or of the Board Department taken pursuant to section 18105.5 to the enforcement agency within 15 days of the date that the decision was received. Such an appeal must be in writing and specify the grounds for the appeal. A final written determination on the appeal shall be made by the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources Code, no later than 60 days after receipt of the applicant's appeal.


§ 18105.8. Change in Owner.
(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever comes first. The enforcement agency shall transmit a copy of the notification to the board Department within five days of receipt.


§ 18105.9. Permit Review and Reissuance.

... (d) If an operator files a certification as specified in subsection (c) above or a new application pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections 18105.2 and 18105.3 and the board Department shall follow the procedures set forth in Section 18105.5.


§ 18105.11. Voiding of a Standardized Permit.
Every standardized permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification to the board Department within 7 days. "Cessation of operations" does not include temporary operational shutdowns which are seasonal or intermittent in nature.


Article 3.2. Reports of Facility Information

§ 18221.5.1. In-Vessel Digestion Facility Plan.
Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0.
(commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility Plan ("Plan") with the EA as required in section 17896.14 of this Title. In order to maintain the permit, the operator must file amendments as necessary to maintain the accuracy of the Plan. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. The Plan shall contain the following:

(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(c) descriptive statement of the manner in which activities are to be conducted at the facility;
(d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of material processing, each set of hours may be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;
(e) total acreage contained within the operating area;
(f) facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity;
(g) information showing the types and the daily quantities of solid waste to be received. If tonnage was figured from records of cubic yards, include the conversion factor used;
(h) description of the methods used by the facility to comply with each state minimum standard contained in sections 17896.17 through 17896.61;
(i) anticipated volume of quench or process water and the planned method of treatment, and disposal of any wastewater;
(j) description of provisions to handle unusual peak loading;
(k) description of transfer, recovery and processing equipment, including classification, capacity and the number of units;
(l) planned method for final disposal of the solid waste;
(m) planned method for the storage and removal of salvaged material;
(n) resume of management organization which will operate the facility;
(o) An Odor Impact Minimization Plan pursuant to section 17896.31.


§ 18221.6.1. In-Vessel Digestion Report.
Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel Digestion Report ("Report") with the EA as required in section 17896.15 of this Title. In order to maintain an existing permit, the operator must file amendments as required in section 17896.15 of this Title and re-title the document as an In-vessel Digestion Report. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. A Report shall contain the following:

(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) facility specifications or plans, to include: a site location map, a site map, and identification of adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet of the facility property line;
(c) schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(d) descriptive statement of the manner in which activities are to be conducted at the facility;
(e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of material processing, each set of hours may be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;
(f) total acreage contained within the operating area;
(g) facility design capacity including the assumptions, methods, and calculations performed to
determine the total capacity;
(h) information showing the types and the daily quantities of solid waste to be received. If tonnage
was figured from records of cubic yards, include the conversion factor used;
(i) description of the methods used by the facility to comply with each state minimum standard
contained in sections 17896.17 through 17896.61;
(j) anticipated volume of quench or process water, and the planned method of treatment, and disposal
of any wastewater;
(k) description of provisions to handle unusual peak loading;
(l) description of transfer, recovery and processing equipment, including classification, capacity and
the number of units;
(m) planned method for final disposal of the solid waste;
(n) planned method for the storage and removal of salvaged material;
(o) resume of management organization which will operate the facility;
(p) list of permits already obtained, and the date obtained or last revised;
(q) An Odor Impact Minimization Plan pursuant to section 17896.31.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code

§ 18227. Report of Composting Site Information.
Each operator of a compostable material handling facility that is required to obtain a Compostable
Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2,
Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as
specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing
with section 18104) shall, at the time of application, file a Report of Composting Site Information with
the EA as required by section 17863 of this Title. A Report of Composting Site Information shall
contain the following:
(a) A description of the processes to be used, including estimated quantities of feedstocks, additives,
and amendments.
(b) A descriptive statement of the operations conducted at the facility.
(c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized
in the production of compost including, but not limited to, unloading, storage, processing, parking,
and loading areas.
(d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and
insects, for example, how the operator will store, process and incorporate food material and
vegetative food material into windrows or static piles, timeframes for inclusion of material, collection
and containment of leachate, passive and active vector controls, methods to monitor effectiveness of
control measures.
(e) A description of the proposed emergency provisions for equipment breakdown or power failure.
(f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average
length of time compostable materials will be stored at the facility.
(g) A description of compostable materials handling equipment used at the facility including type,
capacity, and number of units.
(h) Anticipated annual operation capacity for the facility in cubic-yards.
(i) A description of provisions to handle unusual peak loadings.
(j) A description of the proposed method for storage and final disposal of nonrecoverable or
nonmarketable residues.
(k) A description of the water supplies for process water required.
(l) Identification of person(s) responsible for oversight of facility operations.
(m) A description of the proposed site restoration activities, in accordance with section 17870.
(n) An Odor Impact Minimization Plan pursuant to section 17863.4. The EA may require the operator
to revise the Odor Impact Minimization Plan if the operator proposes to accept new feedstock, such as
food material or vegetative food material.

Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
Sections 43020, 43021 and 43209.1, Public Resources Code.
Article 4. Enforcement by EA and Review by Board-Department

§ 18302. Written Complaints of Alleged Violations.

(a) Any person having information alleging a facility or operation is being operated without a required permit or notification, in violation of one or more terms or conditions of a permit, in violation of the state minimum standards, or in violation of any related state solid waste laws or regulations, or that a permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may file a complaint regarding such allegation in writing to the EA. The complaint shall include the following:

1. The name, address and telephone number of the person making the complaint, however nothing in this chapter shall be construed to prevent the making of anonymous complaints by omitting the identity of the reporting party from the complaint;
2. The identity and location, if known, of the facility or operation and the names and addresses, if known, of the persons responsible for the violation;
3. The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and
4. All known facts relevant to the alleged violation or likely to be of assistance to the EA in investigating the complaint, including but not limited to information relating to witnesses and physical evidence.

(b) The person making the complaint may forward a copy of the complaint to the Board-Department. The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on that ground, it shall so advise the complaining party in writing at the address given in the complaint if an address is given and place a copy in its files.

(c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine whether its allegations, if true, would constitute a violation of a state minimum standard, permit term or condition or any related state solid waste law or regulation. The EA shall make its determination on the basis of the substance of the allegations rather than on the basis of the complaint’s technical compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege facts constituting a violation of a state minimum standard, permit term or condition or related state solid waste law or regulation, it shall so advise the reporting party in writing at the address given in the complaint if an address is given and place a copy in its files.

(d) Upon receipt of an odor complaint related to a compostable material handling operation or facility, the EA shall investigate the complaint as soon as practical prior to issuing a violation for failing to minimize odor. The odor complaint investigation shall include the following:

1. The date and time the EA arrived and departed within the complaint area.
2. Observations of wind direction and speed, and general weather conditions such as clouds, fog, high wind speed, humidity, and temperature.
3. If odor is detected, the EA shall:
   (A) Record the location where odor was observed, such as the street address, latitude/longitude, tax parcel number, etc.
   (B) Verify the odor event at the complainant’s location and ascertain if document the complaint’s claim, if any, that the odor is interfering with the complainant’s use and comfortable enjoyment of life the or property.
   (C) Document odor characteristics, intensity, and duration at the complainant’s location, the solid waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.
   (D) Identify activities conducted at the solid waste facility/operation at the time of the odor event.
4. The EA should consult with the operator to determine if there were unusual operational changes or atypical feedstocks accepted during the time of the complaint(s).
5. The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on that ground, it shall so advise the complaining party in writing at the address given in the complaint if an address is given and place a copy in its files.
6. Except as provided in subsection (c) or subsection (d), the EA shall commence an investigation of the facts alleged in the complaint.
7. If an LEA has a complaint review and investigation initiation procedure that contains substantially the same basic requirements as this section, and accomplishes the intended purposes of this section within its board-Department approved EPP, it may follow that equivalent process in lieu of subsections (c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written complaint of an allegedly unlawful condition at a solid waste facility or operation can assume that his or her complaint will receive appropriate attention.
(gh) If the Department receives a complaint in a jurisdiction where it is not the EA, the complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has already received a copy from the complaining party.

California Code of Regulations
Title 27. Environmental Protection
Division 2. Solid Waste
INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR
SOLID WASTE FACILITY PERMIT/AND WASTE DISCHARGE REQUIREMENTS

This application form is for a Solid Waste Facility Permit (SWFP) and/or Waste Discharge Requirements (WDRs) to receive, store, process, transform, or dispose of solid waste regulated by the California Integrated Waste Management Board (CIWMB) - Department of Resources Recycling and Recovery (CalRecycle) and Local Enforcement Agencies (LEAs) and/or California Regional Water Quality Control Boards (RWQCBs) and for related purposes. The application is to be used for both new and revised permits, changes to existing SWFPs, WDRs, and supporting documents (e.g., Reports of Facility Information, Reports of Waste Discharge), and expansions for SWFP Reviews. All [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] applications must be filled out completely [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] and correctly [Note to OAL and publisher: Underline indicates addition. Final text should remain underlined for emphasis.]. Check with local or county enforcement agency the applicable EA or RWQCB for specific permit requirements and/or exemptions or the use of the Application/General Information Form for WDRs and National Pollutant Discharge Elimination System permit (Form 200) by the RWQCB. This form Submit the Application and the filing fees should be sent to the appropriate agency(ies) indicated below:

<table>
<thead>
<tr>
<th>FORM TYPE / USE</th>
<th>APPROPRIATE AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for a Solid Waste Facility Permit</td>
<td>CIWMB/LEA</td>
</tr>
<tr>
<td>Report of Waste Discharge for WDRs</td>
<td>RWQCB</td>
</tr>
</tbody>
</table>

If you have any questions on the completion of how to complete this form, please contact the appropriate agency(ies) for assistance. You can download this form from the CIWMB/CalRecycle website at http://www.calrecycle.ca.gov.

NOTE: For direct discharge (point source discharge) to surface waters, a different application form and submittal package is required in place of this form. Please contact the appropriate Regional Water Quality Control Board-RWQCB if seeking to discharge to surface water under the National Pollutant Discharge Elimination System (NPDES) permit application form to apply for a permit for this type of discharge.

The Application for Solid Waste Facility Permit/Waste Discharge Requirements provides initial notice of a waste discharge. In most instances, additional information will be required, and should be submitted on 8 1/2” X 11” paper. Submit two copies of the completed form Application and of any required report(s), and filing fee to the Enforcement Agency (EA). Submit one copy of the form Application and any required report and filing fee to the RWQCB. The RWQCB will notify you of your annual fee based on an evaluation of your proposed discharge. Please do not submit a check to the RWQCB until requested to do so by a RWQCB representative. Applicants applying for an update of an existing WDR will be billed through the annual fee billing system and therefore are requested NOT to submit a check with their Application. The agency(ies) will advise you of any additional information that may be required to complete this Application and waste disposal report.

You will be notified of the effective date of the application by each agency.

The Applicant shall submit this Application in a form and format required by the EA. The EA will exercise its discretion in using the information provided by the Applicant to establish terms and conditions of a proposed SWFP the EA determines to be appropriate.

AMOUNT OF FILING FEES
- EA - The enforcement agencies shall determine the exact fee. Contact the EA for fee information.
• RWQCB – Use flow or units reported in Part 4 (application form) and the appropriate class schedule A, B, B1, B3, or C (attached filing fee schedule). Contact the RWQCB for fee information.

FOR OFFICIAL USE ONLY (CIWMB-CalRecycle/LEA/RWQCB staff)

SWIS/WDID/Global ID Number: The Solid Waste Information System (SWIS) number assigned to the facility by CIWMB CalRecycle staff. The Waste Discharge Identification number (WDID) and global identification number (global ID) for use by RWQOB staff.

Filing Fee: The amount of filing fee submitted by the applicant.

Receipt Number: The number assigned to the Application by CIWMB-CalRecycle/LEA/RWQCB staff.

Date Received: The date the EA or RWQCB receives the Application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts the Application package for filing (Title 27, section 21650(a)). Leave blank if the Application is for a SWFP review (Title 27, section 21640).

Date Rejected: The date the EA rejects determines that the Application package is rejected (Title 27, section 21650(d)). Leave blank if the Application is for a SWFP review (Title 27, section 21640).

Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete Application package as incomplete (Title 27, section 21580). Date Due: Within 180 days from the date the application was accepted as incomplete (Title 27, section 21580). Leave blank if Application is for a SWFP review (Title 27, section 21640).

Due Date: 180 days from the date the application was accepted as incomplete (Title 27, section 21580).

Part 1. GENERAL INFORMATION

A. Enforcement Agency: Enter the name of the EA.

B. County: Enter the name of the county or counties in which the facility is located.

C. Type of Application: Check the box (one box only) that describes the reason the Application is being submitted, as follows:

1. New SWFP and/or WDRs: A facility that does not have a current full-SWFP or WDRs.

2. Revision of Change to SWFP and/or WDRs: Applicant is proposing to make a change to the design or operation of the facility. (Title 27, section 21620 and 21710)

3. Exemption and/or Waiver: The facility is exempted from a full SWFP pursuant to Title 27, section 21565 and/or WDRs have been waived.

4. Review: To comply with the five-year permit review requirement (Title 27, section 21640).

5. Amendment of Application: If the applicant changes any of the information required in the Application after the application package it has been submitted and before the EA has acted on the Application issuance or denial of the permit or alteration thereof, the applicant changes any of the information required in the application package. (Title 27, section 21610 and 21710)

6. RFI/ROWD/JTD Amendments: For existing permitted facilities, when an owner/operator proposes to make minor changes in design or operation supported by an existing or new CEQA documentation. The application package is submitted to the EA and/or RWQCB to determine if the proposed change(s) can be allowed without an application for a revision. A change to the Report of Facility Information, Report of Waste Discharge, or Joint Technical Document that does not require a change to the SWFP or WDRs.

Part 2. FACILITY DESCRIPTION

A. Name of Facility: The name as it is to be listed on the SWFP and/or the WDRs.

B. Location of Facility:

1. The physical address of the facility or, if no address, a description of the location. Include the Assessor's Parcel Number, directions to the location of the facility and the name of the nearest city or named place, i.e. mountain, lake, cross roads, etc. Provide the zip code for the actual facility location, not the mailing address.
2. Latitude and longitude is to be submitted in Degrees, Minutes, and Seconds, or Decimal Degrees identifying the center of the waste footprint for existing or proposed disposal sites and identifying the office or main gate for all other facilities (e.g., transfer station, composting facility, etc.). Use of a GPS instrument is recommended. It indicates the center of the waste footprint, existing or proposed, for disposal sites, and the office or gate for all other facilities (i.e., transfer, composting, etc.)

3. Map or sketch should be to a scale adequate to show the precise location of the permitted boundary. Use of a portion of a U.S.G.S. Quadrangle map is recommended. Map must show proximity of disposal location to populated areas and must indicate all wells and drainage courses within 1,000 feet of any disposal point. The map must include approaches and/or access roads, streets, and/or highways. The legal description shall include the applicable portions of the section(s) of the township, range, base, and meridian. The facility shall have permanent monuments or other physical features that adequately delineate the permitted boundary in the field.

C. Type Of Activity: Check all that apply or will apply for the type of facility covered under this application package.

1. Disposal: A facility that includes a place, location, tract of land, area, or premises in use, intended to be used, or which has been used, for landfill disposal of solid waste; and
   a. Type: The type of disposal facility, such as, monofill, monofil, C&D/inert, municipal solid waste, or Engineered municipal solid waste conversion facility.

2. Composting Compostable Material Handling: A facility that is operated for the purpose of producing compost handles compostable materials, and
   a. Type: The type of composting facility, e.g., green waste, food waste, biosolids, or MSW.

3. Transformation: A facility that at which solid waste is incinerated, or subject to pyrolysis, distillation, or biological conversion other than composting. Transformation does not include composting, gasification, or biomass conversion.

4. Transfer/Processing Facility: A facility that receives, handles, stores, separates, converts or otherwise processes materials in solid waste; and/or transfers solid waste directly from one container to another or from one vehicle to another for transport; and/or stores solid waste. For Informational Purposes Only: Check the box if recyclable materials are recovered prior to transfer/processing.

5. Construction and Demolition/Inert Debris Processing: A facility that receives Construction and Demolition Debris and/or Inert Debris for the purpose of controlled separation, recovery, volume reduction, or recycling.

6. In-vessel Digestion: A facility that receives solid waste for digestion in an in-vessel digester.

7. Other: An activity authorized by law not listed above.

D. Identification of Facility in CIWMP [Conformance Finding Information] (CIWMP Title 27, section 21570(f)(5)):

1) If the location of the facility is identified in either a Countywide Siting Element or a Nondisposal Facility Element, check the appropriate box, and fill in the date of the document and the page on which the facility is identified. If you do not currently have this information, (you may obtain it this information from the jurisdiction in which the facility is located).

2) If the facility is a Transfer Station that will divert less than 5% of the material that it receives, it is not required to be identified in either a Countywide Siting Element or a Nondisposal Facility Element and you should check the appropriate box.

E. Type Of Permitted Wastes To Be Received: Check all that apply for the type of material covered under this application package:

1. Agricultural: Wastes resulting directly from the production and processing conduct of farm or agricultural products activities, including, but not limited to, manures, prunings, and crop residues.

2. Asbestos: A naturally occurring family of carcinogenic fibrous mineral substance. The State Department of Health Services Toxic Substances Control has classified friable wastes which contain more than one percent or more asbestos by weight as hazardous wastes. Frible means that the material can be crumbled with pressure and, therefore, is likely to emit fibers. Indicate whether the asbestos is friable or non-friable by checking the appropriate box.

3. Ash: The residue from the incineration of solid wastes, including, but not limited to, municipal waste, infectious medical waste, wood waste, sludge, and agricultural waste.

4. Treated Auto Shredder Waste: The "fluff" consisting of upholstery, paint, plastics, and other non-metallic substances that remains after the shredding of automobiles, discarded household major appliances, and sheet metal similar items. The State Department of Health Services has classified untreated shredder wastes as hazardous.

5. Compostable Material: Any organic material that when accumulated will become active compost. Describe the types of compostable materials to be received.
6. **Construction/Demolition Waste**: Waste that results from construction, remodeling, repair, demolition or deconstruction of buildings, and other structures.

7. **Contaminated Soil**: Waste which contains designated or nonhazardous concentrations and has been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency.

8. **Dead Animals**: Animal carcasses requiring disposal that have not been previously used for medical purposes and are not known to have been infected or with known infectious diseases.

9. **Industrial**: Solid or semi-solid wastes resulting from industrial processes and manufacturing operations, e.g., cement kiln dust, ore process residues, grit or screenings removed from a waste water treatment facility, etc.

10. **Inert**: Solid waste and recyclable materials that are source separated or separated for reuse, do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives and do not contain significant quantities of decomposable waste. Inert debris may not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the putrescible wastes do not constitute a nuisance, as determined by the EA.

11. **Liquids**: Wastes which are not spadeable, usually containing less than 50% solids. These wastes include cannery and food processing wastes, landfill leachate and gas condensate, boiler blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings, rendering plant byproducts, some sewage sludge, etc.

12. **Mixed or Municipal Solid Waste (MSW)**: Solid waste generated primarily by residential and commercial refuse sources, garbage and/or rubbish although it may contain insignificant amounts of other solid waste that, when mixed together, is all handled as MSW. Residential waste is commonly thought of as household garbage, commercial wastes contain less putrescible waste and more paper and cardboard.

13. **Sewage Sludge**: Human (not industrial) residue, excluding grit or screenings, removed from a wastewater treatment facility or septic tank, whether in a dry or semidry form.

14. **Waste Tires**: Discarded tire casings. Tires that are no longer mounted on a vehicle and are no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer’s original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not organized for inspection in a rack or a stack.

15. **Other**: Any allowable wastes not included in the above.

---

### Part 3. FACILITY INFORMATION

#### A. Proposed Change: Check the box that identifies the type of change proposed. Briefly describe the proposed change in the space provided.

- **Design Change**: A design change would include but is not limited to: change in footprint, acreage, additional capacity, site improvements, etc.

- **Operation**: A change in operation would include but is not limited to: change in hours or days of operation, the addition of an activity, tonnage changes, etc.

- **Owner, Operator, Address, and/or Facility Name Change**: Complete if there is a change in the owner, operator, address, or facility name.

- **Other**: This type of change includes, but is not limited to: change in emergency contact list, etc. For an application for permit review, if there are no changes, so indicate.

#### AB. Facility Information

1. **Information Applicable To All Existing Facilities**: This portion of Part 3 of the Application must be filled out by every applicant regardless of the type of facility.

   a. **Peak Maximum Daily Tonnage or Cubic Yards**: The peak (maximum) total amount of solid waste and other material the facility applicant is permitted authorized by the EA to receive through the gate to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-to-day operations (include information on all other material authorized by the EA to receive in the Report of Facility Information (RFI)). This amount shall be expressed in tons or specify the amount in cubic yards with a conversion factor. This will be referred to as the “permitted maximum tonnage” and is considered the facility maximum tonnage limit. This amount must be consistent with the approved SWFP and the approved Report of Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Volume figures should be converted to tons and

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the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP
and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below
must equal the maximum daily tonnage.

1. **Disposal/Transfer**: The amount of material—solid waste that comes through the gate and is
disposed of on-site or transferred off-site as waste; and

2. **Other**: That amount of all other material received at the site, including, but not limited to,
material that is recycled, or used for beneficial use beneficially reused (such as ADC, road building or
other on-site projects), stored or processed. Note: 1 and 2 should equal the peak daily tonnage or

cubic yards.

b. **As-Designed Daily Design-Tonnage (TPD) or Cubic Yards**: For landfills, the maximum
daily tonnage—amount of solid waste and other material that the facility is designed to receive and
process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar
month) based on appropriate factors including, but not limited to, size of working face the operating
areas, vehicle traffic considerations, hours of operation, personnel, equipment operational limits, etc.

For other facilities, it is the maximum amount of solid waste and other material the facility is designed
to handle receive and process at any one time on an ongoing basis over an extended period of time
(e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited
to, vehicle traffic consideration, facility size, hours of operations, length of material storage, type of
equipment and movement, personnel, equipment operational limits, etc. This amount shall be
expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion
factor. The as-designed tonnage value may be equal to or greater than the peak maximum daily

.ic Capacity**: The area that encompasses the entire area on which solid waste facility
activities are authorized by the EA to occur and are permitted. This includes the area of the facility in
acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and
managing equipment—management area, or any area that is required to maintain compliance with the
design and operating parameters of the facility. The facility size is the same as “operating area” for
compostingable material handling facilities, “permitted acreage” or the area within the “permitted
boundaries” for transfer/processing facilities and landfills.

e. **Peak-Maximum Traffic Volume Per Day (vpd)**: The estimated maximum number of
vehicles that will be authorized by the EA to enter the facility on a daily basis. This number should
include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including
vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or
material intended for beneficial reuse. This number must be consistent with the approved RFI and any
CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if
any, that was being conducted at the time the application was submitted.

f. **Days and Hours of Operation**: The days and hours that the facility is authorized by the EA
to operate and the hours of waste receipt authorized by the EA if different from the hours
of operation. This information must be consistent with the approved RFI and any CEQA existing
compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was
being conducted at the time the application was submitted. Any activities that are limited to
prescribed days and/or hours should be fully described in the RFI.

2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs**: This portion
of the Application must be filled out by every applicant requesting a change to any item(s) listed
under Part 3.A. 1 and every applicant submitting an application for a new SWFP and/or WDRs (see
Part 3.A.1. for a description of the terms used). The requests must be consistent with an RFI
submitted as part of the Application. The EA will review the requests and establish the terms and
conditions of a proposed SWFP for those requests that are supported by documents submitted by the
applicant. The RWQCB will review the requests and establish the terms and conditions of tentative
WDRs for those requests that are supported by documents submitted by the applicant. Use the
“OTHER” section to describe design or operational requests not already specified in this Part 3.A.2.

3. **Additional Information Required For Compostable Materials Handling Facilities
Only**: This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled
out by the applicant if composting handling compostable materials is part of this Application.

a. **Total Site Storage Capacity**: The total capacity in tons or cubic yards of all feedstock and
compost (active, curing, and cured) material that is received, processed, and can be stored on-site at
any one time.

34. **Additional Information Required For Landfills Only**: This portion of Part 3, section B3, in
addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of
A. Average Daily Tonnage (TPD): The estimated average waste tonnage expected to be received—placed in a waste management unit for each operating day on a yearly basis (calendar year) for the next five years. Do not use non-operating days in estimating/calculating the average daily tonnage. This average daily tonnage can be equal to but may not exceed the peak maximum daily tonnage. Report as tons per day (TPD).

b. Site Capacity Currently Permitted (Airspace) (cu yds): The volume contained between the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to the top of the final cover) taking into consideration design slopes, benches, and other design features, as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site Capacity.

c. Site Capacity Proposed (Airspace) (cu yds): Additional site capacity (airspace) requested or potentially resulting from this permit application.

d. Site Capacity Used To Date (Airspace) (cu yds): The volume of permitted site capacity used to date. See Date of Capacity Information below.

e. Site Capacity Remaining (Airspace) (cu yds): The total volume of permitted site capacity remaining, not including any proposed site capacity. If the remaining capacity information provided is based on estimates of capacity used since the last physical site survey, please explain the methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume, etc. See Date of Capacity Information below.

f. Date Of Capacity Information (date): The date as of which the remaining and used site capacities in Part 3 were determined. This date may predate the application date by no more than three months. Amendments of the application including more current capacities may be required.

g. Last Physical Site Survey (date): Date when the last aerial or ground survey was conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see Part 6, Section B for more details).

h. Estimated Closure Date (month and year): The closure date estimated based on remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other appropriate factors. Please note if the closure date is controlled by factors other than waste capacity (e.g., conditional use permit date, etc.).

i. Disposal Footprint (acres): The permitted area where waste will be or has been placed. This will be referred to as “permitted disposal area.”

j. Site Capacity Planned (cu yds): The estimated additional site capacity (in cubic yards) based upon any planned expansions not currently proposed, whether within or outside the current permitted boundary.

k. Provide one of the following:

1. (i) In-place Waste Density (lbs of waste per cubic yard of waste). The in-place waste density is the estimated or measured density of in-place waste material achieved by mechanical or other means in the development of the current lift of the current operating waste cell, and

   (ii) Waste-to-Cover Ratio (estimated) (volume:volume). The waste-to-cover ratio estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate should include only soil or approved daily or intermediate alternative cover that is not considered a waste material, i.e., payment of fees to the CIWMB-CalRecycle is not required. The waste portion of the waste-to-cover ratio estimate should include only waste material for which payment of fees to the CIWMB-CalRecycle is reported, or

2. Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace). The airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is recorded as the total weight of waste material passing over the landfill scales that is placed in a known volume of landfill airspace in a given period of time. The waste portion of the AUF should include only waste material for which payment of fees to the CIWMB-CalRecycle is reported.

Part 4. SOURCE OF WATER SUPPLY (This is water used for any purpose at the facility)

A. Municipal or Utility Service: Give name and address of the water purveyor.

B. Individual Wells: Identify those wells that are not part of a municipal or utility service.
C. Surface Supply:
1. Provide the name of any stream, lake, spring, etc, if identified.
2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
3. If a state permit or license has been granted, give identification number.

D. Other: Enter any water source(s) not identified above.

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A. Check the appropriate box(es) if an environmental document was, or is going to will be, prepared and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.
1. If an environmental document was prepared:
   - If an environmental document has already been prepared and circulated through the SCH and there is an SCH number, please write this number in the appropriate blank following the box that is checked.
   - If an environmental document has not yet been circulated through the SCH and no SCH number has been assigned to the environmental document yet, please check the box for the type of environmental document that is anticipated to be prepared and circulated through the SCH and write N/A in the appropriate blank for “SCH#.”
   - If the “ADDENDUM TO (Identify environmental document)” box is checked, please provide the type of environmental document that the addendum was prepared for along with the SCH number.
2. If an environmental document will be prepared, enter the name of the lead agency for preparing the document, if known.

EXAMPLE ONLY:
If the environmental document is an environmental impact report (EIR), write “EIR” and include the dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH number for the EIR.

B. If an environmental document was not, and is not planned to be, prepared because it is not required to comply with the requirements of CEQA, please provide the requested information by checking the appropriate box to indicate why an environmental document is not required for CEQA.
   - If the “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” box is checked, please provide the CEQA Guidelines Section number and citation for the exemption.

EXAMPLE ONLY:
A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor repair to an existing facility. Therefore, check the box that says “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” and write the following in the blank after the box: “CEQA Guidelines, Section 15301, Class I Categorical Exemption.”

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

All attachments are necessary parts of the Application and are incorporated herein.

A. Section A of Part 6 must be completed by all applicants regardless of the type of facility.
B. Section B of Part 6 is additional documents required only by landfill applicants for disposal facilities.
   - Operating Liability Financial Mechanism: The date the demonstration was last modified or renewed. That date must be within the preceding twelve-month (annual renewal) period. For example, a Certificate of Insurance (CalRecycle CIWMB 107) has an “effective date” identified on the certificate. This date should and must be within the preceding twelve-month (annual renewal) period.
   - Financial Responsibility Documentation: The financial mechanism will be is a document, (i.e., letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance) statement, etc.) identifying the current dollar value of the demonstration and the date of the stated value. The date of the stated value should must be within the preceding twelve-month (annual renewal) period.
- Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those plans required by Title 27, sections 21780 and 21865 as appropriate applicable.
- Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release corrective action cost estimate and a copy of the non-water release corrective action cost estimate, as required by Title 27, sections 22100 through 22103.
- Landfill Capacity Survey Results: For disposal sites facilities permitted for to receive more than 20 tons per day, a ground or aerial survey is to be prepared at least every five years or more frequently as determined by the enforcement agency EA. For disposal sites facilities permitted for to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every ten years. If not previously submitted, survey results must be included with this application. Survey results must be submitted as a CADD or vector graphics data file including at least two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum showing the existing and finished ground surfaces. For disposal sites where a change in permitted volume is proposed, a third stratum showing the base and proposed finished ground surfaces must be included. For each stratum the following information shall be included: site name, stratum name, surface 1 name, surface 2 name, volume calculation method (grid, composite, section), expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground surface is uncertain, the operator is allowed to provide the best available information as a substitute for the actual as-built contours. If selecting this substitute method, the operator must provide an explanation of the basis for using the substitute base ground surface.

For the purposes of this section the following definitions apply:

A1. “base ground surface” - the best available excavation plan surface that existed prior to the placement of any waste;
B2. “CADD” - computer aided design and drafting;
C3. “compaction (fill) factor” - the factor used to correct for expected compaction of fill material; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;
D4. “cut volume” - for any stratum, the volume removed by a cut of a lower surface to achieve the upper surface;
E5. “existing ground surface” - the topography that exists at the time of the subject survey;
F6. “expansion (cut) factor” - the factor used to correct for expected expansion of a cut surface; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;
G7. “fill volume” - for any stratum, the volume bound between the upper and lower surfaces;
H8. “finished ground surface” - the final fill plan surface as shown in the approved closure plan for the disposal site;
I9. “net volume” - the fill volume less the cut volume;
J10. “site name” - the name of the disposal site for which the survey information is being submitted;
K11. “stratum (plural: strata)” - a particular volume of a solid waste landfill bound by specified upper and lower surfaces;
L12. “stratum name” - a descriptive name for the stratum for which volumetric information is being submitted, e.g., total volume including proposed expansion;
M13. “surface names” - names for the pair of surfaces that define a named stratum, e.g., base ground surface and proposed finished ground surface;
N14. “survey” - a comprehensive examination of the disposal site under the direction of a registered civil engineer or a licensed land surveyor for purposes of determining the topography of the base, existing and finished ground surfaces, and the volumes bound by those surfaces;
O15. “vector graphics” - computer generated images comprised of lines and shapes of given origin, direction, thickness, color and other attributes;
P16. “volume calculation method” - grid, composite, section or other method approved by the enforcement agency EA;

C. Section C of Part 6 specifies is additional documents required only if applicable the type of facility to be covered under this application as required by the EA or RWQCB. Under "Other," identify and list any other necessary documents not included specified above but that are required by the EA or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or franchise or agreement documenting the operator's interest in and right to use the site as a solid waste disposal facility.
Another example would be if there is a contract operator then a copy of the or a contract between the permitted operator and contract operator and etc.

Part 7. OWNER INFORMATION:

Type of Business: Specify if the business owner of the facility that is the subject of the Application is a sole proprietorship, partnership, corporation, or government/public agency.
Owner of Land: The person(s) that owns, in whole or in part, the land on which the facility is located.
Address, City, State, Zip: Provide the address, city, state, and zip code for the facility owner(s).
SSN or Tax ID #: Provide the SSN or tax identification number for the land owner(s).
Telephone #, Contact Person, Fax #, and E-mail Address: Provide the telephone number, fax number, and e-mail address, and print the contact name.
Address Where Legal Notice May Be Served: Provide the name and address of the person authorized to accept service for each owner of the facility where legal notice may be served.

Part 8. OPERATOR INFORMATION:

Type of Business: Specify if the business operator filing this Application is a sole proprietorship, partnership, corporation, or government/public agency.
Facility Operator: The person(s) (e.g., individual(s), partnership, corporation, or public agency) to whom the approval to operate the facility is granted, and who is responsible for the overall operation of the facility including but not limited to, complying with regulatory requirements, complying with all applicable federal, state, and local requirements, and the design, construction, and physical operation of the operating area, and control the activities at a facility.
Address, City, State, Zip: Provide the address, city, state, and zip code for the facility operator(s).
SSN or Tax ID #: Provide the SSN or tax identification number for the operator(s).
Telephone #, Contact Person, Fax #, and E-mail Address: Provide the telephone number, fax number, and e-mail address, and print the contact name.
Address Where Legal Notice May Be Served: Provide the name and address of the person authorized to accept service for the operator of the facility where legal notice may be served.

Part 9. SIGNATURE BLOCK:

Signature (landowner or agent): The person(s) or their agent authorized to sign on behalf of the above-owners.
Signature (lessee): A person(s) authorized to sign on behalf of the person leasing the land, if applicable.
Signature (facility operator or agent): The person(s) or their agent authorized to sign on behalf of the operator above.

Part 10. OTHER:

Attach additional sheets to explain any responses that need clarification.
APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS

NOTE: This form has been developed for multiple uses. It is the transmittal sheet for documents required to be submitted to the appropriate agency. Please refer to the attached instructions for definitions of terms and for completing this application form in a complete and correct manner.

FOR OFFICIAL USE ONLY

<table>
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<tr>
<th>SWIS/WDID/Global ID NUMBER:</th>
<th>FILING FEE:</th>
<th>RECEIPT NUMBER:</th>
<th>DATE RECEIVED:</th>
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<tr>
<th>DATE ACCEPTED:</th>
<th>DATE REJECTED:</th>
<th>ACCEPTANCE DATE OF INCOMPLETE APPLICATION:</th>
<th>DATE DUE:</th>
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Part 1. GENERAL INFORMATION

A. ENFORCEMENT AGENCY: ___________________________  B. COUNTY: ___________________________

C. TYPE OF APPLICATION (Check one box only):

1. NEW SWFP and/or WDRS
2. REVISION OF CHANGE TO SWFP and/or WDRS
   - REVISION
   - MODIFICATION
   - OTHER (As authorized by law)
3. EXEMPTION and/or WAIVER
4. PERMIT REVIEW
5. AMENDMENT OF APPLICATION
6. RF/ROWD/JTD AMENDMENTS

Part 2. FACILITY DESCRIPTION

A. NAME OF FACILITY: ___________________________

B. LOCATION OF FACILITY:
   1. PHYSICAL ADDRESS OR LOCATION AND ZIP CODE: ___________________________
   2. LATITUDE AND LONGITUDE: ___________________________
   3. LEGAL DESCRIPTION OF PERMITTED BOUNDARY BY SECTION, TOWNSHIP, RANGE, BASE, AND MERIDIAN, IF SURVEYED: ___________________________

C. TYPE OF ACTIVITY: (Check applicable boxes):

1. DISPOSAL
   a. TYPE: ___________________________
2. COMPOSTABLE MATERIALS HANDLING
   a. TYPE: ___________________________
   B. CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING
3. TRANSFORMATION
4. TRANSFER/PROCESSING FACILITY
5. C&D/INERT DEBRIS PROCESSING
6. IN-VESSEL DIGESTION
7. OTHER (describe): ___________________________

D. IDENTIFICATION OF FACILITY IN CIWMP [CONFORMANCE FINDING] INFORMATION (CIWMP):

1. FACILITY IS IDENTIFIED IN (Check one):
   - SITING ELEMENT
   - DATE OF DOCUMENT
   - PAGE # ___________________________
   - NONDISPOSAL FACILITY ELEMENT
   - DATE OF DOCUMENT
   - PAGE # ___________________________

2. FACILITY IS NOT REQUIRED TO BE IDENTIFIED IN SITING ELEMENT OR NONDISPOSAL FACILITY ELEMENT

E. TYPE OF PERMITTED WASTES TO BE RECEIVED: (Check applicable boxes):

1. AGRICULTURAL
2. ASBESTOS  o Friable  o Non-friable
3. ASH
4. AUTO SHREDDER
5. COMPOSTABLE MATERIAL (describe): ___________________________
6. CONSTRUCTION/DEMOLITION
7. CONTAMINATED SOILS
8. DEAD ANIMALS
9. INDUSTRIAL
10. INERT
11. LIQUIDS
12. MIXED/MUNICIPAL SOLID WASTE (MSW)
13. SEWAGE SLUDGE
14. WASTE TIRES
15. OTHER (describe): ___________________________
### Part 3. FACILITY INFORMATION

#### A. PROPOSED CHANGE (Check applicable box(es)):

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<tbody>
<tr>
<td>1.</td>
<td>DESIGN (describe):</td>
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<td>2.</td>
<td>OPERATION (describe):</td>
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<tr>
<td>3.</td>
<td>OWNER, OPERATOR, ADDRESS, AND/OR FACILITY NAME CHANGE (describe):</td>
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<tr>
<td>4.</td>
<td>OTHER (describe):</td>
</tr>
</tbody>
</table>

#### B. FACILITY INFORMATION:

1. INFORMATION APPLICABLE TO ALL FACILITIES

   a. PEAK DAILY TONNAGE OR CUBIC YARDS
      - 1) DISPOSAL/TRANSFER (unit)
      - 2) OTHER (unit)
   b. DAILY DESIGN TONNAGE (TPD)
   c. FACILITY SIZE (acres)
   d. PEAK TRAFFIC VOLUME PER DAY (vpd)
   e. DAYS AND HOURS OF OPERATION

#### A. FACILITY INFORMATION

1. INFORMATION APPLICABLE TO ALL EXISTING FACILITIES:

   a. MAXIMUM DAILY TONNAGE OR CUBIC YARDS
   b. AS-DESIGNED DAILY TONNAGE or CUBIC YARDS
   c. FACILITY SIZE (acres)
   d. MAXIMUM TRAFFIC VOLUME PER DAY (vpd)
   e. DAYS AND HOURS OF OPERATION

2. PROPOSED CHANGE(S) OR INFORMATION APPLICABLE TO NEW SWFP AND/OR WDRs

   a. MAXIMUM DAILY TONNAGE OR CUBIC YARDS
   b. AS-DESIGNED DAILY TONNAGE or CUBIC YARDS
   c. FACILITY SIZE (acres)
   d. MAXIMUM TRAFFIC VOLUME PER DAY (vpd)
   e. DAYS AND HOURS OF OPERATION

   f. OTHER

#### 23. ADDITIONAL INFO. REQUIRED FOR COMPOSTINGABLE MATERIALS HANDLING FACILITIES ONLY:

   a. TOTAL SITE STORAGE CAPACITY (cu yds)

#### 34. ADDITIONAL INFORMATION REQUIRED FOR LANDFILLS ONLY

   a. AVERAGE DAILY TONNAGE (TPD)
   b. SITE CAPACITY CURRENTLY PERMITTED (Airspace) (cu yds)
   c. SITE CAPACITY PROPOSED (Airspace) (cu yds)
   d. SITE CAPACITY USED TO DATE (Airspace) (cu yds)
   e. SITE CAPACITY REMAINING (Airspace) (cu yds)
   f. DATE OF CAPACITY INFORMATION (Date) (See instructions):
   g. LAST PHYSICAL SITE SURVEY (Date)
   h. ESTIMATED CLOSURE DATE (month and year)
   i. DISPOSAL FOOTPRINT (acres)
   j. SITE CAPACITY PLANNED (cu yds)
   k. 1. (i) IN-PLACE WASTE DENSITY (lbs of waste per cu yd of waste) AND
      (ii) WASTE-TO-COVER RATIO (Estimated) (v:v)
   2. AIRSPACE UTILIZATION FACTOR (tons of waste per cu yd of landfill airspace)
Part 4. SOURCE OF WATER SUPPLY (Check applicable boxes)

A. MUNICIPAL OR UTILITY SERVICE: 

B. INDIVIDUAL (wells): 

C. SURFACE SUPPLY:
   1. NAME OF STREAM, LAKE, ETC.: 
   2. TYPE OF WATER RIGHTS:
      ☐ RIPARIAN ☐ APPROPRIATION 
   3. STATE PERMIT OR LICENSE NUMBER , IF APPLICABLE: 

D. OTHER: 

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (Check applicable boxes)

A. CHECK BOX(ES) IF ENVIRONMENTAL DOCUMENT WAS OR WILL BE PREPARED FOR THIS PROJECT AND PROVIDE THE STATE CLEARINGHOUSE NUMBER (SCH#)

1. ENVIRONMENTAL DOCUMENT WAS PREPARED:
   ☐ ENVIRONMENTAL IMPACT REPORT (EIR) SCH# 
   ☐ NEGATIVE DECLARATION (ND)/MITIGATED NEGATIVE DECLARATION (MND) SCH# 
   ☐ ADDENDUM TO (Identify environmental document) SCH# 

2. ENVIRONMENTAL DOCUMENT WILL BE PREPARED (Enter lead agency if known):

B. IF ENVIRONMENTAL DOCUMENT(S) WAS NOT PREPARED, PLEASE PROVIDE THE FOLLOWING INFORMATION:
   ☐ CATEGORICAL/STATUTORY EXEMPTION (CE/SE) EXEMPTION TYPE GUIDELINE # 

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

A. REQUIRED WITH ALL APPLICATION SUBMITTALS:
   ☐ RFI/JTD 
   ☐ LOCAL USE/PLANNING PERMITS 
   ☐ LOCATION MAP 
   ☐ MITIGATION MONITORING IMPLEMENTATION SCHEDULE & REPORTING PROG 
   ☐ LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC 
   ☐ ENVIRONMENTAL DOCUMENT(S):
      ☐ EIR ☐ MND/ND ☐ EXEMPTION ☐ ADDENDUM 

B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS-DISPOSAL FACILITIES ONLY:
   ☐ OPERATING LIABILITY FINANCIAL MECHANISM 
   ☐ CLOSURE/POST CLOSURE MAINTENANCE PLAN 
   ☐ FINANCIAL RESPONSIBILITY DOCUMENTATION 
   ☐ KNOWN OR REASONABLY FORSEEABLE CORRECTIVE ACTION COST ESTIMATES 
   ☐ PRELIMINARY ☐ FINAL 
   ☐ LANDFILL CAPACITY SURVEY RESULTS (see instructions) 

C. IF APPLICABLE:
   ☐ REPORT OF WASTE DISCHARGE 
   ☐ CONTRACT AGREEMENTS 
   ☐ STORMWATER PERMIT APPLICATION 
   ☐ NPDES PERMIT APPLICATION 
   ☐ DEPT. OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT 
   ☐ SWAT (Air and water) 
   ☐ WETLANDS PERMITS 
   ☐ VERIFICATION OF FIRE DISTRICT COMPLIANCE 
   ☐ OTHER 

Page 3
### Part 7. OWNER INFORMATION
(For disposal site, if operator is different from land owner, attach lease or other agreement)

<table>
<thead>
<tr>
<th>TYPE OF BUSINESS:</th>
<th>SOLE PROPRIETORSHIP</th>
<th>PARTNERSHIP</th>
<th>CORPORATION</th>
<th>GOVERNMENT AGENCY</th>
</tr>
</thead>
</table>

**OWNER(S) OF LAND**

<table>
<thead>
<tr>
<th>Name:</th>
<th>SSN OR TAX ID #:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>ADDRESS, CITY, STATE, ZIP</th>
<th>TELEPHONE #:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FAX #:</td>
</tr>
<tr>
<td></td>
<td>E-MAIL ADDRESS:</td>
</tr>
</tbody>
</table>

**CONTACT PERSON (Print Name):**

### Part 8. OPERATOR INFORMATION
(For disposal site, if operator is different from land owner, attach lease or other agreement)

<table>
<thead>
<tr>
<th>TYPE OF BUSINESS:</th>
<th>SOLE PROPRIETORSHIP</th>
<th>PARTNERSHIP</th>
<th>CORPORATION</th>
<th>GOVERNMENT AGENCY</th>
</tr>
</thead>
</table>

**FACILITY OPERATOR(S)**

<table>
<thead>
<tr>
<th>Name:</th>
<th>SSN OR TAX ID #:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>ADDRESS, CITY, STATE, ZIP</th>
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</tr>
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<td></td>
<td>FAX #:</td>
</tr>
<tr>
<td></td>
<td>E-MAIL ADDRESS:</td>
</tr>
</tbody>
</table>

**CONTACT PERSON (Print Name):**

**ADDRESS WHERE LEGAL NOTICE MAY BE SERVED:**
Part 9. SIGNATURE BLOCK

Owner:
I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application and understand that I may be responsible for the site should the operator fail to meet applicable requirements.

SIGNATURE (LAND OWNER OR AGENT):

PRINTED NAME:

TITLE: DATE:

Lessee:
I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application.

SIGNATURE (LESSEE):

PRINTED NAME:

TITLE: DATE:

Operator:
I certify under penalty of perjury that the information contained in this application and all attachments are true and accurate to the best of my knowledge and belief.

SIGNATURE (FACILITY OPERATOR OR AGENT):

PRINTED NAME:

TITLE: DATE:

Part 10. OTHER (Attach additional sheets to explain any responses that need clarification).
Date: April 21, 2015  
To: Interested Parties  
From: Ken Decio, Senior Environmental Scientist  
Subject: Notice of Changes to Proposed Compostable Materials, Transfer/Processing Regulations

A 45-day public comment period for the proposed Compostable Materials, Transfer/Processing Regulations ran from October 10, 2014 through December 5, 2014. California Department of Resources Recycling and Recovery (CalRecycle) staff held a public hearing on the proposed regulations on December 10, 2014. After considering comments received during the 45-day comment period and comments made at the public hearing, CalRecycle staff revised the proposed Compostable Materials, Transfer/Processing Regulations. These revisions will add clarity to the existing text where needed. On April 21, 2015 CalRecycle will initiate an additional 15-day comment period for the proposed changes.

A copy of the full text of the regulations as originally proposed with the newly proposed changes clearly indicated is available on Compostable Materials rulemaking website at: http://calrecycle.ca.gov/Laws/Rulemaking/Compost/. Text shown in double underline (addition) and double strikethrough (deletion) depict proposed changes made after the 45-day comment period. CalRecycle staff is only required to respond to comments related to the newly proposed changes to the regulations.

The 15-day written public comment period for this rulemaking ends at 4:00 pm on May 6, 2015.

Please submit your written comments to:

Ken Decio  
Waste Permitting, Compliance, and Mitigation Division  
California Department of Resources Recycling and Recovery  
P.O. Box 4025  
Sacramento, CA 95812-4025  
Fax: (916) 319-7244  
Email: compost.transfer.regs@calrecycle.ca.gov

Thank you for your interest and participation in this process.
NOTICE OF PROPOSED RULEMAKING

Title 14: Natural Resources
Division 7: California Integrated Waste Management Board
Chapter 1: General Provisions
Chapter 3: Minimum Standards for Solid Waste Handling and Disposal
Chapter 3.1: Compostable Materials Handling Operations and Facilities Regulatory Requirements
Chapter 3.2: In-Vessel Digestion Operations and Facilities Regulatory Requirements
Chapter 5: Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.
Title 27: Appendix 1-Joint Permit Application Form and Instructions.

PROPOSED REGULATORY ACTION

The California Department of Resources Recycling and Recovery (Department) proposes to amend California Code of Regulations, Title 14, Division 7, Chapters 1, 3, 3.1 and 5 and create Chapter 3.2. The Department also proposes to amend Title 27, Appendix 1. The central purpose of the proposed regulations is to protect public health, safety, and the environment by more effectively regulating solid waste facilities that handle compostable materials.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulation to the Department. The written comment period for this rulemaking closes at 4:00 p.m. on December 5, 2014. The Department will also accept written comments during the public hearing described below. Please submit your written comments to:

Ken Decio
Waste Permitting, Compliance and Mitigation Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812-4025
FAX: (916) 319-7244
e-mail: compost.transfer regs@calrecycle.ca.gov
PUBLIC HEARING

A public hearing to receive public comments has been scheduled for December 10, 2014. The hearing will be held at:

Joe Serna Jr., Cal EPA Building
Coastal Hearing Room
1001 I Street, 2nd Floor
Sacramento, CA 95814

The hearing will begin at **1:30 PM on December 10, 2014**, and will conclude after all testimony is given. The Department requests that persons making oral comments also submit a written copy of their testimony at the hearing. The hearing room is wheelchair accessible. If you have any questions, please contact compost.transfer.regs@calrecycle.ca.gov.

AUTHORITY AND REFERENCES

Public Resources Code Sections 40502, 43020, 43021, and 43209.1 provide authority for this regulation. The following is a list of references cited in this proposed regulation: Public Resources Code: 40053, 40110, 40400, 40401, 43020, 43021, 43209.1, 44100-44101, 43000-45802, 45000-45024, and 50000-50002.

INFORMATIVE DIGEST

The existing California Integrated Waste Management Act (Act), Public Resources Code (PRC) §40000 et. seq., gives the Department authority to provide for the protection of public health, safety, and the environment through waste prevention, waste diversion, and safe waste processing and disposal. The proposed rulemaking revises existing regulations and develops new regulations to ensure that solid waste facilities handle compostable materials in a manner that protects public health, safety, and the environment. The proposed regulations:

1. Clarify several compostable material feedstock definitions and the types of operations and facilities that can accept these feedstocks.

2. Revise the maximum concentrations of metals allowed in compost to reflect changes adopted by US EPA.

3. Provide Enforcement Agencies with discretion to authorize temporary storage of additional material at compostable materials handling operations.

4. Revise Enforcement Agency inspection frequency requirements for solid waste operations to ensure consistency throughout Title 14.

5. Provide operators and Enforcement Agencies with additional mechanisms to address chronic odor at compostable materials handling facilities and operations.

6. Establish criteria for land application of compostable materials and add pathogen and metal limits for compostable materials when applied to land.

7. Require compost products to meet a 0.1% physical contaminant limit by weight and set the same standard for compostable materials when applied to land.
8. Develop regulations for compostable materials at in-vessel digestion operations and facilities.

9. Clarify the term “permitted maximum tonnage” on the solid waste facility permit application.

10. Clarify requirements for composting at non-commercial sites, such as community gardens and schools.

The Department held 16 workshops from October 2011 through May 2013 to obtain stakeholder input on compostable material handling issues and developed the proposed regulations based on this stakeholder input.

**FEDERAL LAW OR REGULATIONS MANDATE**

Federal law or regulations do not contain comparable requirements.

**POLICY STATEMENT OVERVIEW**

The central purpose of the proposed regulations is to protect public health, safety, and the environment by more effectively regulating solid waste facilities that handle compostable materials. The proposed regulations modify the existing Compostable Material Handling Operations and Facilities Regulatory Requirements by: clarifying several compostable material feedstock definitions and the types of operations and facilities that can accept these feedstocks; revising the maximum concentrations of metals allowed in compost to reflect changes adopted by US EPA; providing Enforcement Agencies with discretion to authorize temporary storage of additional material at compostable materials handling operations; revising Enforcement Agency inspection frequency requirements for solid waste operations to ensure consistency throughout Title 14; providing operators and Enforcement Agencies with additional mechanisms to address chronic odor at compostable materials handling facilities and operations; establishing criteria for land application of compostable materials and adding pathogen and metal limits for compostable materials when applied to land; requiring compost products to meet a 0.1% physical contaminant limit by weight and setting the same standard for compostable materials when applied to land; clarifying the term “permitted maximum tonnage” on the solid waste facility permit application; and clarifying requirements for composting at non-commercial sites, such as community gardens and schools.

The proposed regulations provide a standardized regulatory framework for in-vessel digestion activities. Currently, in-vessel digestion activities are subject to either existing Transfer/Processing Operations and Facilities Regulatory Requirements or Compostable Material Handling Operations and Facilities Regulatory Requirements, depending on the nature of the feedstock and how it is handled. The proposed regulations combine transfer/processing and compostable material handling requirements into a stand-alone set of in-vessel digestion regulations, which will have marginal impacts on in-vessel digestion activities compared to existing regulations.

**CONSISTENCY WITH STATE REGULATIONS**

After conducting an evaluation for any regulations relating to this area, the Department has found that these are the only regulations dealing with compostable materials processed/handled by solid waste facilities. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**PLAIN ENGLISH REQUIREMENTS**

Department staff prepared the proposed regulation pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections
The proposed regulation is considered non-technical and is written to be easily understood by those parties that will use them.

RESULTS OF THE STANDARDIZED REGULATORY IMPACT ASSESSMENT

Costs

Based on the results of a Standardized Regulatory Impact Assessment prepared pursuant to Government Code section 11346.3(c)(1), the Department estimates the economic impact of this regulation (including the fiscal impact) is over $50 million, as summarized in the table below.

<table>
<thead>
<tr>
<th>LOW COST SCENARIO</th>
<th>2015</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compostable Materials</td>
<td>$797,587</td>
<td>$846,407</td>
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<tr>
<td>In-Vessel Digestion</td>
<td>$7,380</td>
<td>$774,563</td>
</tr>
<tr>
<td>Total</td>
<td>$804,967</td>
<td>$1,620,970</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HIGH COST SCENARIO</th>
<th>2015</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compostable Materials</td>
<td>$50,762,353</td>
<td>$53,869,415</td>
</tr>
<tr>
<td>In-Vessel Digestion</td>
<td>$8,646</td>
<td>$9,679,347</td>
</tr>
<tr>
<td>Total</td>
<td>$50,770,999</td>
<td>$63,548,762</td>
</tr>
</tbody>
</table>

The complete Standardized Regulatory Impact Assessment is available as part of the Initial Statement of Reasons. See “Availability of Statement of Reasons and Text of Proposed Regulations” section.

Creation or Elimination of Jobs within the State

The proposed regulatory action may create between two and 57 new jobs at compostable material handling and in-vessel digestion facilities due to hiring additional laborers to manually remove physical contaminants or operate equipment to remove physical contaminants, designing and maintaining roads, providing adequate lighting, and providing and maintaining visual screening, and up to 7 additional jobs at laboratories that analyze percent contamination. Up to 4 jobs may be lost somewhere in the economy. Compostable material handling and in-vessel digestion facilities may also need to purchase additional equipment to remove physical contaminants which may create new equipment manufacturing and/or maintenance/repair jobs in California.

Creation/Elimination of Businesses within the State

Based on this assessment, the proposed regulations would not affect the creation or elimination of businesses within California. Currently, these types of solid waste operations and facilities are subject to either the Transfer/Processing Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3, Articles 6.0 – 6.35) or the Compostable Material Handling Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3.1).

Competitive Advantages and Disadvantages for California Businesses

The proposed regulations revisions would not impact the ability of California businesses to compete with businesses in other states to produce goods or services within California. The proposed regulations
revisions are intended to create more equitable compostable material handling and in-vessel digestion business competition within California.

Increase or Decrease of Investment in California

The results of this assessment do not indicate whether the proposed regulations would either increase or decrease investment in the State.

Incentives for Innovation in Products, Materials, Processes

One proposed change in these regulations is a standard for compostable material applied to land, and compost produced at a regulated operation or facility, to meet a 0.1% physical contaminant limit. The Department assumes operators will incur costs associated with removing contaminants from feedstock or product to meet this standard. Initially, operators may employ labor and/or utilize available equipment (e.g., screens) to remove contaminants. Moving forward, the Department anticipates the standard may stimulate the development of innovative equipment or physical processes to more efficiently and cost-effectively remove contaminants.

Benefits

The principal benefit of the proposed regulations is protecting public health, safety and the environment. Requiring compost products to meet a 0.1% physical contaminant limit will reduce litter and minimize the amount of plastic entering surface water and the ocean while creating new jobs and increasing the market value of compost. Establishing criteria for safe land application of compostable material will reduce litter and minimize the amount of plastic entering surface water and the ocean and improve food safety and animal health by reducing toxic metals, disease-causing organisms, physical contaminants, and invasive/noxious species in compostable material. Other benefits of the proposed regulations include minimizing odors at compostable material handling and in-vessel digestion facilities; decreasing greenhouse gases, air pollution, and long-distance transportation of organic material by facilitating small-scale composting; providing clarity to the regulated community and regulators. Finally, the regulations will ensure safe operations and facilities to handle organic material diverted as the result of California’s goal to source-reduce, recycle, or compost 75% of the solid waste generated in the State by 2020.

The new, “stand-alone” In-vessel digestion portion of the proposed regulations will establish a clear regulatory framework for the digestion of organic material. Digesting this material will decrease greenhouse gas generation and increase production of biofuels/bioenergy.

Department of Finance Comments

Pursuant to Government Code section 11346.3(f), the Department of Finance (DOF) shall comment on the extent to which the Department’s Standardized Regulatory Impact Assessment adheres to the regulations adopted pursuant to Government Code section 11346.36, and the Department shall summarize DOF’s comments and the Department’s responses to those comments. The following are the DOF’s comments received and the Department’s response to the comments:

DOF Comment #1:
The implication that higher costs on their own would create more jobs to the regulated waste management and remediation services industry is incorrect. This is likely due to the decision to change the rental cost of capital, as this affects substitution between capital and labor usage, leading to the positive job impacts. However, there does not seem to be any reason to change that parameter, and in general, higher costs should lead to job losses. For example, while the purchase of machinery and equipment benefits the sectors providing such services, these are additional costs to the regulated industry. On the other hand, if the regulations leads to growth in the supplying and
regulated industries by offering greater certainty for investment, we would expect there could be positive job impacts overall. That argument should be made explicitly, even if the benefits are difficult to quantify.

**Department Response:**
The Department revised Section II. E. of the Standardized Regulatory Impact Assessment by stating that, in general, while some economic models may predict that the higher costs resulting from the proposed regulations should lead to job losses, the Department expects the proposed regulations to create positive, net job growth in the waste management, remediation and laboratory services industries by offering greater certainty for investment and from the efforts of businesses to comply a lower cost.

**DOF Comment # 2:**
There are some errors in the submitted Standardized Regulatory Impact Assessment. Some of the economic impacts are characterized as indirect, rather than total, as in Table 3. This mislabeling changes how the impacts are evaluated and needs to be corrected. In addition, while the presentation of compostable materials and in-vessel digestion separately provides useful detail, it may be helpful to also report the total impact of the proposed regulations in these areas. Direct references to the results in Table 3 would make the discussion on job creation/elimination, competitive advantage/disadvantage and increase/decrease in investment more transparent.

**Department Response:**
The Department revised Section II. D. of the Standardized Regulatory Impact Assessment by changing “indirect costs” to “costs” in Table 3 and adding Table 4 that summarizes the total costs of the proposed regulations.

**DOF Comment #3:**
Modeling the direct effects of Alternative 2 would also allow a more straightforward comparison to the impacts of the proposed regulations.

**Department Response:**
The Department modeled the direct effects of Alternative 2 and revised Section IV. B. of the Standardized Regulatory Impact Assessment by adding Table 6 that summarizes the cost of Alternative 2.

**DOF Comment #4:**
We suggest the introductory section be expanded to discuss the wider benefits that would be made possible with these regulations. Composting could play a large part in meeting California’s goals to reduce or divert solid waste. Strictly speaking, these issues are outside the scope of regulatory impact, but form a large part of the justification for the need to adopt these regulations. We think it would benefit the public’s understanding to include such context.

**Department Response:**
The Department included an expanded discussion of the wider benefits of the proposed regulations in Section I. A. of the Standardized Regulatory Impact Assessment.

**MANDATE ON STATE AGENCIES, LOCAL AGENCIES, OR SCHOOL DISTRICTS**

Department staff has determined that the proposed regulation does not impose: 1) a mandate on local agencies or school districts; 2) costs to any local agency or school district that must be reimbursed in accordance with Government Code §§ 17500 through 17630; 3) other non-discretionary costs or savings on local agencies; or 4) costs or savings in federal funding to the state.

The Department would have an additional expenditure of approximately $4,250 in the current FY, $4,250 in FY 2016-17, and $4,505 in SFY 2017-18. Other State agencies would have additional expenditures of approximately $1,445 in the current FY, $1,445 in SFY 2016-17, and $1,955 in FY 2017-18.

**FINDINGS ON NECESSITY OF REPORTS**

The Department finds that it is necessary for the health, safety, or welfare of the people of this state that the reporting requirements in the proposed regulation apply to businesses.
EFFECT ON BUSINESSES

Department staff made an initial determination that although the proposed regulation would affect approximately 363 businesses in California that handle compostable materials, it 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. This determination is based on the results of a Standardized Regulatory Impact Assessment prepared pursuant to Government Code section 11346.3(c)(1).

EFFECT ON SMALL BUSINESSES

Department staff made an initial determination that although the proposed regulation could affect approximately 115 small businesses (using the definition in Government Code section 1132.610), it will not have a significant statewide adverse economic impact, including the ability of California businesses to compete with businesses in other states.

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

The proposed regulations would not affect the creation or elimination of businesses within California. The types of businesses that would be affected are currently subject to either the Transfer/Processing Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3, Articles 6.0 – 6.35) or the Compostable Material Handling Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3.1). The impact of these regulations is not sufficient to create or eliminate businesses. Businesses involved in reducing contaminants and businesses that perform laboratory analysis of organic products could potentially expand as a result of the proposed regulations.

COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

Based on the results of a Standardized Regulatory Impact Assessment prepared pursuant to Government Code section 11346.3(c)(1), the Department estimates the economic impact of this regulation (including the fiscal impact) is over $50 million. See “Results of the Standardized Regulatory Impact Assessment” section. There are a range of representative businesses subject to this rulemaking action depending on the type of facility involved. Cost impacts on those representative businesses are fully discussed and analyzed in the Standardized Regulatory Impact Assessment. The complete Standardized Regulatory Impact Assessment is available as part of the Initial Statement of Reasons. See “Availability of Statement of Reasons and Text of Proposed Regulations” section.

EFFECT ON HOUSING COSTS

Department staff made a determination that the proposed regulation will not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.
CONTACT PERSON
Inquiries concerning the substance of the proposed action may be directed to:

Ken Decio
Waste Permitting, Compliance and Mitigation Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812-4025
PHONE: (916) 341-6313
FAX: (916) 319-7244
e-mail: compost.transfer regs@calrecycle.ca.gov

Back-up contact person to whom inquiries concerning the proposed administrative action may be directed:

Cody Oquendo
Waste Permitting, Compliance and Mitigation Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812-4025
PHONE: (916) 341-6719
FAX: (916) 319-7271
e-mail: compost.transfer regs@calrecycle.ca.gov

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Department will have the entire rulemaking file, and all information that provides the basis for the proposed regulation, 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 regulation, and the Initial Statement of Reasons. Copies may be obtained by contacting Ken Decio at the address or e-mail address listed above. For more timely access to the proposed text of the regulation, and in the interest of waste prevention, interested parties are encouraged to access the Department's Internet webpage at http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm. Additionally, the Final Statement of Reasons will be available at the above listed Internet address or you may contact the persons named above.
INITIAL STATEMENT OF REASONS

Compostable Materials and Transfer/Processing Regulations
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)
<table>
<thead>
<tr>
<th>TABLE OF CONTENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Statement of Reasons</td>
</tr>
<tr>
<td>Standardized Regulatory Impact Assessment</td>
</tr>
<tr>
<td>Appendix B-1: Private Compostable Material Handling Operations and Facilities – Preliminary Estimates</td>
</tr>
<tr>
<td>Appendix B-2: Private In-Vessel Digestion Operations and Facilities – Preliminary Estimates</td>
</tr>
<tr>
<td>Appendix B-3: Public Compostable Material Handling Operations and Facilities – Preliminary Estimates</td>
</tr>
<tr>
<td>Appendix B-4: Public In-Vessel Digestion Operations and Facilities – Preliminary Estimates</td>
</tr>
</tbody>
</table>
INITIAL STATEMENT OF REASONS

September 2014

Title 14: Natural Resources

Division 7: California Integrated Waste Management Board

Chapter 1: General Provisions

Chapter 3: Minimum Standards for Solid Waste Handling and Disposal

Chapter 3.1: Compostable Materials Handling Operations and Facilities Regulatory Requirements

Chapter 3.2: In-Vessel Digestion Operations and Facilities Regulatory Requirements

Chapter 5: Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.

Title 27: Appendix 1 – Joint Permit Applicant Form and Instructions.

STANDARDIZED REGULATORY IMPACT ASSESSMENT

See attached

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

Department relied upon the following in proposing the adoption of these revised regulations:

1. U.S. Environmental Protection Agency sewage sludge regulations (Code of Federal Regulations, Title 40, Part 503 – Standards for the Use or Disposal of Sewage Sludge)

2. Ventura County Ordinance Code Pertaining to the Regulation of Solid Waste (Ordinance No. 4423)

3. Program Environmental Impact Report for Anaerobic Digestion Facilities
   http://www.calrecycle.ca.gov/SWFacilities/Compostables/AнаerobicDig/PropFnlPEIR.pdf

4. The Department developed white papers on:
   a. Food Waste Composting
      http://www.calrecycle.ca.gov/LEA/regs/Review/FoodWastComp/FoodWastcomp.pdf
   b. Agricultural Land Application of Compostable Material
   c. Compostable Materials Storage Volume Limitations
5. The Department held 16 workshops from October 2011 through May 2013 to obtain stakeholder input:

http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm

The Department developed the proposed regulations in August 2013 based on oral and written comments from stakeholders:


**MANDATED USE OF SPECIFIC TECHNOLOGIES OR EQUIPMENT**

The proposed regulations do not mandate the use of specific technologies or equipment.

**REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION**

For all the changes proposed in these regulations, the following statement applies:

Alternatives to the proposed regulations have been considered, including a “no-action” alternative. The Department has determined that: 1) no alternative would be less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the authorizing statute or other law being implemented and made specific by the proposed regulations; and 2) no alternative would lessen adverse economic impact on small businesses while protecting human health, safety, and the environment. The Department has attempted to use reasonable performance standards rather than prescriptive standards to minimize the impact on small businesses while still promoting health, safety and environmental benefits and collecting the information required by statute.

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

Based on the attached Standardized Regulatory Impact Assessment the Department has made the initial finding that these regulations will not have a significant adverse economic impact on business.

**LOCAL MANDATE AND FISCAL DETERMINATIONS**

The Department has determined that the regulations do not impose: a mandate on local agencies or school districts that requires State reimbursement pursuant to Part 7, commencing with section 17500 of Division 4 of the Government Code; significant costs or savings to any state agency; other non-discretionary costs or savings on local agencies; or, costs or savings in federal funding to the state.

Some local agencies will incur costs associated with these regulations but these agencies will be fully financed from fees and other charges authorized by Public Resources Code sections 40057, 40059, 41903, 43213, and 44006.
DUPLICATION OR CONFLICTS WITH CODE OF FEDERAL REGULATIONS

The Department has made the finding that no unnecessary duplication or conflict exists between the proposed regulations and federal regulations contained in the Code of Federal Regulations because federal law or regulations do not contain comparable requirements.

FINDING ON NECESSITY OF REPORTS (GOVERNMENT CODE SECTION 11346.3(d))

The Department has found that the requirements 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 requirements of these regulations are met and adequately monitored.

PROBLEM ADDRESSED BY AND BENEFITS OF REGULATIONS

The central purpose of the proposed regulations is to protect public health, safety, and the environment by more effectively regulating solid waste facilities that handle compostable materials. The proposed regulations modify the existing Compostable Material Handling Operations and Facilities Regulatory Requirements by: clarifying several feedstock definitions and the types of operations and facilities that can accept these materials; revising the maximum concentrations of metals allowed in compost to reflect changes adopted by US EPA; providing Enforcement Agencies with discretion to authorize temporary storage of additional material; revising Enforcement Agency inspection frequency language to ensure consistency throughout Title 14; providing operators and Enforcement Agencies with a mechanism to address chronic odor complaints and identify sources of odor; establishing criteria for safe land application of compostable material; requiring compost products to meet a 0.1% physical contaminant limit by weight; and clarifying small-scale composting requirements at sites, such as community gardens and schools.

The proposed regulations provide a standardized regulatory framework for in-vessel digestion activities. Currently, in-vessel digestion activities are subject to either existing Transfer/Processing Operations and Facilities Regulatory Requirements or Compostable Material Handling Operations and Facilities Regulatory Requirements, depending on the nature of the feedstock and how it is handled. The proposed regulations combine transfer/processing and compostable material handling requirements into a stand-alone set of in-vessel digestion regulations, which will have marginal impacts on in-vessel digestion activities compared to existing regulations.

The proposed regulations also clarify permitted maximum tonnage on the solid waste facility permit application.

The principal benefit of the proposed regulations is protecting public health, safety and the environment. Requiring compost products to meet a 0.1% physical contaminant limit will reduce litter and minimize the amount of plastic entering surface water and the ocean while creating new jobs and increasing the market value of compost. Establishing criteria for safe land application of compostable material will reduce litter and minimize the amount of plastic entering surface water and the ocean and improve food safety and animal health by reducing toxic metals, disease-causing organisms, physical contaminants, and invasive/noxious species in compostable material. Other benefits of the proposed regulations include minimizing odors at compostable material handling and in-vessel digestion facilities; decreasing greenhouse gases, air pollution, and long-distance transportation of organic material by facilitating small-scale composting; providing clarity to the regulated community and regulators. Finally, the regulations...
will ensure safe operations and facilities to handle organic material diverted as the result of California’s goal to source-reduce, recycle, or compost 75% of the solid waste generated in the State by 2020.

The new, “stand-alone” In-vessel digestion portion of the proposed regulations will establish a clear regulatory framework for the digestion of organic material. Digesting this material will decrease greenhouse gas generation and increase production of biofuels/bioenergy.

SPECIFIC PURPOSE AND NECESSITY OF REGULATIONS

Title 14
Division 7
Chapter 1. General Provisions
Article 1. Definitions
§ 17017. Definitions. (a) and (b) These definitions are necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board, effective January 1, 2010.

Chapter 3. Minimum Standards for Solid Waste Handling and Disposal
Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities Regulatory Requirements
§ 17362.2. Contaminated Soil Transfer/Processing Operations. Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this section is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

Article 5.8. Nonhazardous Ash Regulatory Tier Requirements
§ 17377.2. Nonhazardous Ash Transfer/Processing Operations. Subdivision (d) Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements
§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris Regulatory Requirements.

Subdivision (b)(1)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivisions (d)(2)
Allowable storage time of construction and demolition and inert debris is reduced from one year to 90 days. This is necessary to protect the public health, safety and the environment by ensuring materials are being removed in a timely manner to reduce the incidents of large volumes of materials accumulating and being abandoned.

Subdivision (d)(3)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (e)(2)
Allowable storage time of inert debris that has been processed and sorted for resale, or reuse is reduced from 18 months to 12 months. This is necessary to protect the public health, safety and the environment and to reduce the incidents of large volumes of materials accumulating and being abandoned.

Subdivision (e)(4)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (f)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (g)(1)
Requiring the owner or operator to provide evidence to the enforcement agency that the stored debris being accumulated for viable reuse is necessary to protect the public health and safety and the environment and to reduce the incidents of large volumes of materials accumulating and being abandoned.

§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.

Subdivisions (a)(1) through (a)(5)
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment. Subdivision (a) is reorganized using numbers (1) through (5) to make requirements of this subdivision easier to read.
§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

§ 17383.7. Inert Debris Type A Processing Operations.
Subdivision (f)
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements

§ 17388.3. Inert Debris Engineered Fill Operations.
Subdivision (b)
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements

§ 17403.1. Excluded Operations.
Subdivision (a)(8)
This subdivision clarifies that a Publicly Owned Treatment Works (POTW) Treatment Plant that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, in accordance with § 17896.6(a)(1), is not a transfer operation or facility.

§ 17403.2. Sealed Containers Transfer Operations.
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.
§ 17403.3. Limited Volume Transfer Operations.
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 1. General

§ 17852. Definitions.

Subdivision (a)(5)
A revision of the "agricultural material" definition is necessary because the current definition is not clear relative to the term "processing". The revision clarifies that agricultural material is separated at the point of generation and has not been processed in a way that alters its essential character as a waste resulting directly from the conduct of an agricultural activity. This clarification will reduce the likelihood of odorous materials, such as food processing waste, being composted at agricultural material composting operations, which will protect the public health and safety and the environment.

Subdivision (a)(12)(C) through (E)
§ 17852(a)(38.5) defines Vegetative Food Material Composting Facility in regulation. The inclusion of this type of composting facility is necessary in this subdivision to clarify that these types of facilities are subject to the compostable material handling regulations.

Subdivision (a)(13.5)
"Digestate" is defined in § 17896.2(a)(12), and it is necessary to also include the definition in this Chapter to clarify that digestate intended to be composted can only be handled at a facility that has obtained a Compostable Materials Handling Facility Permit. Digestate may be odorous and attract vectors, and requiring this material to be composted at a Compostable Material Handling Facility is necessary to protect the public health, safety and the environment.

Subdivision (a)(15)
This revision is necessary to clarify that the "Disposal" definition in this Chapter refers to the disposal of compostable material, not other solid waste such as tires, electronic waste, etc.

Subdivision (A)1.
This revision is necessary to clarify that the final deposition of compostable material onto land is disposal unless specifically excluded in § 17855.

Subdivision (A)2.
Reducing the storage or stockpiling time from six months to 30 days is necessary to protect the public health, safety and the environment. Compostable material should be used (e.g. applied, tilled) within 30 days to prevent nuisance conditions such as odor, dust, vector attraction, etc. Specifying a volume limit on the amount of compostable material that can be stored or stockpiled (200 cubic yards) establishes a lower bound under which public health, safety and environment should be minimal.
Subdivision (A)3.
Specifying a volume limit (200 cubic yards) and time limit (< 12 months) on agricultural material, green material, and compost that can be stored or stockpiled on land zoned for agricultural uses is necessary to protect the public health, safety and the environment. The Department believes it is reasonable to provide the enforcement agency with flexibility to allow storage time of more than 12 months if the longer storage time will not adversely affect the public health and safety and the environment.

Subdivision (B)1.
This subdivision is necessary to clarify that “disposal” does not include the use of compostable material for beneficial reuse at a solid waste landfill. The specific reference to alternative daily cover at a solid waste landfill is deleted since alternative daily cover is considered a type of beneficial reuse pursuant to PRC § 41781.3.

Subdivision (B)2.
This restructuring of this subdivision by deleting reference to alternative daily cover is necessary because it is addressed in Subdivision (B)1. and moving mine reclamation from § 17855(a)(9) to this subdivision to specify that it is not a disposal activity.

Subdivision (B)3.
The deletion of the definition of land application from this subdivision is necessary because it was moved to § 17852(a)(24.5).

Subdivision (C)
This subdivision is revised to clarify the relationship between the enforcement agency and a person handling compostable material in the event that disposal on-site is suspected. This is necessary to protect the public health and safety and the environment.

Subdivision (D)
This revision is necessary to clarify that definition of disposal in this Chapter refers to compostable material, not other solid waste such as tires, electronic waste, etc.

Subdivision (a)(19)
Vegetative food material and mixed material are added to definition of feedstock to clarify that both material types are considered feedstock and subject to the Compostable Materials Handling regulations. The term “organic” is deleted in reference to compostable material because all compostable material is organic and thus the term is redundant.

Subdivision (a)(20)
The revision of the “Food Material” definition is necessary to more clearly differentiate food material from other types of solid waste. The changing of the section number of the Health and Safety Code definition of food facilities is from 113785 to 113789 is necessary to reflect the correct statutory citation to the Health and Safety Code. It is necessary to add that food waste from “food processing establishments,” as defined in Health and Safety Code § 111955, to clarify that this material is food material, and consequently, a Compostable Material Handling Permit is required to compost this material. The statement that food material does not include material specified in the California Food and Agricultural Code and regulations adopted pursuant thereto is necessary to distinguish waste types that are under the jurisdiction of the California Department of Food and Agriculture.
Subdivision (A)

“Vegetative Food Material” is a new definition and a subcategory of food material. The definition is necessary to distinguish plant-based food material from other food material. Vegetative food material poses less risk to public health, safety, and the environment than food material that is of animal origin or contains salts, preservatives, fats or oils, and consequently, the composting of vegetative food material is allowed in the Registration Tier as specified in § 17857.2.

Subdivision (a)(21)
The “Green Material” definition is revised and clarified to differentiate it from other types of plant materials, such as food material and vegetative food material and to clarify that tree trimmings and wood waste from silviculture and manufacturing are also green material. Vegetative food material is a new definition and mixed material is a revised definition, and consequently, it is necessary to clarify that these types of materials are not green material. Many agricultural materials are plant-based materials and meet the definition of green material, therefore, they can be handled as either agricultural material or green material.

Subdivision (a)(24.5)
This definition is necessary to specify that “Land Application” is the final deposition of compostable material and/or digestate spread on land as stipulated in Subdivisions (A) or (B) and to clarify the prior definition of “land application” that was in (a)(15)(C).

Subdivision (A)
This subdivision is necessary to clarify that land application is the final deposition of compostable material and/or digestate spread on any land, including land zoned only for agricultural uses, under the conditions specified in (A)1. through (A)5.

Subdivision (A)1.
This subdivision specifies that the compostable material cannot contain more than 0.1% by weight of physical contaminants greater than 4 millimeters as specified in § 17868.3.1. This ensures the compostable material that is land applied does not contain excessive amounts of physical contaminants which is necessary to protect public health and safety and the environment.

Subdivision (A)2.
This subdivision specifies that compostable material must meet the maximum metal concentrations as specified in § 17868.2. This ensures the compostable material that is land applied does not contain excessive amounts of metals which is necessary to protect public health and safety and the environment.

Subdivision (A)3.
This subdivision specifies that compostable material must meet the pathogen density limits as specified in § 17868.3(b)(1). This ensures the compostable material that is land applied does not contain excessive amounts of pathogens which is necessary to protect public health and safety and the environment.

Subdivision (A)4.
This subdivision specifies that compostable material cannot be applied more frequently than once during a 12 month period, and, at the time of the application, the compostable material shall not exceed an average of 12 inches in total, accumulated depth. This is necessary to ensure that compostable material is land applied in a manner that is beneficial to the soil and protective of public health and safety and the environment. The enforcement agency, in
consultation with the Regional Water Quality Control Board, may approve alternative application frequencies and depths. It is necessary to allow the enforcement agency to approve alternative frequencies because there may be a frequency that is equally effective in meeting the performance of the specified method.

Subdivision (A)5.
This subdivision specifies that verification of compliance with this subdivision must be provided to the enforcement agency upon request. This is necessary to ensure that the compostable material meets the physical contaminant limits, maximum metal concentrations, pathogen density limits, and the application and depth limits as required in this subdivision to protect public health and safety and the environment.

Subdivision (B)
This subdivision is necessary to clarify that land application is the final deposition of compostable material spread on land zoned only for agricultural uses under the conditions specified in (B)1. through (B)3.

Subdivision (B)1.
This subdivision specifies that the compostable material cannot contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. This is necessary to ensure the compostable material that is land applied does not contain excessive amounts of physical contaminants to protect public health and safety and the environment.

Subdivision (B)2.
This subdivision specifies that prior to application, the California Department of Food and Agriculture (CDFA) has determined that the land application is in compliance with all applicable requirements established by CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land application is agronomically beneficial. This is necessary to ensure that the land application of compostable material is protective of public health and safety and the environment per CDFA requirements.

Subdivision (B)3.
This subdivision specifies that prior to application, the enforcement agency has received confirmation that CDFA has made the determination specified in (B)2. This is necessary to ensure that the compostable material complies with all CDFA requirements.

Subdivision (a)(26)
“Mixed Solid Waste” is changed to “Mixed Material” to reduce confusion with the term “municipal solid waste,” which is used in Title 27, § 20164, and referenced throughout Title 14. The subdivision is re-structured to simplify the definition to more clearly differentiate mixed material from other types of compostable materials since the type of material, along with the volume of material, is used to determine the applicable permit tier.

Subdivision (a)(27.5)(A) and (B)
It is necessary to define nuisance in this Chapter so operators understand that all handling activities need to be conducted in a manner that minimizes odor impacts so as to not cause a nuisance, as specified in § 17687(a)(2). This definition is the same as the existing definition of “Nuisance” in Title 14, CCR, § 17402(a)(12) relating to Transfer/Processing Operations and Facilities.
Subdivision (a)(32)
This change is necessary because “human-made inert material” is a more appropriate term than “human-made inert products” to describe items that are a potential threat to public health and safety and the environment (e.g., glass shard vs. glass bottle). Physical contaminants or contaminants (human-made inert materials) reduce the value of compost feedstock or finished compost rather than enhance the value as the term “human-made inert product” implies.

Subdivision (a)(38.5)
“Vegetative Food Material Composting Facility” definition is necessary to clarify that this type of facility can compost agricultural material, green material, vegetative food material, additives, and/or amendments. The definition distinguishes this type of facility from a facility that comports other types of materials such as biosolids, digestate, food material, and mixed material.

Subdivision (a)(41)
This revision is necessary to clarify that within-vessel composting occurs in the presence of oxygen to distinguish it from in-vessel digestion which occurs in the absence of oxygen.

Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities

§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities.
This section is added to clarify the regulatory tier requirements that apply to Compostable Materials Handling Operations and Facilities. Table 1 summarizes the regulatory tiers and requirements and is necessary to clarify to operators where their operations or facilities fit in the regulatory tier structure.

§ 17855. Excluded Activities

Subdivision (a)
Revisions are necessary to correct grammar and to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (a)(1)
These revisions are necessary to correct grammar.

Subdivision (a)(2)(A) and (B)
This subdivision is revised to clarify that while vermicomposting is an excluded activity, the handling of compostable materials prior to and after use as a growth medium is subject to the requirements of either the Compostable Material Handling or Transfer/Processing regulations, as specified in subdivisions (A) and (B) respectively. The clarification is necessary because some operators and enforcement agencies could and have inferred that all activities at such sites are excluded and could pose a risk to the public health and safety and the environment.

Subdivision (a)(3)(A) and (B)
This subdivision is revised to clarify that while mushroom farming is an excluded activity, the handling of compostable materials prior to and after use as a growth medium is subject to the requirements of either the Compostable Material Handling or Transfer/Processing regulations, as specified in subdivisions (A) and (B) respectively. This is necessary because without clarification, some operators and enforcement agencies could and have inferred that all
activities at such sites are excluded. This would pose a risk to the public health and safety and the environment.

Subdivision (a)(4)
Current regulations provide three small-scale composting exclusions: §§ 17855(a)(4), 17855(a)(6), and 17855(a)(8). The Department proposes to consolidate these 3 small-scale composting exclusions into one exclusion that allows the composting of green material, food material, and vegetative food material if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 500 square feet. The Department believes this change is necessary because few entities are utilizing the current exclusion in § 17855(a)(4) because the material must be generated on-site, there is a 10% limit on the amount of food material that can be composted, and no more than a 1,000 cubic yards of material can be sold or given away annually. The proposed exclusion is designed to allow schools, community gardens, businesses, and other similar entities to compost food material without having to generate the material on-site and does not limit the amount of material that can be sold or given away. This small-scale composting activity poses little risk to public health and safety and the environment. Local jurisdictions can regulate these activities more stringently if deemed appropriate.

Subdivision (a)(5)(B)
Replacing “Publicly Operated Treatment Works” to “Publicly Owned Treatment Works” is necessary to be consistent with § 403.3(r) of Title 40 of the Code of Federal Regulations.

Subdivision (a)(6)
The deletion of this subdivision is necessary because this type of composting activity is now excluded under § 17855(a)(4).

Subdivision (a)(7)
Subdivision (6) was deleted, so it is necessary to re-number subdivision (a)(7) to (a)(6).

Subdivision (a)(8)
The deletion of subdivision (8) is necessary because this type of composting activity is now excluded under § 17855(a)(4).

Subdivision (a)(9)
The deletion of subdivision (9) is necessary because it is duplicative of language in the definition of Disposal in § 17852(a)(15).

§ 17855.2. Prohibitions
This new language is necessary to clarify that all compostable materials handling operations and facilities and sites excluded from regulation under this Chapter are prohibited from composting the materials specified in this section (i.e., Excluded sites are subject to the requirements of this section).

Subdivision (a)
Revisions in this subdivision are necessary to make grammatical corrections and clarification.

Subdivisions (a)(1) and (2)
This revision is necessary to clarify that a food facility in this Chapter is as defined in Health and Safety Code § 113789. Subdivision (a) in current regulation is subdivided into Subdivisions (a)(1) and (a)(2) for clarity.
Subdivision (a)(3)
This new subdivision is necessary to allow the Department to approve, in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, other sources of unprocessed mammalian tissue, which would qualify as an exception to the prohibition (in addition to existing exceptions in (a)(1) and (a)(2)).

Subdivisions (b) and (c)
The deletion of the term “is prohibited” is necessary in these subdivisions because the prohibition is stated in the first sentence of this section.

§ 17855.3. Permit Name.
This section is necessary to clarify that any permit issued pursuant to this Article shall be entitled a “Compostable Materials Handling Facility Permit” except a permit issued to a vegetative food material composting facility in § 17857.2(a) and a chipping and grinding facility in § 17862.1(b).

§ 17855.4. Pre-Existing Permits and Notifications.
The deletion of this subdivision is necessary because the deadline for complying with this subdivision expired in April 2005.

§ 17856. Agricultural Material Composting Operations.

Subdivision (a)
The revisions are necessary to clarify that Agricultural Material Composting Operations are subject to Enforcement Agency Notification requirements; reference to chipping and grinding operations is deleted because activities related to chipping and grinding operations are addressed in other subdivisions of this Chapter; and language regarding odor violations is deleted and moved to subdivision (b) of this section to improve readability. References to compliance with odor standards are deleted in subdivision (a) and moved to subdivision (b) to improve readability.

Subdivision (b)
The revisions are necessary to clarify that agricultural material composting operations are subject to the requirements of §§ 17863.4 (Odor Impact Minimization Plan) and 17863.4.1 (Odor Best Management Practice Feasibility Report) only if the enforcement agency determines that the operation has caused odor impacts in violation of § 17867(a)(2) and has notified the operator in writing of the violation.

Subdivision (c)
The restructuring of this subdivision and movement of most of the regulatory language in subdivisions (c)(1) and (c)(2) to subdivision (d) is necessary to improve clarity and readability as required in California Government Code § 11346.2. The new regulatory language in subdivision (c) is necessary to clarify that agricultural material composting operations may handle an unlimited quantity of agricultural material on the site, may sell or give away any or all compost they produce, and shall be inspected by the enforcement agency at least once each calendar year at a time when compostable material on the site is active compost.

Subdivision (d)
This new subdivision is necessary to specify the requirements that agricultural composting operations must comply with if their feedstock is both green material and agricultural material
and whether the operations are located on Agricultural Land or land not zoned for agricultural uses.

Subdivision (d)(1)
This subdivision is necessary to clarify that agricultural composting operations on Agricultural Lands that sell or give away less than 1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and green material on the site but may be limited to 12,500 cubic yards of green material if the enforcement agency makes a written determination that handling excess green material may pose a risk to public health and safety or the environment.

Subdivision (d)(2)
This subdivision is necessary to clarify that agricultural composting operations located on land that is not zoned for agricultural uses and operations that sell or give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock on the site at any time.

Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to public health and safety and the environment.


Subdivision (a)
Revisions to subdivision (a) are necessary to clarify that green material composting operations can have no more than 12,500 cubic yards of feedstock, chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time and that these operations must comply with the applicable requirements specified in this Chapter.

Subdivision (a)(1)
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

Subdivision (a)(2)
Green material composting operations are currently limited to 12,500 cubic yards of off-site generated green material to be stored on-site at any one time. Some stakeholders have indicated that they are unable to meet seasonal demand for their products as a consequence of this restriction on accumulated materials. This subdivision is necessary to allow an operator to submit in writing a request to the enforcement agency to temporarily exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed on-site (seasonal storage adjustment) and provides the enforcement agency with discretion to authorize an operator to temporarily store additional material if the enforcement agency determines it will not adversely affect public health and safety or the environment.
Subdivision (a)(2)(A) 1 through 4
This subdivision requires an operator to submit additional information to the enforcement agency when requesting a seasonal storage adjustment. The operator must describe the site’s storage capacity and average storage time of compostable material, provide a diagram of the operation and identify where the materials will be stored, describe additional fire prevention, protection and control measures needed to deal with the temporary increase in site capacity, and potentially revise the odor impact minimization plan to address the storage of the additional material. This information is necessary to enable the enforcement agency to determine if the seasonal storage adjustment is protective of public health and safety and the environment.

Subdivision (b)
The original subdivision (b) is deleted since the enforcement agency inspection frequency language is now included in (a)(1).

Subdivisions (b)(1) through (3)
These subdivisions are necessary to specify the types of violations, which will disqualify the facility from operating in the Enforcement Agency Notification tier and the actions the Enforcement Agency and the operator will execute in response to the violations.

Subdivision (c)
This revision is necessary to clarify that a site that handles more than 12,500 cubic yards of feedstock, chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time is a green material composting facility and must obtain a Compostable Materials Handling Permit and comply with all requirements of Chapter 3.1. Green composting operations that have received a seasonal storage adjustment authorization from the enforcement agency are not required to comply with this subdivision.

§ 17857.2. Vegetative Food Material Composting Facilities.

Subdivision (a)
Subdivision (a) is necessary to specify that vegetative food material composting facilities can have no more than 12,500 cubic yards of feedstock, compost, and chipped and ground material on-site at any one time and that these facilities must obtain a Registration Permit and comply with the applicable requirements specified in this Chapter. Vegetative food material poses less risk to public health and safety and the environment than food material that is of animal origin or that contains salts, preservatives, fats or oils, and consequently, the composting of vegetative food material is allowed in the Registration Tier.

Subdivision (b)
Subdivision (b) is necessary to specify that vegetative food material composting facilities that have more than 12,500 cubic yards of feedstock, compost, and chipped and ground on-site at any one time must obtain a Compostable Materials Handling Permit.

§ 17859.1. Biosolids Composting at POTWs.

Subdivision (a)
Replacing “Publicly Operated Treatment Works” to “Publicly Owned Treatment Works” is necessary to be consistent with terminology used in § 403.3(r) of Title 40 of the Code of Federal Regulations.
Subdivision (a)(1)
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

§ 17862. Research Composting Operations.

Subdivision (d)
Subdivision 17862(d) is revised to require a research composting operation to submit a report to the enforcement agency that includes the results and conclusions drawn from the research after no longer than a 2 year period of operation. The new language provides the enforcement agency with discretion to allow further research for a maximum of 2 years or not allow further research and require the operator to conduct site restoration at the facility. This is necessary to ensure that meaningful research is performed at such operations.

Subdivision (e)(3)
This subdivision is revised to require a research composting operation using unprocessed mammalian tissue as feedstock to submit a report to the enforcement agency that includes the results and conclusions drawn from the research after no longer than a 6 month period of operation. The new language provides the enforcement agency with discretion to allow further research for a maximum of 2 years or not allow further research and require the operator to conduct site restoration at the facility. This is necessary to ensure that meaningful research is performed at such operations.

Subdivision (g)
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.


Subdivision (a)
This revision is necessary to clarify that chipping and grinding operations and facilities must comply with Enforcement Agency Notification requirements and applicable requirements specified in this Chapter.

Subdivision (a)(1)
Current regulatory language for enforcement agency inspection at operations under the Enforcement Agency Notification tier is not entirely consistent. These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.
Subdivision (b)
This revision is necessary to clarify that a chipping and grinding facility must obtain a Registration Permit if it receives more than 200 tons per day but not more than 500 tons per day of material.

Subdivision (c)
This revision is necessary to clarify that a chipping and grinding facility that receives more than 500 tons per day of material must comply with the applicable requirements of this Chapter.

Subdivision (d)
This revision clarifies that, although chipping and grinding operations and facilities are not subject to the provisions of §§ 17868.1 through 17868.3, any chipped and ground material that will be land applied must meet the requirements of § 17852(a)(24.5). This is necessary to ensure that chipped and ground material that is eventually applied to land is applied in a manner that protects public health and safety and the environment.

Subdivision (e)
This revision are necessary to clarify that chipping and grinding operations or facilities must meet the contamination limits as specified in § 17852(a)(21).

Subdivision (f)
The revisions in this subdivision are necessary to clarify that a chipping and grinding operation or facility will be regulated as green material composting operation or facility if material is stored longer than specified in § 17852(a)(10)(A)(2).

Article 3. Report of Facility Information

§ 17863. Report of Composting Site Information.
This subdivision requires compostable material handling facilities to submit a Report of Composting Site Information at the time of permit application. Written operating procedures provide guidance to operators, and operators that adhere to proper procedures have the best compliance records. This is necessary because the larger on-site volumes of compostable materials allowed at facilities pose an increased threat to public health and safety and the environment. Revisions to this subdivision are necessary to clarify that an operator of a Vegetative Food Material Composting Facility must file a Report of Composting Site Information at the time of application for a Registration Permit.

§ 17863.4. Odor Impact Minimization Plan.
One of the greatest threats to the viability of the composting industry is the negative public perception caused by odor associated with composting. Along with the anticipated increase in food material composting (to help meet AB 341 recycling goals), and the steady urbanization of California, comes an increased likelihood of odor complaints. § 17863.4 sets forth the requirements for compostable material handling operations and facilities must meet to minimize odor impacts. The Department intends for all existing compostable materials handling operations and facilities (unless exempt from this requirement) to have a complete odor impact minimization plan on the effective date of these regulations.

Subdivision (b)(1)
This revision specifies that operators must collect data on odors generated on-site, which is necessary to address the possible sources and causes of odors and protect public health and safety and the environment.
Subdivision (b)(3)
This revision specifies that operators must develop, in addition to a complaint response protocol, a recordkeeping protocol, which is necessary to accurately track odor complaints to protect public health and safety and the environment.

Subdivision (b)(4)
This subdivision is necessary to specify that operators are required to provide a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor and references several factors that could impact odor generation. Since composting operations and facilities utilize a variety of technologies and equipment, operators will provide site-specific documentation as applicable to their operation or facility.

Subdivision (b)(5)
This subdivision is necessary to specify that operators are required to provide a description of operating procedures for minimizing odor. Since composting operations and facilities utilize a variety of practices and technologies to reduce odors, operators will provide site-specific documentation as applicable to their operation or facility.

Subdivisions (f)(1) through (3)
This subdivision is revised to specify that if the odor impact minimization plan is being followed and the enforcement agency determines that odor impacts are still occurring, the enforcement agency shall direct the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report). The enforcement agency shall consider the results of the Report prior to issuing a Notice and Order requiring the operator to take additional reasonable and feasible measures to minimize odors, unless the enforcement agency has evidence that a specific and immediate action would reduce the odor impacts there is an imminent threat to public health and safety and the environment; or a public nuisance has occurred. These revisions are necessary to ensure that the operator implements odor mitigation measures to protect public health and safety and the environment.

§ 17863.4.1. Odor Best Management Practice Feasibility Report

Subdivision (a)
This subdivision specifies that an operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the enforcement agency may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to § 17863.4(f). This is necessary to provide more reliable odor data to the enforcement agency than what is currently required in the Odor Impact Minimization Plan as specified in § 17863.

Subdivisions (b)(1) through (3)
These subdivisions specify what the operator should include in the Odor Best Management Practice Feasibility Report, such as data on potential on-site odor sources, identification and ranking of on-site odor sources, a list and analysis of each best management practice used, and a list and analysis of all potential best management practices which the operator has not used. The operator will also develop a plan and schedule for implementing the best management practices that are recommended. These requirements are necessary so that the operator accurately identifies odor sources/impacts and develops best management practices to mitigate odors for the protection of public health and safety and the environment.
Subdivision (c)
This subdivision requires the operator to submit the plan and schedule to the enforcement agency and the Department for review. If the enforcement agency has required the operator to prepare an Odor Best Management Practice Feasibility Report (Report), the operator must submit the plan and schedule within 14 days or other timeframe approved by the enforcement agency. These requirements are necessary to ensure that the enforcement agency and Department review the Report in a timely manner.

Subdivision (d)(1) and (2)
This subdivision specifies that, within 30 days, the enforcement agency, in consultation with the Department, shall approve the Odor Best Management Practice Feasibility Report (Report) and direct the operator to implement the plan and/or submit changes or additional information. This is necessary to make clear to the enforcement agency the timeline and procedures for processing the Report submitted by the operator.

Subdivision (e)
The subdivision specifies that the enforcement agency may issue a Notice and Order pursuant to § 17863.4(f) to process the Odor Best Management Practice Feasibility Report. The enforcement agency’s ability to issue a Notice and Order is necessary to ensure that an operator will implement or submit changes to the plan in the Odor Best Management Practice Feasibility Report to reduce odors, which will protect public health and safety and the environment.

Article 6. Composting Operating Standards

§ 17867. General Operating Standards.
Subdivision (a)(2)
This subdivision is necessary to clarify that odors impacts must be minimized to not cause a nuisance to protect public health, safety, and the environment.

Subdivisions (a)(3) through (15)
Re-numbering of these subdivisions is necessary due to the addition of subdivision (a)(2).

Article 7. Environmental Health Standards

§ 17868.1. Sampling Requirements.
This revision is necessary to clarify that sampling requirements of this section apply to composting facilities.

Subdivision (a)
This revision is necessary to clarify that operators must also conduct maximum acceptable metal concentrations verification in addition to pathogen reduction verification when the compost is sold, bagged for sale, given away, and removed from the site. Department staff became aware of some operators selling compost and removing the finished product from the site before the sample results were received. The new language was added to ensure that compost leaving the site meets the metals concentration limits and pathogen reduction requirements to protect public health and safety and the environment.
Subdivision (a)(1)
The addition of agricultural material and vegetative food material to this subdivision are necessary to clarify that operators who compost these feedstocks must also obtain and analyze one composite sample for every 5,000 cubic-yards of compost produced. The term “mixed solid waste” is revised to “mixed material” as necessary to reflect the change specified in § 17852(a)(26).

Subdivision (a)(2)
The addition of the “Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers” in § 17854 makes it necessary for “Table 1 Frequencies of Compost Sampling for Biosolids Composting Facilities” to be renumbered to Table 2.

Subdivision (a)(3)
This revision is necessary to clarify that the California Department of Health Services is now called the California Department of Public Health.

Subdivision (c)
This revision clarifies that the enforcement agency may approve alternative methods of sampling for any compostable material handling operation or facility, including a green material composting operation or facility. It is necessary to allow the enforcement agency to approve compliance alternatives because there may be methods that are equally effective in meeting the performance of the specified method.

§ 17868.2. Maximum Metal Concentrations.

Subdivision (a)
The subdivision is necessary to clarify that compost cannot contain metals in excess of the maximum acceptable metal concentrations shown in Table 3.

The US EPA revised the maximum concentrations of certain metals allowed in biosolids that are land-applied (60 FR 54769, Oct. 25, 1995, codified at 40 CFR, Part 503, § 503.13(b)(3)(Table 3)). At that time, EPA eliminated chromium from the list of regulated metals and increased the amount of selenium allowed in biosolids applied to land. The revisions to the maximum concentrations of chromium and selenium allowed in compost reflect the changes adopted by EPA.

The addition of the “Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers” in § 17854 makes it necessary for “Table 2 Maximum Acceptable Metal Concentrations” to be renumbered to Table 3.

Department staff became aware of some operators selling compost and removing the finished product from the site before the sample results were received. Requiring the operator to receive the sample results prior to the compost leaving the site is necessary to ensure that compost meets the metals concentration limits and pathogen reduction requirements to protect public health and safety and the environment.

Subdivision (a)(1)
Although the US EPA eliminated chromium from the list of regulated metals, the proposed regulation will require operators to test for chromium concentration along with other metal concentrations specified in Subdivision (a) and maintain records of all chromium concentrations. This requirement is necessary to protect public health, safety, and the environment.
Subdivision (b)
This revision clarifies that the enforcement agency may approve alternative methods for any compostable material handling operation or facility, including green and food material composting operations and facilities, to ensure the maximum acceptable metal concentrations are not exceeded. It is necessary to allow the enforcement agency to approve compliance alternatives because there may be methods that are equally effective in meeting the performance of the specified method.

§ 17868.3. Pathogen Reduction.

Subdivision (a)
This is revised to clarify that compost cannot contain any pathogens in amounts that exceed pathogen reduction requirements in this subdivision.

Department staff became aware of some operators selling compost and removing the finished product from the site before the sample results were received. Requiring the operator to receive the sample results prior to the compost leaving the site is necessary to ensure that compost meets the maximum metals concentration limits and pathogen reduction requirements to protect public health and safety and the environment.

Existing Subdivision (c)
Subdivision is deleted and moved to new subdivision (d) as necessary to clarify that alternative methods of compliance to meet pathogen reduction requirements apply to all subdivisions of § 17868.3.

New Subdivision (c)
The revision is necessary to clarify that temperature requirements in Subdivisions (c)(1) and (2) only apply to compost operations and facilities that utilize a windrow composting process or an aerated static pile composting process.

Subdivision (d)
This is necessary to clarify that alternative methods of compliance to meet pathogen reduction requirements apply to all subdivisions of § 17868.3.

§ 17868.3.1. Physical Contamination Limits.

Subdivision (a)
This is necessary to prevent the land application of compost with excessive physical contaminants and will protect public health and safety and the environment. Compost that does not meet the physical contaminant standard must be disposed, processed to remove physical contaminants, or may be used if approved by local, state or federal agencies having appropriate jurisdiction.

Department staff is aware of some operators sold compost and removed the finished product from the site before the sample results were received. Requiring the operator to receive the sample results prior to the compost leaving the site is necessary to ensure that compost meets the physical contaminants requirements to protect public health and safety and the environment.
Subdivision (b)
Compost operations are not required to sample for physical contaminants since they are only allowed to accept feedstock with less than 1.0% physical contaminants by weight, and consequently, the finished compost should not have excessive physical contaminants. This regulation is necessary to allow the enforcement agency the discretion to require a composting operation to send a representative sample to a laboratory if the enforcement agency suspects that the compost may exceed the 0.1% physical contaminant requirement to protect public health and safety and the environment.

Subdivision (c)
This subdivision specifies that all composting facilities must obtain a representative and random sample for every 5,000 cubic-yards of compost produced and send the sample to a laboratory to measure physical contaminants. Since composting facilities may accept feedstock with more than 1.0% physical contaminants by weight, this subdivision is necessary to ensure that the finished compost meets the 0.1% physical contaminant requirement to protect public health and safety and the environment.

Subdivision (d)(1) and (2)
This subdivision is necessary to ensure accurate testing of physical contaminants in compost. The sampling methodology in Subdivision (d) is the same as specified in § 17868.1 (b) to ensure that operators sample for maximum metal concentrations, pathogen reduction, and physical contaminants in a consistent, accurate manner to protect public health and safety and the environment.

Subdivision (e)
It is necessary to allow the enforcement agency to approve compliance alternatives because there may be methods that are equally effective in meeting the performance of the specified method.

§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.
These revisions are necessary to clarify that green material and vegetative food material, as defined in §§ 17852(a)(21) and 17852(a)(20)(A), must satisfy the requirements of subdivisions (a) through (d).

Subdivision (a)
Revisions in this subdivision are necessary to clarify that visual observation of incoming waste loads and load sorting are necessary to quantify the percentage of physical contaminants and feedstock that does not meet the definition of green material or vegetative food material.

Subdivision (a)(1)
This subdivision is revised to increase visual inspection of daily incoming feedstock from a minimum of one percent to 10 percent to determine if the loads contain physical contaminants greater than 1.0% of total weight or materials other than green material or vegetative food material. This is necessary to prevent feedstocks that pose a greater risk to the public health and safety and environment from being handled at green material handling operations or facilities.
Subdivision (b)
This revision allows the enforcement agency to be present when the operator takes a sample of feedstock to ensure that the operator obtains a representative sample of feedstock for determining the percentage of physical contaminants. This is necessary to prevent feedstocks that pose a greater risk to the public health and safety and environment from being handled at green material handling operations or facilities.

Subdivision (c)
This subdivision is deleted because agricultural material composting operations must meet the sampling requirement in § 17868.1 and the maximum metal concentration limits specified in Table 3 of § 17868.2. Therefore, it is not necessary for agricultural material composting operations to ensure that the feedstock meets the maximum metal concentration limits because the compost produced at agricultural material composting operations must meet the maximum metal concentration limits.

Subdivisions (d) and (e)
Subdivision (d) is reordered to (c) and subdivision (e) is reordered to (d) because subdivision (c) is deleted.

Article 8. Composting Operation and Facility Records

§ 17869. General Record Keeping Requirements.

Subdivision (a)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board, effective January 1, 2010.

Subdivision (f)
§ 17868.3.1 Physical Contamination Limits is a new section in Article 7, and the revision is necessary to clarify that an operator shall record all test results generated by compliance with Article 7, including physical contamination limits.

Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements

§ 17896.1. Authority and Scope.

Subdivision (a)
This subdivision is necessary to clarify that the permitting requirements and minimum operating standards for in-vessel digestion operations and facilities are specified in this Chapter; the regulatory tier requirements of §§ 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to regulations elsewhere in this Division; and activities placed within the excluded tier in other chapters of this Division may still be subject to the regulatory requirements specified in this Chapter.

Subdivision (b)
This subdivision is necessary to clarify that the Department is authorized to adopt these regulations and identify the statutes by which the Department's authority is derived.
Subdivision (c)
This subdivision is necessary to clarify that the intentional processing of organic material via in-vessel digestion is regulated under this chapter but naturally-occurring digestion of organic material does not fall under the scope of these regulations.

Subdivision (d)
This subdivision is necessary to clarify that the regulations are not intended to limit any other federal, state, or local agencies' authority and that no city or county may promulgate or enforce laws that otherwise conflict with the provisions of this Chapter.

Subdivision (e)
This subdivision is necessary clarify that the operator, owner, or designee is obligated to comply with all federal, state, or local agencies' requirements.

§ 17896.2. Definitions.
A number of technical and administrative terms appear in this Article that require definitions to assure regulatory consistency and clarity. These terms have specific meanings to describe the various types of in-vessel digestion operations and facilities and activities for purposes of this Article. If these terms are not defined, the meanings may be unclear and the regulated public as well as the regulators may fail to properly interpret the regulations. The definitions are placed in a separate section to avoid repetition throughout the Article each time they appear.

Subdivision (a)(1)
“Agricultural Material” defines what constitutes this type of material and is necessary because in-vessel digestion of agricultural material is an excluded activity if it meets the requirements of § 17896.6(a)(2).

Subdivision (a)(2)
“Agricultural Site” defines where agricultural activities occur and is necessary because in-vessel digestion of agricultural material is an excluded activity if it meets the requirements of § 17896.6(a)(2).

Subdivision (a)(3)
“Biogas” definition is necessary to clarify for purposes of regulation that biogas is generated at in-vessel digestion operations or facilities and is composed primarily of carbon dioxide, hydrogen, and methane.

Subdivision (a)(4)
“Compost” definition is necessary to clarify for purposes of regulation that compost is the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.

Subdivision (a)(5)
“Contact Water” is adapted from an existing transfer station definition [§ 17402(a)(1)]. This definition is necessary to make clear for purposes of regulation that impeded drainage and rain on exposed waste results in the creation of contact water. This subdivision defines a means to prevent user contact with the contaminated water by preventing its creation.
Subdivision (a)(6)  
“Digestate” definition is necessary to clarify for purposes of regulation that digestate is the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester.

Subdivision (a)(7) (A) through (C)  
“Digestion” definition is necessary to clarify for purposes of regulation that digestion is the controlled biological decomposition of organic solid wastes and includes aerobic digestion, anaerobic, digestion, and other controlled biological decomposition processes.

Subdivision (a)(8)  
“Dairy In-vessel Digestion Operation” definition is necessary to clarify for purposes of regulation that a dairy that co-digests imported solid waste with manure and other agricultural material in an in-vessel digester, in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board, is a dairy in-vessel digestion operation. This definition distinguishes this type of in-vessel digestion activity from other types of in-vessel digestion activities that do not qualify as dairy in-vessel digestion operations.

Subdivision (a)(9)  
"Distribution Center In-vessel Digestion Operation" definition is necessary to clarify for purposes of regulation a site that receives, for the purpose of digestion in an in-vessel digester, unsold products from retail stores to which the products were originally sent is a Distribution Center In-vessel Digestion Operation. This definition distinguishes this type of in-vessel digestion activity from other types of in-vessel digestion activities that do not qualify as distribution center in-vessel digestion operations.

Subdivision (a)(10)  
“EA” is adapted from an existing transfer station regulation definition [§ 17402(a)(5)]. This definition provides the meaning for the abbreviated term. This definition is necessary because without it, a much longer phrase would need to be used repeatedly throughout the proposed regulations.

Subdivision (a)(11)  
“Hazardous Wastes” is adapted from an existing transfer station definition [§ 17402(a)(7)]. This definition is necessary to make clear what qualifies as nonhazardous waste for purposes of regulation and to clearly differentiate it from hazardous solid waste, which is not subject to the proposed regulations but is subject to regulations of the Department of Toxic Substances Control.

Subdivision (a)(12)  
“In-vessel Digester” definition is necessary to clarify for purposes of regulation that an In-vessel Digester means the sealed container(s) or sealed structure in which the entire digestion process occurs.

Subdivision (a)(13)  
"Large Volume In-vessel Digestion Facility" definition is necessary to make clear that an in-vessel digester that receives 100 tons or more of solid waste per operating day qualifies as a large volume in-vessel digestion facility for purposes of regulation. This definition distinguishes this type of in-vessel digestion activity from other types of in-vessel digestion activities that do not qualify as large volume in-vessel digestion facilities.
Subdivision (a)(14)
“Limited Volume In-vessel Digestion Operation” definition is necessary to make clear that an in-vessel digester that receives less than an average of 15 tons (or 60 cubic yards) of solid waste per operating day and no more than 105 tons (or 420 cubic yards) per week or the solid waste quantity limitations of the general design of the operation (whichever is less) qualifies as a limited volume in-vessel digestion operation. This definition distinguishes this type of in-vessel digestion activity from other types of in-vessel digestion activities that do not qualify as limited volume in-vessel digestion operations.

Subdivision (a)(15)
“Litter” is adapted from an existing transfer station definition [§ 17402(a)(10)]. This definition is necessary to clarify what constitutes an improper migration of material.

Subdivision (a)(16)
“Manure” is adapted from an existing compostable material handling definition [§ 17852(a)(25)]. This definition is necessary to specify that only avian or herbivore excrement may be considered manure since omnivore excrement is thought to pose a greater risk to public health and safety and the environment and should be regulated accordingly.

Subdivision (a)(17)
“Medium Volume In-vessel Digestion Facility” definition is necessary to make clear an in-vessel digester that receives an average of 15 tons (or 60 cubic yards) or more but less than 100 tons of solid waste per operating day and less than 700 tons (or 2,800 cubic yards) per week or the solid waste quantity limitations of the general design of the operation (whichever is less) qualifies as a medium volume in-vessel digestion operation for purposes of regulation. This definition distinguishes this type of in-vessel digestion activity from other types of in-vessel digestion activities that do not qualify as medium volume in-vessel digestion facilities.

Subdivision (a)(18)
“Nuisance” is adapted from an existing transfer station definition [§ 17402(a)(12)]. This definition is necessary to make clear for purposes of the regulations what constitutes a nuisance. This subdivision defines a means to prevent the creation of anything that is injurious to human health or is offensive to the senses.

Subdivision (a)(19)
“On-site” is adapted from an existing transfer station definition [§ 17402(a)(13)]. This definition is necessary to make clear for purposes of regulation that the term “on-site,” which is used repeatedly throughout this Article, means the same as the operations area.

Subdivision (a)(20)
“Operating Day” is adapted from an existing transfer station definition [§ 17402(a)(15)]. This definition is necessary to make clear what constitutes an operating day for purposes of calculating the amount of waste received in a 24-hour period.

Subdivision (a)(21)
“Operating Record” is adapted from an existing transfer station definition [§ 17402(a)(16)]. This definition is necessary to make clear what constitutes an operating record to aid the enforcement agency in their responsibility to oversee all aspects of solid waste operations. Operator requests for alternative recordkeeping locations are best served by the enforcement agency.
Subdivision (a)(22)
“Operations Area” is adapted from an existing transfer station definition [§ 17402(a)(17)]. This definition is necessary to make clear for purposes of regulation what areas of a transfer/processing operation or facility are subject to regulation by the Department. The definition clearly defines what areas are specific to the operations area. The operations area is the same as the permitted boundary but may or may not be the same as the property boundary.

Subdivision (a)(23)
“Operator” is adapted from an existing transfer station definition [§ 17402(a)(18)]. This definition is necessary to make clear for purposes of regulation who is legally responsible for an in-vessel digestion operation or facility and who will comply with regulatory requirements as specified. This term is commonly used by all types of solid waste operations and facilities and may have more than one meaning. If the operator is not the same as the owner, they have joint legal responsibility for the operation or facility.

Subdivision (a)(23)(A) is necessary to make specific that the operator is legally responsible for complying with the proposed regulations.

Subdivision (a)(23)(B) is necessary to make specific that the operator is legally responsible for complying with all other agencies' applicable requirements.

Subdivision (a)(23)(C) is necessary to make specific that the operator is legally responsible for development and physical operation of the operations area.

Subdivision (a)(23)(D) is necessary to make specific that the operator listed on the permit application or enforcement agency notification is legally responsible for controlling the activities at an operation or facility.

Subdivision (a)(24)
“Owner” is adapted from an existing transfer station definition [§ 17402(a)(19)]. This definition is necessary to make clear for purposes of regulation, who is the owner of an in-vessel digestion operation or facility. This term is commonly used by all types of solid waste operations and facilities and may have more than one meaning. If the owner is not the same as the operator, they have joint legal responsibility for the operation or facility.

Subdivision (a)(25)
"Putrescible Wastes" is adapted from an existing transfer station definition [§ 17402(a)(21)]. This definition is necessary to make clear for purposes of regulation what constitutes putrescible wastes. This subdivision defines a means to prevent the creation of conditions and to identify the causes of offensive conditions that may be injurious to human health.

Subdivision (a)(26)
“Salvaging” is adapted from an existing transfer station definition [§ 17402(a)(24)]. This definition is necessary to make clear what qualifies as salvaging for purposes of regulation and to clearly differentiate it from scavenging.

Subdivision (a)(27)
"Scavenging" is adapted from an existing transfer station definition [§ 17402(a)(25)]. This definition is necessary to make clear what qualifies as scavenging for purposes of regulation and to clearly differentiate it from salvaging.
Subdivision (a)(28)
“Sealed Container” definition is necessary to clarify for purposes of regulation that a tank, vessel, or similar apparatus capable of containing liquids and air-borne emissions during the entire digestion process to control odors or other nuisance conditions is a sealed container.

Subdivision (a)(29)
“Sealed Structure” definition is necessary to clarify for purposes of regulation that a fully enclosed building capable of containing liquids and controlling air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance conditions is a sealed structure.

Subdivision (a)(30)
“Special Waste” is adapted from an existing transfer station definition [§ 17402(a)(27)]. This definition is necessary to make clear what qualifies as special waste for purposes of regulation. Special waste includes any solid waste that, because of its source of generation, physical, chemical or biological characteristics or unique disposal practices require special handling.

Subdivision (a)(31)
“Spotter” is adapted from an existing transfer station definition [§ 17402(a)(28)]. This definition is necessary to identify what activities a spotter is responsible for. This subdivision provides a means to help protect the public health, safety and the environment by the activities of the spotter.

Subdivision (a)(32)
“Store” is adapted from an existing transfer station definition [§ 17402(a)(29)]. This definition is necessary to distinguish this type of activity from other solid waste activities of operations and/or facilities.

§ 17896.3. Pre-Existing Permits and Notifications.
As a result of the new regulations, many existing in-vessel digestion operations and facilities will be required to obtain a different permit than the one they are currently operating under. Additionally, some activities that are currently excluded from regulation will be required to obtain a permit. § 17896.3 specifies the timeframes for either scenario. The Department does not intend for such operations and facilities to cease operations until the new permit is obtained but does intend for all in-vessel digestion operations and facilities to comply with the applicable standards outlined in Chapter 3.2. This section only allows extra time to comply with permit requirements; state minimum standards are applicable on the effective date of the regulations and is necessary to prevent undue hardship to operators. This provision is necessary because otherwise these businesses would be in violation of the regulations on the effective date even though obtaining the permit can take years.

Subdivision (a)
Facilities that have previously obtained a permit under the current regulations will be allowed to operate under that permit until the enforcement agency conducts a permit review pursuant to Title 14, CCR, §§ 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the enforcement agency makes such a determination, the operator has two years to obtain that permit. This is necessary to prevent undue hardship to in-vessel digestion facilities.

Subdivision (b)
This subdivision states that activities that had previously been operating pursuant to an Enforcement Agency Notification in accordance with the current regulations may continue to
operate in accordance with its Enforcement Agency Notification or regulatory authorization until the enforcement agency determines that regulation under this Chapter is required. The enforcement agency shall make this determination no sooner than 120 days and no later than two years from the effective date of these regulations. If the enforcement agency determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination. This is necessary to prevent undue hardship to in-vessel digestion operators.

Subdivision (c)
This subdivision states that activities that had previously been excluded in accordance with the current regulations may continue to operate until the enforcement agency determines that regulation under this Chapter is required. The enforcement agency shall make this determination no sooner than 120 days and no later than two years from the effective date of these regulations. If the enforcement agency determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination. This is necessary to protect the public health, safety and the environment.

§ 17896.4. Permit Name.
This section is necessary to clarify that any permit issued pursuant to this Article shall be entitled an “In-vessel Digestion Facility Permit” except a permit issued to a medium volume in-vessel digestion facility in § 17896.12.

§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities.
This section specifies the regulatory tier requirements that apply to In-vessel Digestion Operations and Facilities. Table 1 summarizes the regulatory tiers and requirements and is necessary to clarify to operators where their operations or facilities fit in the regulatory tier structure.

§ 17896.6. Excluded Activities.

Subdivision (a)
This subdivision is necessary to clarify that the activities listed in this section are not subject to the in-vessel digestion requirements and that nothing in this section precludes the enforcement agency or the Department from inspecting to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

Subdivision (a)(1)
This subdivision is necessary to clarify that a Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant) that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater is excluded if meet meets the conditions specified in subdivisions (a)(1)(A) through (C).

Subdivision (a)(1)(A)
This subdivision clarifies that a POTW Treatment Plant is excluded if the anaerobically digestible materials is trucked or hauled into a POTW Treatment Plant and the material is pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. This is necessary to clarify that the anaerobically digestible material must be
processed and conveyed in a contained system to protect public health and safety and the environment.

Subdivision (a)(1)(B)
This subdivision clarifies that a POTW Treatment Plant is excluded if it has developed Standard Operating Procedures for the acceptance of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality Control Board that those Standard Operating Procedures are being implemented, and a Standard Provision that reflects the acceptance of anaerobically digestible material has been incorporated or will be incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit. This is necessary to ensure that the POTW Treatment Plant implements appropriate management practices to protect public health and safety and the environment.

Subdivision (a)(1)(C)
This subdivision specifies that “anaerobically digestible material” means: inedible kitchen grease as defined in § 19216 of the Food and Agricultural Code, food material as defined in Title 14, CCR, § 17582(a)(20) and vegetative food material as defined in Title 14, CCR, § 17582(20)(A). This is necessary to clarify that only these types of materials can be co-digested at a POTW Treatment Plant to protect public health and safety and the environment.

Subdivision (a)(1)(D)
This subdivision clarifies the review/approval process and timelines for adding other types of organic materials as potential “anaerobically digestible material” beyond those specified in § 17896.6(a)(1)(C). This is necessary to ensure that the Department, State Water Resources Control Board, and California Department of Food and Agriculture participate in determining what additional types of organic materials can be safely co-digested at a POTW Treatment Plant to protect public health and safety and the environment.

Subdivision (a)(2)
This subdivision describes the conditions in which the in-vessel digestion of agricultural material is excluded from regulation. This is necessary because such activities pose an insignificant risk to the public health and safety and the environment, since they are predominantly located in remote areas surrounded by other agricultural activities and usually handle materials that are less likely to include contaminants.

Subdivision (a)(3)
This subdivision is necessary to specify that in-vessel digestion activities with less than 100 cubic yards of solid waste, feedstock, and digestate on-site are excluded. This activity poses little risk to the public health and safety and the environment.

Subdivision (a)(4)
This subdivision specifies that some handling activities could be excluded if the activities are already subject to more stringent handling requirements under Federal or State law, as determined by the enforcement agency in consultation with the Department. This is necessary to provide the enforcement agency with discretion to exclude activities that pose minimal threat to public health and safety and the environment.

§ 17896.7. Prohibitions.
Certain materials, such as unprocessed mammalian tissue, may present a threat to public health, safety, and the environment if they are processed in an in-vessel digester. This
subdivision is adapted from an existing compostable materials handling regulation [§ 17855.2] and is necessary to explicitly prohibit the in-vessel digestion of certain materials at in-vessel digestion operations and facilities and at all sites where in-vessel digestion sites are excluded from regulation under this Chapter.

Subdivision (a)
Subdivision (a) is necessary to clarify that the in-vessel digestion of unprocessed mammalian tissue is prohibited except when received from sources specified in Subdivision (a)(1) through (a)(3) exceptions. These exceptions pose minimal threat to public health and safety and the environment.

Subdivision (a)(1)
This subdivision is necessary to clarify that the in-vessel digestion of unprocessed mammalian is allowable if the material is received from a food facility as defined in Health and Safety Code § 113789.

Subdivision (a)(2)
This subdivision is necessary to clarify that the in-vessel digestion of unprocessed mammalian is allowable if the material is received as part of a research activity for the purpose of obtaining data on pathogen reduction or other public health and safety, animal health and safety, or environmental concerns.

Subdivision (a)(3)
This subdivision is necessary to clarify that the in-vessel digestion of unprocessed mammalian is allowable if the material is received from a source approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture.

Subdivision (b)
This subdivision specifies that medical waste is prohibited at in-vessel digestion operations and facilities and at all sites where in-vessel digestion activities are excluded from regulation under this Chapter and is necessary to protect public health and safety, animal health and safety, and the environment.

Subdivision (c)
This subdivision specifies that hazardous waste is prohibited at in-vessel digestion operations and facilities and at all sites where in-vessel digestion activities are excluded from regulation under this Chapter and is necessary to protect public health and safety, animal health and safety, and the environment.

§ 17896.8. Research In-Vessel Digestion Operations.

Subdivision (a)
This subdivision is adapted from an existing compostable material handling regulation [§ 17862] and clarifies that research in-vessel digestions operations are subject to the Enforcement Agency Notification requirements and are limited to 5,000 cubic yards of material on-site, which is necessary to protect public health and safety, animal health and safety, and the environment.

Subdivision (b)
This subdivision is adapted from an existing compostable material handling regulation [§
and requires research in-vessel digestion operations to provide research objectives, methodology to be employed, data to be gathered, analyses to be performed, how the requirements of this subchapter will be met, and a projected timeframe for completing the research. This necessary to ensure that actual meaningful research is performed at such operations.

Subdivision (c)
Subdivision (c) requires a research in-vessel digestion operation to submit a report to the enforcement agency that includes the results and conclusions drawn from the research after no longer than a 2 year period of operation. This provides the enforcement agency with discretion to allow further research for a maximum of 2 years or not allow further research and require the operator to conduct site restoration at the facility. This is necessary to ensure that meaningful research is performed at such operations.

Subdivisions (d) and (d)(1) and (2)
These subdivisions are adapted from an existing compostable material handling regulations [§ 17862]) and require research in-vessel digestion operations that compost unprocessed mammalian tissue to use unprocessed mammalian tissue generated only from on-site agricultural operations, and all products derived from unprocessed mammalian tissue to be beneficially used on-site. This is necessary to protect public health and safety, animal health and safety, and the environment.

Subdivision (d)(3)
This subdivision requires a research in-vessel digestion operation using unprocessed mammalian tissue as feedstock to submit a report to the enforcement agency that includes the results and conclusions drawn from the research after no longer than a 6 month period of operation. Additional language provides the enforcement agency with discretion to allow further research for a maximum of 2 years or not allow further research and require the operator to conduct site restoration at the facility. This is necessary to ensure that meaningful research is performed at such operations.

Subdivision (e)
Subdivision (e) is adapted from an existing compostable material handling regulation [§ 17862]) and requires the operator to submit all additional documentation required by subdivisions (b) and (d)(2) to the enforcement agency prior to the digestion of any feedstock. This allows the enforcement agency to determine if the information submitted by the operator is complete and correct and is necessary to protect public health and safety and the environment.

Subdivision (f)
These revisions are necessary to clarify and standardize the requirement for enforcement agency inspections, which will assist operators understand the requirements that apply to their sites. The flexibility in inspection frequency provided by this subdivision is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

§ 17896.9. Dairy In-Vessel Digestion Operations.

Subdivision (a)
This subdivision is necessary to make clear that dairy in-vessel digestion operations are subject to the Enforcement Agency Notification requirements. Regional Water Quality Control Board regulatory oversight (through Waste Discharge Requirements) of dairy in-vessel digestion
operations partially addresses potential impacts to public health, safety, and the environment associated with the receipt, handling, digestion, and residual solids management of solid waste co-digested with manure.

Subdivision (a)(1)
This subdivision clarifies that dairy in-vessel digesters will be inspected by the enforcement agency at least once a month for the first 12 months of operation, and the enforcement agency may approve, with Department concurrence, a reduced inspection frequency of once every 3 months. After the first 24 months of operation, the enforcement agency may approve, with Department concurrence, a reduced inspection frequency of once per calendar year. The enforcement agency may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment. This subdivision is necessary to ensure that dairy in-vessel digesters have adequate regulatory oversight in the first 2 years of operation to verify that these operations pose a minimal risk to public health and safety and the environment.

§ 17896.10. Distribution Center In-Vessel Digestion Operations.

Subdivision (a)
This subdivision is necessary to make clear distribution center in-vessel digestion operations are subject to the Enforcement Agency Notification requirements. The environmental impacts associated with these operations are minimal and only require an Enforcement Agency Notification.

Subdivision (a)(1)
This subdivision also makes clear the frequency of inspection of the operations by the enforcement agency, and the flexibility in inspection frequency provided is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

§ 17896.11. Limited Volume In-Vessel Digestion Operations.

Subdivision (a)
This subdivision is necessary to make clear that limited volume in-vessel digestion operations are subject to the Enforcement Agency Notification requirements. The environmental impacts associated with these operations are minimal and only require an Enforcement Agency Notification.

Subdivision (a)(1)
This subdivision also makes clear the frequency of inspection of the operations by the enforcement agency, and the flexibility in inspection frequency provided is necessary to prevent unnecessary regulation of operations that pose minimal risk to the public health and safety and the environment.

§ 17896.12. Medium Volume In-Vessel Digestion Facilities.
This section is necessary to make clear that medium volume in-vessel digestion facilities are subject to the Registration Permit requirements and shall be inspected monthly.
§ 17896.13. Large Volume In-Vessel Digestion Facilities.
This section is necessary to make clear that large volume in-vessel digestion facilities must obtain a Full Solid Waste Facilities Permit, these facilities will be inspected monthly, and the In-vessel Digestion Report constitutes the Report of Facility Information.

This section requires an operator of a medium volume in-vessel digestion facility to file an "In-vessel Digestion Facility Plan" with the enforcement agency. This section is necessary to ensure that the enforcement agency receives sufficient information for determining if the information submitted is complete and correct.

§ 17896.15. In-Vessel Digestion Report.
Subdivision (a)
This subdivision requires an operator to file an In-vessel Digestion Report with the enforcement agency. This is necessary so that the enforcement agency can assess potential negative impacts to public health and safety and the environment and verify that the facility will be able to comply with the state minimum standards.

Subdivisions (a)(1) and (2)
These subdivisions are necessary to clarify that when an operator proposes to change the facility's operations or solid waste facility permit, the operator must either submit the updated information as an amendment to the existing In-vessel Digestion Report or submit a complete In-vessel Digestion Report.

§ 17896.16. Applicability of State Minimum Standards.
In-vessel digestion operations and facilities could negatively impact public health and safety and the environment if they are not operated properly. Articles 1 through 6 of this Chapter set forth the minimum standards that apply to in-vessel digestion operations and facilities. Department staff employed a general methodology in developing the minimum standards that utilizes environmental indicators whose thresholds would be exceeded by an in-vessel digestion operation or facility and the associated mitigation measures to help determine what standards are necessary to address potential impacts. Reducing regulatory overlap and duplication between the Department and other agencies are also addressed by the methodology. The standards are primarily performance standards, providing the operator and the enforcement agency greater flexibility in meeting the Department's minimum standards.

Subdivision (a)
Subdivision (a) is necessary to make clear to the enforcement agency and operator the minimum standards that apply to all in-vessel digestion operations and facilities.

Subdivision (b)
Subdivision (b) is necessary to make clear to the enforcement agency and operator, which additional minimum standards will apply only to in-vessel digestion facilities.

Subdivision (c)
Subdivision (c) is necessary to make clear that the enforcement agency must provide to the operator in writing all approvals, determinations and other requirements and that the operator must keep a copy of each approval, determination and other requirements in the operating record.
Subdivision (d)
Subdivision (d) is necessary to make clear to the enforcement agency and operator that the enforcement agency is allowed to approve an alternate method of compliance with, but not change, the standards when specified in regulation.

Article 2. Siting and Design

§ 17896.17. Siting On Landfills.
§ 17896.17 is adapted from an existing transfer station regulation [§ 17406.1]. In-vessel digestion operations and facilities may be constructed on landfills, which offer a broad range of substrates (ground). Upon initial observation, these substrates may appear satisfactory for use, but over time, could prove unsatisfactory. The substrate could settle unevenly, resulting in fractured work surfaces. Some substrates are vulnerable to liquefaction resulting from seismic events or water saturation, leading to possible structural or foundation damage.

Subdivisions (a), (b) and (c)
Subdivisions (a), (b), and (c) are necessary to control the siting of in-vessel digestion operations and facilities on landfills. Soil type and stability requirements reduce the possibility of damage to operation or facility grounds and structures. In-vessel digestion operations and facilities located on closed landfills must comply with post-closure land-use requirements pursuant to California Code of Regulations, Title 27, Subdivision 1, Chapter 3, Subchapter 5, Article 1, § 21190. These subdivisions are simply acknowledging an activity that may already be authorized by regulation.

§ 17896.18. General Design Requirements.
§ 17896.18 is adapted from an existing transfer station regulation [§ 17406.2].

Subdivisions (a) and (b)
Subdivisions (a) and (b) are necessary for the protection of the public health and safety and the environment and for purposes of enforcement to make clear to the operator as well as the enforcement agency that the design of in-vessel digestion operations and facilities shall take into consideration noise control, odor control, vector control, public safety, and other pertinent matters related to the protection of public health.

Subdivision (c)
Subdivision (c) is necessary for protection of the public health and safety and the environment and for purposes of enforcement to make clear to the operator as well as the enforcement agency that the design of in-vessel digestion operations and facilities shall take into consideration, noise control, odor control, vector control, public safety, and other pertinent matters related to the protection of public health.

Subdivision (d)
Subdivision (d) is necessary for protection of the public health and safety and the environment and for purposes of enforcement that the enforcement agency may require the operator to describe how the facility has complied with applicable local and state requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

Subdivision (e)
Subdivision (e) is necessary for the protection of public health and safety and the environment by ensuring that waste storage containers are durable, easily cleanable, and designed to prevent the loss of wastes during handling and storage.
Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities

§ 17896.19 is necessary to ensure that the uncontrolled release of biogas, such as carbon dioxide, hydrogen, and methane, from an in-vessel digestion operation or facility is minimized to protect the public health and safety and the environment.

§ 17896.20. Cleaning.
§ 17896.20 is adapted from an existing transfer station regulation [§ 1740.7.2.] concerning cleaning that is necessary to ensure that in-vessel digestion operations and facilities are operated in a manner that protects public health and safety and the environment.

Subdivision (a)(1) and (2)
Subdivision (a) is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that the standard frequency for maintaining clean storage containers and facilities and criteria to be met if an alternative frequency is to be established.

Subdivision (b)
Subdivision (b) is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and enforcement agency that the entrance of exit of the operation or facility shall be cleaned to prevent off-site tracking or migration of waste materials.

§ 17896.21. Drainage and Spill Control.

Subdivision (a) (1) through (5)
This subdivision is adapted from an existing transfer station regulation [§ 17407.3] concerning drainage control, and for purposes of enforcement, to make clear to the operator and to the enforcement agency the performance standards that must be met regarding drainage control. This is necessary to ensure that in-vessel digestion operations and facilities are operated in a manner that protects public health and safety and the environment.

Subdivision (b)
This subdivision is necessary to ensure that the operator implements measures to prevent spillage and promptly responds to any leaks or spills that occur to protect public health and safety and the environment.

§ 17896.22. Dust Control.
§ 17896.22 is adapted from an existing transfer station regulation [§ 17407.4.] concerning dust control that is necessary to ensure that in-vessel digestion operations and facilities are operated in a manner that protects public health and safety and the environment.

Subdivision (a)(1) through (4)
Subdivision (a) is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency specific conditions which dust control is required. In the past, due to the general nature of the standard, disputes arose regarding what was considered excessive dust. This standard is intended to be more specific and to provide guidance to inspectors in determining what constitutes a dust problem.
This is adapted from an existing transfer station regulation [§ 17407.5] concerning the receipt of hazardous wastes.

Subdivision (a)
Subdivision (a) is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that the receipt and handling of liquid wastes and hazardous wastes may not be accepted at an in-vessel digestion operation or facility unless approved by all appropriate regulatory agencies. It also informs the operator that there are other regulatory agencies governing the receipt and handling of hazardous wastes.

Subdivision (b)
Subdivision (b) is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that the operator must eliminate or control dusts, fumes, mists, vapors or gases prior to final disposition of the material.

Subdivision (c)
Subdivision (c) is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that the receipt or storing of liquid wastes and sludges may not be accepted at an in-vessel digestion operation or facility unless approved by all appropriate regulatory agencies.

§ 17896.24. Litter Control.
§ 17896.24 is adapted from an existing transfer station regulation [§ 17408.1] concerning litter control that is necessary to ensure that in-vessel digestion operations and facilities are operated in a manner that protects public health and safety and the environment and for purposes of enforcement to make clear to the operator and to the enforcement agency the performance standards to be met for litter control.

§ 17896.25. Load Checking.
Subdivisions (a) (1) through (3)
§ 17896.25 is adapted from an existing transfer station regulation [§ 17409.5] concerning load checking that is necessary to ensure that in-vessel digestion operations and facilities are operated in a manner that protects public health and safety and the environment and for purposes of enforcement to make clear to the operator and to the enforcement agency the performance standards to be met for load checking. The proper handling of household hazardous waste or hazardous waste must meet local Hazmat requirements.

§ 17896.26 is adapted from an existing transfer station regulation [§ 17408.6] concerning maintenance that is necessary for protection of the public health and safety and the environment and for purposes of enforcement to make clear to the operator and enforcement agency that the operator is responsible for maintenance and repair of equipment and operations and facilities.

§ 17896.27. Medical Wastes.
§ 17896.27 is adapted from an existing transfer station regulation [§ 17408.2] concerning
medical wastes and, for purposes of enforcement, to make clear to the operator and enforcement agency that the receipt of medical waste is prohibited. This is necessary for protection of the public health and safety and the environment.

§ 17896.28. Noise Control.
§ 17896.28 is adapted from an existing transfer station regulation [§ 17408.3] concerning noise control and is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that health hazards due to excessive noise must be prevented. Experience by Department staff has shown that it has not always been possible to prevent noise impacts. This standard is intended to be more specific and to provide guidance to inspectors in determining what constitutes a noise violation.

§ 17896.29. Non-Salvageable Items.
§ 17896.29 is adapted from an existing transfer station regulation [§ 17408.4] and is necessary for protection of the public health and safety and the environment and for purposes of enforcement to make clear to the operator and enforcement agency that certain potentially hazardous items received as solid waste may not be salvaged without approval from the enforcement and local health agencies.


Subdivision (a)
This subdivision is necessary to specify that an operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the enforcement agency may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to § 17896.31(f). The Report is designed to provide more reliable odor data to the enforcement agency than what is currently required in the Odor Impact Minimization Plan as specified in § 17896.31.

Subdivisions (b)(1) through (3)
These subdivisions specify what the operator should include in the Odor Best Management Practice Feasibility Report, such as data on potential onsite odor sources, identification and ranking of on-site odor sources, a list and analysis of each best management practice used, and a list and analysis of all potential best management practices the operator has not used. The operator will also develop a plan and schedule for implementing the best management practices that are recommended. These requirements are necessary so that the operator accurately identifies odor sources/impacts and develops best management practices to mitigate odors for the protection of public health and safety and the environment.

Subdivision (c)
This subdivision requires the operator to submit the plan and schedule to the enforcement agency and the Department for review. If the enforcement agency has required the operator to prepare an Odor Best Management Practice Feasibility Report, the operator must submit the plan and schedule within 14 days or other timeframe approved by the enforcement agency. These requirements are necessary to ensure that the enforcement agency and Department review the Report in a timely manner.

Subdivision (d)(1) and (2)
This subdivision specifies that, within 30 days, the enforcement agency, in consultation with the Department, shall approve the Odor Best Management Practice Feasibility Report and direct the
operator to implement the plan and/or submit changes or additional information. This is necessary to make clear to the enforcement agency the timeline and procedures for processing the Odor Best Management Practice Feasibility Report submitted by the operator.

Subdivision (e)
The subdivision specifies that the enforcement agency may issue a Notice and Order pursuant to § 17896.31(f) to process the Odor Best Management Practice Feasibility Report. The enforcement agency’s ability to issue a Notice and Order is necessary to ensure that an operator will implement or submit changes to the plan in the Odor Best Management Practice Feasibility Report to reduce odors, which will protect public health and safety and the environment.

§ 17896.31. Odor Minimization Plan.
One of the greatest threats to the viability of the in-vessel digestion industry is the negative public perception caused by odors. Along with the anticipated increase of in-vessel digestion of food material (to help meet AB 341 recycling goals) and the steady urbanization of California, comes an increased likelihood of odor complaints. § 17896.31, adapted from an existing compostable materials handling regulation 17863.4, sets forth the requirements that in-vessel digestion operations and facilities must meet to minimize odor impacts. The Department intends for all in-vessel digestion operations and facilities (unless exempt from this requirement) to have a complete odor impact minimization plan on the effective date of these regulations.

Subdivision (a)
Subdivision (a) requires all in-vessel digestion operations and facilities to submit a complete, site-specific odor impact minimization plan (OIMP) with the enforcement agency with the Enforcement Agency Notification or permit application. This is necessary to ensure that reasonable methods to minimize odor are considered in advance.

Subdivisions (b)(1) through (5)
Subdivision (b) is used to set the minimum requirements that the odor impact minimization plan must meet. This is necessary to ensure that each OIMP is complete and includes an odor monitoring protocol, an assessment of local meteorological conditions, a complaint response protocol and a full description of the operating and design procedures for minimizing odor. This sets a benchmark of evaluation and enforcement by the enforcement agency.

Subdivision (c)
Subdivision (c) requires that any changes to the odor impact minimization plan be conveyed to the enforcement agency in a timely manner. This is necessary to ensure that a reasonable OIMP will be in place at all times and that the enforcement agency is informed of changes.

Subdivision (d)
Subdivision (d) requires an annual review of the OIMP by the local enforcement agency. This is necessary to ensure that odor impact minimization plans are kept current.

Subdivision (e)
Subdivision (e) allows the enforcement agency to use the OIMP to determine whether or not the operation or facility is following the procedures established by the operator. It further gives the enforcement agency authority to issue a Notice and Order if the OIMP is not being followed. This is necessary to ensure operator compliance with odor impact minimization plans. The primary goal of the OIMP is to prevent odor impacts from occurring, and therefore, the enforcement agency must be able to require an operator to adhere to their OIMP.
Subdivisions (f) (1) through (3)
These subdivisions specify that if the odor impact minimization plan is being followed and the enforcement agency determines that odor impacts are still occurring, the enforcement agency shall direct the operator to prepare and implement an Odor Best Management Practice Feasibility Report. The enforcement agency shall consider the results of the Report prior to issuing a Notice and Order requiring the operator to take additional reasonable and feasible measures to minimize odors, unless the enforcement agency has evidence that a specific and immediate action would reduce the odor impacts and there is an imminent threat to public health and safety and the environment; or a public nuisance has occurred. These requirements are necessary to ensure that the operator implements odor mitigation measures to protect public health and safety and the environment.

§ 17896.32. Odor and Nuisance Control.
This subdivision is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that in-vessel digestion operations and facilities must minimize and prevent odors and not create a nuisance. Experience by Department staff has shown that it is difficult to determine if odor minimization activities implemented by an operator are sufficient to reduce odors below a “nuisance” level. This standard is intended to be more specific by requiring the operator to minimize odors so as not to create a nuisance as defined in § 17896.2(a)(18).

§ 17896.33. Parking.
§ 17896.33 is adapted from an existing transfer station regulation [§ 17409.6] and is necessary for protection of public health, safety, and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that parking at in-vessel digestion operations/facilities is to be provided.

§ 17896.34. Personnel Health and Safety.
§ 17896.34 is adapted from an existing transfer station regulation [§ 17408.7] and is necessary for the safety of personnel working at in-vessel digestion operations and facilities and to make clear to the operator and the enforcement agency that safety equipment is required.

§ 17896.35. Pre-Digestion Solid Waste Handling.

Subdivision (a)
This subdivision is necessary to specify that putrescible wastes must be injected into an in-vessel digester or stored in a sealed container or sealed structure or removed from the site within 48 hours from the time of receipt. Putrescible wastes can cause odors and attract vectors, and this 48 hour requirement will protect public health and safety and environment, while making clear to the operator and the enforcement agency the maximum storage time for solid wastes.

Subdivision (b)
This subdivision is necessary to specify that all non-putrescible wastes not intended for digestion must be removed within 7 days from the date of receipt or at an alternate frequency approved by the enforcement agency. Non-putrescible wastes do not generate odors and attract vectors as much as putrescible wastes, and consequently, non-putrescible wastes can be stored for a 7 days without posing a threat to public health and safety and the environment.
§ 17896.36. Protection of Users.
§ 17896.36 is adapted from an existing transfer station regulation [§ 17408.8] and is necessary for protection of public health and safety, and for purposes of enforcement to make clear to the operator and to the enforcement agency that contact between users of the in-vessel digestion operation or facility as well as site personnel shall be minimized; methods for achieving that aim are listed for clarity.

§ 17896.37. Roads.
§ 17896.37 is adapted from an existing transfer station regulation [§ 17409.1] and is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that roads and driveways shall be accessible, and not be sources of dust or litter. The intent of the regulation is to allow for safety and accessibility; removal of litter and other loose materials is covered by the standard for litter control.

§ 17896.38. Sanitary Facilities.
§ 17896.38 is adapted from an existing transfer station regulation [§ 17409.2] and is necessary for protection of public health and safety and for purposes of enforcement to make clear to the operator and the enforcement agency that sanitary facilities are required at in-vessel digestion operations and facilities.

§ 17896.39. Scavenging and Salvaging
Subdivisions (a) through (d)
§ 17896.39 is adapted from an existing transfer station regulation [§ 17409.3] and is necessary for protection of the public health and safety and the environment, and for purposes of enforcement to make clear to the operator and enforcement agency that scavenging is prohibited at all in-vessel digestion operations and facilities, that salvaging is to be a planned activity and carried out in a controlled manner, that there is a storage requirement for salvaged materials, and that there is a maximum storage time for salvaged material. Experience has shown that storage of salvage materials can result in other health and safety impacts, e.g., nuisance.

§ 17896.40. Signs.
§ 17896.40 is adapted from an existing transfer station regulation [§ 17409.4] and is necessary for protection of public health and safety and the environment, and for purposes of enforcement to make clear to the operator and to the enforcement agency that an in-vessel digestion operation and facility shall be easily located by posting a clearly-visible sign; the public shall be informed as to hours of operation, acceptable waste types and fees; and the operator’s telephone number shall be listed on the sign in the event of questions, problems, or emergencies.

§ 17896.41. Site Restoration.
Current regulations [§ 17870] regarding site restoration only apply to compostable materials handling operations and facilities. In-vessel digestion operations and facilities pose the same risk to public health, safety and the environment. Therefore, it is reasonable to require similar site restoration requirements. It is the intent of this subdivision to extend the site restoration requirements to in-vessel digestion operations and facilities.
Subdivisions (a), (b), and (c)
Subdivisions (a), (b), and (c) specify the process for noticing and performing site restoration at in-vessel digestion operations and facilities. These subdivisions are necessary to make clear to the operator and enforcement agency the procedures that will ensure the site is adequately restored to protect public health and safety and the environment.

§ 17896.42. Supervision and Personnel.
§ 17896.42 is adapted from an existing transfer station regulation [§ 17410.2] and is necessary for protection of public health and safety and the environment and for purposes of enforcement to specify to the operator and enforcement agency the supervision requirements to execute functions at in-vessel digestion operations and facilities.

§ 17896.43. Training.
§ 17896.43 is adapted from an existing transfer station regulation [§ 17410.3] and is necessary for protection of public health and safety and the environment and for purposes of enforcement to specify to the operator and enforcement agency that personnel shall be trained in all subjects that are relevant to in-vessel digestion operation, maintenance, and public health and safety matters. Training in hazardous materials recognition and screening is important to educate personnel in the safe recognition and removal of these materials from the waste stream with the intent of preventing and/or minimizing hazards to public health and safety.

§ 17896.44. Vector, Bird and Animal Control.
§ 17896.44 is adapted from an existing transfer station regulation [§ 17410.4] and is necessary for protection of public health and safety and the environment and for purposes of enforcement to make clear to the operator and enforcement agency that the propagation of vectors and other agents capable of transmitting disease shall be controlled and/or prevented.

Article 4. Record Keeping Requirements

§ 17896.45. Record Keeping Requirements.
Subdivision (a)
§ 17896.45 is adapted from an existing transfer station regulation [§ 17414] and existing compostable materials handling regulation [§ 17869] and is necessary to provide information to the enforcement agency and the Department so that compliance with the proposed regulations can be determined.

Subdivision (b)
This subdivision is necessary to provide the enforcement agency and the Department, and other duly authorized regulatory or enforcement agency’s reasonable access to information regarding operator, operation, and/or facility compliance with the propose regulations. This subdivision requires the operator to keep all records required by the proposed regulations in one location and that these records be kept for a period of five years.

Subdivision (c)
This subdivision is necessary to provide information to the enforcement agency so that compliance with the proposed regulations can be determined.

Subdivision (d)
This subdivision is necessary to provide information to the enforcement agency and the Department so that compliance with the proposed regulations can be determined. This
subdivision requires the operator to maintain a log of special occurrences encountered during operation. The operator is required to record the methods used to resolve these special occurrences.

Subdivision (e)(1) through (4)
These subdivisions are necessary to provide information to the enforcement agency and the Department so that compliance with the proposed regulations can be determined. An enforcement agency is only able to observe an operation or facility during an inspection and must rely on other sources of information to determine compliance, including written public complaints that are recorded by the operator. The surrounding public, by their ongoing presence, may be impacted by violations that are not apparent to the enforcement agency during an inspection. Therefore, the recording of public complaints, or the lack thereof, is a good source of information that the enforcement agency may use to verify compliance or noncompliance.

Subdivision (f), (g), (h), and (i)
These subdivisions are necessary to provide information to the enforcement agency (and the Department when specified) so that compliance with the proposed regulations can be determined.

§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and Requirements.
§ 17896.46 is adapted from an existing transfer station regulation [§ 1741.4.1] and is necessary to provide the enforcement agency, the Department, and other duly authorized regulatory or enforcement agency’s information regarding operator, operation, and/or facility compliance with the proposed regulations.

Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only

§ 17896.47. Communications Equipment.
This is adapted from an existing transfer station regulation [§ 17415.1] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that adequate communication equipment is available to site personnel in the advent of an emergency.

§ 17896.48. Equipment.
This is adapted from an existing transfer station regulation [§ 17416.3] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that adequate operational equipment is available to site personnel.

§ 17896.49. Fire Fighting Equipment.
This is adapted from an existing transfer station regulation [§ 17415.2] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that adequate fire suppression equipment is available to site personnel in the advent of an emergency.

§ 17896.50. Housekeeping.
This is adapted from an existing transfer station regulation [§ 17416.1] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that adequate housekeeping is maintained to reduce safety hazards.
§ 17896.51. Lighting.
This is adapted from an existing transfer station regulation [§ 17416.2] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that adequate lighting equipment is available to site personnel.

§ 17896.52. Site Attendant.
This is adapted from an existing transfer station regulation [§ 17418.2] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that an adequate site attendant be available during operating hours.

§ 17896.53. Site Security.
This is adapted from an existing transfer station regulation [§ 17418.1] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that adequate site security is maintained to discourage unauthorized access by persons or vehicles.

§ 17896.54. Traffic Control.
Subdivisions (a)(1) through (3)
This is adapted from an existing transfer station regulation [§ 17418.3] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that adequate traffic control is maintained to prevent hazards from occurring.

§ 17896.55. Visual Screening.
This is adapted from an existing transfer station regulation [§ 17419.1] and is necessary for appropriate treatment of areas open to public view and for enforcement to make clear to the operator that adequate visual screening is maintained to maintain an attractive and aesthetically acceptable appearance.

§ 17896.56. Water Supply.
This is adapted from an existing transfer station regulation [§ 17419.2] and is necessary for protection of public health and safety and the environment and for enforcement to make clear to the operator that an adequate water supply is maintained to prevent hazards from occurring and to provide a safe and adequate water supply for drinking.

Article 6. Digestate Handling Standards

§ 17896.57. Digestate Handling.
This section is necessary to specify that digestate that is not contained in an in-vessel digester must, within 24 hours, be handled in one of 3 methods as specified in subdivisions (a)(1) through (a)(3).

Subdivision (a)(1)
This subdivision specifies that digestate from an in-vessel digester may be stored or processed on-site in a sealed container or sealed structure unless the enforcement agency approves an alternative handling method. This is necessary to minimize odors and vectors and is protective of public health and safety and the environment. It is necessary to allow the enforcement agency to approve compliance alternatives because there may be methods that are equally effective in meeting the performance of the specified method.
Subdivision (a)(2)
This subdivision is necessary to specify that digestate from an in-vessel digester may be incorporated in an on-site aerobic compost process. On-site composting of digestate is allowable only at large volume in-vessel digestion facilities that have obtained an In-vessel Digestion Facility Permit pursuant to § 17896.4. Digestate from an in-vessel digester may cause odors and attract vectors, and consequently, an appropriate level of regulatory oversight is necessary to protect public health and safety and the environment. Requiring in-vessel digestion facilities that compost on-site to comply with sampling requirements, maximum metal concentrations, maximum acceptable pathogen concentrations, and physical contamination limits is also necessary to protect public health and safety and the environment.

Subdivision (a)(3)
This subdivision specifies that digestate from an in-vessel digester may be removed from the site and either transported as solid waste to another solid waste facility or operation for disposal, composting, or additional processing or used or disposed in a manner approved by local, state, and federal agencies having appropriate jurisdiction. This is necessary to ensure that digestate that is removed from the site is handled safely to protect public health and safety and the environment.

Subdivision (b)
This subdivision specifies that digestate that has not been analyzed for metal concentration, pathogen concentration, and physical contaminants or is known to exceed the maximum metal concentrations, pathogen concentrations, or maximum physical contamination limits shall be designated for disposal, additional processing, or other use as approved by local, state agencies having appropriate jurisdiction. This is necessary to ensure that digestate is tested for metal concentrations, pathogen concentrations, and physical contaminants and is properly managed if it exceeds any of these requirements to protect public health and safety and the environment.

§ 17896.58. Sampling Requirements.

Subdivision (a)
This subdivision is adapted from an existing compostable materials handling regulation [§ 17868.1 (a)] that specifies an operator must sample compost produced at in-vessel digestion facility to ensure that compost leaving the site meets the maximum metal concentrations, pathogen reduction requirements, and physical contamination limits. This is necessary to protect public health and safety and the environment. Department staff is aware of some operators that have sold compost and removed the finished product from the site before the sample results were received. Requiring the operator to receive the sample results prior to the compost leaving the site will ensure that compost meets the maximum metals concentrations, pathogen reduction requirements, and physical contamination limits and will protect public health and safety and the environment.

Subdivision (b)(1) and (2)
The sampling requirement is adapted from existing compostable materials handling regulation [§ 17868.1(a)(1) and (a)(3)] and ensures that a composite sample is obtained for every 5,000 cubic yards of compost produced at an in-vessel digestion facility and the sample analysis for maximum metal concentrations is performed at a certified laboratory. These requirements are necessary to protect public health and safety and the environment.
Subdivision (c)(1) and (2), (A) through (C)
The composite sampling procedure is adapted from an existing compostable materials handling regulation [§ 17868.1 (b)] that ensures a composite sample at an in-vessel digestion facility is representative and random. These requirements are necessary to protect public health and safety and the environment.

Subdivision (d)
The alternative method of sampling is adapted from an existing compostable materials handling regulation [§ 17868.1 (c)]. It is necessary to allow the enforcement agency to approve compliance alternatives because there may be methods that are equally effective in meeting the performance of the specified method.

§ 17896.59. Maximum Metal Concentrations.

Subdivision (a) and (a)(1)
The maximum metal concentrations requirement is adapted from an existing compostable materials handling regulation [§ 17868.2 (a)] that ensures compost produced at an in-vessel digestion facility meets the maximum metal concentrations requirements and is necessary to protect public health and safety and the environment.

Subdivision (b)
Alternative methods of compliance to meet maximum metal concentrations requirements is adapted from an existing compostable materials handling regulation [§ 17868.2 (b)]. It is necessary to allow the enforcement agency to approve compliance alternatives because there may be methods that are equally effective in meeting the performance of the specified method.

§ 17896.60. Pathogen Reduction.

Subdivision (a)
Subdivision (a) is adapted from an existing compostable materials handling regulation [§ 17868.3 (a)] that ensures compost produced at an in-vessel digestion facility meets the pathogen reduction requirements and is necessary to protect public health and safety and the environment. Requiring the operator to receive the sample results prior to the compost leaving the site will ensure that compost meets the pathogen reduction requirements and will protect public health and safety and the environment.

Subdivisions (b)(1)
Subdivision (b)(1) is adapted from an existing compostable materials handling regulation [§ 17868.3 (b)(1)] that ensures compost produced at an in-vessel digestion facility meets the fecal coliform and Salmonella sp. Bacteria limits and is necessary to protect public health and safety and the environment.

Subdivisions (b)(2) through (4)
Subdivision (b)(2) through (4) is adapted from existing compostable materials handling regulation [§ 17868.3 (b)(2) through (4)] that ensures active compost at an in-vessel digestion facility reaches pathogen-killing temperatures and those temperatures are maintained. This will ensure that compost produced at an in-vessel digestion facility meets pathogen reduction requirements and is necessary to protect public health and safety and the environment.
Subdivisions (c)(1) and (2)
Subdivision (c)(1) and (2) is adapted from an existing compostable materials handling regulation [§ 17868.3] and is necessary to ensure that temperatures of active compost at an in-vessel digestion are accurately measured and monitored. This will ensure that compost produced at an in-vessel digestion facility will meet the pathogen reduction requirements to protect public health and safety and the environment.

Subdivision (d)
Alternative methods of compliance to meet pathogen reduction requirements is adapted from an existing compostable materials handling regulation [§ 17868.3]. It is necessary to allow the enforcement agency to approve compliance alternatives because there may be methods that are equally effective in meeting the performance of the specified method.

§ 17896.61. Physical Contamination Limits.

Subdivision (a)
This is necessary to prevent the land application of compost with excessive physical contaminants, such as glass and plastic, which will protect public health and safety and the environment. Compost that does not meet the physical contaminant standard must be disposed, processed to remove physical contaminants, or may be used if approved by local, state or federal agencies having appropriate jurisdiction.

Department staff is aware of some operators that have sold compost and removed the finished product from the site before the sample results were received. Requiring the operator to receive the sample results prior to the compost leaving the site will ensure that compost meets the physical contaminants requirements to protect public health and safety and the environment.

Subdivision (b)
This subdivision specifies that all in-vessel digestion facilities must obtain a representative and random sample for every 5,000 cubic-yards of compost produced at the facility and send the sample to a laboratory to measure physical contaminants. Since in-vessel digestion facilities may accept feedstock with more than 1.0% physical contaminants by weight, this subdivision is necessary to ensure that the finished compost meets the 0.1% physical contaminant limit to protect public health and safety and the environment.

Subdivision (c)
It is necessary to allow the enforcement agency to approve compliance alternatives because there may be methods that are equally effective in meeting the performance of the specified method.

Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.

Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities

§ 18083. LEA Duties and Responsibilities for Inspections.

Subdivision (a)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.
Subdivision (a)(3)
The revision to this subdivision specifies/clarifies the process for approving reduced inspection frequencies at sites that will not pose an additional risk to public health and safety or the environment.

Subdivision (a)(4)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (a)(4)(A)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (a)(5)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Article 3.0. Regulatory Tier Requirements

§ 18100. Scope.

Subdivision (b)
The revision to this subdivision is necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

§ 18102. Excluded Solid Waste Handling.
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18103. Enforcement Agency Notification.

Subdivision (a)
The revision to this subdivision is necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

Subdivision (c)
The revision to this subdivision is necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

Subdivision (d)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.
§ 18103.1. Filing Requirements.

Subdivision (a)(2)
The revision to this subdivision is necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

§ 18103.2 Record Keeping Requirements.
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18104. Registration Permit.

Subdivision (a)
The revision to this subdivision is necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

Subdivision (b)
The revision to this subdivision is necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

§ 18104.1. Filing Requirements.

Subdivision (a)
The revision to this subdivision is necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

Subdivision (e)(1) through (2)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18104.2. Enforcement Agency Processing Requirements.

Subdivision (g)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18104.3. Record Keeping Requirements.

Subdivision (c)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.
Subdivision (d)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (e)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18104.6. Change in Owner.

Subdivision (a)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18104.9. Voiding of a Registration Permit.
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105. Standardized Permit.

Subdivision (a)
The revision to this subdivision is necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

Subdivision (c)(5)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105.1. Filing Requirements.

Subdivision (a)
The revision to this subdivision are necessary to specify that the provisions of Chapter 5, Article 3.0 (Regulatory Tier Requirements) apply to operations and facilities subject to the newly-created Chapter 3.2 (In-vessel Digestion Operations and Facilities Regulatory Requirements) of Division 7 of Title 14.

Subdivision (g)(1) and (2)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105.2. Enforcement Agency Processing Requirements.

Subdivision (g)(3)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (i) and (j)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.
§ 18105.3. Record Keeping Requirements.

Subdivision (c)
The revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (d)
The revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105.5. Department Processing Requirements.

Subdivisions (a) through (e)
The revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105.6. Appeal of Decision.

Subdivision (a)
The revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105.8. Change in Owner.

Subdivision (a)
The revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105.9. Permit Review and Reissuance.

Subdivision (d)
The revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

§ 18105.11. Voiding of a Standardized Permit.
The revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Article 3.2. Reports of Facility Information

§ 18221.5.1. In-Vessel Digestion Facility Plan.
This is adapted from an existing transfer station regulation [§ 18221.5] and is revised to address medium volume in-vessel digestion activities. The section is necessary to provide the enforcement agency with an opportunity to review information submitted by the operator to verify that the information is complete and correct prior to granting a registration permit to the operator. Subdivisions (a) through (o) are necessary to provide the enforcement agency with base-line information of how the facility will be operated. The information to be contained in the report is itemized and includes specifications on facility design, operation, and other details pertinent to the operation of medium volume in-vessel digestion facilities. This information is needed to assist the enforcement agency in making the determination whether the information
is complete and correct, including that it demonstrates that the facility can operate consistent with state minimum standards.

§ 18221.6.1. In-Vessel Digestion Report.
This is adapted from an existing transfer station regulation [§ 18221.6] and is revised to address large volume in-vessel digestion activities. The section is necessary to provide the enforcement agency with an opportunity to review information submitted by the operator to assess the potential for negative impacts to public health and safety and the environment, and to verify that the facility will be able to comply with the state minimum standards correct prior to granting a full solid waste facility permit to the operator. Subdivisions (a) through (q) are necessary to provide the enforcement agency sufficient information for determining if the facility will be able to comply with the state minimum standards and the terms and conditions set forth in the full solid waste facility permit. The information to be contained in the report is itemized and includes specification on facility design and operation, and other details pertinent to the operation of a large volume transfer/processing facility.

§ 18227. Report of Composting Site Information.
The revision is necessary to clarify that an operator that is required to obtain a Registration Permit for a Vegetative Food Material Composting Facility must also file a Report of Composting Site Information with the enforcement agency at the time of application.

Subdivision (d)
The revisions are necessary to clarify the types of proposed activities that may be used by the operator to control leachate, litter, odors, dust, rodents, and insects.

Subdivision (f)
The revision is necessary to ensure that the operator specifies feedstock pile sizes so that the enforcement agency can determine if the feedstock piles pose a threat to public health, safety, and the environment.

Subdivision (n)
The revision is necessary to clarify that the enforcement agency may require the operator to revise the Odor Impact Minimization Plan if the operator proposes to accept new feedstock, such as food material or vegetative food material to protect public health, safety, and the environment.

Article 4. Enforcement by EA and Review by Department

§ 18302. Written Complaints of Alleged Violations.

Subdivision (a)
This revision is necessary to correct the misspelling of “complaint.”

Subdivision (b)
This revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (d)(1) through (3)
This subdivision is necessary to specify the procedures the enforcement agency shall implement for an odor complaint investigation prior to issuing a violation for failing to minimize odor.
Subdivisions (e) and (f)
The renumbering of these subdivisions are necessary due to the addition of subdivision (d).

Subdivision (g)
The renumbering/revision of this subdivision is necessary due to the addition of subdivision (d) and to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Subdivision (h)
The renumbering/revision of this subdivision is necessary due to the addition of subdivision (d) and to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Title 27: Appendix 1 Joint Permit Application Form

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR SOLID WASTE FACILITY PERMIT AND WASTE DISCHARGE REQUIREMENTS

Page 1

Header
The deletion of the term “New” is necessary because the instructions for the application are no longer new instructions.

Introduction
The change of the “slash” symbol is to “And” is necessary to emphasize this existing, single application is used to separately apply for a Solid Waste Facility Permit and Waste Discharge Requirements.

Paragraph 1

Sentence 1
These revisions are necessary to clarify that the Department of Resources Recycling and Recovery (CalRecycle) replaced the California Integrated Waste Management Board; Enforcement Agencies is a more accurate reference than Local Enforcement Agency; and solid waste is regulated by CalRecycle and Enforcement Agencies or California Regional Water Quality Control Boards.

Sentence 2
These revisions are necessary to clarify that the application is to be used for new and changes to existing Solid Waste Facility Permits, Waste Discharge Requirements, and supporting documents, and Solid Waste Facility Permit Reviews.

Sentence 4
These revisions are necessary to clarify that applicants may check with the appropriate Enforcement Agency or Regional Water Quality Control Board for requirements and exemptions or the use of the Application/General Information Form for Waste Discharge Requirements and National Pollutant Discharge Elimination System permit (Form 200) by the Regional Water Quality Control Board.
Sentence 5
These revisions are necessary to clarify that the application and filing fees should be submitted to the appropriate Enforcement Agency and Regional Water Quality Control Board.

Paragraph 2
These revisions are grammar corrections and clarification that Department of Resources Recycling and Recovery (CalRecycle) replaced the California Integrated Waste Management Board.

NOTE

Paragraph 1
These revisions clarify that a different application form and submittal package is required for direct discharge and that the Regional Water Quality Control Board should be contacted if the operator is seeking to discharge to surface water under the NPDES permit.

Paragraph 2
The deletion of the first 2 sentences of the paragraph are necessary because the information is not pertinent for the application; sentences 2 and 3 are clarifications; and the remaining revisions specify the Regional Water Quality Control Board billing process for the application.

Paragraph 3
The deletion of this sentence is necessary because the terminology is not accurate. The Enforcement Agency stamps the application with “Date Received,” and “Date Accepted” or “Date Rejected” pursuant to California Code of Regulations, Title 27, § 21650(a) and as represented on the Application for Solid Waste Facility Permit/Waste Discharge Requirements, Form E-1-77 (Application).

Paragraph 4
This paragraph is necessary to clarify that the application must be submitted in a form and format required by the Enforcement Agency and that the Enforcement Agency has discretion to establish terms and conditions of a proposed Solid Waste Facility Permit that the Enforcement Agency deems appropriate. For example, the Enforcement Agency may find that the maximum daily tonnage proposed on an Application exceeds the facility design capacity, and could therefore include a condition that establishes lower maximum daily tonnage limit consistent with the design capacity.

Amount of Filing Fees
This revision is necessary to clarify that the applicant should contact the Enforcement Agency for fee information.

Amount of Filing Fees
This revision is necessary to clarify that applicant should contact the Regional Water Quality Control Board for fee information.
These revisions are necessary to clarify that the Department of Resources Recycling and Recovery (CalRecycle) replaced the California Integrated Waste Management Board and that the Local Enforcement Agency should be referred to as the Enforcement Agency (EA).

**SWIS Number**
These revisions are necessary to clarify that the Department of Resources Recycling and Recovery (CalRecycle) replaced the California Integrated Waste Management Board and that the applicant must include the Waste Discharge Identification and global identification numbers for use by Regional Water Quality Control Board staff.

**Receipt Number**
These revisions are necessary to clarify that the Department of Resources Recycling and Recovery (CalRecycle) replaced the California Integrated Waste Management Board and that the Local Enforcement Agency should be referred to as the Enforcement Agency (EA).

**Date Received**
These revisions are necessary to clarify that the date received is when the Enforcement Agency or the Regional Water Quality Control Board receives the Application.

**Date Accepted**
These revisions are necessary to clarify that this date applies to the application, not application package.

**Date Rejected**
These revisions are necessary for grammar corrections and clarification that this date applies to the application, not application package.

**Date Acceptance of Incomplete Application**
These revisions are necessary to make grammar corrections.

**Due Date**
This date is deleted because it is unnecessary.

**Part 1. General Information**

B. **County:**
This revision is necessary because a facility could be located in more than one county.

C. **Type of Application:**
These revisions are necessary provide more clarity to assist the applicant in properly completing the Application.

1. **New SWFP and/or WDRs:**
This revision is necessary to clarify that this subdivision applies to a facility that does not have a current Solid Waste Facility Permit or Waste Discharge Requirements, regardless of whether the Solid Waste Facility Permit is a full permit or not.

2. **Change to SWFP and/or WDRs:**
This revision is necessary to clarify that the applicant is applying for a proposed change to the design or operation of the facility; it is the Enforcement Agency’s discretion as to whether the proposed change results in a revision to the Solid Waste Facility Permit. The inclusion of Title
27, § 21620 and 21710 allows the applicant to refer to the specific CalRecycle and State Water Resources Control Board regulations regarding change in design or operation and Report of Waste Discharge Requirements.

3. **Waiver:**
The deletion of the phrase “The facility is exempted from a full SWFP pursuant to Title 27, § 21565 and/or” is necessary because the Application is not used for this purpose.

5. **Amendment of Application:**
The restructuring of this subdivision is necessary to clarify that this subdivision applies to an amendment, which includes any changes an applicant makes in the application after it has been submitted to the Enforcement Agency and before the Enforcement Agency has acted on the Application. The inclusion of Title 27, §§ 21610 and 21710 allows the applicant to refer to the specific CalRecycle and State Water Resources Control Board regulations regarding amendments to the application package and Report of Waste Discharge Requirements.

6. **RFI/ROWD/JTD Amendments:**
The restructuring of this subdivision is necessary to clarify that this subdivision applies to an amendment to the Report of Facility Information, Report of Waste Discharge, or Joint Technical Document, which includes a change that does not require a change to the Solid Waste Facility Permit or Waste Discharge Requirements.

**Part 2. Facility Description**

A. **Name of Facility:**
These revisions are necessary to clarify the name of the facility is the name that will be listed on the Solid Waste Facility Permit or the Waste Discharge Requirements.

B. **Location of Facility:**

Paragraph 1.
These revisions are necessary to clarify that if there is no facility address, a description of the location of the facility should be included and that the Assessor’s Parcel Number(s) should also be included in this subdivision.

Paragraph 2.
The restructuring of this subdivision is necessary to provide more clarity on the location at the facility where the latitude and longitude should be determined.

Paragraph 3
The deletion of the requirement to include a map or sketch is necessary because a map or sketch is required in other supporting permit documents, therefore it is not necessary to be submitted with the Application.

C. **Type of Activity:**
This revision is necessary to clarify that “Application” is the correct term when referencing the application package.

1. **Disposal:**
These revisions are necessary to make grammatical and clarification corrections.

2. **Compostable Material Handling**
   These revisions are necessary to clarify that composting activities are defined in regulation as “Compostable Material Handling” activities. The “a. Type” subdivision is deleted because the type of compostable material (green waste, food waste, etc.) handled is required in Part 2.E.5. and, therefore, is not necessary in this subdivision.

3. **Transformation:**
   These revisions are necessary to make grammatical and clarification corrections.

4. **Transfer/Processing:**
   These revisions are necessary to clarify that transfer/processing is a type of activity and to restructure the paragraph for clarity. The “Informational Purposes Only” check box is removed because it is not necessary.

5. **Construction and Demolition/Inert Debris Processing:**
   The addition of this subdivision is necessary to define the types of activities associated with a Construction and Demolition/Inert Debris Processing facility.

6. **In-vessel Digestion:**
   This subdivision is added to define the types of activities associated with In-vessel Digestion.

7. **Other:**
   This revision is necessary to renumber based on the addition of new types of activities and to clarify that any solid waste activity listed in this subdivision must be authorized by law.

D. **Identification of Facility in CIWMP [Conformance Finding Information]:**
   The revision to the title of this subdivision is necessary to clarify that the applicant’s solid waste facility may be identified in the Conformance Finding Information specified in Title 27, § 21570(f)(5). Revisions to subdivision 1) are sentence restructuring for clarity. Subdivision 2) is removed because it is not necessary.

E. **Type Of Permitted Wastes To Be Received:**
   This revision is necessary to clarify that “Application” is the correct term when referencing the application package.

1. **Agricultural:**
   These revisions are necessary to clarify the definition of agricultural waste.

2. **Asbestos:**
   The removal of the first sentence is necessary to defer to the Department of Toxic Substances classification of asbestos. The other revisions are necessary to clarify that the Department of Toxic Substances Control, not the Department of Health Services, classify friable wastes that contain one percent or more of asbestos by weight as hazardous wastes and require that the applicant check the appropriate box to indicate if the asbestos is friable or non-friable.

3. **Ash:**
   These revisions are necessary to clarify that ash includes, but is not limited to, residue from the incineration of municipal waste, medical waste, woodwaste, sludge, and agricultural waste.
Replacing “infectious” waste is with “medical” waste is necessary because medical waste is the more appropriate term.

4. **Treated Auto Shredder Waste:**
The revision in the title is necessary to clarify that “Treated Auto Shredder Waste” is the correct term to describe this material. The replacement of “sheet metal” is with “similar items” is necessary for accuracy. The removal of the last sentence is necessary because it is outdated and unnecessary.

5. **Compostable Material:**
This revision is necessary to clarify that the types of compostable material are to be included in this subdivision rather than in Part 2.C.2.

6. **Construction/Demolition Waste:**
This revision is necessary to make a grammatical correction.

7. **Contaminated Soil:**
This revision is necessary to clarify the contaminated soil is a soil that the Regional Water Quality Control Board or the Local Oversight Agency has classified as a designated waste.

8. **Dead Animals:**
This revision is necessary to make a grammatical correction.

11. **Liquids:**
This revision is necessary to make a spelling correction.

12. **Municipal Solid Waste (MSW):**
The revisions are necessary to clarify that solid waste derived from residential and commercial sources that may be mixed with other solid waste is considered “municipal solid waste.”

14. **Waste Tires:**
These revisions are necessary to be consistent with the definition specified in Public Resources Code § 42807.

**Part 3. Facility Information**
Removal of existing subdivision A. is necessary because applicable information is relocated to new subdivision A.1.a.

**A. Facility Information**

1. **Information Applicable to All Existing Facilities:**
The revisions are necessary to clarify that this subdivision of the Application must be filled out by every applicant regardless of the type of facility. Information in this subdivision is necessary to establish the status quo of existing facility conditions, whereas information provided in Part 3.A.2. below will identify proposed changes to status quo conditions.
a. Maximum Daily Tonnage or Cubic Yards:

Sentence 1
The revisions are necessary to change the term “Peak” Daily Tonnage or Cubic Yards and its accompanying explanation, which stakeholders had found to be unclear, to “Maximum” Daily Tonnage or Cubic Yards, and to clarify in the explanation that the maximum daily tonnage is the maximum amount of solid waste and other material the applicant is authorized by the Enforcement Agency to receive through the gate to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-to-day operations and that the applicant should include information on all other material authorized by the Enforcement Agency to receive in the Report of Facility Information.

Sentence 2
The revisions are necessary to clarify that maximum daily tonnage shall be expressed in tons or cubic yards with a conversion factor if tonnage is not available.

Sentence 3
The removal of the sentence referring to “permitted maximum tonnage” is necessary to avoid confusion of terms.

Sentence 4
The revisions are necessary to clarify that the maximum daily tonnage must be consistent with the approved Solid Waste Facility Permit and Report of Facility Information.

Sentence 5
Reference to the maximum daily tonnage or cubic yards being consistent with the California Environmental Quality Act (CEQA) is removed because it is not necessary for it to be consistent at the time of application; it needs to be consistent prior to the Enforcement Agency issuing a permit.

Sentence 6
The revisions are necessary to clarify that applicants for new Solid Waste Facility Permits and/or Waste Discharge Requirements should enter zeros in all items of this subdivision and the two amounts in (1) Disposal/Transfer and (2) Other must equal the maximum daily tonnage.

Page 5

1. Disposal/Transfer:
This revision is necessary to clarify that the applicant must include in this subdivision the amount of solid waste that comes through the gate and is disposed of on-site or transferred off-site as waste.

2. Other:
The revisions are necessary to clarify that the applicant must include in this subdivision the amount of all other material received at the site, including, but not limited to, material that is recycled, beneficially reused (such as ADC, road building or other on-site projects), stored or processed. Deletion of the last sentence is necessary because the maximum daily tonnage is requested sentence 6 of the subdivision “a: Maximum Daily Tonnage or Cubic Yards.”
b. **As-Designed Daily Tonnage or Cubic Yards:**
This subdivision is restructured for clarity, and the revisions are necessary to be consistent with proposed changes in other subdivisions, such as the amount of solid waste received and reporting the amount in tonnage or cubic yards.

c. **Facility Size:**
The revisions are necessary for clarity and consistency and to specify that solid waste facility activities in the permit need to be authorized by the Enforcement Agency.

d. **Maximum Traffic Volume Per Day (vpd):**
The revisions are necessary to change the term “Peak” Traffic Volume Per Day to “Maximum” Traffic Volume Per Day to be consistent with Part 3.A.1.a, and to clarify that maximum number of vehicles is the number of vehicles authorized by the Enforcement Agency, including vehicles transporting solid waste material intended for beneficial use and the number must be consistent with the approved Report of Facility Information. Reference to the maximum traffic volume per day being consistent with the CEQA is removed because it is not necessary for it to be consistent at the time of application; it needs to be consistent prior to the Enforcement Agency issuing a permit.

e. **Days and Hours of Operation:**
The revisions are necessary to clarify that the days and hours of operation and the hours of waste receipt are authorized by the Enforcement Agency and the information must be consistent with the approved Report of Facility Information. Reference to the days and hours of operation being consistent with the CEQA is removed because it is not necessary for it to be consistent at the time of application; it needs to be consistent prior to the Enforcement Agency issuing a permit.

2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs:**
This subsection is necessary to identify an applicant’s requested changes to status quo conditions (provided in Part 3.A.1.) at a facility, and to clarify that the Enforcement Agency and RWQCB will establish permit terms and conditions for those requests that are supported by documents submitted by the applicant.

3. **Additional Information Required For Compostable Materials Handling Facilities Only:**
These revisions are necessary to clarify that compost facilities are referred to as “Compostable Material Handling” facilities and the application is referred to as the “Application.”

a. **Total Site Capacity:**
These revisions are necessary to revise the title and explanation to clarify that total capacity should be stated in tons or cubic yards of all material that is received, processed, and stored on-site at any one time.

4. **Additional Information Required For Landfills Only:**
These revisions are necessary to clarify that this portion of the Application must be filled out by the applicant if a landfill is part of the Application and that all subdivisions of the Application must be filled out completely.

**Page 6**

a. **Average Daily Tonnage (TPD):**
The revisions are necessary to clarify that average daily tonnage is the estimated average waste tonnage expected to be placed in a waste management unit for each operating day; non-operating days should not be used in calculating the average daily tonnage; and the average daily tonnage can be equal to but may not exceed the maximum daily tonnage.

c. Site Capacity Proposed (Airspace) (cu yds):
The revision is necessary to clarify that “Application” is the correct term when referencing the application package.

e. Site Capacity Remaining (Airspace) (cu yds):
The revision is necessary to clarify that “Date of Capacity Information” is the correct term when referencing this subdivision of the application.

f. Date Of Capacity Information (date):
The revision is necessary to clarify that “Application” is the correct term when referencing the application package.

i. Disposal Footprint (acres):
The revision is necessary to make a punctuation correction.

k. Provide one of the following:
The revision is necessary to clarify that the applicant must provide one of the following: In-place Waste Density (lbs of waste per cubic yard of waste) or Waste-to-Cover Ratio (estimated) (volume:volume).

The revisions are necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

2. Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace).
The revisions are necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Part 4. SOURCE OF WATER SUPPLY

D. Other:
This new subdivision is necessary to clarify that the applicant must identify water sources at the facility other than municipal or utility service, individual wells, and surface supply.

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A. CHECK BOX(ES) IF ENVIRONMENTAL DOCUMENT WAS OR WILL BE PREPARED
The revisions are necessary to make grammatical corrections.

1. If an environmental document was prepared:
The revisions are necessary to clarify that the requirements of subdivision A apply only if an environmental document was prepared.
2. If an environmental document will be prepared, ...
This revision is necessary to enable government agencies and other interested parties to contact the lead agency regarding environmental documents.

B.
The revisions are necessary to make grammatical corrections.

Part 6. LIST OF ATTACHMENTS
The addition is necessary to clarify that all attachments are incorporated into the Application.

A.
The revision is necessary to delete unnecessary text.

B.
The revisions are necessary to clarify that this subdivision must be completed only by applicants for disposal facilities.

Operating Liability Financial Mechanism:
The revisions are necessary to clarify that the date the demonstration was last modified or renewed must be within the preceding twelve-month (annual renewal) period; the Department of Resources Recycling and Recovery (CalRecycle) replaced the California Integrated Waste Management Board; and the “effective date” identified on the Certificate of Insurance must be within the preceding twelve-month (annual renewal) period.

Financial Responsibility Documentation:
The revisions are necessary to clarify that the financial mechanism is a document and that date of the stated value must be within the preceding twelve-month (annual renewal) period.

Closure/Post Closure Maintenance Plan:
The revisions are necessary to clarify that the closure and postclosure maintenance plans are those plans required by Title 27, §§ 21780 and 21865 as applicable.

Known or Reasonably Foreseeable Corrective Action Cost Estimates:
The water release corrective action cost estimate and the non-water release corrective action cost estimate are necessary to comply with requirements in Title 27, §§ 22100 through 22103.

Landfill Capacity Survey Results:
The revisions are necessary to ensure that terms are used consistently throughout the regulations.

For the purposes of this section the following definitions apply:
The renumbering is necessary to conform to conventional numbering standards (e.g., A.1.).

C.
The revisions are necessary to clarify that additional documents may be required by the Enforcement Agency or the Regional Water Quality Control Board and the applicant should identify and list any other necessary documents that are not specified in the above list but that
are required by the Enforcement Agency or the Regional Water Quality Control Board under applicable law. Grammatical corrections clarify that necessary documents could include a lease or other agreement documenting the operator's interest in and right to use the site as a solid waste facility or a contract between the permitted operator and contract operator.

Page 9

Part 7. OWNER INFORMATION:

Type of Business:
The revisions are necessary to clarify that the owner of the facility that is the subject of the Application must specify if it is a sole proprietorship, partnership, corporation, or public agency.

Owner of Land:
The revision is necessary to clarify that the owner of land means the person(s) that owns the land on which the facility is located.

Telephone #, Contact Person, Fax #, and E-mail Address:
The revision is necessary to clarify that “#” means number.

Address Where Legal Notice May Be Served:
The revisions are necessary to clarify that the applicant must provide the name and address of the person authorized to accept service for each owner of the facility.

Part 8. OPERATOR INFORMATION:
The revisions are necessary to clarify that the operator filing the Application must specify if it is a sole proprietorship, partnership, corporation, or public agency.

Type of Business:
The revisions are necessary to specify information requested in this part pertains to the owner of the facility subject to the Application, and to categorize all types of publically-operated facilities as opposed to just government-operated facilities.

Facility Operator:
The revisions are necessary to clarify that the term “The person” could be an individual(s), partnership, corporation, or public agency.

Address, City, State, Zip:
The revision is necessary to clarify that the facility operator is a single entity.

SSN or Tax ID #:
The revision is necessary to clarify that the operator is a single entity.

Telephone #, Contact Person, Fax #, and E-mail Address:
The revision is necessary to clarify that “#” means number.

Address Where Legal Notice May Be Served:
The revisions are necessary to clarify that the applicant must provide the name and address of the person authorized to accept service for the operator of the facility.
Part 9. SIGNATURE BLOCK:

**Signature (landowner or agent):**
The revisions are necessary to clarify that the signature of the landowner is a person(s) authorized to sign on behalf of the owner.

**Signature (lessee):**
The new definition is necessary to clarify that the signature of lessee is a person(s) authorized to sign on behalf of the person leasing the land, if applicable.

**Signature (facility operator):**
The revisions are necessary to clarify that the signature of the facility operator is a person(s) authorized to sign on behalf of the operator.

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APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS

Page 1

Header

Line 2
The revision is necessary to clarify that the Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board.

Line 5
The revisions are necessary to clarify that the Department of Resources Recycling and Recovery (CalRecycle) replaced the California Integrated Waste Management Board and the 8/2004 application form revision date will be replaced by a new revision date when the proposed regulations are approved by the Office of Administrative Law.

For Official Use Only
The revision is necessary to clarify that the applicant must include the Waste Discharge Identification and global identification numbers for use by Regional Water Quality Control Board staff.

Part 1. GENERAL INFORMATION

C. Type of Application (Check one box only)

2. **Change to SWFP and/or WDRs:**
This revision is necessary to clarify that any type of change to the design or operation of the facility is a change to the Solid Waste Facility Permit and could be a “Revision” to the permit, a “Modification” to the permit, or “Other” change to the permit as authorized by law.
3 (existing). Exemption and/or Waiver (deleted)
The deletion of “Exemption and/or Waiver” is necessary because the Application is not used for this purpose.

3 (new). Permit Review, 4. Amendment of Application, 5. RFI/ROWD/JTD Amendments
The renumbering of these 3 subdivisions is necessary due to the deletion of the Exemption and/or Waiver subdivision above.

Part 2. FACILITY DESCRIPTION

C. Type of Activity (Check applicable boxes)

2. Compostable Material Handling
This revision is necessary to clarify that composting activities are referred to as “Compostable Material Handling” activities.

4. Transfer/Processing:
These revisions are necessary to clarify that transfer/processing is a type of activity. The “Informational Purposes Only” check box is removed because it is not necessary.

5. Construction and Demolition/Inert Debris Processing:
The addition of this subdivision is necessary to define the types of activities associated with a Construction and Demolition/Inert Debris Processing facility.

6. In-vessel Digestion:
The addition of this subdivision is necessary to define the types of activities associated with In-vessel Digestion.

7. Other:
This revision in necessary to clarify that any solid waste activity listed in this subdivision must be authorized by law.

D. Identification of Facility in CIWMP [Conformance Finding Information]:
The revision to the title of this subdivision is necessary to clarify that the applicant’s solid waste facility may be identified in the Conformance Finding Information specified in California Code of Regulations, Title 27, § 21570(f)(5).

2. Check box “FACILITY IS NOT REQUIRED TO BE IDENTIFIED IN SITING ELEMENT OR NONDISPOSAL FACILITY ELEMENT” is deleted because it is not necessary.

E. Type Of Permitted Wastes To Be Received:

12. Municipal Solid Waste (MSW):
The revisions are necessary to clarify that solid waste derived from residential and commercial sources that may be mixed with other solid waste is commonly referred to as “municipal solid waste.”
14. **Waste Tires:**
This revision is necessary to be consistent with the definition specified in Public Resources Code § 42807.

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**Part 3. Facility Information**

Subdivisions “A. Proposed Change” and “B. Facility Information” are deleted and restructured to:

A. **Facility Information**

1. Information Applicable to All Existing Facilities
2. Proposed Change(s) or Information Applicable to New SWFP and/or WDRs

These revisions are necessary to clearly indicate proposed changes by physically positioning, in side-by-side format, information about existing terms and conditions at a Solid Waste Facility (Part 3.A.1.) next to changes the applicant is proposing (Part 3.A.2.).

3. **Additional Info. Required For Compostable Materials Handling Facilities Only:**
The revision is necessary to clarify that compost facilities are referred to as “Compostable Material Handling” facilities.

   a. **Total Site Capacity:**
   These revisions are necessary to clarify that the information requested of the applicant relates to the total capacity of the site rather than simply the amount of material stored on-site. The total site capacity includes all material that is received, processed, and stored on-site at any one time.

4. **Additional Information Required For Landfills Only:**
The renumbering of this subdivision is necessary due to restructuring of changes in the previous subdivisions of Part 3. Facility Information.

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**Part 4. SOURCE OF WATER SUPPLY**

D. **Other:**
This new subdivision is necessary to clarify that the applicant must identify water sources at the facility other than municipal or utility service, individual wells, and surface supply.

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**Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

A. **CHECK BOX(ES) IF ENVIRONMENTAL DOCUMENT WAS OR WILL BE PREPARED**
The deletion of the reference to the State Clearinghouse Number (SCH#) in this subdivision is necessary since the SCH# needs to be provided only if an environmental document was prepared, not if an environmental document will be prepared.
1. **Environmental Document Was Prepared:**
   This subdivision is necessary to clarify that the requirements of subdivision A.1. apply only if an environmental document was prepared.

2. **Environmental Document Will Be Prepared (Enter Lead Agency if Known):**
   This subdivision is necessary to clarify that the requirements of subdivision A.2. apply only if an environmental document will be prepared and to enable government agencies and other interested parties to contact the lead agency regarding the environmental documents.

Part 6. **LIST OF ATTACHMENTS**

A. **REQUIRED WITH ALL APPLICATION SUBMITTALS**

   **Local Use/Planning Permits**
   The deletion of “Local Use/Planning Permits” is necessary because it is not necessary for the applicant to include this type of document(s) with the Application.

   **Mitigation Monitoring & Reporting Program**
   The deletion of “Implementation Schedules” & addition of “Reporting Program” is necessary to adjust to correct terminology “Mitigation Monitoring & Reporting Program,” as specified in California Code of Regulations, Title 14, § 15097.

   **List of Public Hearings and Other Meetings Open to the Public**
   The addition of this list is necessary to include information required by Public Resources Code, § 44004(h)(1)(A).

B. **Additional Required Documents For Disposal Facilities Only**
   The reference to “Disposal Facilities” instead of “Landfills” is necessary to conform to common terminology used in California Code of Regulations, Title 27, Division 2.

   **Known or Reasonably Foreseeable Corrective Action Cost Estimates**
   The addition of this document is necessary to include information required by California Code of Regulations, Title 27, § 22101.

C. **IF APPLICABLE:**

   **Contract Agreements**
   The deletion of “Contract Agreements” is necessary because it the applicant is not required to include these types of documents with the Application.

   **Dept. Of Toxic Substances Control Or Certified Unified Program Agency Permit**
   The revisions are necessary to clarify that the applicant may provide a copy of a permit, if applicable, from the Department of Toxic Substances Control or a Certified Unified Program Agency.
Lessee:
The addition of this subdivision is necessary to clarify that a lessee is a person(s) authorized to sign on behalf of the person leasing the land, if applicable, and the lessee must provide a signature, printed name, title, and date on the Application.
I. STATEMENT OF PURPOSE

A. Statement of the Need for the Proposed Major Regulation

The central purpose of the proposed regulations is to protect public health, safety, and the environment by more effectively regulating solid waste facilities that handle compostable materials. The proposed regulations modify the existing Compostable Material Handling Operations and Facilities Regulatory Requirements by: clarifying several feedstock definitions - and the types of operations and facilities that can accept these materials; revising the maximum concentrations of metals allowed in compost to reflect changes adopted by US EPA; providing Enforcement Agencies with discretion to authorize temporary storage of additional material; revising Enforcement Agency inspection frequency language to ensure consistency throughout Title 14; providing operators and Enforcement Agencies with a mechanism to address chronic odor complaints and identify sources of odor; establishing criteria for safe land application of compostable material; requiring compost products to meet a 0.1% physical contaminant limit by weight; and clarifying small-scale composting requirements at sites, such as community gardens and schools.

The proposed regulations provide a standardized regulatory framework for in-vessel digestion activities. Currently, in-vessel digestion activities are subject to either existing Transfer/Processing Operations and Facilities Regulatory Requirements or Compostable Material Handling Operations and Facilities Regulatory Requirements, depending on the nature of the feedstock and how it is handled. The proposed regulations combine transfer/processing and compostable material handling requirements into a stand-alone set of in-vessel digestion regulations, which will have marginal impacts on in-vessel digestion activities compared to existing regulations.

The proposed regulations also clarify permitted maximum tonnage on the solid waste facility permit application.

The proposed regulations provide a wide range of benefits to public health, safety, and the environment. Benefits include: requiring subject materials to meet a 0.1% physical contaminant limit, which will reduce litter and minimize the amount of plastic entering surface water and the ocean while creating new jobs and increasing the market value of compost and mulch; establishing criteria for safe land application of compostable material, which will also reduce litter and minimize the amount of plastic entering surface water and the ocean and improve food safety and animal health by reducing toxic metals, disease-causing organisms, physical contaminants, and invasive/noxious species in compostable material; minimizing odors at compostable material handling and in-vessel digestion facilities; decreasing greenhouse gases, air pollution, and long-distance transportation of organic material by facilitating small-scale composting and in-vessel digestion; increasing the production of biofuels/bioenergy; and providing clarity to the regulated community and regulators.

Finally, the proposed regulations will ensure safe operations and facilities to handle organic material diverted as the result of California’s goal to source-reduce, recycle, or compost 75% of the solid waste generated in the State by 2020.
II. METHODOLOGY

A. Economic Impact Method and Approach

The Department used a Regional Economic Models, Inc. (REMI) model to estimate the economic impacts of the proposed regulations. The REMI model is an analytical tool which can model a regional economy and analyze year-by-year impacts and total impacts on a macro scale. The current regulations (baseline) were compared to the proposed regulations, and economic impacts on businesses complying with the proposed regulations were estimated using the REMI model.

The REMI PI+ model employed for this analysis was “Software Build 1.5.2” (Build 3283, 6/4/2013). It is a one-region, 160-sector model, which was modified using the California-specific data for population, demographics and employment (as specified by the Department of Finance).

B. Specific Categories of Individuals and Business Enterprises Affected

An estimated 363 businesses would be impacted:

- 94 - Agricultural Material Compost Operations
- 1 - Biosolids Composting Operation at Publicly Owned Treatment Works
- 18 - Research Composting Operations
- 59 - Green Material Composting Operations
- 26 - Green Material Composting Facilities
- 30 - Composting Facilities
- 55 - Chipping and Grinding Operations
- 20 - Chipping and Grinding Facilities
- 30 - In-vessel Digestion Operations
- 30 - In-vessel Digestion Facilities

The North American Industry Classifications System (NAICS) sectors that may be impacted include:

<table>
<thead>
<tr>
<th>Sector</th>
<th>NAICS</th>
<th>List</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture, Forestry, Fishing and Hunting</td>
<td>11</td>
<td>111; 112; 113; 114; 115</td>
</tr>
<tr>
<td>Utilities</td>
<td>22</td>
<td>22132</td>
</tr>
<tr>
<td>Construction</td>
<td>23</td>
<td>23661; 23621; 23731</td>
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<tr>
<td>Manufacturing</td>
<td>31-33</td>
<td>311; 3121; 32111; 32121; 32211; 32212; 32213; 32221; 32222; 32223; 325314</td>
</tr>
<tr>
<td>Professional, Scientific, and Technical Services</td>
<td>54</td>
<td>54162</td>
</tr>
<tr>
<td>Administrative and Support and Waste Management and Remediation Services</td>
<td>56</td>
<td>562; 56211; 562920</td>
</tr>
</tbody>
</table>

C. Inputs into the Assessment of the Economic Impact

Appendices B-1 through B-4 present the calculations and assumptions to estimate the costs of the proposed regulations.
Appendix B-1 presents the calculations and assumptions to estimate the cost to privately-owned or operated Compostable Material Handling Operations and Facilities. Appendix B-3 presents the calculations and assumptions to estimate the costs to publicly owned and operated Compostable Material Handling Operations and Facilities, and to public agencies associated with the revised Compostable Material Handling Operations and Facilities Regulatory Requirements. These proposed regulations are revisions to existing Compostable Material Handling Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3.1). The Department’s estimate of the costs to operations and facilities subject to the compostable material handling regulations is based on actual numbers of existing operations and facilities and knowledge of the throughput tonnage.

Appendix B-2 presents the calculations and assumptions to estimate the cost to privately owned or operated In-vessel Digestion Operations and Facilities. Appendix B-4 presents the calculations and assumptions to estimate the costs to publicly owned and operated In-vessel Digestion Operations and Facilities, and to public agencies associated with the proposed In-vessel Digestion Operations and Facilities Regulatory Requirements. Currently, these types of solid waste operations and facilities are subject to either the Transfer/Processing Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3, Articles 6.0 – 6.35) or the Compostable Material Handling Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3.1). These proposed in-vessel digestion regulations provide a single, stand-alone set of regulations for this type of solid waste activity. The Department’s estimate of the costs to operations and facilities subject to the in-vessel digestion regulations includes assumptions about the number of projected operations and facilities, and accounts for differential impacts related to whether the operations and facilities would have been regulated under the Compostable Materials regulations or the Transfer/Processing regulations.

Four scenarios were analyzed (Low Cost – Compostable Materials; Low Cost – In-Vessel Digestion; High Cost – Compostable Materials; High Cost – In-Vessel Digestion) under the assumption that the first year of implementation is 2015. If implementation is delayed a year, or two, then the costs will be similarly delayed. The regulations contain provisions that allow pre-existing operations and facilities to operate in accordance with an existing regulatory authorization for up to 2 years before the operation or facility would be subject to the In-vessel Digestion portion of these regulations. Therefore, the Department estimates the regulations as a whole will be fully implemented at the end of year two (from the operative date of regulations). For the purposes of this assessment, the Department is identifying costs for 2015 (first year of implementation) and 2018 (12 months after full implementation). Forecasts show increasing costs for the subsequent years, at a rate of increase of 1.0% to 1.4% annually, depending on the scenario. This increase is primarily due to the annual increase due to population, and in assumed increases in collection efficiencies. The full presentations for all years assessed, for all scenarios, are available upon request. It is important to note that these changes are from a baseline of growth in the industry for each year, as specified in the assumptions. This regulation does not create a new industry, and hence the jobs that will occur within this new and expanding industry sector are not counted in this assessment. Only the ancillary jobs, related to regulatory compliance and enforcement, are counted in this assessment.

The complete assessment of all economic impacts, including costs by sector, and changes in employment, involved a two-step assessment. The first step was to analyze the direct costs of all compliance and regulatory activities that result from the regulation. Once these were obtained, the second step was to insert the resulting annualized cost estimates for relevant
employment sectors into the REMI software. This software allows estimation of indirect and induced effects of the proposed regulation, in each of the four scenarios. The results are displayed in separate tables, as the variables are quite different for each type of assessment.

Four key cost components that comprise the annual total cost were selected:

- **General Cost** includes all costs not specifically detailed in the other three categories. This is principally labor necessary to complete the sampling, removal of physical contaminants and recordkeeping requirements as specified in the regulation, under the specific assumptions of the individual scenario.

- **Machinery/Equipment Cost** includes costs of purchased equipment only. The General Cost category does include some embedded machinery costs, where it was expected that work would be hired out to contractors, and the machinery cost was considered as part of the total cost of the contract. The direct expenditure for machinery is less than 10% of this listed amount, and was inserted into the REMI model in the year that expenditure was expected to occur (in the high cost scenarios).

- **Laboratory Cost** includes only the cost of the laboratory in analyzing the samples. Collection of samples, and oversight of the sampling process, is contained in General Cost.

- **Regulatory Agency Cost** includes the cost of oversight and enforcement of the regulation, for individual State agencies. The detailed spreadsheets contain cost estimates for each separate state agency, including Regional Water Quality Board costs.

The direct costs were separated into these categories to facilitate the modeling within REMI, which determines the related indirect costs. Within that model, different economic multipliers are contained that are specific to these selected categories. For example, the indirect jobs related to manufacturing of special equipment are attributed in much higher portion to states that have stronger manufacturing sectors, and these new jobs are assigned outside the State, and included in the job total in the first line of each scenario in Table 3. Estimated changes in California-specific jobs are shown separately.
Table 1: Estimated Direct Cost of Compostable Materials and In-vessel Digestion Regulations, Four Scenarios: Low and High Cost Range

<table>
<thead>
<tr>
<th>LOW COST SCENARIO</th>
<th>Direct Costs (per year) – Compostable Materials (Public &amp; Private)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
<td>2015</td>
</tr>
<tr>
<td>General Cost</td>
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</tr>
<tr>
<td>Machinery/Equipment Cost</td>
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</tr>
<tr>
<td>Laboratory Cost</td>
<td>$90,082</td>
</tr>
<tr>
<td>Regulatory Agency Cost</td>
<td>$0</td>
</tr>
<tr>
<td>Total Cost</td>
<td>$797,587</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LOW COST SCENARIO</th>
<th>Direct Costs (per year) – In-Vessel Digestion (Public &amp; Private)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
<td>2015</td>
</tr>
<tr>
<td>General Cost</td>
<td>$4,637</td>
</tr>
<tr>
<td>Machinery/Equipment Cost</td>
<td>$2,743</td>
</tr>
<tr>
<td>Laboratory Cost</td>
<td>$0</td>
</tr>
<tr>
<td>Regulatory Agency Cost</td>
<td>$0</td>
</tr>
<tr>
<td>Total Cost</td>
<td>$7,380</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HIGH COST SCENARIO</th>
<th>Direct Costs (per year) – Compostable Materials (Public &amp; Private)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
<td>2015</td>
</tr>
<tr>
<td>General Cost</td>
<td>$33,480,169</td>
</tr>
<tr>
<td>Machinery/Equipment Cost</td>
<td>$16,193,010</td>
</tr>
<tr>
<td>Laboratory Cost</td>
<td>$1,089,174</td>
</tr>
<tr>
<td>Regulatory Agency Cost</td>
<td>$0</td>
</tr>
<tr>
<td>Total Cost</td>
<td>$50,762,353</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HIGH COST SCENARIO</th>
<th>Direct Costs (per year) – In-Vessel Digestion (Public &amp; Private)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
<td>2015</td>
</tr>
<tr>
<td>General Cost</td>
<td>$5,253</td>
</tr>
<tr>
<td>Machinery/Equipment Cost</td>
<td>$3,393</td>
</tr>
<tr>
<td>Laboratory Cost</td>
<td>$0</td>
</tr>
<tr>
<td>Regulatory Agency Cost</td>
<td>$0</td>
</tr>
<tr>
<td>Total Cost</td>
<td>$8,646</td>
</tr>
</tbody>
</table>

The range between the Low Cost and High Cost is largely due to the estimated costs associated with the proposed 0.1% physical contaminants limit. Based on stakeholder input, the Department estimates a sizable range in the cost incurred to comply with this proposed standard because some operations and facilities may already be meeting the standard and will incur zero cost, whereas others, depending on the percent contamination in feedstock, will incur higher costs associated with additional labor, equipment operation and maintenance, education, etc. That is, if incoming feedstock is low in contaminants, costs can be avoided or significantly reduced. The Department estimates actual costs to will be somewhere in between the Low Cost and High cost scenarios. The median cost would be around $31 Million per year.

The direct costs in Table 1 include summed costs for a wide range of composter types. Some of these facilities will incur costs that can be allocated to specific categories, such as purchase of new equipment and purchase of laboratory services. For other facility types, there may be some additional equipment used, but these expenditures are indirect, inasmuch as the
In the direct impact analysis, the costs were all based on 2012 expenditures, but the REMI model that was used for this analysis is based on 2005 dollar values. Thus the output values from the direct analysis are converted to the REMI model values. (The jobs estimate is not modified.) All of the variables in the direct cost analysis need to be converted to the units used by the REMI model, either millions or billions for the values, and all jobs estimates in thousands. These conversions were also made. The six specific REMI model policy variables selected for the model are shown in the Table 2 below.

Table 2: REMI Model Policy Variable Selected

<table>
<thead>
<tr>
<th>HIGH SCENARIOS</th>
<th>AS TRANS/PROC/OP</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005 $m B 1-4, AS TRANS/PROC/OP</td>
<td>Production Cost</td>
</tr>
<tr>
<td>2005 $m MACHINERY/EQPT.</td>
<td>Exogenous Final Demand</td>
</tr>
<tr>
<td>2005 $m MANUFACTURING PURCHASE</td>
<td>Capital Cost</td>
</tr>
<tr>
<td>2005 $m LAB COSTS</td>
<td>Exogenous Final Demand</td>
</tr>
<tr>
<td>2005 $m REGULATORY COST</td>
<td>State Govt. Spending</td>
</tr>
</tbody>
</table>

|                                      | Waste management & remediation services              |
|                                      | DEMPOL X6530                                        |
|                                      | Waste management & remediation services              |
|                                      | DEMPOL X6530                                        |
|                                      | Waste management remediation services                |
|                                      | COSCAP2 x10130                                      |
|                                      | Management, scientific, & technical consulting svcs. |
|                                      | DEMPOL x6520                                        |
|                                      | Total                                               |
|                                      | FDPVST 63                                           |
D. Outputs from the Assessment of the Economic Impact

The forecasted costs of the regulation are displayed in Table 3. The forecasted costs for the four categories were input for each of the four scenarios that resulted in four separate REMI outputs. These results are shown for the two selected years.

Table 3: Estimated Cost of Compostable Materials and In-vessel Digestion Regulations, Four Scenarios: Low and High Cost Range

<table>
<thead>
<tr>
<th>LOW COST SCENARIO</th>
<th>Costs (per year) – Compostable Materials</th>
<th>Costs (per year) – In-Vessel Digestion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
<td>Measure</td>
<td>2015</td>
</tr>
<tr>
<td>Total Employment</td>
<td>Jobs</td>
<td>0</td>
</tr>
<tr>
<td>Laboratory Services (Mgmt. Sci &amp; Tech Consult.)</td>
<td>Jobs</td>
<td>1</td>
</tr>
<tr>
<td>Waste Mgmt. &amp; Remediation Svcs.</td>
<td>Jobs</td>
<td>0</td>
</tr>
<tr>
<td>Gross Domestic Product</td>
<td>$ Mill.</td>
<td>$0.0</td>
</tr>
<tr>
<td>Output</td>
<td>$ Mill.</td>
<td>$0.0</td>
</tr>
<tr>
<td>Value Added</td>
<td>$ Mill.</td>
<td>$0.0</td>
</tr>
<tr>
<td>Relative Composite Input Costs</td>
<td>Proportion</td>
<td>0.0%</td>
</tr>
<tr>
<td>Relative Delivered Price</td>
<td>Proportion</td>
<td>0.0%</td>
</tr>
<tr>
<td>Relative Cost of Production</td>
<td>Proportion</td>
<td>0.0%</td>
</tr>
</tbody>
</table>
Table 4: Estimated Total Cost of Compostable Materials and In-vessel Digestion Regulations: Low and High Cost Range

<table>
<thead>
<tr>
<th>Measure</th>
<th>LOW COST SCENARIO</th>
<th>Costs (per year)</th>
<th>Year</th>
<th>Measure</th>
<th>Costs (per year)</th>
<th>Year</th>
<th>Measure</th>
<th>Costs (per year)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Employment</td>
<td></td>
<td></td>
<td></td>
<td>Jobs</td>
<td>0</td>
<td>2015</td>
<td>-4</td>
<td>2018</td>
</tr>
<tr>
<td>Laboratory Services (Mgmt. Sci &amp; Tech Consult.)</td>
<td></td>
<td></td>
<td></td>
<td>Jobs</td>
<td>2</td>
<td>2015</td>
<td>2</td>
<td>2018</td>
</tr>
<tr>
<td>Waste Mgmt. &amp; Remediation Svcs.</td>
<td></td>
<td></td>
<td></td>
<td>Jobs</td>
<td>0</td>
<td>2015</td>
<td>4</td>
<td>2018</td>
</tr>
<tr>
<td>Gross Domestic Product</td>
<td></td>
<td>$ Mill.</td>
<td>2015</td>
<td>$0.0</td>
<td>$0.0</td>
<td>2018</td>
<td>$0.0</td>
<td>$0.0</td>
</tr>
<tr>
<td>Output</td>
<td></td>
<td>$ Mill.</td>
<td>2015</td>
<td>$0.0</td>
<td>-$1.0</td>
<td>2018</td>
<td>$0.0</td>
<td>$0.0</td>
</tr>
<tr>
<td>Value Added</td>
<td></td>
<td>$ Mill.</td>
<td>2015</td>
<td>$0.0</td>
<td>$0.0</td>
<td>2018</td>
<td>$0.0</td>
<td>$0.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Measure</th>
<th>HIGH COST SCENARIO</th>
<th>Costs (per year)</th>
<th>Year</th>
<th>Measure</th>
<th>Costs (per year)</th>
<th>Year</th>
<th>Measure</th>
<th>Costs (per year)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Employment</td>
<td></td>
<td></td>
<td></td>
<td>Jobs</td>
<td>5</td>
<td>2015</td>
<td>0</td>
<td>2018</td>
</tr>
<tr>
<td>Laboratory Services (Mgmt. Sci &amp; Tech Consult.)</td>
<td></td>
<td></td>
<td></td>
<td>Jobs</td>
<td>8</td>
<td>2015</td>
<td>7</td>
<td>2018</td>
</tr>
<tr>
<td>Waste Mgmt. &amp; Remediation Svcs.</td>
<td></td>
<td></td>
<td></td>
<td>Jobs</td>
<td>56</td>
<td>2015</td>
<td>57</td>
<td>2018</td>
</tr>
<tr>
<td>Gross Domestic Product</td>
<td></td>
<td>$ Mill.</td>
<td>2015</td>
<td>$4.0</td>
<td>-$15.0</td>
<td>2018</td>
<td>$0.0</td>
<td>$0.0</td>
</tr>
<tr>
<td>Output</td>
<td></td>
<td>$ Mill.</td>
<td>2015</td>
<td>$2.0</td>
<td>-$4.0</td>
<td>2018</td>
<td>$0.0</td>
<td>$0.0</td>
</tr>
<tr>
<td>Value Added</td>
<td></td>
<td>$ Mill.</td>
<td>2015</td>
<td>$0.0</td>
<td>$0.0</td>
<td>2018</td>
<td>$0.0</td>
<td>$0.0</td>
</tr>
</tbody>
</table>

E. Agency’s Interpretation of the Results of the Assessment of the Economic Impact

From the detailed REMI output, nine key cost components that comprise the annual total cost were selected, and these are displayed in Table 3 as changes occurring in three separate categories, within three groups: Employment, Output, and Relative Cost. It is important to note that these changes are from a baseline of growth in the compost industry for each year, as specified in the assumptions. The assessment estimates the overall change in the number of jobs in the U.S. economy and the ancillary jobs (almost entirely California-based) associated with compliance and enforcement of the proposed regulations.

Employment changes resulting from indirect and induced impacts of the regulation are forecasted for three groups: Total Employment, Laboratory Services (LS), and Waste Management and Remediation Services (WMRS). Under the Low Cost scenarios, the total California net job changes, for each representative year, are shown in the first line. The second and third lines show the annual job changes for LS industry sector, and the WMRS Sectors.

In general, while some economic models may predict that the higher costs resulting from the proposed regulations should lead to job losses, the Department expects the proposed regulations to create positive, net job growth. This growth will be seen in the waste management, remediation and laboratory services industries and will result from the greater certainty for investment offered by the regulations and from the efforts of businesses to comply at lower cost (for example, by receiving feedstock with lower contaminant levels, as previously discussed in Section C.).

In 2018, it is estimated that under both of the Low Cost Scenarios there will be one additional job created in Laboratory Services, and two additional jobs in the WMRS sector.
However, two jobs will be lost somewhere in the economy, as the regulation results in a net increase of one job, not the three jobs created in the specific industry sectors.

Under the High Cost scenarios, there will be seven additional jobs in the LS sector and 57 additional jobs in the WMRS sector. Four jobs will be gained and four jobs will be lost somewhere in the economy.

Gross Domestic Product changes resulting from indirect and induced impacts of the regulation are forecasted, as well related Economic Output and Value Added to the National economy. As the REMI model displays inputs and outputs in these categories in the billions of dollars, the model output for these categories is rounded to the nearest million. The values shown in Table 3 are in 2005 dollars, to be consistent with the REMI model output values. These values should be multiplied by 1.175 to be directly comparable to the values shown in Table 1.

For the Low Cost scenarios, this GDP changes and Output changes are on the same order of magnitude as the estimates made for Direct Costs, shown in Table 1.

The GDP reduction under the High Cost Scenarios for the year 2018 is estimated at $15 million for the Compost Materials, and at $0 for the In-Vessel Digestion.

The values determined by the model for the changes in GDP, Economic Output, and Value Added are roughly what would be expected from the imposition of a cost upon a specific industry or sector of the economy. As stated above, these costs – in terms of dollars and jobs - are completely separate from the economic value and jobs created by the expanding California composting industry.

Relative Composite Costs and Prices are the changes, in percent from baseline, for the three categories: Relative Composite Input Costs, Relative Delivered Price, and Relative Cost of Production. These three values are all specific to the WMRS industry sector, and measure the changes to the production costs for this industry. The costs and prices are all positive values, showing increases.

In the Low Cost scenarios, no measurable changes are observed in the model.

In the High Cost scenarios, the changes in Relative Composite Input Costs remains measurably unchanged, across all years. The Relative Delivered Price increases in the early years of the In-vessel Digestion forecast by 0.1%, and in the later years by 0.2%. For Compostable Materials forecast, the Relative Cost of Production under the High Cost scenario increases at 0.3% annually.

Not shown in the detailed REMI output in Table 3 are additional quantitative impacts that occur outside the specific sectors mentioned above (i.e., the three groups: Employment, Output, and Relative Cost). It is important to note that these changes are from a baseline of growth in the compost industry for each year, as specified in the assumptions. Not included in this table are indirect and induced effects related to direct expenditures on machinery, in the year that these impacts occurred. The REMI model amortizes these expenditures over a period of years, and even the combined impact of multiple expenditures over a period of years is so small that it does not appear in the output of the model results.
III. CRITERIA

A. Creation or Elimination of Jobs within the State

The proposed regulatory action may create between four and 57 new jobs at compostable material handling and in-vessel digestion facilities due to the hiring additional laborers to manually remove physical contaminants or operate equipment to remove physical contaminants, designing and maintaining roads, providing adequate lighting, and providing and maintaining visual screening, and up to 7 additional jobs at laboratories that analyze percent contamination. Compostable material handling and in-vessel digestion facilities may also need to purchase additional equipment to remove physical contaminants which may create new equipment manufacturing and/or maintenance/repair jobs in California.

B. Creation of New Businesses or the Elimination of Existing Businesses within the State

Based on this assessment, the proposed regulations would not affect the creation or elimination of businesses within California. Currently, these types of solid waste operations and facilities are subject to either the Transfer/Processing Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3, Articles 6.0 – 6.35) or the Compostable Material Handling Operations and Facilities Regulatory Requirements (California Code of Regulations, Title 14, Division 7, Chapter 3.1).

C. Competitive Advantages or Disadvantages for Businesses Currently Doing Business Within the State

The proposed regulations revisions would not impact the ability of California businesses to compete with businesses in other states to produce goods or services within California. The proposed regulations revisions are intended to create more equitable compostable material handling and in-vessel digestion business competition within California.

D. Increase or Decrease of Investment in the State

The results of this assessment do not indicate whether the proposed regulations would either increase or decrease investment in the State.

E. Incentives for Innovation in Products, Materials, or Processes

One proposed change in these regulations is a standard for compostable material applied to land, and compost produced at a regulated operation or facility, to meet a 0.1% physical contaminant limit. The Department assumes operators will incur costs associated with removing contaminants from feedstock or product to meet this standard. Initially, operators may employ labor and/or utilize available equipment (e.g., screens) to remove contaminants. Moving forward, the Department anticipates the standard may stimulate the development of innovative equipment or physical processes to more efficiently and cost-effectively remove contaminants.
F. Benefits of the Regulations

The principal benefit of the proposed regulations is protecting public health, safety and the environment. Requiring compost products to meet a 0.1% physical contaminant limit will reduce litter and minimize the amount of plastic entering surface water and the ocean while creating new jobs and increasing the market value of compost. Establishing criteria for safe land application of compostable material will reduce litter and minimize the amount of plastic entering surface water and the ocean and improve food safety and animal health by reducing toxic metals, disease-causing organisms, physical contaminants, and invasive/noxious species in compostable material. Other benefits of the proposed regulations include minimizing odors at compostable material handling and in-vessel digestion facilities; decreasing greenhouse gases, air pollution, and long-distance transportation of organic material by facilitating small-scale composting; providing clarity to the regulated community and regulators. Finally, the regulations will ensure safe operations and facilities to handle organic material diverted as the result of California’s goal to source-reduce, recycle, or compost 75% of the solid waste generated in the State by 2020.

The new, “stand-alone” In-vessel digestion portion of the proposed regulations will establish a clear regulatory framework for the digestion of organic material. Digesting this material will decrease greenhouse gas generation and increase production of biofuels/bioenergy.

IV. CONCLUSIONS

A. Description of the Costs and All Benefits Due to the Proposed Regulatory Change

Costs

The Department estimates the economic impact of this regulation (including the fiscal impact) is over $50 million.

Table 5: Summary of Total Costs

<table>
<thead>
<tr>
<th></th>
<th>LOW COST SCENARIO</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Year</td>
<td>2015</td>
<td>2018</td>
</tr>
<tr>
<td>Compostable Materials</td>
<td>$797,587</td>
<td>$846,407</td>
<td></td>
</tr>
<tr>
<td>In-Vessel Digestion</td>
<td>$7,380</td>
<td>$774,563</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$804,967</td>
<td>$1,620,970</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>HIGH COST SCENARIO</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Year</td>
<td>2015</td>
<td>2018</td>
</tr>
<tr>
<td>Compostable Materials</td>
<td>$50,762,353</td>
<td>$53,869,415</td>
<td></td>
</tr>
<tr>
<td>In-Vessel Digestion</td>
<td>$8,646</td>
<td>$9,679,347</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$50,770,999</td>
<td>$63,548,762</td>
<td></td>
</tr>
</tbody>
</table>
The principal benefit of the proposed regulations is protecting public health, safety and the environment. Requiring compost products to meet a 0.1% physical contaminant limit will reduce litter and minimize the amount of plastic entering surface water and the ocean while creating new jobs and increasing the market value of compost. Establishing criteria for safe land application of compostable material will reduce litter and minimize the amount of plastic entering surface water and the ocean and improve food safety and animal health by reducing toxic metals, disease-causing organisms, physical contaminants, and invasive/noxious species in compostable material. Other benefits of the proposed regulations include minimizing odors at compostable material handling and in-vessel digestion facilities; decreasing greenhouse gases, air pollution, and long-distance transportation of organic material by facilitating small-scale composting; providing clarity to the regulated community and regulators. Finally, the regulations will ensure safe operations and facilities to handle organic material diverted as the result of California’s goal to source-reduce, recycle, or compost 75% of the solid waste generated in the State by 2020.

The new, “stand-alone” In-vessel digestion portion of the proposed regulations will establish a clear regulatory framework for the digestion of organic material. Digesting this material will decrease greenhouse gas generation and increase production of biofuels/bioenergy.

B. Description of the Costs and Benefits of Alternatives Considered, and Reason(s) for Rejecting Alternative(s)

Alternative 1: No action.

Cost: There would be no cost associated with this alternative.

Benefits: This alternative would not achieve any of the benefits listed in the above section - Description of the Costs and All Benefits Due to the Proposed Regulatory Change.

Reason for Rejecting: The no action alternative would not address the stated need for the regulations, namely protecting public health, safety, and the environment.

Alternative 2: Increase the physical contaminant level of compost and land applied material to a higher limit than 0.1%.

Cost: While increasing the allowable physical contaminant level may seem like it would reduce labor and capital costs, staff does not estimate a significant cost savings. Based on stakeholder input, there will be certain amount of baseline level of costs (e.g., equipment capital costs; basic labor costs) regardless of the physical contaminant level set. Therefore, the Department does not anticipate a direct correlation between increasing the physical contaminant level and a reduction in costs. The Department modeled the cost of increasing the physical contaminant level that would result in an estimated 30% reduction in labor costs, with equipment and other capital costs remaining fixed. The results of the modeling are represented in Table 6.

Benefits: Increasing the allowable physical contaminant level would increase revenues for Compostable Material Handling Facilities and Operations, as more product could be sold in segments of the agriculture and erosion control markets where higher physical
Standardized Regulatory Impact Assessment
CalRecycle – Compostable Materials and Transfer/Processing Regulations

contaminants levels are acceptable. However, increasing the allowable physical contaminant level would negatively impact public health, safety, and the environment (see Reason for Rejecting below).

Reason for Rejecting: Increasing the physical contaminant level would not address the stated need for the regulations, namely protecting public health, safety, and the environment. Increasing the physical contaminant level could: 1) adversely impact food safety and animal health by increasing toxic metals and disease-causing organisms in compostable material; 2) increase the amount of plastic entering surface water and the ocean; and 3) increase litter in areas where compost and compostable material is applied.

Table 6: Alternative 2 - Estimated Total Cost of Compostable Materials and In-vessel Digestion Regulations: Low and High Cost Range

<table>
<thead>
<tr>
<th>Measure</th>
<th>LOW COST SCENARIO</th>
<th>Costs (per year)</th>
<th>HIGH COST SCENARIO</th>
<th>Costs (per year)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Year</td>
<td>2015</td>
<td>2018</td>
<td>2015</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Employment</td>
<td>Jobs</td>
<td>0</td>
<td>-4</td>
<td>-4</td>
</tr>
<tr>
<td>Laboratory Services (Mgmt. Sci &amp; Tech Consult.)</td>
<td>Jobs</td>
<td>2</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Waste Mgmt. &amp; Remediation Svcs.</td>
<td>Jobs</td>
<td>0</td>
<td>4</td>
<td>-5</td>
</tr>
<tr>
<td></td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$0.0</td>
<td>-$27.0</td>
</tr>
<tr>
<td>Output</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>-$1.0</td>
<td>-$10.0</td>
</tr>
<tr>
<td>Value Added</td>
<td>$ Mill.</td>
<td>$0.0</td>
<td>$0.0</td>
<td>$0.0</td>
</tr>
</tbody>
</table>

C. Impact on General Fund and Special Funds

Department staff has determined that the proposed regulation does not impose a mandate on local agencies or school districts.

Department staff has further determined that the proposed regulation does not impact: 1) any costs to local government, which must be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of the Government Code; 2); any savings to local government; 3) any savings or other impacts such as revenue changes to state agencies; and 4) any additional federal funding or reduction in federal funding to the state.

Costs to local government, which are not reimbursable under Section 6 of Article XIII B of the California Constitution but which will necessarily be incurred in reasonable compliance with the regulations, and which could result in a revenue change(s), are outlined in Appendix B-2 and B-4.
Costs to state agencies that will be incurred in reasonable compliance, administration, implementation, and/or enforcement by the Department and other state agencies are outlined in Appendix B-2 and B-4.
### Private Compostable Material Handling Operations and Facilities

#### Preliminary Estimates

<table>
<thead>
<tr>
<th>Agricultural Material Composting Operations (94 active)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Odor: Prepare BMP Report: $5,000 - $10,450/operation x 0 active operations/yr. = $0/yr.</td>
</tr>
<tr>
<td>Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td>$31.15/hr. x (80 – 160 hrs./yr.) = $2,492 - $4,984/yr. per operation</td>
</tr>
<tr>
<td>$2,492 - $4,984/yr. per operation x 0 active operations = $0/yr.</td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report</td>
</tr>
<tr>
<td>Contaminants:</td>
</tr>
<tr>
<td>1.0% Physical Contaminants: (incoming)</td>
</tr>
<tr>
<td>Visual observation of loads: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td>$31.15/hr. x (½ to ½ hr.) x 260 operating days/yr. = $2,696.97 - $4,049.50/yr. per operation</td>
</tr>
<tr>
<td>$2,696.97 - $4,049.50/yr. per operation x 40 operations = $107,879 - $161,980/yr.</td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; staff estimates less than 50% of agricultural material composting operations accept green material and will need to visually inspect loads.</td>
</tr>
<tr>
<td>0.1% Physical Contaminants: (outgoing)</td>
</tr>
<tr>
<td>Sampling and analysis: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td>$31.15/hr. x ½ hr. = $10.37</td>
</tr>
<tr>
<td>$10.37 + $48.00 lab cost = $58.37/sample</td>
</tr>
<tr>
<td>$58.37/sample x 0 samples/yr. = $0/yr.</td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; staff estimates that only facilities accepting mixed material will need to sample outgoing material</td>
</tr>
<tr>
<td>Removing contaminants: ($0 - $11)/ton x 0 tons/yr. = $0/yr.</td>
</tr>
<tr>
<td>Based on estimates from industry; some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard; agricultural material composting operations can only accept green material with less than 1% physical contamination, and agricultural material composting operations should meet the 0.1% physical contaminant limit for finished compost.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Biosolids Composting Operations at POTWs (1 active)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Odor: Prepare BMP Report: $5,000 - $10,450/operation x 0 active operations/yr. = $0/yr.</td>
</tr>
<tr>
<td>Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td>$31.15/hr. x (80 – 160 hrs./yr.) = $2,492 - $4,984/yr. per operation</td>
</tr>
<tr>
<td>$2,492 - $4,984/yr. per operation x 0 operations = $0/yr.</td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report</td>
</tr>
<tr>
<td>1.0% Physical Contaminants: (incoming)</td>
</tr>
<tr>
<td>Visual observation of loads: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td>$31.15/hr. x (½ to ½ hr.) x 260 operating days/yr. = $2,696.97 - $4,049.50/yr. per operation</td>
</tr>
<tr>
<td>$2,696.97 - $4,049.50/yr. per operation x 1 operation = $2,696.97 - $4,049.50/yr.</td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; all biosolids composting operations at POTWs must visually sample loads.</td>
</tr>
<tr>
<td>0.1% Physical Contaminants: (outgoing)</td>
</tr>
<tr>
<td>Sampling and analysis: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td>$31.15/hr. x ½ hr. = $10.37</td>
</tr>
<tr>
<td>$10.37 + $48.00 lab cost = $58.37/sample</td>
</tr>
<tr>
<td>$58.37/sample x 1 sample/yr. x = $58.37/yr.</td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; staff estimates that only facilities accepting mixed material will need to sample outgoing material</td>
</tr>
<tr>
<td>Removing contaminants: ($0 - $11)/ton x 82,210 tons of avg. operation/yr. x 1 operation = $0 to $904,310/yr.</td>
</tr>
<tr>
<td>Based on estimates from industry; some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard; biosolids composting operations can only accept green material with less than 1% physical contamination, and most biosolids composting operations should meet the 0.1% physical contaminant limit for finished compost; tonnage based on current estimated throughout.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Research Composting Operations (18 active)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Odor: Prepare BMP Report: $5,000 - $10,450/operation x 0 active operations/yr. = $0/yr.</td>
</tr>
<tr>
<td>Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td>$31.15/hr. x (80 – 160 hrs./yr.) = $2,492 - $4,984/yr. per operation</td>
</tr>
<tr>
<td>$2,492 - $4,984/yr. per operation x 0 operations = $0/yr.</td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report</td>
</tr>
<tr>
<td>2-Year Report:</td>
</tr>
<tr>
<td>Prepare 2-yr. Report: $35.88/hr. +$15.86/hr. = $51.74/hr.</td>
</tr>
<tr>
<td>$51.74/hr. x 8 hrs./yr. = $413.92/yr. per operation</td>
</tr>
<tr>
<td>$413.92/yr. per operation x 9 operations/yr. = $3,725.28/yr.</td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to prepare report; staff estimates 50% of research operations will submit report to extend research operation.</td>
</tr>
</tbody>
</table>

Subtotal Cost

| $107,879 - $161,980/yr. |

Subtotal Cost

<p>| $2,755 - $908,418/yr. |</p>
<table>
<thead>
<tr>
<th>Green Material Composting Operations (59 active)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>12,500 Cubic Yard Storage:</strong></td>
<td>Cost for submitting request in writing for SSA: $35.88/hr. + $15.86/hr. = $51.74/hr.</td>
</tr>
<tr>
<td></td>
<td>$51.74/hr. x (1 – 2 hrs./yr.) x 6 operations = $310.44 - $620.88/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to complete request submitted; staff estimates 10% of operations will submit SSA request.</td>
</tr>
<tr>
<td><strong>Odor:</strong></td>
<td>Prepare BMP Report: $5,000 - $10,450/operation x 0 operations/yr. = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
</tr>
<tr>
<td></td>
<td>Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (80 – 160 hrs./yr.) = $2,492 - $4,984/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>$2,492 - $4,984/yr. per operation x 0 operations = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
</tr>
<tr>
<td><strong>1.0% Physical Contaminants: (incoming)</strong></td>
<td>Visual observation of loads: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (1/3 to 1/2 hr.) x 260 operating days/yr. = $2,696.97 - $4,049.50/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>$2,696.97 - $4,049.50/yr. per operation x 59 operations = $159,121 - $238,920.50/yr.</td>
</tr>
<tr>
<td><strong>0.1% Physical Contaminants: (outgoing)</strong></td>
<td>Sampling and analysis: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x 1/3 hr. = $10.37</td>
</tr>
<tr>
<td></td>
<td>$10.37 + $48.00 lab cost = $58.37/sample</td>
</tr>
<tr>
<td></td>
<td>$58.37/sample x 6 samples/yr. = $350.22/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; staff estimates that EA will request a sample from 10% of green material composting operators (6).</td>
</tr>
<tr>
<td></td>
<td>Removing contaminants: ($0 - $11/ton) x ($29,188 tons/35 operations = 15,120 tons of avg. operation/yr.) x 6 operations = $50 to $997,920/yr.</td>
</tr>
<tr>
<td></td>
<td>Based on estimates from industry; some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard. (Add breakdown to matrix); green material composting operations can only accept green material with less than 1% physical contamination, and most green material composting operations should meet the 0.1% physical contaminant limit for finished compost; tonnage based on current estimated throughput.</td>
</tr>
<tr>
<td><strong>Subtotal Cost</strong></td>
<td>$3,725.28/yr.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Green Material Composting Facilities (26 active)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Odor:</strong></td>
<td>Prepare BMP Report: $5,000 - $10,450/facility x 0 facilities/yr. = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
</tr>
<tr>
<td></td>
<td>Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (80 – 160 hrs./yr.) = $2,492 - $4,984/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>$2,492 - $4,984/yr. per facility x 0 facilities = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
</tr>
<tr>
<td></td>
<td>1.0% Physical Contaminants: (incoming)</td>
</tr>
<tr>
<td></td>
<td>Visual observation of loads: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (1/3 to 1/2 hr.) x 260 operating days/yr. = $2,696.97 - $4,049.50/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>$2,696.97 - $4,049.50/yr. per facility x 26 facilities = $70,121 - $105,287/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; number of samples based on current estimated throughput being sampled every 5,000 cubic yards</td>
</tr>
<tr>
<td></td>
<td>Removing contaminants: ($0 - $11) x 877,200 tons/yr. x = $0 to $9,649,200/yr.</td>
</tr>
<tr>
<td></td>
<td>Based on estimates from industry; some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard; green material composting facilities can only accept green material with less than 1% physical contamination, and most green material composting operations should meet the 0.1% physical contaminant limit for finished compost; tonnage based on current estimated throughput.</td>
</tr>
<tr>
<td><strong>Subtotal Cost</strong></td>
<td>$159,781.66 - $1,237,812/yr.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vegetative Food Material Composting Facilities (≤ 12,500 cubic yards) (0 active)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Odor:</strong></td>
<td>Prepare BMP Report: $5,000 - $10,450/operation x 0 active operations/yr. = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
</tr>
<tr>
<td></td>
<td>Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (80 – 160 hrs./yr.) = $2,492 - $4,984/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>$2,696.97 - $4,049.50/yr. per facility x 0 active facilities = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
</tr>
<tr>
<td></td>
<td>1.0% Physical Contaminants: (incoming)</td>
</tr>
<tr>
<td></td>
<td>Visual observation of loads: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (1/3 to 1/2 hr.) x 260 operating days/yr. = $2,696.97 - $4,049.50/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>$2,696.97 - $4,049.50/yr. per facility x 0 active facilities = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; number of samples based on current estimated throughput being sampled every 5,000 cubic yards</td>
</tr>
<tr>
<td></td>
<td>Removing contaminants: ($0 - $11) x 0 tons/yr.</td>
</tr>
<tr>
<td></td>
<td>Based on estimates from industry; some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard; green material composting facilities can only accept green material with less than 1% physical contamination, and most green material composting operations should meet the 0.1% physical contaminant limit for finished compost; tonnage based on current estimated throughput.</td>
</tr>
<tr>
<td><strong>Subtotal Cost</strong></td>
<td>$90,609-$97,774,975/yr.</td>
</tr>
</tbody>
</table>
### Vegetative Food Material Composting Facilities (> 12,500 cubic yards) (0 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Prepare BMP Report: $5,000 - $10,450/operation x 0 active facilities/yr. = $0/yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
</tr>
<tr>
<td></td>
<td>Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (80 – 160 hrs.)/yr. = $2,492 - $4,984/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>$2,492 - $4,984/yr. per facility x 0 active facilities = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples, current laboratory pricing; zero existing vegetative food material composting facilities.</td>
</tr>
</tbody>
</table>

### Composting Facilities (all) [e.g., biosolids, digestate, food material, mixed] (30 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Prepare BMP Report: $5,000 - $10,450 x 1 facility/yr. = $5,000 - $10,450/yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; staff estimates one composting facility per year will prepare a BMP report based on current odor violations.</td>
</tr>
<tr>
<td></td>
<td>Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (80 – 160 hrs.)/yr. = $2,492 - $4,984/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>$2,492 - $4,984/yr. per facility x 1 facility = $2,492 - $4,984/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples, current laboratory pricing; number of samples based on current estimated throughput being sampled every 5,000 cubic yards.</td>
</tr>
</tbody>
</table>

### Chipping and Grinding Operations (< 200 tons/day) (55 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Prepare BMP Report: $5,000 - $10,450/operation x 0 operations/yr. = $0/yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
</tr>
<tr>
<td></td>
<td>Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (80 – 160 hrs.)/yr. = $2,492 - $4,984/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>$2,492 - $4,984/yr. per operation x 0 operations = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in BMP report; only operations accepting mixed material are likely to implement a BMP report.</td>
</tr>
</tbody>
</table>

### Chipping and Grinding Facilities (> 200 and ≤ 500 tons/day) (9 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Prepare BMP Report: $5,000 - $10,450/facility x 0 facilities/yr. = $0/yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
</tr>
<tr>
<td></td>
<td>Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
</tr>
<tr>
<td></td>
<td>$31.15/hr. x (80 – 160 hrs.)/yr. = $2,492 - $4,984/yr. per facility</td>
</tr>
</tbody>
</table>

---

**Appendix B-1**

**85 June 2014**
### Chipping and Grinding Facilities (> 500 tons/day) (11 active)

**Odor:**

- **Sampling and Analysis:** $21.54/hr. + $9.61/hr. = $31.15/hr.
- **Average total contaminant load:** $31.15/hr. x (¼ to ½ hr.) x 260 operating days/yr. = $2,696.97 - $4,049.50/yr. per facility
- **Subtotal Cost:** $24,272.73 - $36,445.50/yr.

**1.0% Physical Contaminants:**

- **Visual observation of loads:** $21.54/hr. + $9.61/hr. = $31.15/hr.
- **Average total contaminant load:** $31.15/hr. x (80 – 160 hrs./yr.) = $2,492 - $4,984/yr. per facility
- **Subtotal Cost:** $29,666.67 - $44,544.50/yr.

### Land Application

**Sampling and Analysis:**

- $21.54/hr. + $9.61/hr. = $31.15/hr.
- **Average total contaminant load:** $31.15/hr. x ½ hr. = $16.37
- **Lab cost:** $300.00 x 3 samples = $931.11
- **Subtotal Cost:** $2,492 - $4,984/yr.

**1.0% Physical Contaminants:**

- **Visual observation of loads:** $21.54/hr. + $9.61/hr. = $31.15/hr.
- **Average total contaminant load:** $31.15/hr. x (¼ to ½ hr.) x 260 operating days/yr. = $2,696.97 - $4,049.50/yr. per facility
- **Subtotal Cost:** $29,666.67 - $44,544.50/yr.

### CDFA Determination

- **Determination of “agronomically beneficial”:** $54.75/hr. + $30.25/hr. = $85/hr.
- **Subtotal Cost:** $2,971 - $2,136,503/yr.

**Total Cost:** $646,710 - $47,262,955/yr.
### Private In-vessel Digestion Operations and Facilities

#### Preliminary Estimates

**Research In-vessel Digestion Operations (0 active)**

| 2-Year Report: | Prepare 2-yr. Report: $35.88/hr. + $15.86/hr. = $51.74/hr.  
$51.74/hr. x 8 hrs. + 2 yrs. = $206.96/yr. per operation | Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to prepare report; reports are due after two years. |
| Odor: | Prepare BMP Report: ($5,000 - $10,450)/operation  
($5,000 - $10,450)/operation x 0 operations = $0/yr. | Based on estimates obtained from industry consultants; staff estimates that no Research In-vessel Digestion Operations will prepare a BMP report.  
Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x (80 hrs. - 160 hrs./yr.) = ($2,492 - $4,984)/yr. per operation | Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; staff estimates that no Research In-vessel Digestion Operations will implement a BMP report.  
Biogas Control: | Take precautions to minimize uncontrolled release: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x 50 hrs./yr. = $1,557.50/yr. per operation | Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas.  
Drainage and Spill Control: | Spill response = $100/yr. per operation | Staff estimate of equipment and supplies costs.  
Subtotal Cost (to any new In-vessel Digestion operation) | $1,864.46/yr. |
| Odor: | Prepare OIMP: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x (4 hrs. - 24 hrs./yr.) = $112.60 - $747.60/yr. per operation | Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.  
Site Restoration: | Provide notice; cleaning, and removal: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x 40 hrs./yr. = $1,246/yr.  
Equipment use = ($1,200 - $1,500)/yr.  
($1,200 - $1,500)/yr. x 1 every 30 yrs. = $81.53 - $91.53/yr. per operation | Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of equipment costs.  
Subtotal cost (to an in-vessel Digestion op. that would have been regulated as a Transfer/Processing op.) | $206.13 - $839.13/yr. |
| Personnel Health and Safety: | Make available IPP: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x 1½ hr./yr. = $46.725/hr. per operation | Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to make IPP available for review.  
Roads: | Design and maintain roads: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x 50 hrs./yr. = $1,557.50/yr. per operation  
Equipment: $1,000/operation [$159/yr. (10 year amortization)]  
$1,557.50/yr. + $159/yr. = $1,716.50/yr. per operation | Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.  
Supervision and Personnel: | Provide contact information for operator and other responsible persons, in writing, to EA and operating record; $35.88/hr. + $15.86/hr. = $51.74/hr.  
$51.74/hr. x 1½ hrs./yr. = $77.61/yr. per operation | Average hourly compensation of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record.  
Subtotal cost (to an in-vessel Digestion op. that would have been regulated as a Composting op.) | $1,746/yr. |
| Total cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.) | Any + TP = $2,070.59 |

### Dairy In-vessel Digestion Operations (0 active)

| Odor: | Prepare BMP Report: ($5,000 - $10,450)/operation  
($5,000 - $10,450)/operation x 0 operations = $0/yr. | Based on estimates obtained from industry consultants; staff estimates that no Dairy In-vessel Digestion Operations will prepare a BMP report.  
Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x (80 hrs. - 160 hrs./yr.) = ($2,492 - $4,984)/yr. per operation | Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; staff estimates that no Dairy In-vessel Digestion Operations will implement a BMP report.  
Biogas Control: | Take precautions to minimize uncontrolled release: $21.54/hr. + $9.61/hr. = $31.15/hr.  
$31.15/hr. x 50 hrs./yr. = $1,557.50/yr. per operation | Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas. |
### Drainage and Spill Control:

Spill response = $100/yr. per operation

| Subtotal Cost (to any new In-vessel Digestion operation) | $1,657.50/yr. |

### Odor:

Prepare OIMP: $21.54/hr. + $9.61/hr. = $31.15/hr.

$31.15/hr. x 4 hrs. - 24 hrs./yr. = $124.60 - $747.60/yr. per operation

Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.

| Subtotal cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.) | $206.13 - $839.13/yr. |

### Site Restoration:

Provide notice; cleaning, and removal: $21.54/hr. + $9.61/hr. = $31.15/hr.

$31.15/hr. x 40 hrs./yr. = $1,246/yr. per operation

Equipment use = ($1,200 - $1,500)/yr. per operation

($1,200 - $1,500) + $1,246 x every 30 yrs. (1/30 yr.) x = $81.53 - $91.53/yr. per operation

Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur every once 30 yrs.

### Subtotal cost (to an In-vessel Digestion op. that would have been regulated as a Composting op.) | $3,303/yr. |

### Personnel Health and Safety:

Make available BMP: $21.54/hr. + $9.61/hr. = $31.15/hr.

$31.15/hr. x ⅛ hr./yr. = $3.89/yr. per operation

Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to make BMP available for review.

### Roads:

Design and maintain roads: $21.54/hr. + $9.61/hr. = $31.15/hr.

$31.15/hr. x 100 hrs./yr. = $3,115/yr. per operation

Equipment: $1,000/operation ($159/yr. [10 year amortization]]

$3,115/yr. + $159/yr. = $3,274/yr. per operation

Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.

### Supervision and Personnel:

Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $35.88 + $15.86 = $51.74/hr.

$51.74/hr. x ⅛ hrs./yr. = $25.87/yr. per operation

Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record.

### Subtotal cost (to an In-vessel Digestion op. that would have been regulated as a Composting op.) | $3,303/yr. |

### Total cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.) | Any + TP = $1,863.63 - $2,496.63/yr. |

### Total cost (to an In-vessel digestion op. that would have been regulated as a Composting op.) | Any + CM = $4,961/yr. |

### Distribution Center In-vessel Digestion Operations (0 active)

#### Odor:

Prepare BMP Report: ($5,000 - $10,450)/operation

($5,000 - $10,450)/operation x 0 operations = $0/yr.

Based on estimates obtained from industry consultants; staff estimates that no Distribution Center In-vessel Digestion Operations will prepare a BMP report.

Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.

$31.15/hr. x (80 hrs. - 160 hrs./yr. = ($2,492 - $4,984)/yr. per operation

($2,492 - $4,984)/yr. per operation x 0 operations = $0/yr.

Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; staff estimates that no Distribution Center In-vessel Digestion Operations will implement a BMP report.

#### Biogas Control:

Take precautions to minimize uncontrolled release: $21.54/hr. + $9.61/hr. = $31.15/hr.

$31.15/hr. x 50 hrs./yr. = $1,557.50/yr. per operation

Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas.

#### Drainage and Spill Control:

Spill response = $100/yr. per operation

Staff estimate of equipment and supplies costs.

| Subtotal Cost (to any new In-vessel Digestion operation) | $1,657.50/yr. |

#### Odor:

Prepare OIMP: $21.54/hr. + $9.61/hr. = $31.15/hr.

$31.15/hr. x 4 hrs. - 24 hrs./yr. = $124.60 - $747.60/yr. per operation

Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.

#### Site Restoration:

Provide notice; cleaning, and removal: $21.54/hr. + $9.61/hr. = $31.15/hr.

$31.15/hr. x 40 hrs./yr. = $1,246/yr. per operation

Equipment use = ($1,200 - $1,500)/yr. per operation

($1,200 - $1,500) + $1,246 x every 30 yrs. (1/30 yr.) x = $81.53 - $91.53/yr. per operation

Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur every once 30 yrs.

| Subtotal cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.) | $206.13 - $839.13/yr. |

### Personnel Health and Safety:

Make available IIPP: $21.54/hr. + $9.61/hr. = $31.15/hr.

$31.15/hr. x ⅛ hr./yr. = $3.89/yr. per operation

Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to make IIPP available for review.

### Roads:

Design and maintain roads: $21.54/hr. + $9.61/hr. = $31.15/hr.

$31.15/hr. x 100 hrs./yr. = $3,115/yr. per operation

Equipment: $1,000/operation ($159/yr. [10 year amortization]]

$3,115/yr. + $159/yr. = $3,274/yr. per operation

Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore roads, design and maintain roads.
Odor: Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $35.88/hr. + $15.86/hr. = $51.74/hr.
$51.74/hr. x 1.5 hrs./yr. = $25.87/yr. per operation
Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record.

Subtotal cost (to an in-vessel digestion op. that would have been regulated as a Composting op.) $3,303.76/yr.

Total cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.) Any + TP = $1,863.63 - $2,496.63/yr.

Total cost (to an in-vessel digestion op. that would have been regulated as a Composting op.) Any + CM = $4,961.26/yr.

Limited Volume In-vessel Digestion Operations (0 active)

Odor: Prepare BMP Report: ($5,000 - $10,450)/operation ($5,000 - $10,450)/operation x 0 operations = $0/yr.
Based on estimates obtained from industry consultants; staff estimates that no Limited Volume In-vessel Digestion Operations will prepare a BMP report.

Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x (80 hrs. - 160 hrs./yr.) = ($2,492 - $4,984)/yr. per operation
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; staff estimates that no Limited Volume In-vessel Digestion Operations will implement a BMP report.

Biogas Control: Take precautions to minimize uncontrolled release: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr./hr. x 50 hrs./yr. = $1,557.50/yr. per operation
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas.

Drainage and Spill Control: Staff estimate of equipment and supplies costs.

Subtotal Cost (to any new In-vessel Digestion operation) $1,657.50/yr.

Odor: Prepare OIMP: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x (4 hrs. - 24 hrs./yr.) = $124.60 - $747.60/yr. per operation
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.

Site Restoration: Provide notice; cleaning, and removal: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x 40 hrs./yr. = $1,246/yr. per operation
Equipment use = ($1,200 - $1,500)/yr. per operation
($1,200 - $1,500) + $1,246 x one every 30 yrs. (1/30 yr.) x = $81.53 - $91.53/yr. per operation
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of equipment necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur once every 30 years.

Subtotal cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.) $206.13 - $839.13/yr.

Personnel Health and Safety: Make available IPP: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x 1/2 hr./yr. = $3.89/yr. per operation
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to make IPP available for review.

Roads: Design and maintain roads: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x 150 hrs./yr. = $4,672.50/yr. per operation
$2,000/operation ($317/yr. (10 year amortization))
$4,672.50/yr. + $317 = $4,989.50/yr. per operation
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.

Supervision and Personnel: Provide contact information for operator and other responsible persons, in writing, to EA and operating record: 35.88 + 15.86 = 51.74/hr.
$51.74/hr. x 1/3 hrs./yr. = $25.87/yr. per operation
Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record.

Subtotal cost (to an in-vessel digestion op. that would have been regulated as a Composting op.) $5,019.26/yr.

Total cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.) Any + TP = $1,863.63 - $2,496.63/yr.

Total cost (to an in-vessel digestion op. that would have been regulated as a Composting op.) Any + CM = $6,676.76/yr.

Medium Volume In-vessel Digestion Facilities (0 active)

Odor: Prepare BMP Report: ($5,000 - $10,450)/facility ($5,000 - $10,450)/facilities x 0 facilities = $0/yr.
Based on estimates obtained from industry consultants; staff estimates that no Medium Volume In-vessel Digestion Facilities will prepare a BMP report.

Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.
$31.15/hr. x (80 hrs. - 160 hrs./yr.) = ($2,492 - $4,984)/yr. per facility
($2,492 - $4,984)/yr. per facility x 0 facilities = $0/yr.
Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; staff estimates that no Medium Volume In-vessel Digestion Facilities will implement a BMP report.

Biogas Control: Take precautions to minimize uncontrolled release: $21.54/hr. + $9.61/hr. = $31.15/hr.
<table>
<thead>
<tr>
<th>Service Category</th>
<th>Description</th>
<th>Hourly Rate</th>
<th>Annual Cost</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Odor</strong></td>
<td>Prepare OIMP: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
<td><strong>$31.15/hr.</strong></td>
<td><strong>$31.15/yr.</strong></td>
<td>Staff estimate of time to prepare OIMP.</td>
</tr>
<tr>
<td><strong>Visual</strong></td>
<td>Provide notice; cleaning, and removal: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
<td><strong>$31.15/hr.</strong></td>
<td><strong>$31.15/yr.</strong></td>
<td>Site restoration only necessary upon site closure, which staff estimates will occur every 30 years.</td>
</tr>
<tr>
<td><strong>Housekeeping</strong></td>
<td>Design and maintain roads: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
<td><strong>$31.15/hr.</strong></td>
<td><strong>$31.15/yr.</strong></td>
<td>Staff estimate of time to maintain roads.</td>
</tr>
<tr>
<td><strong>Drainage</strong></td>
<td>Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $35.88/hr. + $15.86 = $51.74/hr.</td>
<td><strong>$51.74/hr.</strong></td>
<td><strong>$51.74/yr.</strong></td>
<td>Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics. Staff estimate of time to provide written information to EA and place in operating record.</td>
</tr>
<tr>
<td><strong>Site Restoration</strong></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.</td>
<td><strong>$31.15/hr.</strong></td>
<td><strong>$31.15/yr.</strong></td>
<td>Staff estimate of time to prepare OIMP.</td>
</tr>
<tr>
<td><strong>Subtotal Cost</strong></td>
<td>Make available IPP: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
<td><strong>$31.15/hr.</strong></td>
<td><strong>$31.15/yr.</strong></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to make IPP available for review.</td>
</tr>
<tr>
<td><strong>Personnel Health and Safety</strong></td>
<td>Provide adequate housekeeping: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
<td><strong>$31.15/hr.</strong></td>
<td><strong>$31.15/yr.</strong></td>
<td>Total cost (to any In-vessel Digestion fac that would have been regulated as a Composting fac) <strong>$206.13 - $839.13/yr.</strong></td>
</tr>
<tr>
<td><strong>roads</strong></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to maintain land equipment.</td>
<td><strong>$31.15/hr.</strong></td>
<td><strong>$31.15/yr.</strong></td>
<td>Staff estimate of time to maintain land equipment.</td>
</tr>
<tr>
<td><strong>Supervision and Personnel</strong></td>
<td>Provide adequate lighting: $5,000/facility [$793/yr. (10 year amortization)] x 0.5 facilities (needing artificial light) = $400/yr. per facility</td>
<td><strong>$31.15/hr.</strong></td>
<td><strong>$31.15/yr.</strong></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to provide adequate lighting.</td>
</tr>
<tr>
<td><strong>Equipment</strong></td>
<td>Provide a safe and adequate water supply for drinking = $500/yr. per facility</td>
<td><strong>$31.15/hr.</strong></td>
<td><strong>$31.15/yr.</strong></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to provide a safe and adequate water supply for drinking.</td>
</tr>
<tr>
<td><strong>Lighting</strong></td>
<td>Provide a safe and adequate water supply emergency use: $1,000/facility [$159/yr. (10 year amortization)] = $159/yr. per facility</td>
<td><strong>$31.15/hr.</strong></td>
<td><strong>$31.15/yr.</strong></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to provide a safe and adequate water supply emergency use.</td>
</tr>
<tr>
<td><strong>Visual Screening</strong></td>
<td>Maintain aesthetics: $21.54/hr. + $9.61/hr. = $31.15/hr.</td>
<td><strong>$31.15/hr.</strong></td>
<td><strong>$31.15/yr.</strong></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to maintain aesthetics.</td>
</tr>
<tr>
<td><strong>Water Supply</strong></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to maintain aesthetics.</td>
<td><strong>$31.15/hr.</strong></td>
<td><strong>$31.15/yr.</strong></td>
<td>Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to maintain aesthetics.</td>
</tr>
</tbody>
</table>

**Total cost**

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subtotal Cost (to any in-vessel digestion fac that would have been regulated as a Composting fac.)</strong></td>
<td><strong>$97,338.22/yr.</strong></td>
<td><strong>$97,338.22/yr.</strong></td>
</tr>
<tr>
<td><strong>Total cost</strong></td>
<td><strong>$2,496.63/yr.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Total cost (to an In-vessel Digestion fac. that would have been regulated as a Transfer/Processing fac.)</strong></td>
<td><strong>$1,863.63</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Total cost (to an in-vessel digestion fac. that would have been regulated as a Composting fac.)</strong></td>
<td><strong>$99,195.72/yr.</strong></td>
<td><strong>$99,195.72/yr.</strong></td>
</tr>
</tbody>
</table>
### Large Volume In-vessel Digestion Facilities (0 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Prepare BMP Report: ($5,000 - $10,450)/facility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; staff estimates that one Large Volume In-vessel Digestion Facility will prepare a BMP report.</td>
</tr>
</tbody>
</table>

Implement BMP Report: $21.54/hr. + $9.61/hr. = $31.15/hr.

- **$31.15/hr. x (80 hrs. - 160 hrs.)/yr. = ($2,492 - $4,984)/yr. per facility**
- **Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; staff estimates that one Large Volume In-vessel Digestion Facility will implement a BMP report.**

<table>
<thead>
<tr>
<th>Biogas Control:</th>
<th>Take precautions to minimize uncontrolled release: $21.54/hr. + $9.61/hr. = $31.15/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>$31.15/hr./yr. x 50 hrs./yr. = $1,557.50/yr. per facility</strong></td>
</tr>
</tbody>
</table>

- **Average total hourly compensation (wages and benefits) of civilian workers - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas.**

<table>
<thead>
<tr>
<th>Drainage and Spill Control:</th>
<th>Spill response = $100/yr. per facility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Staff estimate of equipment and supplies costs.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>0.1% Physical Contaminants:</th>
<th>Sampling and analysis: $21.54/hr. + $9.61/hr. = $31.15/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>$31.15/hr. x 3/4 hr. = $10.38</strong></td>
</tr>
</tbody>
</table>

- **$10.38 + $48.00 lab cost = $58.38/sample**
- **26,000 – 130,000 tons x 0.5 facilities x 2 yd³/ton x 0.6 (volume reduction) x 1 sample/5,000 yd³ = (2 - 10) samples**
- **$58.38/sample x (3 – 16) samples/yr. = $160.14 - $854.08/yr. per facility**

- **Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; range of tonnage based on an estimate of 100 to 500 tons per day over 260 operating days per year; 0.5 of the Large Volume In-Vessel Facilities will compost themselves; In-vessel digestion will reduce feedstock volume by 40%**

Removing contaminants: (50 - $11)/ton x 26,000 – 130,000 tons/yr/yr. = 50 - $1,430,000/yr. per facility

- **Based on estimates from industry; some operations/facilities are already meeting this standard; some will need to hire additional labor and/or purchase additional equipment to meet the standard; tonnage based on estimated throughput.**

- **Subtotal Cost (to any new In-vessel Digestion facility) = $9,309.26 – $1,447,945.58/yr.**

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Prepare OIMP: $21.54/hr. + $9.61/hr. = $31.15/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>$31.15/hr. x 4 hrs. - 24 hrs./yr. = $124.60 - $747.60/yr. per facility</strong></td>
</tr>
</tbody>
</table>

- **Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.**

<table>
<thead>
<tr>
<th>Site Restoration:</th>
<th>Provide notice; cleaning, and removal: $21.54/hr. + $9.61/hr. = $31.15/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>$31.15/hr. x 40 hrs./yr. = $1,246/yr. per facility</strong></td>
</tr>
</tbody>
</table>

- **Equipment use = ($1,200 - $1,500)/yr. per facility**
- **($1,200 - $1,500) + $1,246 x one every 30 yrs. (1/30 yr.) x = $81.53 - $93.51/yr. per facility**

- **Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur once every 30 years.**

- **Subtotal cost (to an In-vessel Digestion facility that would have been regulated as a Transfer/Processing facility) = $206.13 - $839.13/yr.**

<table>
<thead>
<tr>
<th>Personnel Health and Safety:</th>
<th>Make available IIPP: $21.54/hr. + $9.61/hr. = $31.15/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>$31.15/hr. x 1/2 hr. = $3.89/yr. per facility</strong></td>
</tr>
</tbody>
</table>

- **Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of time to make IIPP available for review.**

<table>
<thead>
<tr>
<th>Roads:</th>
<th>Design and maintain roads: $21.54/hr. + $9.61/hr. = $31.15/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>$31.15/hr. x 260 hrs./yr. = $8,099/yr. per facility</strong></td>
</tr>
</tbody>
</table>

- **$4,000/facility [$634/yr. (10 year amortization)]**
- **$8,099/yr. + $634/yr. = $8,733/yr. facility**

- **Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.**

<table>
<thead>
<tr>
<th>Supervision and Personnel:</th>
<th>Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $35.88 + $15.86 = $51.74/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>$51.74/hr. x 1/2 hrs./yr. = $25.87/yr. per facility</strong></td>
</tr>
</tbody>
</table>

- **Average total hourly compensation (wages and benefits) of private management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record.**

<table>
<thead>
<tr>
<th>Equipment:</th>
<th>Provide equipment adequate in type, capacity, and number: $500,000 [$79,290/yr. (10 year amortization)] = $79,290/yr. per facility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Staff estimate based on stakeholder input.</td>
</tr>
</tbody>
</table>

- **Sufficiently maintain equipment adequate in type, capacity, and number: $21.54/hr. + $9.61/hr. = $31.15/hr.**

- **$31.15/hr. x 400 hrs./yr. = $12,460/yr. per facility**

- **Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of labor hours to maintain equipment.**

<table>
<thead>
<tr>
<th>Housekeeping:</th>
<th>Provide adequate housekeeping: $21.54/hr. + $9.61/hr. = $31.15/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>$31.15/hr. x 25 hrs./yr. = $778.75/yr. per facility</strong></td>
</tr>
</tbody>
</table>

- **Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of labor hours to provide housekeeping.**

<table>
<thead>
<tr>
<th>Lighting:</th>
<th>Provide adequate lighting: $5,000/facility [$793/yr. (10 year amortization)] x 0.5 facilities (needing artificial light) for which no local land use requirement exists) = $400/yr. per facility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Staff estimate of cost to provide artificial lighting; staff estimates 50% of the Large Volume In-vessel Digestion Facilities will need artificial lighting.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Visual Screening:</th>
<th>Consult with EA: $44.96/hr. + $24.84/hr. = $69.80/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$69.80/hr. x 2 hrs./yr. = $139.60/yr. per facility</td>
</tr>
</tbody>
</table>
### Dairy Facilities

Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics; staff estimate of hours to consult with EA; staff estimates 10% of Medium Volume In-vessel Digestion Facilities will have no local land use authority.

Provide aesthetics (e.g., fencing, berms, landscaping): $10,000/facility [1.586/yr. (10 year amortization)] x 0.1 facilities (for which no local land use authority exists) = $160/yr. per facility

Staff estimate of cost to provide aesthetics; staff estimates 10% of Large Volume In-vessel Digestion Facilities will have no local land use authority.

Maintain aesthetics: $21.54/hr. + $9.61/hr. = $31.15/hr.

$31.15/hr. x 50 hrs./yr. = $1,557.50/yr. per facility

$1,557.50/yr. per facility x 0.1 facilities (for which no local land use authority exists) = $155.75/yr.

Average total hourly compensation (wages and benefits) of civilian worker - US Bureau of Labor Statistics staff estimate of hours to maintain aesthetics; staff estimates 10% of Large Volume In-vessel Digestion Facilities will have no local land use authority.

### Distribution

Provide a safe and adequate water supply for drinking: = $500/yr. per facility

Staff estimate of cost to provide adequate drinking water.

Provide a safe and adequate water supply emergency use: $1,000/facility [15.9/yr. (10 year amortization)] = $159/yr. per facility

Staff estimate of cost to provide adequate emergency water.

| Subtotal cost (to an in-vessel digestion fac. that would have been regulated as a Composting fac.) | $102,680.22/yr. |
| Total cost (to an In-vessel Digestion fac. that would have been regulated as a Transfer/Processing fac.) | Any + TP = $9,515.19 - $1,448,784.71/yr. |
| Total cost (to an in-vessel digestion fac. that would have been regulated as a Composting fac.) | Any + CM = $111,989.28 - $1,550,625.80/yr. |

<table>
<thead>
<tr>
<th>Yr. 1-2</th>
<th>Yr. 3</th>
<th>Total #</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Research In-vessel Digestion Operations</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>2</td>
<td>6</td>
<td>$3 x ($2,070.59 - $2,703.59)/yr. = ($6,211.77 - $8,110.77)/yr.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$3 x $3,610.36/yr. = $10,831.08/yr.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$6,211.77 - $8,110.77/yr. + $10,831.08/yr. = $17,042.85 - $18,941.85/yr.</td>
</tr>
<tr>
<td><strong>Dairy In-vessel Digestion Operations</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>$1 x ($1,863.63 - $2,496.63)/yr. = ($1,863.63 - $2,496.63)/yr.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$2 x $4,961.00/yr. = $9,922.00/yr.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$1,863.63 - $2,496.63/yr. + $9,922.00/yr. = $11,785.63 - $12,418.63/yr.</td>
</tr>
<tr>
<td><strong>Distribution Center In-vessel Digestion Operations</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Limited Volume In-vessel Digestion Operations</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>1</td>
<td>$1 x ($1,863.63 - $2,496.63)/yr. = ($1,863.63 - $2,496.63)/yr.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$1 x $6,676.76/yr. = $6,676.76/yr.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$1,863.63 - $2,496.63/yr. + $6,676.76/yr. = $8,540.39 - $9,173.39/yr.</td>
</tr>
<tr>
<td><strong>Medium Volume In-vessel Digestion Facilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>1</td>
<td>$1 x ($1,863.63 - $2,496.63)/yr. = ($1,863.63 - $2,496.63)/yr.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$1 x $99,195.72/yr. = $99,195.72/yr.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$1,863.63 - $2,496.63/yr. + $99,195.72/yr. = $101,059.35 - $101,692.35/yr.</td>
</tr>
<tr>
<td><strong>Large Volume In-vessel Digestion Facilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>1</td>
<td>$1 x ($9,515.19 - $1,448,784.71)/yr. = ($9,515.19 - $1,448,784.71)/yr.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$1 x ($111,989.28 - $1,550,625.80)/yr. = ($111,989.28 - $1,550,625.80)/yr.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$9,515.19 - $1,448,784.71/yr. + $111,989.28 - $1,550,625.80/yr. = $121,504.47 - $2,999,410.51/yr.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$259,932.69 - $3,141,636.73/yr.</td>
</tr>
</tbody>
</table>
### Public Compostable Material Handling Operations and Facilities

**Preliminary Estimates**

<table>
<thead>
<tr>
<th>Agricultural Material Composting Operations (0 active)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Odor:</strong></td>
<td>Prepare BMP Report: $5,000 - $10,450/operation x 0 operation/yr = $0/yr.</td>
</tr>
<tr>
<td>Implement BMP Report: $27.38/hr x $15.13/hr = $425.1/hr.</td>
<td></td>
</tr>
<tr>
<td>$425.1/hr x (80 – 160 hrs/yr) x $3,400.80 - $6,801.60/yr per operation</td>
<td></td>
</tr>
<tr>
<td>$3,400.80 - $6,801.60/yr per operation x 0 operation = $0/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1.0% Physical Contaminants: (incoming)</th>
<th>Visual observation of loads: $27.38/hr x $15.13/hr = $425.1/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$425.1/hr x (½ to ¾ hr.) x 260 operating days/yr = $3,684.20 - $5,526.30/yr per operation</td>
<td></td>
</tr>
<tr>
<td>$3,684.20 - $5,526.30/yr per operation x 0 active operations = $0/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; zero existing public agricultural material composting operations.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>0.1% Physical Contaminants: (outgoing)</th>
<th>Sampling and analysis: $27.38/hr x $15.13/hr = $425.1/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$425.1/hr x ½ hr. = $14.17</td>
<td></td>
</tr>
<tr>
<td>$14.17 + $48.00 lab cost = $62.17/sample</td>
<td></td>
</tr>
<tr>
<td>$62.17/sample x 0 samples/yr = $0/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; zero existing public agricultural material composting operations.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Biosolids Composting Operations at POTWs (8 active)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Odor:</strong></td>
<td>Prepare BMP Report: $5,000 - $10,450/operation x 0 operation/yr = $0/yr.</td>
</tr>
<tr>
<td>Implement BMP Report: $27.38/hr x $15.13/hr = $425.1/hr.</td>
<td></td>
</tr>
<tr>
<td>$425.1/hr x (80 – 160 hrs/yr) x $3,400.80 - $6,801.60/yr per operation</td>
<td></td>
</tr>
<tr>
<td>$3,400.80 - $6,801.60/yr per operation x 0 operations = $0/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of how long it would take to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1.0% Physical Contaminants: (incoming)</th>
<th>Visual observation of loads: $27.38/hr x $15.13/hr = $425.1/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$425.1/hr x (½ to ¾ hr.) x 260 operating days/yr = $3,684.20 - $5,526.30/yr per operation</td>
<td></td>
</tr>
<tr>
<td>$3,684.20 - $5,526.30/yr per operation x 1 operation = $3,684.20 - $5,526.30/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; staff estimate that one of the eight active Biosolids Composting Operations at POTWs accepts green material. This standard only applies to operations and facilities accepting green material.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>0.1% Physical Contaminants: (outgoing)</th>
<th>Sampling and analysis: $27.38/hr x $15.13/hr = $425.1/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$425.1/hr x ½ hr. = $14.17</td>
<td></td>
</tr>
<tr>
<td>$14.17 + $48.00 lab cost = $62.17/sample</td>
<td></td>
</tr>
<tr>
<td>$62.17/sample x 1 sample/yr = $62.17/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; staff estimates that EA will require 10% of biosolids composting operations to sample outgoing material.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Research Composting Operations (4 active)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Odor:</strong></td>
<td>Prepare BMP Report: $5,000 - $10,450/operation x 0 operation/yr = $0/yr.</td>
</tr>
<tr>
<td>Implement BMP Report: $27.38/hr x $15.13/hr = $425.1/hr.</td>
<td></td>
</tr>
<tr>
<td>$425.1/hr x (80 – 160 hrs/yr) x $3,400.80 - $6,801.60/yr per operation</td>
<td></td>
</tr>
<tr>
<td>$3,400.80 - $6,801.60/yr per operation x 0 operations = $0/yr.</td>
<td></td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of how long is likely to take to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
<td></td>
</tr>
</tbody>
</table>

| 2-Year Report: | Prepare 2-yr. Report: $34.71/hr x 17.05/hr = $517.6/hr. |
|----------------| $517.6/hr x 8 hrs/yr = $414.08/yr per operation |
| $414.08/yr per operation x 2 operation/yr = $828.16/yr. |
| Average total hourly compensation (wages and benefits) of management, professional, and related - US Bureau of Labor Statistics; staff estimate that it would take to prepare report; staff estimates 50% of research operations will submit report to extend research operations. |

| Subtotal Cost | $828.16/yr. |

| Subtotal Cost | $3,746 - $64,581/yr. |

### Appendix B-3
<table>
<thead>
<tr>
<th>Green Material Composting Operations (10 active)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>12,500 Cubic Yard Storage:</strong></td>
</tr>
<tr>
<td>Cost for submitting request in writing for SSA: $34.71 + 17.05 = $51.76/hr.</td>
</tr>
<tr>
<td>$51.76/hr. x (1 - 2 hrs)/yr. per operation x 1 operation = $51.76 - $103.52/yr.</td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of management, professional, and related - US Bureau of Labor Statistics; staff estimate time on total request for submission; staff estimates 10% of operations will submit SSA request.</td>
</tr>
<tr>
<td><strong>Odor:</strong></td>
</tr>
<tr>
<td>Prepare BMP Report: $5,000 - $10,450/operation x 0 operations/yr. = $0/yr.</td>
</tr>
<tr>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
</tr>
<tr>
<td>Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td>$42.51/hr. x (80 – 160 hrs./yr.) = $3,400.80 - $6,801.60/yr. per facility</td>
</tr>
<tr>
<td>$3,400.80 - $6,801.60/yr. per operation x 0 operations = $0/yr.</td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of how long it would take to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
</tr>
<tr>
<td><strong>1.0% Physical Contaminants:</strong></td>
</tr>
<tr>
<td>Visual observation of loads: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td>$42.51/hr. x (% to ½ hr.) x 260 operating days/yr. = $3,684.20 - $5,526.30/yr. per operation</td>
</tr>
<tr>
<td>$3,684.20 - $5,526.30/yr. per operation x 10 operations = $36,842 - $55,263/yr.</td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; all green material composting operations must visually sample loads.</td>
</tr>
<tr>
<td>Remove contaminants: (50 - $11)/ton x 3,654 tons of avg. operation/yr. x 1 operation = $0 to $40,194</td>
</tr>
<tr>
<td>Based on estimates from industry; some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard; green material composting operations can only accept green material with less than 1% physical contamination, and most green material composting operations should meet the 0.1% physical contaminant limit for finished compost; tonnage based on current estimated throughput.</td>
</tr>
<tr>
<td><strong>Green Material Composting Facilities (8 active)</strong></td>
</tr>
<tr>
<td><strong>Subtotal Cost</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Green Material Composting Facilities (8 active)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Odor:</strong></td>
</tr>
<tr>
<td>Prepare BMP Report: $5,000 - $10,450/operation x 0 facilities/yr. = $0/yr.</td>
</tr>
<tr>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
</tr>
<tr>
<td>Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td>$42.51/hr. x (80 – 160 hrs./yr.) = $3,400.80 - $6,801.60/yr. per facility</td>
</tr>
<tr>
<td>$3,400.80 - $6,801.60/yr. per operation x 0 facilities = $0/yr.</td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; all green material composting operations must visually sample loads.</td>
</tr>
<tr>
<td><strong>1.0% Physical Contaminants:</strong></td>
</tr>
<tr>
<td>Visual observation of loads: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td>$42.51/hr. x (% to ½ hr.) x 260 operating days/yr. = $3,684.20 - $5,526.30/yr. per facility</td>
</tr>
<tr>
<td>$3,684.20 - $5,526.30/yr. per facility x 8 facilities = $29,474 - $44,210/yr.</td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; number of samples is based on current estimated throughput being sample every 5,000 cubic yards.</td>
</tr>
<tr>
<td>Remove contaminants: (50 - $11)/ton x 48,215 tons of avg. facility/yr. x 1 facility = $0 to $530,365</td>
</tr>
<tr>
<td>Based on estimates from industry; some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard; green material composting facilities can only accept green material with less than 1% physical contamination, and most green material composting operations should meet the 0.1% physical contaminant limit for finished compost; tonnage based on current estimated throughput.</td>
</tr>
<tr>
<td><strong>Subtotal Cost</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vegetative Food Material Composting Operations (≤ 12,500 cubic yards) (0 active)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Odor:</strong></td>
</tr>
<tr>
<td>Prepare BMP Report: $5,000 - $10,450/operation x 0 active operations/yr. = $0/yr.</td>
</tr>
<tr>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
</tr>
<tr>
<td>Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td>$42.51/hr. x (80 – 160 hrs./yr.) = $3,400.80 - $6,801.60/yr. per operation</td>
</tr>
<tr>
<td>$3,400.80 - $6,801.60/yr. per operation x 0 active operations = $0/yr.</td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; zero existing public Vegetative Food Material Composting Facilities.</td>
</tr>
<tr>
<td><strong>1.0% Physical Contaminants:</strong></td>
</tr>
<tr>
<td>Visual observation of loads: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td>$42.51/hr. x (% to ½ hr.) x 260 operating days/yr. = $3,684.20 - $5,526.30/yr. per operation</td>
</tr>
<tr>
<td>$3,684.20 - $5,526.30/yr. per operation x 0 active operations = $0/yr.</td>
</tr>
<tr>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to visually observe loads; zero existing public Vegetative Food Material Composting Facilities.</td>
</tr>
</tbody>
</table>

Subtotal Cost | $37,867 - $582,968/yr.
### Vegetative Food Material Composting Facilities (> 12,500 cubic yards) (0 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Prepare BMP Report: $5,000 - $10,450/operation x 0 active facilities/yr. = $0/yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
</tr>
<tr>
<td></td>
<td>Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>$42.51/hr. x (80 – 160 hrs./yr.) = $3,400.80 - $6,801.60/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>$3,400.80 - $6,801.60/yr. per facility x 0 active facilities = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; zero existing public Vegetative Food Material Composting Facilities.</td>
</tr>
<tr>
<td></td>
<td>Removing contaminants: $(0 - $11)/ton x tons/yr. x 0 active operations = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Based on estimates from industry; some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard. Zero existing public Vegetative Food Material Composting Facilities.</td>
</tr>
<tr>
<td><strong>Subtotal Cost</strong>:</td>
<td>$0/yr.</td>
</tr>
</tbody>
</table>

### Composting Facilities (all) [e.g., biosolids, digestate, food material, mixed] (5 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Prepare BMP Report: $5,000 - $10,450 x 1 facility/yr. = $5,000 - $10,450/yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; based on odor violation data from the Solid Waste Information System database, staff estimates one compost facility will implement the BMP report.</td>
</tr>
<tr>
<td></td>
<td>Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>$42.51/hr. x (80 – 160 hrs./yr.) = $3,400.80 - $6,801.60/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>$3,400.80 - $6,801.60/yr. per facility x 1 facility = $3,400.80 - $6,801.60/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; based on odor violation data from the Solid Waste Information System database, staff estimates one compost facility will implement the BMP report.</td>
</tr>
<tr>
<td></td>
<td>$42.51/hr. x ⅓ hr. = $14.17</td>
</tr>
<tr>
<td></td>
<td>$14.17 + $48.00 lab cost = $62.17/sample</td>
</tr>
<tr>
<td></td>
<td>$62.17/sample x 98 samples/yr. x = $6,092.66/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing; number of samples is based on current estimated throughput being sample every 5,000 cubic yards.</td>
</tr>
<tr>
<td></td>
<td>Removing contaminants: $0-$11/ton x 246,124 tons/yr. = $0 - $2,707,364/yr.</td>
</tr>
<tr>
<td></td>
<td>Based on estimates from industry: some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard; tonnage based on current estimated throughput.</td>
</tr>
<tr>
<td><strong>Subtotal Cost</strong>:</td>
<td>$14,493 - $2,730,708/yr.</td>
</tr>
</tbody>
</table>

### Chipping and Grinding Operations (> 200 tons/day) (5 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Prepare BMP Report: $5,000 - $10,450/operation x 0 operations/yr. = $0/yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
</tr>
<tr>
<td></td>
<td>Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>$42.51/hr. x (80 – 160 hrs./yr.) = $3,400.80 - $6,801.60/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>$3,400.80 - $6,801.60/yr. per operation x 0 operations = $0/yr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report.</td>
</tr>
<tr>
<td></td>
<td>$42.51/hr. x (½ to ⅓ hr.) x 260 operating days/yr. = $3,684.20 - $5,526.30/yr. per operation</td>
</tr>
<tr>
<td></td>
<td>$3,684.20 - $5,526.30/yr. per operation x 5 operations = $18,421 - $27,631.50/yr.</td>
</tr>
<tr>
<td><strong>Subtotal Cost</strong>:</td>
<td>$18,421 - $27,631.50/yr.</td>
</tr>
</tbody>
</table>

### Chipping and Grinding Facilities (> 200 and ≤ 500 tons/day) (1 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Prepare BMP Report: $5,000 - $10,450/operation x 0 facilities/yr. = $0/yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; only facilities accepting mixed material are likely to prepare a BMP report.</td>
</tr>
</tbody>
</table>
**Appendix B-3**

### Land Application: Enforcement

**Contaminants:**
- 1.0% Contaminants:
  - Odor: 12,500 Yard

**Chipping and Grind (incoming)**
- 0.0%

**Application:**
- $27.38/hr. + $15.13/hr. = $42.51/hr.
- $42.51/hr. x (80 – 160 hrs./yr.) = $3,400.80 - $6,801.60/yr. per facility
- $3,400.80 - $6,801.60/yr. per facility x 0 facilities = $0/yr.

**Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics:**
- Staff estimate of time to implement activities required in the BMP report; only facilities accepting mixed material are likely to implement a BMP report.

<table>
<thead>
<tr>
<th>Subtotal Cost</th>
<th>$3,684.20 - $5,526.30/yr.</th>
</tr>
</thead>
</table>

**Chipping and Grinding Facilities (> 500 tons/day) (10 active)**

**Odor:**
- Prepare BMP Report: $5,000 - $10,450/facility x 0 facilities/yr. = $0/yr.
- Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.
- $42.51/hr. x (80 – 160 hrs./yr.) = $3,400.80 - $6,801.60/yr. per facility
- $3,400.80 - $6,801.60/yr. per facility x 0 facilities = $0/yr.

**Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics:**
- Staff estimate of time to implement activities required in the BMP report; all chip and grind facilities must visually sample loads.

<table>
<thead>
<tr>
<th>Subtotal Cost</th>
<th>$36,842 - $55,263/yr.</th>
</tr>
</thead>
</table>

### Enforcement Agencies

#### Land Application:

**Request verification of compliance:**
- $54.75/hr. + $30.25/hr. = $85.00/hr.
- $85.00/hr. x 1 hr./request x 20 requests/yr. = $1,700/yr.
- Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of requests received and the amount of time spent on each request.

**Approve alternative frequencies and depths:**
- $54.75/hr. + $30.25/hr. = $85.00/hr.
- $85.00/hr. x 1 hr./approval x 20 approvals/yr. = $1,700/yr.
- Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of approvals for alternative frequencies and depths.

**12,500 Cubic Yard Storage:**

**Grant Seasonal Storage Adjustment:**
- $54.75/hr. + $30.25/hr. = $85.00/hr.
- $85.00/hr. x 1 hr./request x 7 adjustments/yr. = $595/yr.
- Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of requests received and the amount of time spent on each request.

**Direct operator to implement/change BMP Report:**
- $54.75/hr. + $30.25/hr. = $85.00/hr.
- $85.00/hr. x 1 hr./report x 1 reports/yr. = $85/yr.
- Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of BMP reports implemented/changed and the amount of time spent on each request.

**1.0% Physical Contaminants: (incoming)**

**Notification the operation no longer qualifies for EA Notification tier:**
- $54.75/hr. + $30.25/hr. = $85.00/hr.
- $85.00/hr. x 1 hr./notification x 2 notifications/yr. = $85/yr.
- Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of operations that no longer qualify for EA Notification Tier and the amount of time spent on each notification.

**Issue Cease & Desist Order:**
- $54.75/hr. + $30.25/hr. = $85.00/hr.
- $85.00/hr. x 4 hrs./order x 1 order/yr. = $340/yr.
- Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of operations receive a Cease & Desist Order and the amount of time spent on each Cease & Desist Order.

**Verifying percent physical contaminants:**
- $54.75/hr. + $30.25/hr. = $85.00/hr.
- $85.00/hr. x 1 hr./verification x 4 verifications/yr. = $340/yr.
- Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number verifications and the amount of time spent on each verification.

**0.1% Physical Contaminants: (outgoing)**

**Direct operations to sample:**
- $54.75/hr. + $30.25/hr. = $85.00/hr.
- $85.00/hr. x ½ hr./direction x 4 directions/yr. = $170/yr.
- Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number operations that will be directed to sample for physical contaminants and the amount of time spent providing directions to operators.

**Review lab results:**
- $54.75/hr. + $30.25/hr. = $85.00/hr.
- $85.00/hr. x ½ hr./review x 1,288 reviews (98 public mixed + 1186 private mixed + 4 green material operations + (10% of application sites))/yr. = $13,685/yr.
- Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the number of lab samples will be reviewed and the amount of time spent reviewing each lab sample.
### Research:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review 2-yr. report:</td>
<td>$54.75/hr. + $30.25/hr. = $85.00/hr. &lt;br&gt; $85.00/hr. x 2 hrs./report x 4 reports/yr. = $680/yr.</td>
</tr>
<tr>
<td>Approve extension:</td>
<td>$54.75/hr. + $30.25/hr. = $85.00/hr. &lt;br&gt; $85.00/hr. x 2 hrs./extension x 2 extensions/yr. = $340/yr.</td>
</tr>
<tr>
<td>Alt. Sampling and Analysis:</td>
<td>$54.75/hr. + $30.25/hr. = $85.00/hr. &lt;br&gt; $85.00/hr. x 4 hrs./request x 20 requests/yr. = $6,800/yr.</td>
</tr>
<tr>
<td><strong>Subtotal Cost</strong></td>
<td><strong>$26,860/yr.</strong></td>
</tr>
</tbody>
</table>

### California Department of Food and Agriculture

<table>
<thead>
<tr>
<th>Activity</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibition Exceptions:</td>
<td>Consultation with SWRCB and CalRecycle: $54.75/hr. + $30.25/hr. = $85.00/hr. &lt;br&gt; $85.00/hr. x ½ hr/consult x 2 consultations/yr. = $85/yr.</td>
</tr>
<tr>
<td>Agronomically Beneficial:</td>
<td>Determination of &quot;agronomically beneficial&quot;: $54.75/hr. + $30.25/hr. = $85.00/hr. &lt;br&gt; $85.00/hr. x ½ hr./determination x 10 determinations/yr. = $425/yr.</td>
</tr>
<tr>
<td><strong>Subtotal Cost</strong></td>
<td><strong>$510/yr.</strong></td>
</tr>
</tbody>
</table>

### State Water Resources Control Board

<table>
<thead>
<tr>
<th>Activity</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibition Exceptions:</td>
<td>Consultation with CDFA and CalRecycle: $54.75/hr. + $30.25/hr. = $85.00/hr. &lt;br&gt; $85.00/hr. x ¼ hr/consult x 2 consultations/yr. = $85/yr.</td>
</tr>
<tr>
<td><strong>Subtotal Cost</strong></td>
<td><strong>$85/yr.</strong></td>
</tr>
</tbody>
</table>

### Regional Water Quality Control Board

<table>
<thead>
<tr>
<th>Activity</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alt. Land Application Alternatives:</td>
<td>Consultation with Enforcement Agencies: $54.75/hr. + $30.25/hr. = $85.00/hr. &lt;br&gt; $85.00/hr. x ½ hr/consult x 20 consultations (10% of application sites)= $/yr. &lt;br&gt; staff estimate of the number of consultations and the amount of time spent on each consultation.</td>
</tr>
<tr>
<td><strong>Subtotal Cost</strong></td>
<td><strong>$850/yr.</strong></td>
</tr>
</tbody>
</table>

### CalRecycle

<table>
<thead>
<tr>
<th>Activity</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibition Exceptions:</td>
<td>Approve exceptions to mammalian tissue prohibition: $54.75/hr. + $30.25/hr. = $85.00/hr. &lt;br&gt; $85.00/hr. x 16 hrs./yr. = $1,360/yr.</td>
</tr>
<tr>
<td>Odor:</td>
<td>Consultation with Enforcement Agencies: $54.75/hr. + $30.25/hr. = $85.00/hr. &lt;br&gt; $85.00/hr. x 24 hrs./yr. = $2,040/yr.</td>
</tr>
<tr>
<td>EA Notification Inspection Frequency:</td>
<td>Concur on reduced frequency: $54.75/hr. + $30.25/hr. = $85.00/hr. &lt;br&gt; $85.00/hr. x ½ hr./concurrence x 20 requests/yr. = $850/yr.</td>
</tr>
<tr>
<td><strong>Subtotal Cost</strong></td>
<td><strong>$4,250/yr.</strong></td>
</tr>
<tr>
<td><strong>Total Cost</strong></td>
<td><strong>$185,392 - $3,595,684/yr.</strong></td>
</tr>
</tbody>
</table>

Appendix B-3

June 2014

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### Public In-vessel Digestion Operations and Facilities

**Preliminary Estimates**

#### Research In-vessel Digestion Operations (0 active)

<table>
<thead>
<tr>
<th>2-Year Report:</th>
<th>Prepare 2-yr. Report: $34.71/hr. + 17.05/hr. = $51.76/hr. $51.76/hr. x 8 hrs. + 2 years = $207.04/yr. per operation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Odor:</td>
<td>Prepare BMP Report: $(5,000 - $10,450)/operation $(5,000 - $10,450)/operation x 0 operations = $0/yr. Based on estimates obtained from industry consultants; staff estimates that no Research In-vessel Digestion Operations will prepare a BMP report.</td>
</tr>
<tr>
<td>Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td></td>
</tr>
<tr>
<td>Biogas Control:</td>
<td>Take precautions to minimize uncontrolled release: $27.38/hr. + $15.13/hr. = $42.51/hr. $84.51/hr. x 50 hrs./yr. = $2,125.50/yr. per operation</td>
</tr>
<tr>
<td>Drainage and Spill Control:</td>
<td>Spill response = $100/yr. per operation</td>
</tr>
</tbody>
</table>

| Subtotal Cost (to any new In-vessel Digestion operation) | $2,432.54/yr. |

#### Personnel Health and Safety:

| Odor: | Make available IIP: $27.38/hr. + $15.13/hr. = $42.51/hr. $42.51/hr. x 1/2 hr./yr. = $5.31/yr. per operation |
| Roads: | Design and maintain roads: $27.38/hr. + $15.13/hr. = $42.51/hr. $42.51/hr. x 50 hrs./yr. = $2,125.50/yr. per operation |

| Subtotal (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.) | $266.71 - $1,126.91/yr. |

#### Total cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.)

| personnel cost | $2,315.69/yr. |

#### Roadways (0 active)

| Odor: | Prepare BMP Report: $(5,000 - $10,450)/operation $(5,000 - $10,450)/operation x 0 operations = $0/yr. Based on estimates obtained from industry consultants; staff estimates that no Dairy In-vessel Digestion Operations will prepare a BMP report. |
| Biogas Control: | Take precautions to minimize uncontrolled release: $27.38/hr. + $15.13/hr. = $42.51/hr. $84.51/hr. x 50 hrs./yr. = $2,125.50/yr. per operation |

| Subtotal (to an In-vessel Digestion op. that would have been regulated as a Composting op.) | $2,315.69/yr. |

#### Total cost (to an In-vessel Digestion op. that would have been regulated as a Composting op.)

| personnel cost | $3,559.45/yr. |

#### Dairy In-vessel Digestion Operations (0 active)

| Odor: | Prepare BMP Report: $(5,000 - $10,450)/operation $(5,000 - $10,450)/operation x 0 operations = $0/yr. Based on estimates obtained from industry consultants; staff estimates that no Dairy In-vessel Digestion Operations will prepare a BMP report. |

| Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr. $42.51/hr. x (80 hrs. - 160 hrs./yr. = $(3,400.80 - $6,801.60)/yr. per operation $(3,400.80 - $6,801.60)/yr. per operation x 0 operations = $0/yr. Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; staff estimates that no Dairy In-vessel Digestion Operations will implement a BMP report. |

| Biogas Control: | Take precautions to minimize uncontrolled release: $27.38/hr. + $15.13/hr. = $42.51/hr. $84.51/hr. x 50 hrs./yr. = $2,125.50/yr. per operation |

#### Total cost (to an In-vessel Digestion op. that would have been regulated as a Composting op.)

| personnel cost | $4,748.23/yr. |
**Drainage and Spill Control:**
- Spill response = $100/yr. per operation
- Staff estimate of equipment and supplies costs.

Subtotal Cost (to any new In-vessel Digestion operation) $2,225.50/yr.

**Odor:**
- Prepare OIMP: $27.38/hr. + $15.13/hr. = $42.51/hr.
- $42.51/hr. x (4 hrs. - 24 hrs./yr.)/yr. = $170.04 - $1,020.24/yr. per operation
- Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.

**Site Restoration:**
- Provide notice; cleaning, and removal: $27.38/hr. + $15.13/hr. = $42.51/hr.
- $42.51/hr. x 40 hrs./yr. = $1,700/yr. per operation
- Equipment use = ($1,200 - $1,500)/yr. per operation ($1,200 - $1,500) + $1,700 x one every 30 yrs. (1/30 yr.) x = $96.67 - $106.67/yr. per operation
- Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur once every 30 years.

Subtotal cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.) $266.71 - $1,126.91/yr.

**Personnel Health and Safety:**
- Make available IIPP: $27.38/hr. + $15.13/hr. = $42.51/hr.
- $42.51/hr. x ¾ hr./yr. = $5.31/yr. per operation
- Staff estimate of time to make IIPP available for review.

**Roads:**
- Design and maintain roads: $27.38/hr. + $15.13/hr. = $42.51/hr.
- $42.51/hr. x 100 hrs./yr. = $4,251/yr. per operation
- Equipment: $1,000/yr. per operation [$159/yr. (10 year amortization)]
- $4,251/yr. + $159/yr. = $4,410/yr. per operation
- Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs.

**Supervision and Personnel:**
- Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $34.71/hr. + $17.05/hr. = $51.76/hr.
- $51.76/hr. x ½ hrs./yr. = $25.88/yr. per operation
- Staff estimate of time to implement activities required in the BMR report; staff estimates that no Distribution Center In-vessel Digestion Operations will implement a BMR report.

Subtotal cost (to an in-vessel digestion op. that would have been regulated as a Composting op.) $4,411.19/yr.

**Total cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.)**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any + TP</td>
<td>$2,492.21</td>
</tr>
<tr>
<td>Any + CM</td>
<td>$6,666.69</td>
</tr>
</tbody>
</table>

**Distribution Center In-vessel Digestion Operations (0 active)**

**Odor:**
- Prepare BMP Report: ($5,000 - $10,450)/operation ($5,000 - $10,450)/operation x 0 operations = $0/yr.
  - Based on estimates obtained from industry consultants; staff estimates that no Distribution Center In-vessel Digestion Operations will prepare a BMP report.

**Implement BMP Report:**
- $27.38/hr. + $15.13/hr. = $42.51/hr.
- $42.51/hr. x (80 hrs. - 160 hrs./yr.)/yr. = ($3,400.80 - $6,801.60)/yr. per operation ($3,400.80 - $6,801.60)/yr. per operation x 0 operations = $0/yr.
- Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to implement activities required in the BMP report; staff estimates that no Distribution Center In-vessel Digestion Operations will implement a BMP report.

**Biogas Control:**
- Take precautions to minimize uncontrolled release: $27.38/hr. + $15.13/hr. = $42.51/hr.
- $42.51/hr. x 50 hrs./yr. = $2,125.50/yr. per operation
- Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas.

**Drainage and Spill Control:**
- Spill response = $100/yr. per operation
- Staff estimate of equipment and supplies costs.

Subtotal Cost (to any new In-vessel Digestion operation) $2,225.50/yr.

**Odor:**
- Prepare OIMP: $27.38/hr. + $15.13/hr. = $42.51/hr.
- $42.51/hr. x (4 hrs. - 24 hrs./yr.)/yr. = $170.04 - $1,020.24/yr. per operation
- Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.

**Site Restoration:**
- Provide notice; cleaning, and removal: $27.38/hr. + $15.13/hr. = $42.51/hr.
- $42.51/hr. x 40 hrs./yr. = $1,700/yr. per operation
- Equipment use = ($1,200 - $1,500)/yr. per operation ($1,200 - $1,500) + $1,700 x one every 30 yrs. (1/30 yr.) x = $96.67 - $106.67/yr. per operation
- Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur once every 30 years.

Subtotal cost (to an In-vessel Digestion op. that would have been regulated as a Transfer/Processing op.) $266.71 - $1,126.91/yr.

**Personnel Health and Safety:**
- Make available IIPP: $27.38/hr. + $15.13/hr. = $42.51/hr.
- $42.51/hr. x ¾ hr./yr. = $5.31/yr. per operation
- Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to make IIPP available for review.

**Roads:**
- Design and maintain roads: $27.38/hr. + $15.13/hr. = $42.51/hr.
- $42.51/hr. x 100 hrs./yr. = $4,251/yr. per operation
### Appendix B-4

#### Medium Volume In-Vessel Digestion Facilities (0 active)

<table>
<thead>
<tr>
<th>Subtotal cost (to an in-vessel digestion op. that would have been regulated as a Composting op.)</th>
<th>$6,724.69/yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total cost (to an In-Vessel Digestion op. that would have been regulated as a Transfer/Processing op.)</td>
<td>Any + TP = $2,492.21 - $3,352.41/yr.</td>
</tr>
<tr>
<td>Total cost (to an in-vessel digestion op. that would have been regulated as a Composting op.)</td>
<td>Any + CM = $8,950.19/yr.</td>
</tr>
</tbody>
</table>

| Odor: | Prepare BMP Report: ($5,000 - $10,450)/operation
($5,000 - $10,450)/operations x 0 operations = $0/yr.
Based on estimates obtained from industry consultants; staff estimates that no Medium Volume In-Vessel Digestion Facilities would prepare a BMP report. |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Subtotal cost (to an new In-Vessel Digestion operation)</td>
<td>$2,225.50/yr.</td>
</tr>
</tbody>
</table>
| Person Health and Safety: | Make available IPP: $27.38/hr. + $15.13/hr. = $42.51/hr.
$42.51/hr. x 3.0 hrs./yr. = $127.53/yr. per operation
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to make IPP available for review. |
| Roads: | Design and maintain roads: $27.38/hr. + $15.13/hr. = $42.51/hr.
$42.51/hr. x 150 hrs./yr. = $6,376.50/yr. per operation
$2,000/yr. per operation [$171/yr. (10 year amortization)]
$6,376.50/yr. + $171/yr. = $6,666.69/yr. per operation
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of labor hours and equipment costs. |
| Supervision and Personnel: | Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $34.71/hr. + $17.05/hr. = $51.76/hr.
$51.76/hr. x 1.3 hrs./yr. = $25.88/hr. per operation
Average total hourly compensation (wages and benefits) of public management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record. |
| Subtotal cost (to an in-vessel digestion op. that would have been regulated as a Composting op.) | $6,724.69/yr. |
| Total cost (to an In-Vessel Digestion op. that would have been regulated as a Transfer/Processing op.) | Any + TP = $2,492.21 - $3,352.41/yr. |
| Total cost (to an in-vessel digestion op. that would have been regulated as a Composting op.) | Any + CM = $8,950.19/yr. |

| Biogas Control: | Take precautions to minimize uncontrolled release: $27.38/hr. + $15.13/hr. = $42.51/hr.
$42.51/hr. x 50 hrs./yr. = $2,125.50/yr. per operation
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas. |
| Drainage and Spill Control: | Spill response = $100/yr. per operation
Staff estimate of equipment and supplies costs. |
| Subtotal Cost (to an In-Vessel Digestion operation) | $266.71 - $1,126.91/yr. |

| Site Restoration: | Provide notice; cleaning, and removal: $27.38/hr. + $15.13/hr. = $42.51/hr.
$42.51/hr. x 40 hrs. = $1,700/yr. per operation
Equipment use = ($1,200 - $1,500)/yr. per operation
($1,200 - $1,500) / x = $96.67 - $106.67/yr. per operation
Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to restore site. Site restoration only necessary upon site closure, which staff estimates will occur once every 30 years. |

| Odor: | Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.
$42.51/hr. x (80 hrs. - 160 hrs.)/yr. = ($3,400.80 - $6,801.60)/yr. per operation
($3,400.80 - $6,801.60)/yr. per operation x 0 operations = $0/yr.
Average total hourly compensation (wages and benefits) of public management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record. |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Subtotal cost (to an in-vessel digestion op. that would have been regulated as a Composting op.)</td>
<td>$4,411.96/yr.</td>
</tr>
<tr>
<td>Total cost (to an In-Vessel Digestion op. that would have been regulated as a Transfer/Processing op.)</td>
<td>Any + TP = $2,492.21 - $3,352.41/yr.</td>
</tr>
<tr>
<td>Total cost (to an in-vessel digestion op. that would have been regulated as a Composting op.)</td>
<td>Any + CM = $6,666.69/yr.</td>
</tr>
</tbody>
</table>
### Appendix B-4

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Calculation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Odor</strong></td>
<td>Take precautions to minimize uncontrolled release: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td>$42.51/hr x 50 hrs./yr. = $2,125.50/yr. per facility</td>
<td>$2,125.50</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas.</td>
<td>$15.13/hr x 24 hrs./yr = $362.32/yr. per facility</td>
<td>$362.32</td>
</tr>
<tr>
<td><strong>Drainage and Spill Control</strong></td>
<td>Spill response = $100/yr. per facility</td>
<td>Staff estimate of equipment and supplies costs.</td>
<td>$100/yr.</td>
</tr>
<tr>
<td><strong>Site Restoration</strong></td>
<td>Provide notice; cleaning, and removal: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td>$42.51/hr x 120 hrs./yr. = $5,046/yr. per facility</td>
<td>$5,046</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record.</td>
<td>$42.51/hr x 10 years = $425,100/yr. per facility</td>
<td>$425,100</td>
</tr>
<tr>
<td></td>
<td>Equipment use = ($1,000 - $1,500)/yr. per facility</td>
<td>($1,000 - $1,500) x 10 years = $10,000/yr. per facility</td>
<td>$10,000</td>
</tr>
<tr>
<td></td>
<td>Average total equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur once every 30 years.</td>
<td>Average total equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur once every 30 years.</td>
<td>$10,000</td>
</tr>
<tr>
<td><strong>Biogas Control</strong></td>
<td>Take precautions to minimize uncontrolled release: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td>$42.51/hr x 50 hrs./yr. = $2,125.50/yr. per facility</td>
<td>$2,125.50</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas.</td>
<td>$15.13/hr x 24 hrs./yr = $362.32/yr. per facility</td>
<td>$362.32</td>
</tr>
<tr>
<td></td>
<td>Equipment use = ($1,000 - $1,500)/yr. per facility</td>
<td>($1,000 - $1,500) x 10 years = $10,000/yr. per facility</td>
<td>$10,000</td>
</tr>
<tr>
<td><strong>Personnel Health and Safety</strong></td>
<td>Make available IIP: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td>$42.51/hr x 1.5 hrs./yr. = $63.76/yr. per facility</td>
<td>$63.76</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record.</td>
<td>$42.51/hr x 10 years = $425,100/yr. per facility</td>
<td>$425,100</td>
</tr>
<tr>
<td></td>
<td>Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $34.71/hr. + $17.05/hr. = $51.76/hr.</td>
<td>$51.76/hr x 0.1 hrs./yr. = $5.18/yr. per facility</td>
<td>$5.18</td>
</tr>
<tr>
<td><strong>Roads</strong></td>
<td>Design and maintain roads: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td>$42.51/hr x 120 hrs./yr. = $5,046/yr. per facility</td>
<td>$5,046</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of public management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record.</td>
<td>$42.51/hr x 10 years = $425,100/yr. per facility</td>
<td>$425,100</td>
</tr>
<tr>
<td></td>
<td>Equipment use = ($1,000 - $1,500)/yr. per facility</td>
<td>($1,000 - $1,500) x 10 years = $10,000/yr. per facility</td>
<td>$10,000</td>
</tr>
<tr>
<td><strong>Supervision and Personnel</strong></td>
<td>Provide equipment adequate in type, capacity, and number: $500,000 ($97,290/yr. 10 year amortization) per facility</td>
<td>Sufficiently maintain equipment adequate in type, capacity, and number: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td>$27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td><strong>Equipment</strong></td>
<td>Provide equipment adequate in type, capacity, and number: $500,000 ($97,290/yr. 10 year amortization) per facility</td>
<td>Sufficiently maintain equipment adequate in type, capacity, and number: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td>$27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>Staff estimate based on stakeholder input.</td>
<td>Sufficiently maintain equipment adequate in type, capacity, and number: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td>$27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td><strong>Housekeeping</strong></td>
<td>Provide adequate housekeeping: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
<td>$42.51/hr x 25 hrs./yr. = $1,062.50/yr. per facility</td>
<td>$1,062.50</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of labor hours to provide housekeeping.</td>
<td>$42.51/hr x 10 years = $425,100/yr. per facility</td>
<td>$425,100</td>
</tr>
<tr>
<td><strong>Lighting</strong></td>
<td>Provide adequate lighting: $5,000/facility ($973/yr. 10 year amortization) x 0.5 facilities (needing artificial light) for which no local land use requirement exists) = $400/yr. per facility</td>
<td>Provide adequate lighting: $5,000/facility ($973/yr. 10 year amortization) x 0.5 facilities (needing artificial light) for which no local land use requirement exists) = $400/yr. per facility</td>
<td>$400/yr.</td>
</tr>
<tr>
<td><strong>Visual Screening</strong></td>
<td>Consult with EA: $44.96/hr. + $24.84/hr. = $69.80/hr.</td>
<td>Consult with EA: $44.96/hr. + $24.84/hr. = $69.80/hr.</td>
<td>$69.80</td>
</tr>
<tr>
<td></td>
<td>Equipment use = ($1,000 - $1,500)/yr. per facility</td>
<td>$139.60/hr. = $139.60/yr. per facility</td>
<td>$139.60</td>
</tr>
<tr>
<td><strong>Water Supply</strong></td>
<td>Provide a safe and adequate water supply for drinking: $500/yr. per facility</td>
<td>Provide a safe and adequate water supply for drinking: $500/yr. per facility</td>
<td>$500/yr.</td>
</tr>
</tbody>
</table>

**Subtotal Cost** (to any new In-vessel Digestion facility) $2,225.50/yr.  
**Subtotal cost** (to an In-vessel Digestion fac that would have been regulated as a Transfer/Processing fac) $266.71 - $1,126.91/yr.
## Appendix B-4

<table>
<thead>
<tr>
<th>Subtotal cost (to an in-vessel digestion fac. that would have been regulated as a Composting fac.)</th>
<th>$103,560.50/yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total cost (to an In-vessel Digestion fac. that would have been regulated as a Transfer/Processing fac.)</td>
<td>Any + TP = $2,492.21 - $3,352.41/yr.</td>
</tr>
<tr>
<td>Total cost (to an in-vessel digestion fac. that would have been regulated as a Composting fac.)</td>
<td>Any + CM = $105,786/yr.</td>
</tr>
</tbody>
</table>

### Large Volume In-vessel Digestion Facilities (0 active)

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Prepare BMP Report: ($5,000 - $10,450)/facility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Based on estimates obtained from industry consultants; staff estimates that one Large Volume In-vessel Digestion Facility will prepare a BMP report.</td>
</tr>
<tr>
<td></td>
<td>Implement BMP Report: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to prepare activities required in the BMP report, estimates that one Large Volume In-vessel Digestion Facility will implement a BMP report.</td>
</tr>
<tr>
<td>Biogas Control:</td>
<td>Take precautions to minimize uncontrolled release: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to take precautions to minimize uncontrolled release of biogas.</td>
</tr>
<tr>
<td>Drainage and Spill Control:</td>
<td>Spill response = $100/hr. per facility</td>
</tr>
<tr>
<td></td>
<td>Staff estimate of equipment and supplies costs.</td>
</tr>
<tr>
<td>0.1% Physical Contaminants:</td>
<td>Sampling and analysis: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to collect samples; current laboratory pricing: range of tonnage based on an estimate of 100 to 500 tons per day over 260 operating days per year; 0.5 of the Large Volume In-vessel Digestion Facilities will compost themselves; in-vessel digestion will reduce feedstock volume by 40%.</td>
</tr>
<tr>
<td></td>
<td>Removing contaminants: ($0 - $11)/ton x 26,000 - 130,000 tons/yr. = $0 - $1,430,000/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>Based on estimates from industry: some operations/facilities are already meeting this standard, some will need to hire additional labor and/or purchase additional equipment to meet the standard; tonnage based on estimated throughput.</td>
</tr>
<tr>
<td>Subtotal Cost (to any new In-vessel Digestion facility)</td>
<td>$10,812.81 – $1,450,472.82/yr.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Odor:</th>
<th>Prepare OIMP: $27.38/hr. + $15.13/hr. = $42.51/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to prepare OIMP.</td>
</tr>
<tr>
<td>Site Restoration:</td>
<td>Provide notice; cleaning, and removal: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>Equipment use = ($1,200 - $1,500)/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>($1,200 – $1,500) + $1,700 x one every 30 yrs. (1/30 yr.) = $96.67 - $106.67/yr. per facility</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of equipment costs necessary to restore site. Site restoration only necessary upon site closure, which staff estimates will occur once every 30 years.</td>
</tr>
<tr>
<td>Subtotal cost (to an In-vessel Digestion fac that would have been regulated as a Transfer/Processing fac)</td>
<td>$266.71 - $1,126.91/yr.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Personnel Health and Safety:</th>
<th>Make available IPP: $27.38/hr. + $15.13/hr. = $42.51/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to make IPP available for review.</td>
</tr>
<tr>
<td>Roads:</td>
<td>Design and maintain roads: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to design and maintain roads.</td>
</tr>
<tr>
<td>Supervision and Personnel:</td>
<td>Provide contact information for operator and other responsible persons, in writing, to EA and operating record: $34.71/hr. + $17.05/hr. = $51.76/hr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of public management, professional, and related - US Bureau of Labor Statistics; staff estimate of time to provide written information to EA and place in operating record.</td>
</tr>
<tr>
<td>Equipment:</td>
<td>Provide equipment adequate in type, capacity, and number: $500,000 [$79,290/yr. (10 year amortization)] per facility</td>
</tr>
<tr>
<td></td>
<td>Sufficiently maintain equipment adequate in type, capacity, and number: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
<tr>
<td></td>
<td>Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of time to maintain equipment.</td>
</tr>
<tr>
<td>Housekeeping:</td>
<td>Provide adequate housekeeping: $27.38/hr. + $15.13/hr. = $42.51/hr.</td>
</tr>
</tbody>
</table>
### Lighting:

Provide adequate lighting; $5,000/facility [$793/yr. (10 year amortization)] x 0.5 facilities (needing artificial light) for which no local land use requirement exists = $400/yr. per facility.  
Staff estimate of cost to provide artificial lighting; staff estimates 50% of the Large Volume In-vessel Digestion Facilities will need artificial lighting.

### Visual Screening:

Consult with EA: $44.96/hr. + $24.84/hr. = $69.80/hr.  
$69.80/hr. x 2 hrs./yr. = $139.60/yr. per facility  
$139.60/yr. per facility x 0.1 facilities (for which no local land use requirement exists) = $13.96/yr. per facility  

Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of hours to consult with EA; staff estimates 10% of Large Volume In-vessel Digestion Facilities will have no local land use authority.

Provide aesthetics (e.g., fencing, berms, landscaping): $10,000/facility [$1,586/yr. (10 year amortization)] x 0.1 facilities (for which no local land use requirement exists) = $160/yr. per facility.  
Staff estimate of cost to provide aesthetics; staff estimates 10% of Large Volume In-vessel Digestion Facilities will have no local land use authority.

Maintain aesthetics: $27.38/hr. + $15.13/hr. = $42.51/hr.  
$42.51/hr. x 50 hrs./yr. = $2,126/yr. per facility  
$2,126/yr. per facility x 0.1 facilities (for which no local land use requirement exists) = $212.60/yr.

Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of hours to maintain aesthetics; staff estimates 10% of Large Volume In-vessel Digestion Facilities will have no local land use authority.

### Water Supply:

Provide a safe and adequate water supply for drinking; = $500/yr. per facility.  
Staff estimate of cost to provide adequate drinking water.

Subtotal cost (to an in-vessel digestion fac. that would have been regulated as a Composting fac.)  $110,520.10/yr.

Total cost (to an In-vessel Digestion fac. that would have been regulated as a Transfer/Processing fac.)  Any + TP = $11,079.52 - $1,451,598.73/yr.

Total cost (to an in-vessel digestion fac. that would have been regulated as a Composting fac.)  Any + CM = $121,332.91 - $1,560,991.92/yr.

### POTW Exclusion (0 active)

**Anaerobically Digestible Material:**

Request for consideration of additional types of material: $27.38/hr. + $15.13/hr. = $42.51/hr.  
$42.51/hr. x 2 hrs./request x = $85.02/request  
$85.02/request x 0.25 requests/yr. = $21.26/yr.

Average total hourly compensation (wages and benefits) of state and local government worker - US Bureau of Labor Statistics; staff estimate of the amount of time spent on each consultation and number of consultations.

**California Department of Food and Agriculture**

**Prohibition Exceptions:**

Consultation with SWRCB and CalRecycle: $54.75/hr. + $30.25/hr. = $85.00/hr.  
$85.00/hr. x ½ hr./consult x 2 consultations/yr. = $85/yr.

Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent on each consultation and number of consultations.

**Anaerobically Digestible Material:**

Consultation with SWRCB and CalRecycle on additional types of material: $54.75/hr. + $30.25/hr. = $85.00/hr.  
$85.00/hr. x 1 hr./consult x 2 consultations/yr. = $170/yr.

Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent on each consultation and number of consultations.

**State Water Resources Control Board**

**Prohibition Exceptions:**

Consultation with CDFA and CalRecycle: $54.75/hr. + $30.25/hr. = $85.00/hr.  
$85.00/hr. x ½ hr./consultations x 2 consultations/yr. = $85/yr.

Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent on each consultation and number of consultations.

**Anaerobically Digestible Material:**

Consultation with CDFA and SWRCB on additional types of material: $54.75/hr. + $30.25/hr. = $85.00/hr.  
$85.00/hr. x 1 hr./consult x 2 consultations/yr. = $170/yr.

Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent on each consultation and number of consultations.

**CalRecycle**

**Prohibition Exceptions:**

Consultation with CDFA and SWRCB: $54.75/hr. + $30.25/hr. = $85.00/hr.  
$85.00/hr. x ½ hr./consultations x 2 consultations/yr. = $85/yr.

Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent on each consultation and number of consultations.

**Anaerobically Digestible Material:**

Consultation with CDFA and SWRCB on additional types of material: $54.75/hr. + $30.25/hr. = $85.00/hr.
### Appendix B-4

| Research In-vessel Digestion Operations | 2 yrs. | $2,699.25 \times 2 \text{ consults/yr.} \times \$4,748.23/\text{yr.} = \$85.00/\text{hr.} \times 2 \text{ hrs./report} \times 4 \text{ reports/yr.} + \$680/\text{yr.}  
\text{Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent on each consultation and number of consultations.}  
\text{Total Cost} = \$255/\text{yr.} |
| Dairy In-vessel Digestion Operations | 2 yrs. | $2,699.25 \times 2 \text{ consults/yr.} \times \$4,748.23/\text{yr.} = \$85.00/\text{hr.} \times 2 \text{ hrs.}/\text{extension} \times 2 \text{ extensions/yr.} + \$800/\text{yr.}  
\text{Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent reviewing each extension.}  
\text{Total Cost} = \$7,820/\text{yr.} |
| Limited Volume In-vessel Digestion Operations | 2 yrs. | $2,492.21 \times 2 \text{ consults/yr.} \times \$4,748.23/\text{yr.} = \$85.00/\text{hr.} \times 2 \text{ hrs.}/\text{consult} \times 20 \text{ consults/yr.} + \$820/\text{yr.}  
\text{Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent reviewing and approving/denying each request.}  
\text{Total Cost} = \$7,820/\text{yr.} |
| Medium Volume In-vessel Digestion Facilities | 2 yrs. | $2,492.21 \times 2 \text{ consults/yr.} \times \$4,748.23/\text{yr.} = \$85.00/\text{hr.} \times 2 \text{ hrs.}/\text{consult} \times 20 \text{ consults/yr.} + \$820/\text{yr.}  
\text{Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent reviewing and approving/denying each request.}  
\text{Total Cost} = \$7,820/\text{yr.} |
| Large Volume In-vessel Digestion Facilities | 2 yrs. | $2,492.21 \times 2 \text{ consults/yr.} \times \$4,748.23/\text{yr.} = \$85.00/\text{hr.} \times 2 \text{ hrs.}/\text{consult} \times 20 \text{ consults/yr.} + \$820/\text{yr.}  
\text{Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent reviewing and approving/denying each request.}  
\text{Total Cost} = \$7,820/\text{yr.} |
| POTW Exclusions | 26 yrs. | $2,699.25 \times 2 \text{ consults/yr.} \times \$4,748.23/\text{yr.} = \$85.00/\text{hr.} \times 2 \text{ hrs.}/\text{extension} \times 2 \text{ extensions/yr.} + \$800/\text{yr.}  
\text{Average total hourly compensation (wages and benefits) suggested by an affected agency for government worker conducting this task; staff estimate of the amount of time spent reviewing each extension.}  
\text{Total Cost} = \$260,197.06 – \$3,142,955.88/\text{yr.} |

### California Department of Food and Agriculture
- $255.00/\text{yr.}

### State Water Resources Control Board
- $255.00/\text{yr.}

### CalRecycle
- $255.00/\text{yr.}

### Enforcement Agencies
- $7,820.00/\text{yr.}

\text{Total Cost} = \$268,782.06 – \$3,151,540.88/\text{yr.}
Chapter 1. General Provisions

§ 17017. Definitions.
As used in this division:
(a) “Department” means the Department of Resources Recycling and Recovery, which is vested with the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California Integrated Waste Management Board (board).
(b) “Board” or “CIWMB” means the California Integrated Waste Management Board, which, as of January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department of Resources Recovery and Recycling (Department).


Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities

§ 17362.2. Contaminated Soil Transfer/Processing Operations.
All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These operations shall be inspected by the enforcement agency at least once quarterly every three (3) months unless the enforcement agency approves, with Department concurrence, a reduced inspection frequency. The enforcement agency may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


Article 5.8. Nonhazardous Ash Regulatory Tier Requirements

§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.
(a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in the California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18103).
(b) In addition to the requirements of subdivision (a), the following statement shall be included in the enforcement agency notification and signed by the operator: "The undersigned certify under penalty of perjury that the information in this document and all attachments are true and correct to the best of my knowledge, and is being executed in accordance with the requirements of the California Code of Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as September 2014
defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that there are significant penalties for submitting false or misleading information in this certification, including the possibility of fine or imprisonment, or both.”
(c) A new Enforcement Agency Notification is required any time there are changes to information required by this section.
(d) These operations may shall be inspected by the enforcement agency as necessary for the protection of public health, safety and the environment every three (3) months unless the enforcement agency approves, with Department concurrence, a reduced inspection frequency. The enforcement agency may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements

§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris Regulatory Requirements.
(a) A site that receives only construction and demolition debris and inert debris (CDI) and which meets the requirements of this section shall be classified as a CDI recycling center. A site that receives only inert debris and which meets the requirements of this section shall be classified as an inert debris recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any other requirements of this Article except as specified in this section.
(1) The CDI debris that a CDI recycling center receives shall have been separated at the point of generation.
   (A) For the purposes of this section, ”separated at the point of generation” means that the material has been separated from the solid waste stream by the generator of that material or by a processor prior to receipt at a CDI recycling center and has not been commingled with other solid waste or recyclable materials. For example, each material type must be transferred in separate containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled in a single container.
   (2) An inert debris recycling center shall receive only Type A inert debris that is source separated or separated for reuse. The inert debris may be commingled in a single container.
(b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:
   (1) The residual shall be less than 10% by weight of the amount of debris received at the site, calculated on a monthly basis. Recycling center operators may report their residual percentage to the EA and the Department on Form CIWMB 607 (see Appendix A).
   (2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible wastes shall not constitute a nuisance, as determined by the EA.
   (c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited at CDI recycling centers.
   (d) The following storage time limits apply to CDI recycling centers:
      (1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.
      (2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on site for more than one year 90 days, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.
      (3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the Department.
      (4) At the EA’s discretion, storage time limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.
(5) CDI recycling center storage time limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA’s findings shall be in writing.

(e) The following storage limits apply to inert debris recycling centers:
   (1) Inert debris stored for more than 6 months that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.
   (2) Inert debris that has been processed and sorted for resale, or reuse, but remains stored on site for more than 18-24 months, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(3) Storage time limits do not apply to Type A inert debris recycling centers which are located at an inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material production facility.

(4) Storage time limits do not apply to Type A inert debris recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the board Department.

(5) At the EA’s discretion, storage limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.

(6) Inert debris recycling center storage limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA’s findings shall be in writing.

(f) Nothing in this section precludes the EA or the board Department from inspecting a site to verify that it is and has been operating in a manner that meets the requirements of this section, or from taking any appropriate enforcement action, including the use of a Notice and Order as provided in section 18304.

(g) In evaluating whether or not a particular site is in compliance with this section, the EA shall, among other things, do the following:
   (1) If the EA has reason to believe that each load of debris received at a recycling center is not separated at the point of generation, is not source separated or is not separated for reuse, as applicable, or that the residual exceeds 10% of the total debris received per month, or that the amount of putrescible wastes exceeds 1% by volume of the total debris received per month, or material is being stored in excess of the applicable storage limits, or that upon request no evidence is provided by the owner and operator that the stored debris is being accumulated for viable reuse, or that the site is not in compliance with any other requirement in this section, the EA may require the owner or operator to provide evidence that the recycling center is in compliance. The burden of proof shall be on the owner and operator of the recycling center to demonstrate it is in compliance.
   (2) At the time that the EA requires a recycling center to provide evidence that it is in compliance with this section, the EA shall provide the owner and operator of the recycling center a written description of the information that has caused the EA to believe that the recycling center is not in compliance. Notwithstanding, the EA shall not be required to identify the name or other identifying information regarding any person(s) who has complained about the recycling center.

(h) Sites which do not meet the applicable requirements of this section do not qualify as recycling centers and shall comply with this Article and all laws and regulations applicable to them. The burden of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are not subject to the requirements of this Article.


§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.
(a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.
The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier requirements.

(1) A small volume C&D wood debris chipping and grinding operation shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq., and shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(2) A medium volume C&D wood debris chipping and grinding operation shall comply with the Registration Permit tier requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq.

(3) A large volume C&D wood debris chipping and grinding facility shall comply with the Full Permit tier requirements set forth in CCR, Title 27, Division 2, Subdivision 1, Chapter 4, commencing with section 21563.

(4) To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

(5) Except as otherwise specified in this section, small volume C&D wood debris chipping and grinding activities shall comply with all requirements applicable to small volume CDI debris processing operations, medium volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to medium volume CDI processing facilities, and large volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to large volume CDI debris processing facilities.


§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.
All small volume CDI debris processing operations shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These operations shall be inspected quarterly by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals. The operator shall specify the operation’s boundary area in the operating record.


§ 17383.7. Inert Debris Type A Processing Operations.
(f) These operations shall be inspected by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly. To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements

§ 17388.3. Inert Debris Engineered Fill Operations.

(b) Inert debris engineered fill operations shall be inspected as necessary by the EA at least once every three (3) months to verify compliance with State Minimum Standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements

§ 17403.1. Excluded Operations.

(a) The following operations do not constitute transfer operations or facilities for the purposes of these Articles and are not required to meet the requirements set forth herein:

(8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, in accordance with Section 17896.6(a)(1).


§ 17403.2. Sealed Containers Transfer Operations.

All sealed container transfer operations subject to this Article shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA, as necessary at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is sufficient, but in no case shall the frequency be less than annual. The operator shall specify the operation's boundary area in the operating record.


§ 17403.3. Limited Volume Transfer Operations.

All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100). These operations shall be inspected by EA as necessary at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve
a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less than annual. The operator shall specify the operation’s boundary area in the operating record.


Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 1. General

§ 17852. Definitions.
(a) For the purposes of this Chapter:
(1) “Active Compost” means compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of compost per day, or the equivalent of oxygen uptake.
(2) “Additives” means material mixed with feedstock or active compost in order to adjust the moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include, but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost feedstock.
(3) “Aerated Static Pile” means a composting process that uses an air distribution system to either blow or draw air through the pile. Little or no pile agitation or turning is performed.
(4) “Aerobic Decomposition” means the biological decomposition of organic substances in the presence of oxygen.
(5) “Agricultural Material” means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use from production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as “food material” or “vegetative food material” is not agricultural material. Agricultural material includes, including but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.
(6) “Agricultural Material Composting Operation” means an operation that produces compost from green or agricultural material, additives, and/or amendments.
(7) “Amendments” means materials added to stabilized or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock.
(8) “Anaerobic Decomposition” means the biological decomposition of organic substances in the absence of oxygen.
(9) “Biosolids” means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and scum or solids removed in primary, secondary, or advanced wastewater treatment processes. Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works.
(10) “Chipping and Grinding Operations and Facilities” means an operation or facility, that does not produce compost, that mechanically reduces the size or otherwise engages in the handling, of compostable material and:
(A) The site does the following:
1. The site handles only material, excluding manure, allowed at a green material composting
operation or facility as set forth in section 17852(a)(22); and,
2. Each load of green material is removed from the site within 48 hours of receipt. The EA may
allow a site to keep green material on-site for up to 7 days if the EA determines that the additional
time does not increase the potential for violations of this Chapter.
(B) If the site fails to meet the definition of green material because it exceeds the contamination
limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing
Regulatory requirements (commencing at section 17400).
(C) If the site fails to meet the definition of this section because the green material remains on-
site for a longer period of time than is allowed, then the site shall be regulated as a compostable
material handling operation or facility, as set forth in this Chapter.
11) “Compostable Material” means any organic material that when accumulated will become active
compost as defined in section 17852(a)(1).
12) “Compostable Materials Handling Operation” or “Facility” means an operation or facility that
processes, transfers, or stores compostable material. Handling of compostable materials results in
controlled biological decomposition. Handling includes composting, screening, chipping and grinding,
and storage activities related to the production of compost, compost feedstocks, and chipped and
ground materials. “Compostable Materials Handling Operation or Facility” does not include activities
excluded from regulation in section 17855. “Compostable Materials Handling Operation or Facility” also
includes:
(A) agricultural material composting operations;
(B) green material composting operations and facilities;
(C) vegetative food material composting facilities;
(D) research composting operations; and,
(E) chipping and grinding operations and facilities.
13) “Curing” means the final stage of the composting process that occurs after compost has
undergone pathogen reduction, as described in section 17868.3, and after most of the readily
metabolized material has been decomposed and stabilized.
13.5) “Digestate” means the solid and/or liquid residual material remaining after organic material
has been processed in an in-vessel digester, as defined in section 17896.2(a)(12). Digestate intended
to be composted pursuant to this Chapter may only be handled at a facility that has obtained a
Compostable Materials Handling Facility Permit pursuant to section 17854.
14) “Domestic Sewage” means waste and wastewater from humans or household operations that is
discharged to or otherwise enters a treatment works.
15) “Disposal of compostable material” means:
(A) 1. the final deposition of compostable material on land, unless excluded from this Chapter 3.1
pursuant to Section 17855;
2. storing or stockpiling more than 200 cubic yards of compostable material, other than
stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration
requirements of section 17868.2, on land for a combined period of time greater than six
months 30 days, except as provided in subdivision (A) 3.; or
3. storing or stockpiling more than 200 cubic yards of agricultural material and/or compost for more than twelve months on prime land that is zoned for agricultural land uses as
defined in Government Code section 51204, unless the EA, after RWQCB in consultation with the EA
applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that
storing or stockpiling the material more than 12 months will not adversely affect the public health and
safety or the environment may remain within the operations area for a period of time greater than
specified.
(B) Disposal of compostable material does not include the use of compostable material for:
1. alternative daily cover material beneficial reuse at a solid waste landfill pursuant to Title 27,
California Code of Regulations, section 20686; or
2. mine reclamation in accordance with applicable law. Notwithstanding this section, use of
compostable organic material as a alternative daily cover material shall still require approval for use
pursuant to Title 27, California Code of Regulations, section 20680 and may require additional
approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.
(C) Disposal does not include land application of compostable organic material as defined in
section 17852(a)(24.5). “Land Application” means the application of compostable material, excluding
food material or mixed solid waste for the following applications: to forest, agricultural, and range land
at agronomic rates; in accordance with California Department of Food and Agriculture (CDFA).
requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.

(B-C) Should the EA have reason to believe that a person possesses compostable material and is engaging in other activities that meet the definition of disposal of compostable material or authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall be on each person engaging in or authorizing such activities the land owner or operator to demonstrate otherwise.

(E-D) If the activities at a site meet the definition of disposal of compostable material, the site shall be regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).

(16) “Dry Weight Basis” means weight calculated on the basis of having been dried until reaching a constant mass; that results in essentially 100 percent solids content.

(17) “Enclosed Composting Process” means a composting process where the area that is used for the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed sides and rests on a stable surface with environmental controls for moisture and air-borne emissions present.

(18) “EA” means enforcement agency.

(19) “Feedstock” means any compostable organic material used in the production of compost or chipped and ground material including, but not limited to, agricultural material, green material, vegetative food material, food material, biosolids, and mixed solid waste material. Feedstocks shall not be considered as either additives or amendments.

(20) “Food Material” means any a waste material of plant or animal origin that was acquired for results from the preparation or processing of food for animal or human consumption, and that is separated from the municipal solid waste stream, and that does not meet the definition of “agricultural material.” Food material may include, but is not limited to, food waste from food facilities as defined in Health and Safety Code section 113785-113789 (such as restaurants), food processing establishments as defined in Health and Safety Code section 111955, grocery stores, institutional cafeterias (such as prisons, schools and hospitals), and residential food scrap collection. Food material does not include any material that is required to be handled only pursuant to the California Food and Agricultural Code and regulations adopted pursuant thereto.

(A) “Vegetative Food Material” means that fraction of food material, defined above, that is a plant material and is separated from other food material and the municipal solid waste stream. Vegetative food material may include, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and spoiled produce, and coffee grounds.

(21) “Green Material” means any plant material except food material and vegetative food material that is separated at the point of generation, contains no greater than 1.0 of percent physical contaminants by weight, and meets the requirements of section 17868.5. Green material includes, but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood waste from silviculture and manufacturing, and construction and demolition wood waste. Green material does not include food material, vegetative food material, biosolids, mixed solid waste material, material processed separated from commingled solid waste collection or processing, wood containing lead-based paint or wood preservative, or mixed construction or mixed and demolition debris. Agricultural material, as defined in this section 17852(a)(5), that meets this definition of “green material” may be handled as either agricultural material or green material.

(22) “Green Material Composting Operation” or “Facility” is an operation or facility that comports green material, additives, and/or amendments. A green material composting operation or facility may also handle manure and paper products. An operation or facility that handles a feedstock that is not green material, manure, or paper products, shall not be considered a green material composting operation or facility. “Green Material Composting Operation” or “Facility” does not include activities excluded from regulation in section 17855.

(23) “Handling” means the processing, transfer, and storage of compostable materials. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstocks, and chipped and ground materials.

(24) “Insulating Material” means material used for the purpose of minimizing the loss of heat from a compost pile undergoing the “Process to Further Reduce Pathogens” (PFRP), as described in section 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.
(24.5) “Land Application” means either subdivision (A) or (B):
(A) The final deposition of compostable material and/or digestate spread on any land, including
land zoned only for agricultural uses, under the following conditions:
1. The compostable material does not contain more than 0.1% by weight of physical
contaminants greater than 4 millimeters as specified in section 17868.3.1;
2. The compostable material meets the maximum metal concentrations as specified in section
17868.2;
3. The compostable material meets the pathogen density limits as specified in section
17868.3(b)(1); and
4. The compostable material is not applied more frequently than once during a 12 month period,
and, at the time of the application, the compostable material shall not exceed an average of 12 inches
in total, accumulated depth. The EA, in consultation with the Regional Water Quality Control Board,
may approve alternative application frequencies and depths, if the EA after such consultation
determines that the alternatives will not adversely affect public health and safety or the environment.
5. Verification of compliance with this subdivision must be provided to the EA upon request.
(B) The final deposition of compostable material spread on land zoned only for agricultural uses
under the following conditions:
1. The compostable material does not contain more than 0.1% by weight of physical
contaminants greater than 4 millimeters; and
2. Prior to application, the California Department of Food and Agriculture (CDFA) has
determined that the land application is in compliance with all applicable requirements established by
CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land
application is agronomically beneficial; and
3. Prior to application, the EA has received confirmation that CDFA has made the determination
specified in (B)(2) above.

[Note: This subdivision (a)(24.5) does not apply to: 1) the use of compost produced in compliance
with Article 3.1 and/or 3.2 of this Division, 2) the use of compostable material for gardening or
landscaping on a parcel of land 5 acres or less in size, 3) the final deposition of compostable material
spread on land by a Federal, State, or local government entity, provided the material is applied in
accordance with applicable law, 4) beneficial reuse at a solid waste landfill pursuant to Title 27,
California Code of Regulations, section 20686, or 5) beneficial reuse of biosolids pursuant to Part 503,
Title 40 of the Code of Federal Regulations and State Water Resources Control Board General Order
No. 2004-0012-DWO, or site-specific Waste Discharge Requirements or other issued requirements
from the State Water Resources Control Board or a Regional Water Quality Control Board having
jurisdiction. In addition, as specified in section 17850(d), nothing in these standards shall be
construed as relieving any owner, operator, or designee from the obligation of obtaining all
authorizations and complying with all requirements of other regulatory agencies, including but not
limited to, local health entities, regional water quality control boards, air quality management districts
or air pollution control districts, local land use authorities, and fire authorities.]

(25) “Manure” is an agricultural material and means accumulated herbivore or avian excrement.
This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is
mixed with feces or urine.

(26) “Mixed Solid Waste Material” means any compostable material that is part of the municipal
solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed
demolition or mixed construction debris, or plastics. A feedstock that is not source separated or
contains 1.0% or more of physical contaminants by weight is mixed solid waste material. Compostable
material that contains mixed demolition or mixed construction debris shall be considered mixed solid
waste.

(27) "Mushroom Farm" means an activity that produces mushrooms. The handling of compostable
material at a mushroom farm prior to and after use as a growth medium is subject to regulation
pursuant to this chapter and is not considered mushroom farming.

(27.5) “Nuisance” includes anything which:
(A) is injurious to human health or is indecent or offensive to the senses and interferes with the
comfortable enjoyment of life or property, and
(B) affects at the same time an entire community, neighborhood or any considerable number of
persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

(28) “Operations Area” means the following areas within the boundary of a compostable material
handling operation or facility:
(A) equipment cleaning, maintenance, and storage areas;
(B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and
(C) process water and stormwater drainage control systems.

(29) "Operator" means the owner, or other person who through a lease, franchise agreement or
other arrangement with the owner, becomes legally responsible for the following:
(A) complying with regulatory requirements set forth in this Chapter;
(B) complying with all applicable federal, state and local requirements;
(C) the design, construction, and physical operation of the site; and
(D) site restoration.

(30) "Owner" means the person or persons who own, in whole or in part, a compostable material
handling operation or facility, or the land on which these operations or facilities are located.

(31) "Pathogenic Organism" means disease-causing organisms.

(32) "Physical Contamination" or "Contaminants" means human-made inert products material
contained within feedstocks, including, but not limited to, glass, metal, and plastic.

(33) "Process Water" means liquid that is generated during or used in the production of compost or
chipped and ground materials.

(34) "Research Composting Operation" means a composting operation, that is operated for the
purpose of gathering research information on composting.

(35) "Separated At The Point of Generation" includes material separated from the solid waste
stream by the generator of that material. It may also include material from a centralized facility as
long as that material was kept separate from the waste stream prior to receipt by that facility and the
material was not commingled with other materials during handling.

(36) "Stabilized Compost" means any organic material that has undergone the Process to Further
Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced
biological activity as indicated by reduced temperature and rate of respiration below that of active
compost.

(37) "Static Pile" means a composting process that is similar to the aerated static pile except that
the air source may or may not be controlled.

(38) "Vector" includes any insect or other arthropod, rodent, or other animal capable of transmitting
the causative agents of human disease.

(38.5) "Vegetative Food Material Composting Facility" is a facility that composts agricultural
material, green material, vegetative food material, additives, and/or amendments. A vegetative food
material composting facility may also handle manure and paper products. An operation or facility that
handles a feedstock that is not agricultural material, green material, vegetative food material,
manure, or paper products, shall not be considered a vegetative food material composting facility.
"Vegetative Food Material Composting Facility" does not include activities excluded from regulation in
section 17855.

(39) "Vermicomposting" means an activity that produces worm castings through worm activity. The
EA may determine whether an activity is or is not vermicomposting. The handling of compostable
material prior to and after use as a growth medium is subject to regulation pursuant to this chapter
and is not considered vermicomposting.

(40) "Windrow Composting Process" means the process in which compostable material is placed in
elongated piles. The piles or "windrows" are aerated and/or mechanically turned on a periodic basis.

(41) "Within-vessel Composting Process" means an aerobic process in which compostable material is
enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost,
maintained under uniform conditions of temperature and moisture where air-borne emissions are
controlled.

(42) "Wood Waste" means solid waste consisting of wood pieces or particles which are generated
from the manufacturing or production of wood products, harvesting, processing or storage of raw
wood materials, or construction and demolition activities.

(43) "Yard Trimmings" means any wastes generated from the maintenance or alteration of public,
commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree
trimmings, prunings, bush, and weeds.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
43020 and 43021, Public Resources Code.
## Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities

### § 17854. Compostable Materials Handling Facility Permit Requirements.
Except as specified in this Article, all compostable materials handling activities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations.


### § 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities.
Sections 17854 through 17862.1 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5., Article 3.0., commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of Regulations) for compostable material handling operations and facilities. These requirements are summarized in Table 1.

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency Notification Tier</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Material Composting Operations (all)</td>
<td></td>
<td></td>
<td>Composting Facilities (all)</td>
</tr>
<tr>
<td>Refer to Section 17855</td>
<td>Section 17856.</td>
<td></td>
<td>(e.g. biosolids, digestate, food material, mixed material)</td>
</tr>
<tr>
<td>Green Material Composting Operations (≤ 12,500 yd³)</td>
<td>Section 17857.1(a)</td>
<td>Vegetative Food Material Composting Facilities (≤ 12,500 yd³)</td>
<td>Green Material Composting Facilities (&gt; 12,500 yd³)</td>
</tr>
<tr>
<td>Biosolids Composting Operations at POTWs (all)</td>
<td>Section 17859.1</td>
<td></td>
<td>Section 17857.1 (c)</td>
</tr>
<tr>
<td>Research Composting Operations (≤ 5,000 yd³) (Within-vessel &gt; 5,000 yd³ with EA determination)</td>
<td>Section 17862.</td>
<td></td>
<td>Vegetative Food Material Composting Facilities (&gt; 12,500 yd³)</td>
</tr>
<tr>
<td>Chipping and Grinding Operations (≤ 200 tpd)</td>
<td>Section 17862.1(a)</td>
<td>Chipping and Grinding Facilities (&gt; 200 tpd and ≤ 500 tpd)</td>
<td>Chipping and Grinding Facilities (&gt; 500 tpd)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section 17862.1(b)</td>
<td></td>
</tr>
</tbody>
</table>

Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers

§ 17855. Excluded Activities.
(a) Except as provided otherwise in this Chapter, the activities listed in this section do not constitute compostable material handling operations or facilities for the purposes of this Chapter and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the board Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(1) An activity is excluded if it handles agricultural material, derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

(2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after its use as a growth medium during the vermicomposting process is not an excluded activity and is subject to the requirements of this chapter. Handling of agricultural material on the site of a vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it complies with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as determined by the EA, the requirements of this chapter apply;

(B) at all other times when it is not being used as a growth medium during vermicomposting, the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory Requirements.

(3) Mushroom farming is an excluded activity. The handling of compostable material prior to and after its use as a growth medium during the mushroom farming process is not an excluded activity and is subject to the requirements of this chapter. Handling of agricultural material on the site of a mushroom farm, for use as mushroom bedding on that same site, is an excluded activity if it complies with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as determined by the EA, the requirements of this chapter apply;

(B) at all other times when it is not being used as a growth medium during mushroom farming, the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory Requirements.

(4) Handling of green material, feedstock, additives, amendments, compost, or chipped and ground material is an excluded activity if 500 cubic yards or less is on site at any one time, the compostable materials are generated on site and if no more than 1,000 cubic yards of materials are either sold or given away annually. The compostable material may also include up to 10% food material by volume. Composting green material, food material, and vegetative food material is an excluded activity if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 500 square feet.

[Note: Persons handling compostable material under the above exclusion are obligated to obtain all permits, licenses, or other clearances that may be required by other regulatory agencies including, but not limited to local health entities and local land use authorities.]

(5) The handling of compostable materials is an excluded activity if:

(A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered or full permit as defined in section 18101,

1. has a Report of Facility Information which is completed and submitted to the EA that identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

2. will only use the material on the facility site; or

(B) the activity is solely for the temporary storage of biosolids sludge at a Publicly Operated Owned Treatment Works (POTW); or

(C) the activity is located at the site of biomass conversion and is for use in biomass conversion as defined in Public Resources Code section 40106; or

(D) the activity is part of a silvicultural operation or a wood, paper, or wood product manufacturing operation; or
(E) the activity is part of an agricultural operation and is used to temporarily store or process agricultural material not used in the production of compost or mulch; or
(F) the activity is part of an operation used to chip and grind materials derived from and applied to lands owned or leased by the owner, parent, or subsidiary of the operation; or
(G) the activity is part of an agricultural operation used to chip and grind agricultural material produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation, for use in biomass conversion; or
(H) the activity is part of an animal food manufacturing or rendering operation.
(I) the activity is the storage of yard trimmings at a publicly designated site for the collection of lot clearing necessary for fire protection provided that the public agency designating the site has notified the fire protection agency; or
(J) the materials are handled in such a way to preclude their reaching temperatures at or above 122 degrees Fahrenheit as determined by the EA.

(6) Non-commercial composting with less than one cubic yard of food material is excluded provided all compostable material is generated and used on-site.

(7) Storage of bagged products from compostable material is an excluded activity provided that such bags are no greater than 5 cubic yards.

(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.

(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as determined by the EA; land application in accordance with California Department of Food and Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770 et seq.


§ 17855.2. Prohibitions.
The following activities are prohibited at all compostable materials handling operations and facilities and at all sites where compostable materials handling activities that are excluded from regulation under this Chapter occur:
(a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow is prohibited, except when received:
   (1) from a food service industry facility as defined in Health and Safety Code section 113789, grocery stores, or residential food scrap collection; or
   (2) as part of a research composting operation for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concern, in accordance with section 17862.1 or
   (3) from a source approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture.
(b) The composting of medical waste is prohibited.
(c) The composting of hazardous waste is prohibited.


§ 17855.3. Permit Name.
Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and 17857.2(a), shall be entitled: “Compostable Materials Handling Facility Permit.”


§ 17855.4. Pre-Existing Permits and Notifications.
(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,
sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is
required. If the EA makes such a determination, the operator shall comply with the Compostable
Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,
Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
(commencing with section 21450) within two years of that determination.
(b) If an operation had previously been operating pursuant to an EA Notification in accordance with
the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance
with its EA Notification or regulatory authorization until the EA determines that a Compostable
Materials Handling Facility Permit is required. The EA shall make this determination no sooner than
120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable
Materials Handling Facility Permit is required, the operator shall comply with the Compostable
Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations,
Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
(commencing with section 21450) within two years of that determination.
(c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003,
that activity may continue to operate in accordance with its regulatory exclusion until the EA
determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this
determination no sooner than 120 days and no later than two years from April 4, 2003. If EA
determines that a Compostable Materials Handling Facility Permit is required, the operator shall
comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27,
California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3,
Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.
(d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently
operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate
in accordance with its regulatory authorization until the EA determines that a different authorization is
required. The EA shall make this determination within 120 days from April 4, 2003.
—(1) If the EA determines that the activity is required to comply with the EA Notification
requirements, the operator 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),
within 120 days from that determination.
—(2) If the EA determines that the activity is required to comply with the Registration requirements,
the operator shall comply with the Registration requirements set forth in Title 14, California Code-of-
Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) within 120 days
from that determination.
—(3) If the EA determines that the activity is required to comply with the Compostable Materials
Handling Facility Permit requirements, the operator shall comply with the Compostable Materials
Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2,
Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
section 21450) within two years of that determination.

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

§ 17856. Agricultural Material Composting Operations.
(a) All agricultural material composting operations and chipping and grinding operations shall comply
with the Enforcement Agency 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. Agricultural Compostable Materials Handling Operations shall only
be subject to the requirements of section 17863.4 if the EA makes a written determination that the
operation has violated the requirements for odor impacts of section 17867 and the requirements of
this Chapter.
(b) Compost produced by an agricultural material composting operation is subject to the
requirements of sections 17863.4 and 17863.4.1 only if the EA determines that the operation or has
caused odor impacts in violation of section 17867(a)(2) and has notified the operator in writing of the
violation; a chipping and grinding operation which uses only agricultural material may be sold or given
away in unrestricted quantities. These operations shall be inspected by the EA at least once annually.
(c) If their feedstock is limited to agricultural material, agricultural material composting operations
may handle an unlimited quantity of agricultural material on the site and may sell or give away any or
all compost they produce. These operations shall be inspected by the EA at least once each calendar
year at a time when compostable material on the site is active compost. Compost produced by an
agricultural material composting operation which uses agricultural material and/or green material, as
specified in section 17852(a)(21), may be sold or given away in accordance with the following
restrictions:

(1) Those sites that do not sell or give away more than 1,000 cubic yards of material per year shall
be inspected by the EA at least once annually when actively composting. If more than 12,500 cubic
yards of green material, including feedstock, compost, or chipped and ground material, is to be
handled on-site of productive farmland as defined in Government Code section 51201, the operator
shall give advance notice to the EA. The EA shall only prohibit the on-site storage of additional
materials, or impose a greater inspection frequency, if the EA makes a written finding that it will pose
an additional risk to public health and safety or the environment. The EA shall forward a copy of the
request and approval to the Board.

(2) Those operations that sell or give away more than 1,000 cubic yards of material per year, shall
have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped
and ground material, on-site at any one time and shall be inspected by the EA once every three (3)
months.

(3) These sites shall record the quantity received of green material.

(d) Agricultural material composting operations whose feedstock is both green material and
agricultural material are subject to the following requirements:

(1) Producers located on Agricultural Land:

(A) Operations located on land that is zoned for agricultural uses that sell or give away less than
1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and
green material on the site; provided, however, the EA may limit the amount of green material
feedstock on site to 12,500 cubic yards upon making a written finding that handling the excess
material may pose a risk to public health and safety or the environment.

(B) The EA shall inspect operations authorized under this subdivision (d)(1) at least once each
calendar year at a time when compostable material on the site is active compost.

(2) Other Producers:

(A) Operations located on land that is not zoned for agricultural uses and operations that sell or
give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of
agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock
on the site at any time.

(B) The EA shall inspect operations authorized under this subdivision (d)(2) at least once every
three (3) months unless the EA approves, with Department concurrence, a reduced inspection
frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional
risk to public health and safety or the environment but in no case shall the frequency be less than
once per calendar year. At least one of the required inspections each year shall occur at a time when
compostable material on the site is active compost.

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


(a) A green material composting operation that has up to may have no more than 12,500 cubic yards
of feedstock, compost, or-chipped and ground material, amendments, additives, active compost, and
stabilized compost on-site at any one time. Green material composting operations 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) and with the applicable requirements
specified in this Chapter.

(1) These operations shall be inspected by the EA at least once every three (3) months unless the
EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.]

(2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural
users and other consumers, the operator may request in writing that the EA authorize it to temporarily
exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed
on site (“seasonal storage adjustment”). The EA shall respond in writing to the operator’s request.
within 30 days of receipt. The EA may authorize such a seasonal storage adjustment if the EA
determines it will not adversely affect public health and safety or the environment. The EA may
impose any reasonable conditions on its approval of a seasonal storage adjustment. The initial term
seasonal storage adjustment may not exceed 30 days. The EA may grant one or more additional 30-
day seasonal storage adjustments not exceeding a total of 90 days per calendar year.

(A) With its request for a seasonal storage adjustment, the operator shall submit the following to
the EA:

1. A description of the storage capacity at the operation and the maximum and average lengths
of time the compostable material will be stored.
2. A schematic drawing showing the general layout of the operation and the location(s) where
all materials at the site are stored with specific identification of the proposed location of the excess
material.
3. A description of any additional fire prevention, protection and control measures needed to
minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any
such fires, which measures shall be approved by the local fire authority.
4. Where applicable, any revisions to the odor impact minimization plan necessary to address
the storage of the additional material or a statement, with supporting information, that no revisions
are necessary.

(b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost,
chipped and ground material on-site at any one time shall be inspected by the EA at least once
every three (3) months, unless an operator request for a reduced inspection frequency of no less than
annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA
finds that it will not pose an additional risk to public health and safety and the environment. The EA
shall forward a copy of the request and approval to the Board.

(b) If a green material composting operation exceeds any combination of the following requirements
three (3) or more times within any two (2) year period, which the EA determines constitutes a
violation of this Chapter, the facility no longer qualifies for an EA Notification under this section:

1. Receipt of material that contains greater than 1.0% physical contaminants by weight as
specified in section 17852(a)(21);
2. Failure to comply with the processing requirements set forth in section 17868.5;
3. Failure to comply with the maximum volume on-site at any one time limit set forth in
subdivision (a) above.

Upon the third such violation, the EA shall notify the operator in writing that the facility no longer
qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable
Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease
and desist order pursuant to section 18304 directing, among other things, that the operator
immediately cease accepting material at the site until the operator has demonstrated to the EA that it
has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at
any time take any additional enforcement action the EA deems appropriate.

(c) A site that handles green material composting facility that has more than 12,500 cubic yards of
feedstock, compost, or chipped and ground material, amendments, additives, active compost, and
stabilized compost on-site at any one time is a green material composting facility, excepting green
material composting operations which the EA has authorized a seasonal storage adjustment pursuant
to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials
Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations,
Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
(commencing with section 21450) prior to commencing operations. Green material composting
facilities shall comply with the applicable requirements specified in this Chapter 3.1.

[Note: See section 17868.5 for green material processing requirements.]

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

§ 17857.2. Vegetative Food Material Composting Facilities.
(a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock,
compost, and chipped and ground material on-site at any one time and shall obtain a Registration
Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter
5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of this Chapter.
(b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock, compost, and chipped and ground material on-site at any one time shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations.
[Note: See section 17868.5 for green material and vegetative food material processing requirements.]


§ 17859.1. Biosolids Composting at POTWs.
(a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly Operated Owned Treatment Works (POTW) 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).

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(b) All other composting of biosolids shall comply with section 17854.


§ 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 a After each each no more than a two year period of operation. Review criteria the operator of a research composting operation shall submit to the EA a report that includes the results and conclusions drawn from the research. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870.

(e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, 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.

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(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.

(3) After no more than a six-month period of operation, the EA Notification for the operator of a research composting operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report that includes the results and conclusions drawn from the research and documentation of additional requirements of this section shall be reviewed after each six-month period of operation. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870.

(f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to the EA with the 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.

(g) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


(a) A chipping and grinding operation that receives up to 200 tons per day of material that may be handled by a green material composting operation 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 and the applicable requirements specified in this Chapter.

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(b) A chipping and grinding facility that receives more than 200 tons per day but not more than, and up to 500 tons per day of material that may be handled by a green material composting operation shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(c) A chipping and grinding facility that receives more than 500 tons per day of material that may be handled by a green material composting operation shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(d) A chipping and grinding operation or facility shall not be subject to the provisions of sections 17868.1 through 17868.3.1 of this Chapter, however, any chipped and ground material that will be land applied must meet the requirements of section 17852(a)(24.5).

(e) If a chipping and grinding operation or facility exceeds the contamination limits specified in section 17852 (a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory requirements (commencing at section 17400).

(f) If a chipping and grinding operation or facility stores material for a longer period of time than is allowed by section 17852 (a)(10)(A)(2), then the site it shall be regulated as a green material handling-composting operation or facility, as set forth in this Chapter.
Article 3. Report of Facility Information

§ 17863. Report of Composting Site Information.
Each operator of a compostable material handling facility that is required to obtain a Compostable Materials Handling Facility Permit or a Registration Permit for a Vegetative Food Material Composting Facility, as specified in Article 2 of this Chapter, shall, at the time of application, file a Report of Composting Site Information with the EA. If the operator intends to alter the permitted feedstock, these changes must be reported to the EA for maintenance of permit status. Such changes may become the basis for revisions to the permit or for revocation of the permit.

(m) A description of the proposed site restoration activities, in accordance with Section 17870.


§ 17863.4. Odor Impact Minimization Plan.
(a) All compostable material handling operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.
(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.
(1) an odor monitoring and data collection protocol for on-site odor sources, which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,
(2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,
(3) a complaint response and recordkeeping protocol; and,
(4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns as applicable; and,
(5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), biofiltration, and tarping as applicable.
(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.
(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.
(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.
(f) If the odor impact minimization plan is being followed, but and the EA determines, in a manner consistent with section 18302(d), that odor impacts are still occurring, the EA may issue shall direct the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors, unless:
(1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
(2) there is an imminent threat to public health and safety and the environment; or
(3) a public nuisance has occurred.
§ 17863.4.1. Odor Best Management Practice Feasibility Report
(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
or the EA may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to section 17863.4(f).
(b) The Report shall:
   (1) Present representative and correlating odor data for each potential onsite odor source including
but not limited to: odor severity, odor characteristics, time and weather conditions when data was
collected, description of operations associated with the source, and any odor impacts or complaints
received;
   (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
order of impact;
   (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):
      (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
has used to minimize odor and analyze each BMP for the following:
         1. The effectiveness of the BMP in reducing odor impacts;
         2. The potential for more extensive use of the BMP to minimize odor impacts described by
complainants;
         3. If the BMP has been operationally practical and if more extensive use of the BMP would be
operationally practical;
         4. The approximate cost to implement a more extensive use of the BMP;
         5. Any permits or permit changes necessary to use the BMP more extensively;
         6. Overall recommendation if existing BMPs should be continued and if more extensive use of
the BMP is recommended; and
      (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
operator has not used and analyze each potential BMP to determine:
         1. The potential for the BMP to reduce odor impacts described by complainants;
         2. If the BMP is operationally practical;
         3. The approximate cost to implement the BMP;
         4. Any permits or permit changes necessary to use the BMP; and
         5. Overall recommendation and ranking of implementing the BMP.
   (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
the analysis conducted pursuant to subdivision (b)(3)(A) and (B).
(c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and
the Department for review. If the EA has required the operator to prepare a Report pursuant to
subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe
approved by the EA.
(d) The EA, in consultation with the Department, shall within 30 days:
   (1) approve the Report and associated plan and direct the operator in writing to implement the plan
in whole or in part; and/or
   (2) direct the operator in writing to submit specific changes or additional information within a
timeframe specified by the EA.
(e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
(d)(1) or (d)(2).
Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code. Reference:
Sections 43020, 43021 and 43209.1, Public Resources Code.
Article 6. Composting Operating Standards

§ 17867. General Operating Standards.
(a) All compostable materials handling operations and facilities shall meet the following requirements:
   (1) All handling activities are prohibited from composting any material specified in section 17855.2 of this Chapter.
   (2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not cause a nuisance.
   (3) All handling activities shall be conducted in a manner that minimizes vectors, odor impacts, litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and transportation of dust, particulates, and pathogenic organisms.
   (4) Random load checks of feedstocks, additives, and amendments for contaminants shall be conducted.
   (5) Contamination of compostable material that has undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.
   (6) Unauthorized human or animal access to the facility shall be prevented.
   (7) Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe manner.
   (8) All compostable materials handling operations and facilities, that are open for public business, shall post legible signs at all public entrances. These signs shall include the following information:
       (A) name of the operation or facility,
       (B) name of the operator,
       (C) facility hours of operation,
       (D) materials that will and will not be accepted, if applicable,
       (E) schedule of charges, if applicable, and
       (F) phone number where operator or designee can be reached in case of an emergency.
   (9) The operator shall provide fire prevention, protection and control measures, including, but not limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression, and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided to allow fire control equipment access to all operation areas.
   (10) The operator shall provide telephone or radio communication capability for emergency purposes.
   (11) Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground material shall be removed from the site within 7 days and transported to an appropriate facility.
   (12) Enclosed operations and facilities shall provide ventilation to prevent adverse public health effects from decomposition gases.
   (13) The operator shall ensure that leachate is controlled to prevent contact with the public.
   (14) The operator shall prevent or remove physical contaminants in compost and chipped and ground materials that may cause injury to humans.
   (15) An attendant shall be on duty during business hours if the operation or facility is open to the public.


Article 7. Environmental Health Standards

§ 17868.1. Sampling Requirements.
All composting operations that sell or give away greater than 1,000 cubic yards of compost annually, and all composting facilities shall meet the following requirements:
(a) Operators shall verify that compost meet the maximum acceptable metal concentration limits specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3. Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it
was produced. This verification shall be performed by taking and analyzing at least one composite sample of compost, following the requirements of this section as follows:

1. An operator who composts agricultural material, green material, food material, vegetative food material, or mixed solid waste material shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced.

2. An operator who composts biosolids shall meet the sampling schedule described in Table 12 below.

### Table 12- Frequencies of Compost Sampling for Biosolids Composting Facilities

<table>
<thead>
<tr>
<th>Amount of Biosolids Compost Feedstock (metric tons per 365 day period)</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than zero but fewer than 290</td>
<td>annually</td>
</tr>
<tr>
<td>Equal to or greater than 290 but fewer than 1,500</td>
<td>quarterly</td>
</tr>
<tr>
<td>Equal to or greater than 1,500 but fewer than 15,000</td>
<td>bimonthly</td>
</tr>
<tr>
<td>Equal to or greater than 15,000</td>
<td>monthly</td>
</tr>
</tbody>
</table>

3. The amount of biosolids compost feedstock shall be calculated in dry weight metric tons.

4. Composite sample analysis for maximum acceptable metal concentrations, specified in section 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health Services, pursuant to the Health and Safety Code.

5. A composite sample shall be representative and random, and may be obtained by taking twelve mixed samples as described below.

6. The twelve samples shall be of equal volume.

7. The twelve samples shall be extracted from within the compost pile as follows:

   (A) Four samples from one-half the width of the pile, each at a different cross-section;

   (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

   (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

8. The EA may approve alternative methods of sampling for a green material composting operation or facility that ensures the maximum metal concentration requirements of section 17868.2 and the pathogen reduction requirements of section 17868.3 are met.


### § 17868.2. Maximum Metal Concentrations.

(a) Compost products derived from compostable materials that contain any metal in amounts that shall not contain metals in excess exceed of the maximum acceptable metal concentrations shown in Table 23. Compost that contains any metal in excess of any maximum metal concentrations shall be designated for disposal, additional processing, or other use as approved by local, state or and federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

### Table 23 -Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>4200 (see subdivision (a)(1) below)</td>
</tr>
</tbody>
</table>
Copper (Cu) 1500
Lead (Pb) 300
Mercury (Hg) 17
Nickel (Ni) 420
Selenium (Se) 36-100
Zinc (Zn) 2800

(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

(b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section, including but not limited to sampling frequencies, may be approved by the EA for green and food materials composting operations and facilities if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 23 are not exceeded.


§ 17868.3. Pathogen Reduction.

(a) Compost products derived from compostable materials, that contains pathogens in amounts that shall not exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

(b) Operators that produce compost shall ensure that:

(1) The density of fecal coliform in compost, that is or has at one time been active compost, shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis).

(2) At enclosed or within-vessel composting process operations and facilities, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of Subdivision (b)(2) of this section.

(3) If the operation or facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

(4) If the operation or facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

(d) Compost operations and facilities that utilize a windrow composting process or an aerated static pile composting process shall be monitored as follows to ensure that the standards in Subdivision (b) of this section are met:

(1) Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.

(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;
(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.

d) Alternative methods of compliance to meet the pathogen reduction requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.


§ 17868.3.1. Physical Contamination Limits.

(a) Compost shall not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters shall be designated for disposal, additional processing, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

(b) Upon request of the EA, a compostable material handling operation shall take a representative sample of compost and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

(c) All compostable material handling facilities shall take one representative sample for every 5,000 cubic-yards of compost and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

(d) Any sampling conducted to comply with this section shall require a composite sample. A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below.

1. The twelve samples shall be of equal volume.
2. The twelve samples shall be extracted from within the compost pile as follows:
   A. Four samples from one-half the width of the pile, each at a different cross-section;
   B. Four samples from one-fourth the width of the pile, each at a different cross-section; and,
   C. Four samples from one-eighth the width of the pile, each at a different cross-section.

(e) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure the physical contamination limits requirements of this section are met.


§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.

In order for a feedstock to be considered a green material, as defined in section 17852(a)(21), and vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following requirements shall be met:

(a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste loads and load sorting to quantify the percentage of contaminating materials physical contaminants and detect receipt of unacceptable feedstock (e.g., feedstock that does not meet the definition of green material or vegetative food material).

1. A minimum of one ten percent of daily incoming feedstock volume or at least one truck per day, whichever is greater, shall be inspected visually. If a visual load check indicates a physical contamination level greater than 1.0 percent, a representative sample shall be taken, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total weight or if the load contains materials that do not meet the definitions of green material in section 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).

(b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined.
(c) Any agricultural material handling operation using this material shall ensure the feedstock meets the metal concentration limits specified in Table 2 of section 17868.2.

(d) Facility personnel shall be adequately trained to perform the activities specified in this section.

(e) Any operation or facility using this feedstock shall maintain records demonstrating compliance with this section.


Article 8. Composting Operation and Facility Records

§ 17869. General Record Keeping Requirements.
Except as provided in subsection (d), all compostable materials handling operations and facilities shall meet the following requirements:

(a) All records required by this Chapter shall be kept in one location and accessible for five (5) years and shall be available for inspection by authorized representatives of the board Department, EA local health entity, and other duly authorized regulatory and EAs during normal working hours.

(b) The operator shall record any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.

(c) The operator shall record any public complaints received by the operator, including:

(1) the nature of the complaint,

(2) the date the complaint was received,

(3) if available, the name, address, and telephone number of the person or persons making the complaint, and

(4) any actions taken to respond to the complaint.

(d) The operator shall record the quantity and type of feedstock received and quantity of compost and chipped and ground material produced. Agricultural compostable materials handling operations shall maintain records only for compostable material accepted from off-site.

(e) The operator shall record the number of load checks performed and loads rejected.

(f) The operator shall record all test results generated by compliance with Article 7 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

(1) The operator shall retain records detailing pathogen reduction methods.

(g) The operator shall record and retain records of any serious injury to the public occurring on-site and any complaint of adverse health effects to the public attributed to operations. Serious injury means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which a member of the public suffers a loss of any member of the body or suffers any degree of permanent disfigurement.

(h) The operator shall retain a record of training and instruction completed in accordance with section 17867.5.


Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements

§ 17896.1. Authority and Scope.

(a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel digestion operations and facilities that receive and process by means of in-vessel digestion solid wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of this Division, may still be subject to the regulatory requirements specified in this Chapter.
(b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code, as amended. These regulations should be read together with the Act.

(c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This Chapter establishes standards and regulatory requirements for the intentional processing of organic material by means of in-vessel digestion.

(d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage, handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to enforce any provision of law that it is authorized or required to enforce or administer, nor limits or restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter.

(e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, or reports, or other requirements of other regulatory or enforcement agencies, including but not limited to, local health agencies, regional water quality control boards, Department of Toxic Substances Control, California Department of Industrial Relations, Division of Occupational Safety and Health, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.


§ 17896.2. Definitions.
(a) For the purposes of this Chapter:
   (1) "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, viticulture, viticulture, and similar activities undertaken for the production of food or fiber for human or animal consumption or use, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as "food material" or "vegetative food material" is not agricultural material. Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.
   (2) "Agricultural Site" means activities located on land that is zoned for agricultural uses.
   (3) "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.
   (4) "Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.
   (5) "Contact Water" means water that has come in contact with waste and may include leachate.
   (6) "Digestate" means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester.
   (7) "Digestion" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic solid wastes. Digestion includes:
      (A) Aerobic digestion - the controlled biological decomposition of organic material in the presence of oxygen.
      (B) Anaerobic digestion - the controlled biological decomposition of organic material in the absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a residual digestate.
      (C) Other controlled biological decomposition processes.
      (8) "Dairy In-vessel Digestion Operation" means a dairy that receives, for purposes of co-digestion in an in-vessel digester, imported solid waste feedstock with manure and other agricultural materials in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board.
      (9) "Distribution Center In-vessel Digestion Operation" means a site that receives, for the purpose of digestion in an in-vessel digester, unsold products from retail stores to which the products were originally sent. All unsold products shall be collected and processed in covered, leak-proof containers,
and remain in the custody of the owner at all times. All putrescible material shall be refrigerated at the retail store and during transport to the operation.

(10) “EA” means enforcement agency as defined in PRC section 40130.

(11) “Hazardous Wastes” means any waste which meets the definitions set forth in Title 22, section 66261.3, et seq.

(12) “In-vessel Digester” means the sealed container(s) or sealed structure in which the entire digestion process occurs.

(13) “Large Volume In-vessel Digestion Facility” means a facility that receives 100 tons or more of solid waste per operating day for digestion in an in-vessel digester.

(14) “Limited Volume In-vessel Digestion Operation” means an operation that receives less than an average of 15 tons (or 60 cubic yards) of solid waste per operating day for digestion in an in-vessel digester. The amount of solid waste the operation receives shall not exceed 105 tons (or 420 cubic yards) per week or the solid waste quantity limitations of the general design of the operation (whichever is less).

(15) “Litter” means all solid waste which has been improperly discarded or which has migrated by wind or equipment away from the operations area. Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state.

(16) “Manure” is an agricultural material and means accumulated herbivore or avian excrement. This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is mixed with feces or urine.

(17) “Medium Volume In-vessel Digestion Facility” means a facility that receives an average of 15 tons (or 60 cubic yards) or more but less than 100 tons of solid waste per operating day for digestion in an in-vessel digester. The amount of solid waste the operation receives shall be less than 700 tons (or 2,800 cubic yards) per week or the solid waste quantity limitations of the general design of the operation (whichever is less).

(18) “Nuisance” includes anything which:

(A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and

(B) affects at the same time an entire community, neighborhood or any considerable number of persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

(19) “On-site” means located within the boundary of the operation or facility.

(20) “Operating Day” means the daily hours of operation for a facility or operation as set forth in the application, Enforcement Agency Notification or solid waste facilities permit.

(21) “Operating Record” means an easily accessible collection of records of an operation’s or facility’s activities and compliance with required state minimum standards under Title 14. The Record may include the In-vessel Digestion Facility Plan or In-vessel Digestion Report for facilities, and shall contain but is not limited to containing: agency approvals, tonnage and load checking records, facility contacts and training history. The record may be reviewed by state and local authorities and shall be available during normal business hours. If records are too voluminous to place in the main operating record or if the integrity of the records could be compromised by on-site storage, such as exposure to weather, they may be maintained at an alternative site, as long as that site is easily accessible to the EA.

(22) “Operations Area” means:

(A) the following areas within the boundary of an operation or facility as described in the permit application or Enforcement Agency Notification:

1. equipment management area, including cleaning, maintenance, and storage areas; and

2. material and/or solid waste management area, including unloading, handling, transfer, processing, and storage areas.

(B) the boundary of the operations area is the same as the permitted boundary of the operation or facility but may or may not be the same as the property boundary on which the operation or facility is located.

(23) “Operator” means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, that is listed in the permit application or Enforcement Agency Notification and is legally responsible for all of the following:

(A) complying with regulatory requirements set forth in these Articles;

(B) complying with all applicable federal, state and local requirements;

(C) the design, construction, and physical operation of the operations area;
(D) controlling the activities at an operation or facility as listed on the permit application or Enforcement Agency Notification.

(24) “Owner” means the person or persons who own, in whole or in part, an operation or facility and the land on which it is located. If the ownership of the operation or facility is not the same as the ownership of the land on which it is located, the owner of the land shall be identified as the “Land Owner” and the owner of the operation or facility shall be identified as the “Facility Owner.”

(25) “Putrescible Wastes” include wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

(26) “Salvaging” means the controlled separation of solid waste material which do not require further processing, for reuse or recycling prior to in-vessel digestion activities.

(27) “Scavenging” means the uncontrolled and/or unauthorized removal of solid waste materials.

(28) “Sealed Container” means a tank, vessel, or similar apparatus capable of containing liquids and air-borne emissions during the entire digestion process to control odors or other nuisance conditions.

(29) “Sealed Structure” means a fully enclosed building capable of containing liquids and controlling air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance conditions.

(30) “Special Waste” includes but is not limited to:

(A) waste requiring special collection, treatment, handling, storage, or transfer techniques as defined in Title 22, section 66260.10.

(B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

(31) “Spotter” means an employee who conducts activities that include, but are not limited to, traffic control, hazardous waste recognition and removal for proper handling, storage and transport or disposal, and protection of the public from health and/or safety hazards.

(32) “Store” means to stockpile or accumulate for later use.


Section 17896.3. Pre-Existing Permits and Notifications.

(a) If a facility had previously obtained a permit in accordance with regulations in effect prior to [operative date of these regulations], that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations, sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA makes such a determination, the operator shall comply with this Chapter within two years of that determination.

(b) If an operation had previously been operating pursuant to an EA Notification in accordance with regulations in effect prior to [operative date of these regulations], that operation may continue to operate in accordance with its EA Notification or regulatory authorization until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from [operative date of these regulations]. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.

(c) If an activity had previously been excluded from regulations in effect prior to [operative date of these regulations], that activity may continue to operate in accordance with its regulatory exclusion until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from [operative date of these regulations]. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.


Section 17896.4. Permit Name.

Any permit issued pursuant to this Article, except for one issued pursuant to section 17896.12, shall be entitled: “In-vessel Digestion Facility Permit.”

§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities.
Sections 17896.6 through 17896.13 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5, Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These requirements are summarized in Table 1.

Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency Notification Tier</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anaerobically digestible materials at POTWs</td>
<td>Research In-Vessel Digestion Operations Section 17896.6</td>
<td>Medium Volume In-Vessel Digestion Facilities (≥ 60 yd³ or 15 tpd and &lt; 100 tpd)</td>
<td>Large Volume In-Vessel Digestion Facilities (≥ 100 tpd)</td>
</tr>
<tr>
<td>Ag material derived from ag site &amp; returned to same site</td>
<td>Dairy In-Vessel Digestion Operations Section 17896.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-vessel digestion activities with less than 100 cubic yard on-site capacity</td>
<td>Limited Volume In-Vessel Digestion Operations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Handling activities that are already subject to more stringent handling requirements under Federal or State law</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]


§ 17896.6. Excluded Activities.
(a) The activities listed in this section are not subject to the in-vessel digestion requirements set forth in this Chapter. Nothing in this section precludes the EA or the Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.
(1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, is excluded under the following conditions:

(A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant. Once on site, the anaerobically digestible material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and conveyed in a contained system. Any separated material at the POTW that is not suitable for anaerobic digestion and has no beneficial use shall be further managed as a solid waste.

(B) The POTW Treatment Plant has developed Standard Operating Procedures for the acceptance of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality Control Board that those Standard Operating Procedures are being implemented, and a Standard Provision (permit condition) that reflects the acceptance of anaerobically digestible material:

1. has been incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit; or
2. will be incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit no later than the next permit renewal.

(C) For the purpose of this exclusion, “anaerobically digestible material” means: inedible kitchen grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title 14, CCR, Section 17852(a)(20) and vegetative food material as defined in Title 14, CCR, Section 17852(a)(20)(A).

(D) For the purpose of this exclusion, the Department, in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, will on a case-by-case basis, review and consider approval of additional types of organic materials as potential “anaerobically digestible material” beyond those specified in section 17896.6(a)(1)(C) in accordance with the following:

1. Receipt of a written request to the Department from the General Manager or designee of a POTW Treatment Plant.

   a. The written request must contain the following information:

      i. The purpose of the request.
      ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the organic waste material with the POTW wastewater.
      iii. Types of organic material requested for classification as an anaerobically digestible material.
      iv. The source(s) of the waste material.
      v. A description of how the waste material will be handled, processed, stored and transported (before and after receipt at the POTW Treatment Plant).
      vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant to accommodate the new waste materials.
      vii. Available laboratory test results, engineering reports, research or study to support the request.
      viii. Data and/or reports if this waste material has been used without incident at a different POTW Treatment Plant.
      ix. The name, addresses and phone numbers for the General Manager and designee of the POTW Treatment Plant.

   b. Upon receipt of the written request, the Department will communicate and coordinate the request with and between the State Water Resources Control Board and the California Department of Food and Agriculture and will complete the following actions:

      i. Within 10 days of receipt, send written confirmation to the General Manager and designee of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate Department staff, as well as to the State Water Resources Control Board and California Department of Food and Agriculture staff contacts for review;
      ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board and California Department of Food and Agriculture staff contacts;
      iii. Prior to the meeting, Department staff will review the letter and identify questions and/or issues with the request and make a list of recommendations;
iv. Within 40 days of receipt, conduct a meeting on the request. If an agency representative does not attend the meeting, comments will be accepted by the Department up to close of business on the 45th day after receipt;

v. Within 60 days of receipt, the Department will provide a written decision to the General Manager and designee of the POTW Treatment Plant stating one of the following:

I. The waste type has or has not been determined to be an anaerobically digestible material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory Requirements (pursuant to Section 17896.6(a)(1)(C) and the Transfer/Processing Operations and Facility Regulatory Requirements (pursuant to Section 17403.1(a)(8));

II. The agencies, based on the information provided, were unable to reach a determination and additional information is required before a determination can be made; or

III. The agencies have determined that additional research or study will need to be conducted and the results analyzed prior to a determination made by the agencies.

IV. If additional information, research or study is necessary, the Department will consult with the General Manager or designee of the POTW, the State Water Resources Control Board and California Department of Food and Agriculture contacts, for the purpose of developing a timeline for either reviewing the additional information or for reviewing a proposed scope of work and timeline for additional research or study.

2. For the purpose of this exclusion, if an organic waste material is determined by the Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW wastewater, the POTW Treatment Plant must comply with 17896.6(a)(1)(A) prior to receipt of the material at the POTW Treatment Plant.

(2) In-vessel digestion of agricultural material is an excluded activity if the agricultural material is derived from an agricultural site and the digestate or compost produced from digestate is returned to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the agricultural site on which the in-vessel digester is located. No more than an incidental amount of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually. Digestate that is not composted may not be given away or sold.

(3) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste, feedstock, and digestate on site are excluded.

[Note: Persons handling solid waste under the above exclusion are obligated to obtain all permits, licenses, or other clearances that may be required by other regulatory agencies including, but not limited to local health entities and local land use authorities.]

(4) Other discrete handling activities that are already subject to more stringent handling requirements under Federal or State law, as determined by the EA in consultation with the Department, are excluded.


§ 17896.7. Prohibitions.
The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites where in-vessel digestion activities that are excluded from regulation under this Chapter occur:

(a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow, except when received:

   (1) from a food facility as defined in Health and Safety Code section 113789, grocery store; or residential food scrap collection; or

   (2) as part of a research activity for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concerns in accordance with section 17896.8; or

   (3) from a source approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture.

(b) The in-vessel digestion of medical waste.

(c) The in-vessel digestion of hazardous waste.

§ 17896.8. Research In-Vessel Digestion Operations.
(a) An operator conducting research in-vessel digestion operations 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) 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.
(c) After no more than a two year period of operation, the operator of a research in-vessel digestion operation shall submit to the EA a report that includes the results and conclusions drawn from the research. If the EA determines, based on the report, that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17896.41.
(d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, 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 in-vessel digestion operation site security plan. The research in-vessel digestion 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.
3. After no more than a six-month period of operation the operator of a research in-vessel digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report that includes the results and conclusions drawn from the research and documentation of additional requirements of this section. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17896.41.
(e) The operator shall submit all additional documentation required by subdivisions (b) and (d)(2) to the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that the EA Notification for research in-vessel digestion operations is complete and correct only if the additional documentation requirements of this section have been met.
(f) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.9. Dairy In-Vessel Digestion Operations.
(a) All dairy in-vessel digestion operations 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).
1. These operations shall be inspected by the EA at least once a month for the first 12 months of operation. After the first 12 months of operation the EA may approve, with Department concurrence, a reduced inspection frequency of once every three months. After the first 24 months of operation the EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment. [Note: See section 18083(a)(3) for additional EA and
Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.


§ 17896.10. Distribution Center In-Vessel Digestion Operations.
(a) All distribution center in-vessel digestion operations 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).
   (1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.11. Limited Volume In-Vessel Digestion Operations.
All limited volume in-vessel digestion operations shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100).
   (1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.12. Medium Volume In-Vessel Digestion Facilities.
All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18104).
   (1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.


§ 17896.13. Large Volume In-Vessel Digestion Facilities.
All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The In-vessel Digestion Report required by section 17896.15 shall constitute the Report of Facility Information required by section 21570(f)(2) of Title 27.
   (1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.

Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(17) shall file with the EA an “In-vessel Digestion Facility Plan” (as specified in section 18221.5.1). The information contained in the Plan shall be reviewed by the EA to determine whether it is complete and correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.


§ 17896.15. In-Vessel Digestion Report.
(a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(13) shall file with the EA an “In-Vessel Digestion Report” (as specified in section 18221.6.1). An operator of an existing facility who submits an application package to the EA, pursuant to Title 27, section 21570, which proposes to change the facility’s operations, or to change the solid waste facility permit shall do one of the following:
(1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or
(2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.


§ 17896.16. Applicability of State Minimum Standards.
(a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-vessel digestion operations and facilities, except as noted in Section 17896.1.(a).
(b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel digestion facilities.
(c) Approvals, determinations and other requirements that the EA is authorized to make under Articles 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator shall place a copy of each approval, determination and other requirement in the operating record together with those records identified in sections 17896.45 and 17896.46.
(d) Some of the standards contained in this Chapter authorize the EA to approve an alternative method of compliance with the standard. These provisions are not intended to allow the EA to change the particular standard, but are intended to allow the EA flexibility to approve, in advance, an alternative method of meeting the existing standard which provides equivalent protection of the public health and safety and the environment as the existing standard. For facilities that require a full solid waste facility permit, the EA may choose to include the approved alternative method of compliance as a term and condition of the solid waste facility permit, rather than in the manner authorized by subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to the method may require a revision to the solid waste facility permit in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 (commencing with section 21570).


Article 2. Siting and Design

§ 17896.17. Siting On Landfills.
(a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27, California Code of Regulations, section 21190.
(b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or failure of pads or structural foundations.
(c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or with the closure or postclosure maintenance of the landfill.
§ 17896.18. General Design Requirements.
(a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as appropriate, from persons competent in engineering, architecture, landscape design, traffic engineering, air quality control, water quality protection and design of structures.
(b) The design shall be based on appropriate data regarding the expected service area, anticipated nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land use (existing and planned), types and number of vehicles anticipated to enter the operation or facility, adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and other pertinent information. If the operation or facility is to be used by the general public, the design shall take account of safety features that may be needed to accommodate such public use.
(c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the unloading area to as small an area as practicable, provide adequate control of windblown material, minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances by reason of solid wastes being handled at the operation. Other factors which shall be taken into consideration are: dust control, noise control, public safety, and other pertinent matters related to the protection of public health at the operation or facility.
(d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA may require the applicant to describe how he or she has complied with applicable local and state requirements regarding odor control measures, personnel health and safety, and sanitary facilities.
(e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and constructed to prevent loss of wastes from the container during storage. If such a container is used to store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily cleanable, designed for safe handling and constructed to prevent loss of wastes.

Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities

The operator of an in-vessel digestion operation or facility must take precautions to minimize the uncontrolled release of biogas that may have harmful effects on site users and the general public.

§ 17896.20. Cleaning.
(a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA, in order to prevent the propagation or attraction of flies, rodents, or other vectors:
   (1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;
   (2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at least once every 24 hours.
(b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials.

§ 17896.21. Drainage and Spill Control.
(a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:
   (1) minimize the creation of contact water outside of in-vessel digesters and sealed containers;
§ 17896.22. Dust Control.
(a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates, and prevent other safety hazards to the public caused by obscured visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent the creation of excessive dust. Measures to control dust include, but are not limited to: reduced processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the following may be an indication that dust is excessive:

1. safety hazards due to obscured visibility;
2. irritation of the eyes;
3. hampered breathing;
4. migration of dust off-site.


(a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes, including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record. 
(b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are discovered, control measures as are necessary to protect public health, safety and the environment, such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation or removal from the operation or facility.
(c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and sludge wastes in a manner to protect public health, safety, and the environment.


§ 17896.24. Litter Control.
Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent possible given existing weather conditions.


§ 17896.25. Load Checking.
(a) The operator of an attended in-vessel digestion operation or facility shall implement a load checking program to prevent the acceptance of waste which is prohibited by this Chapter. This program must include at a minimum:

1. the number of random load checks to be performed;
2. a location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated;
3. records of load checks and the training of personnel in the recognition, proper handling, and disposition of prohibited waste. A copy of the load checking program and copies of the load checking records for the last year shall be maintained in the operating record and be available for review by the appropriate regulatory agencies.
All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair. The operator shall implement a preventative maintenance program to monitor and promptly repair or correct deteriorated or defective conditions.

§ 17896.27. Medical Wastes.
Medical waste, unless treated and deemed to be solid waste, which is regulated pursuant to the Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code), shall not be accepted at an in-vessel digestion operation or facility, unless approved by the appropriate regulatory agencies.

§ 17896.28. Noise Control.
Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise include but are not limited to: posting of warning signs that recommend or require hearing protection; separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise transmission. Compliance with specific provisions regarding noise control in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.

§ 17896.29. Non-Salvageable Items.
Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles, pesticides and other materials capable of causing public health or safety problems shall not be salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and the EA.

(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to section 17896.31(f).
(b) The Report shall:
(1) Present representative and correlating odor data for each potential onsite odor source including but not limited to: odor severity, odor characteristics, time and weather conditions when data was collected, description of operations associated with the source, and any odor impacts or complaints received;
(2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in order of impact:
(A) List of all best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has used to minimize odor and analyze each BMP for the following:
   1. The effectiveness of the BMP in reducing odor impacts;
2. The potential for more extensive use of the BMP to minimize odor impacts described by complainants;
3. If the BMP has been operationally practical and if more extensive use of the BMP would be operationally practical;
4. The approximate cost to implement a more extensive use of the BMP;
5. Any permits or permit changes necessary to use the BMP more extensively;
6. Overall recommendation if existing BMPs should be continued and if more extensive use of the BMP is recommended; and
7. If the BMP has been found to be ineffective (include supporting data).

(B) List of all potential best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has not used and analyze each potential BMP to determine:
1. The potential for the BMP to reduce odor impacts described by complainants;
2. If the BMP is operationally practical;
3. The approximate cost to implement the BMP;
4. Any permits or permit changes necessary to use the BMP; and
5. Overall recommendation and ranking of implementing the BMP.

(C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on the analysis conducted pursuant to subdivision (b)(3)(A) and (B).
(c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and the Department for review. If the EA has required the operator to prepare a Report pursuant to subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe approved by the EA. (d) The EA, in consultation with the Department, shall within 30 days:
1. direct the operator in writing to submit specific changes or additional information within a timeframe specified by the EA.
2. Approve the Report and associated plan and direct the operator in writing to implement the plan in whole or in part; and/or
3. direct the operator in writing to submit specific changes or additional information within a timeframe specified by the EA.
(e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision (d)(1) or (d)(2).


§ 17896.31. Odor Minimization Plan.
(a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.
(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.
1. an odor monitoring and data collection protocol for on-site odor sources, which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,
2. a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,
3. a complaint response and recordkeeping protocol; and,
4. a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns as applicable; and,
5. a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), bio filtration, and tarping as applicable.
(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.
(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
revisions are necessary.
(e) The odor impact minimization plan shall be used by the EA to determine whether or not the
operation or facility is following the procedures established by the operator. If the EA determines that
the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
(pursuant to section 18304) to require the operator to either comply with the odor impact
minimization plan or to revise it.
(f) If the odor impact minimization plan is being followed and the EA determines, in a manner
consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator
to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified
in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order
(pursuant to section 18304) requiring the operator to take additional reasonable and feasible
measures to minimize odors unless:
(1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
(2) there is an imminent threat to public health and safety and the environment; or
(3) a public nuisance has occurred.

Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code. Reference:
Sections 43020, 43021 and 43209.1, Public Resources Code.

§ 17896.32. Odor and Nuisance Control.
Each in-vessel digestion operation and facility shall be conducted and maintained:
(a) in a manner that minimizes odor impacts so as to not cause a nuisance, and
(b) to otherwise prevent the creation of a nuisance.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.33. Parking.
Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance
with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a
conditional use permit or CEQA mitigation measures, shall be considered compliance with this
standard.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.34. Personnel Health and Safety.
The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations,
section 3203, shall be available for review by local and state inspectors during normal business hours.
Nothing in this section is intended to make the EA responsible for enforcing the IIPP.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.35. Pre-Digestion Solid Waste Handling.
(a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or
sealed structure or removed from the site within 48 hours from the time of receipt. This requirement
does not apply to putrescible waste stored in a sealed bag, bottle, or can.
(b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date
of receipt or at an alternate frequency approved by the EA.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.36. Protection of Users.
An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so
that contact between the public and solid wastes is minimized. This may be accomplished through the
use of railings, curbs, grates, fences, and/or spotters.
§ 17896.37. Roads.
All on-site roads and driveways shall be designed and maintained to minimize the generation of dust and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable all-weather access to the site.

§ 17896.38. Sanitary Facilities.
The operator shall maintain all sanitary and hand-washing facilities which may be required, by applicable state or local requirements, in a reasonably clean and adequately supplied condition.

§ 17896.39. Scavenging and Salvaging.
Each in-vessel digestion operation or facility shall meet the following requirements:
(a) scavenging shall be prohibited;
(b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part of the operation, subject to conditions established by the EA, the local land use authority, or other approving agencies.
(c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious entry and exit of vehicles delivering waste to the in-vessel digestion operation or facility. Salvaging activities conducted at an in-vessel digestion operation or facility shall be confined to specified, clearly identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety or nuisance problems;
(d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel Digestion Facility Plan, or In-vessel Digestion Facility Report.

§ 17896.40. Signs.
(a) For in-vessel digestion operations or facilities not open to the public, each point of access from a public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or facility name and location of nearest public operation or facility.
(b) If the operation or facility is open to the public, there shall be an easily visible sign at all public entrances indicating the name of the operator, the operator's telephone number, schedule of charges, hours of operation, and a listing of the general types of materials which either (1) WILL be accepted, or (2) WILL NOT be accepted.

§ 17896.41. Site Restoration.
All in-vessel digestion operations and facilities shall meet the following requirements:
(a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30 days prior to beginning site restoration.
(b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health, safety, and the environment.

(c) The operator shall ensure that the following site restoration procedures are performed upon completion of operations and termination of service:

1. The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues including, but not limited to, digestate, compost materials, construction scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed.

2. All machinery shall be cleaned and removed or stored securely.

3. All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or other residues related to the site restoration operations.


§ 17896.42. Supervision and Personnel.
The operator shall provide adequate supervision and a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the EA in writing of the name, address and telephone number of the operator or other person responsible for the operation. A copy of the written notification shall be placed in the operating record.


§ 17896.43. Training.
Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site solid waste operations and maintenance, hazardous materials recognition and screening, use of mechanized equipment, environmental controls, emergency procedures and the requirements of this Article. A record of such training history shall be maintained and made available for inspection.


§ 17896.44. Vector, Bird and Animal Control.
The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.


Article 4. Record Keeping Requirements

§ 17896.45. Record Keeping Requirements.
Each operator shall meet the following requirements:

(a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or residual weights or volumes in a form and manner approved by the EA. Such records shall be:

submitted to the EA or the Department upon request; be adequate for overall planning and control purposes; and, be as current and accurate as practicable;

(b) All records required by this Chapter shall be kept by the operator in one location and accessible for five (5) years and shall be available for inspection by the EA and other duly authorized regulatory agencies during normal working hours.

(c) The operator shall submit copies of specified records to the EA upon request or at a frequency approved by the EA.

(d) The operator shall maintain a daily log book or file of special occurrences encountered during operations and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. Special occurrences shall include but are not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding,
earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by
telephone within 24 hours of all incidents requiring the implementation of emergency procedures,
unless the EA determines that a less immediate form of notification will be sufficient to protect public
health and safety and the environment;
(e) The operator shall record any written public complaints received by the operator, including:
(1) the nature of the complaint,
(2) the date the complaint was received,
(3) if available, the name, address, and telephone number of the person or persons making the
complaint, and
(4) any actions taken to respond to the complaint;
(f) The operator shall maintain a copy of the written notification to the EA and local health agency of
the name, address and telephone number of the operator or other person(s) responsible for the
operations as required by section 17896.42;
(g) The operator shall maintain records of employee training as required by section 17896.43;
(h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809
et seq.
(i) The operator shall record all test results generated by compliance with Article 6 of this Chapter,
including but not limited to, metal concentrations, physical contamination limits, fecal coliform and
Salmonella sp. densities, temperature measurements, and dates of windrow turnings.
(1) The operator shall retain records detailing pathogen reduction methods.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and
Requirements.
Approvals, determinations, and other requirements the EA is authorized to make under this Chapter
shall be provided in writing to the operator and placed in the operating record by the operator.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only

§ 17896.47. Communications Equipment.
Each in-vessel digestion facility shall have adequate communication equipment available to site
personnel to allow quick response to emergencies.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.48. Equipment.
Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-
vessel digestion facility to meet all requirements of this Chapter.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.49. Fire Fighting Equipment.
Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly
maintained and located as required by the local fire authority.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 17896.50. Housekeeping.
The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility
equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap,
and similar items.
§ 17896.51. Lighting.
The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of operations, and public health, safety and the environment.


§ 17896.52. Site Attendant.
An in-vessel digestion facility open to the public shall have an attendant present during public operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as approved by the EA to ensure that it meets all of the requirements of this Chapter.


§ 17896.53. Site Security.
The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and vehicles through the use of either a perimeter barrier or topographic constraints.


§ 17896.54. Traffic Control.
(a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:
1. interference with or creation of a safety hazard on adjacent public streets or roads,
2. on-site safety hazards, and
3. interference with operations.


§ 17896.55. Visual Screening.
The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be considered compliance with this standard.


§ 17896.56. Water Supply.
A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use (e.g., fire protection, first aid) shall be available.


Article 6. Digestate Handling Standards

§ 17896.57. Digestate Handling.
(a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:
(1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an alternative handling method after determining the alternative method will not pose an additional risk to public health and safety or the environment; or

(2) incorporated in an on-site aerobic compost process.

(A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section 17896.4.

(B) All in-vessel digestion facilities that compost on-site shall comply with the sampling requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59, the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and physical contamination limits of section 17896.61; or

(3) removed from the site and either:

(A) transported as solid waste to another solid waste facility or operation for disposal, composting, or additional processing; or

(B) used or disposed in a manner approved by local, state, and federal agencies having appropriate jurisdiction.

(b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.59, pathogen concentration pursuant to section 17896.60(b)(1), and physical contaminants pursuant to section 17896.61 or is known to contain any metal in amounts that exceed the maximum metal concentrations described in section 17896.59, pathogens that exceed the maximum acceptable pathogen concentrations described in section 17896.60(b)(1), or physical contaminants that exceed the maximum physical contamination limits described in section 17896.61 shall be designated for disposal, additional processing, or other use as approved by local, state agencies having appropriate jurisdiction.


§ 17896.58. Sampling Requirements.

(a) The sampling of compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall occur at the point where the compost is removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Analytical results indicating compliance with sections 17896.59, 17896.60, and 17896.61 shall be received by the operator prior to the sampled compost leaving the site. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) This sampling shall be performed by taking and analyzing at least one composite sample, following the requirements of this section as follows:

(1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced.

(2) Composite sample analysis for maximum acceptable metal concentrations, specified in section 17896.59, shall be conducted at a laboratory certified by the California Department of Public Health, pursuant to the Health and Safety Code.

(c) A composite sample shall be representative and random, and may be obtained by taking twelve mixed samples as described below.

(1) The twelve samples shall be of equal volume.

(2) The twelve samples shall be extracted from within the post-digested solids or compost pile as follows:

(A) Four samples from one-half the width of the pile, each at a different cross-section;

(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

(C) Four samples from one-eighth the width of the pile, each at a different cross-section.

(d) The EA may approve alternative methods of sampling that ensures the maximum metal concentration requirements of section 17896.59, the pathogen reduction requirements of section 17896.60, and the physical contamination limits requirements of section 17896.61, as applicable, are met.

§ 17896.59. Maximum Metal Concentrations.

(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not exceed the maximum acceptable metal concentrations shown in Table 2. Compost that contains any metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

Table 2 - Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>(see subdivision (a)(1) below)</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>1500</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>100</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>

(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

(b) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2 are not exceeded.


§ 17896.60. Pathogen Reduction.

(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not exceed the maximum acceptable pathogen concentrations described in subdivision (b)(1) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) Operators of in-vessel digestion facilities that produce compost shall ensure that:

(1) The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis). Sample results must be received by the operator prior to removing product from the site.

(2) At in-vessel digestion facilities using an enclosed or within-vessel composting process, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of subdivision (b)(2) of this section.

(3) If the facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

(4) If the facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a
temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(c) In-vessel digestion facilities that produce compost utilizing a windrow composting process or an aerated static pile composting process shall be monitored as follows to ensure that the standards in subdivision (b) of this section are met:

(1) Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.

(2) Temperature measurements for pathogen reduction shall be measured as follows:

(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;

(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.

(d) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.


§ 17896.61. Physical Contamination Limits.

(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. Compost that contains more that 0.1% by weight of physical contaminants greater than 4 millimeters shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one representative sample for every 5,000 cubic-yards of compost produced and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

(c) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure the physical contaminant requirements of this section are met.

(3) at the frequency required by the state minimum standards for each type of operation specified in 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA Notification tier shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, and in no case shall the inspection frequency be less than once per calendar year. The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose an additional risk to public health and safety or the environment in light of the specific circumstances at the operation in question. The Department shall concur or deny the EA-proposed approval within thirty (30) days from receipt.

(4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section 21565. For closed sites, inspections shall be made until no potential threat exists to public health and safety or the environment. This determination shall be subject to board Department approval. For the purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable closure requirements;

(A) the board Department may approve an alternate inspection frequency for these sites where such an action will not result in adverse impact on public health and safety and the environment.

(5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement with the board Department through a grant program to inspect waste tire facilities, major waste tire facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once every two and a half years pursuant to 14 CCR Section 18443;

(6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

(7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application, revision, review, RFI amendment, or closure/postclosure plan; and

(8) pursuant to the EPP, for solid waste handling and collection equipment.

(b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above inspections, whenever possible, without prior notice to the owner or operator, on randomly selected days, during normal business hours or the site’s operating hours.


§ 18100. Scope.

(a) This Article sets forth the method of application for a tiered solid waste facilities permit, procedures for review and action on an application package, and other requirements associated with regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance and other requirements associated with solid waste handling operations. Similar provisions regarding a full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).

(b) The provisions of this Article shall apply only to those operations and facilities as specified in the minimum standards set forth in Chapters 3.0, or 3.1, or 3.2 of Division 7 of this Title.

(c) The submittal of an enforcement agency notification (in accordance with section 18103) or issuance of a tiered permit supersedes any previously submitted enforcement agency notification or issued tiered permit.

(d) Specific provisions relating to the different types of regulatory tiers may be found below as follows:

1. Excluded section 18102
2. Notification of Enforcement Agency sections 18103 – 18103.3
3. Registration Permit sections 18104 – 18104.9; and
4. Standardized Permit sections 18105 – 18105.11.


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§ 18102. Excluded Solid Waste Handling.
Operators of excluded operations designated by the minimum standards set forth in Division 7 of this Title are not required to notify the enforcement agency or submit an application for a solid waste facilities permit. Nothing in this section precludes the enforcement agency or the board Department from inspecting an excluded operation to verify that the operation is being conducted in a manner that qualifies as an excluded operation or taking any appropriate enforcement action.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 44100(a), 44101(a) and 45200, Public Resources Code.

§ 18103. Enforcement Agency Notification.
(a) The enforcement agency notification provisions of this Article shall apply only to operations as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title. (b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement agency notification as follows:
(1) Filing Requirements section 18103.1;
(2) Record Keeping Requirements section 18103.2; and
(3) Termination of Operation section 18103.3.
(c) Operations authorized to use the enforcement agency notification tier are required to operate in accordance with the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 applicable to that operation.
(d) Nothing in this section precludes the enforcement agency or the board Department from the following: inspecting an operation to verify that the operation is being conducted in a manner that qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in compliance with the minimum standards; or, taking any appropriate enforcement action, including the use of a ‘notice and order.’


§ 18103.1. Filing Requirements.
(a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency notification shall notify the enforcement agency of its intent to operate in writing prior to commencing operations. This written notification shall be legible and include the following information:
(1) The name, address, and phone number of the proposed operation; the name, address, and phone number where the operator can be contacted if these differ from the operation site; and, the name, address, and phone number of the owner if these differ from the operator.
(2) The section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier and a description of the facility’s operations, including but not limited to, volume and hours of wastes/material handled, peak and annual loading, and hours of operation.
(3) Documentation that the operator has notified the local planning department with jurisdiction over the site of its intent to commence operations. Documentation may include proof of compliance with CEQA, correspondence from the local planning department that compliance with the California Environmental Quality Act is not required for the operation to obtain local land use approval or written notice to the local planning department of the operator's intent to commence operations.
(4) A statement by the owner and operator certifying under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.
(b) The notification shall be mailed to the enforcement agency “return receipt requested.”


§ 18103.2. Record Keeping Requirements.
The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall be publicly available during normal business hours. The enforcement agency shall forward a copy of the notification to the board Department within five days of receipt. The enforcement agency shall retain a copy of the notification for a minimum of one year after the facility is known to have ceased operations.
§ 18104. Registration Permit.
(a) The registration permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title.
(b) A registration permit shall be deemed to be incorporated by reference, as terms and conditions of the permit, all minimum standards applicable to it, as set forth in Chapters 3, or 3.1, or 3.2, of Division 7.
(c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:
1. Filing Requirements section 18104.1;
2. Enforcement Agency Processing Requirements section 18104.2;
3. Record Keeping Requirements section 18104.3;
4. Completeness Appeal section 18104.4;
5. Change in Operation section 18104.5;
6. Change in Owner section 18104.6;
7. Permit Review & Reissuance section 18104.7;
8. Suspend/Revoke section 18104.8, and
9. Voiding of a Registration Permit section 18104.9.

§ 18104.1. Filing Requirements.
Any operator proposing to operate a solid waste facility pursuant to a registration permit shall file an application using form CIWMB 83 "Registration Permit Application" (rev. 12/96), which is incorporated herein by reference, with the enforcement agency. The application shall be accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). (See Appendix A.) This application shall contain the following information:
(a) The name and address of the enforcement agency, and the section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.
(b) General description of the facility including, but not limited to name, location, site map, and location map.
(c) Facility information, including, but not limited to, volume and type of waste/material; handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.
(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.
(e) Conformance finding information as follows:
1. Until a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.
2. After a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public Resources Code Section 50001.
(f) The owner and operator shall each certify under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.
(g) Evidence that the application form was provided to the director of the local agency that oversees local use planning for the jurisdiction in which the site is located.
(h) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.

§ 18104.2. Enforcement Agency Processing Requirements.
(g) The enforcement agency shall provide a copy of the registration permit to the board Department and to any person who has so requested in writing.


§ 18104.3. Record Keeping Requirements.

(c) The enforcement agency shall forward copies of any written public comments received on an application to the board Department with the registration permit submitted pursuant to section 18104.2(f).
(d) Subsequent to the transmittal of the registration permit to the board Department, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board Department unless the comment clearly states that a copy has already been provided to the board Department.
(e) If an application is denied, the enforcement agency shall retain public comments received on that application for a period of 2 years. If a previously denied permit is approved, all comments received shall be forwarded to the board Department with the copy of the registration permit submitted under subsection (c) above.


§ 18104.6. Change in Owner.

(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever comes first. The enforcement agency shall transmit a copy of the notification to the board Department within five days of receipt.


§ 18104.9. Voiding of a Registration Permit.

Every registration permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification to the board Department within 7 days. “Cessation of operations” does not include temporary operational shutdowns which are seasonal or intermittent in nature.


§ 18105. Standardized Permit.

(a) The standardized permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of the Title.
(b) A standardized permit obtained pursuant to this Article shall contain only those terms and conditions applicable to the type of facility receiving it as set out in the minimum standards for that type of facility.
(c) Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as follows:

(1) Filing Requirements section 18105.1;
(2) Enforcement Agency Processing Requirements section 18105.2;
(3) Record keeping Requirements section 18105.3;
§ 18105.1. Filing Requirements.

Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an application in duplicate with the enforcement agency accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall contain the following information:

(a) The name and address of the enforcement agency, and the section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.

(b) General description of the facility including, but not limited to name, location, site map, and location map.

(c) Facility information, including, but not limited to, volume and types of waste/material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.

(e) A Report of Facility Information that contains all of the information required by the applicable section(s) of Article 3.2, Chapter 5, of this Division.

(f) One of the following:

(1) Evidence that there has been compliance with the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,

(2) Information on the status of the application's compliance with the California Environmental Quality Act regarding the facility. Once there has been compliance with the California Environmental Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement agency.

(g) Conformance finding information as follows:

(1) Until a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.

(2) After a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be identified in any of these elements pursuant Public Resources Code Section 50001.

(h) The owner and operator shall each certify under penalty of perjury that the information provided is true and accurate to the best of their knowledge and belief.

(i) Evidence that the application form was provided to the director of the local agency that oversees local use planning for jurisdiction in which the site is located.

(j) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.


§ 18105.2. Enforcement Agency Processing Requirements.

...
(1) The enforcement agency shall evaluate the information provided in the application and the proposed facility to determine whether or not the facility will be able to operate in compliance with the applicable minimum standards and standardized solid waste facilities permit terms and conditions.

(2) The enforcement agency shall provide notice pursuant to Title 27 Section 21660.3.

(3) If the enforcement agency finds that the application and facility meet the requirements set forth in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed standardized permit, application package, and the results of any analysis to the board Department. The enforcement agency shall further provide the applicant with a copy of the proposed standardized permit submitted to the board Department. In addition, the enforcement agency shall provide a copy of the proposed standardized permit to any person who has so requested in writing.

(4) If the enforcement agency finds that the application or facility do not meet the requirements set forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy of the rejected application accompanied by an explanation shall be mailed to the applicant.

(h) If evidence of compliance with the California Environmental Quality Act, as required by Section 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this requirement has been demonstrated. Unless waived by the applicant pursuant to Public Resources Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not been submitted within 120 days of the application's acceptance for filing, the enforcement agency shall reject the application and not issue the standardized permit.

(i) Once the board Department has concurred in the issuance of the proposed standardized permit, pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

(j) If the board Department objects to the proposed standardized permit, the enforcement agency shall notify the applicant in writing of the board Department’s decision, and the reasons for that decision, within five days of receipt of that decision.


§ 18105.3. Record Keeping Requirements.

(c) The enforcement agency shall forward copies of any written public comments received on a pending application to the board Department with the proposed standardized permit submitted pursuant to section 18105.2(g).

(d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board Department, unless the comment clearly states that a copy has already been provided to the board Department.


§ 18105.5. Board Department Processing Requirements.

(a) The board Department shall mark the proposed standardized permit with the date of receipt.

(b) The board Department shall evaluate the application package and the proposed standardized permit for compliance with the requirements set forth by section 18105.1 and 18105.2(g).

(c) Within 30 days of receipt of a proposed standardized permit, the board Department shall either concur in or object to the issuance of the proposed standardized permit.

(d) If the proposed standardized permit contains terms and conditions not authorized by the minimum standards and the permit is otherwise in conformance with these regulations, any additional unauthorized terms and conditions shall be stricken. The board Department shall concur in the edited standardized permit.

(e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the board Department shall notify the enforcement agency of its determination in writing. If the board Department objects, the reasons for the objection shall be provided to the enforcement agency.
§ 18105.6. Appeal of Decision.
(a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section
18105.2(g)(3) or of the Board taken pursuant to section 18105.5 to the enforcement
agency within 15 days of the date that the decision was received. Such an appeal must be in writing
and specify the grounds for the appeal. A final written determination on the appeal shall be made by
the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources
Code, no later than 60 days after receipt of the applicant's appeal.

§ 18105.8. Change in Owner.
(a) An operator shall notify the enforcement agency in writing if a person, who owns property on
which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold,
transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to
such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever
comes first. The enforcement agency shall transmit a copy of the notification to the board Department
within five days of receipt.

§ 18105.9. Permit Review and Reissuance.
... (d) If an operator files a certification as specified in subsection (c) above or a new application
pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections
18105.2 and 18105.3 and the board Department shall follow the procedures set forth in Section
18105.5.

§ 18105.11. Voiding of a Standardized Permit.
Every standardized permit shall be void 30 days after cessation of operations. Any operator who
intends to cease operations shall notify the enforcement agency of his/her last proposed date of
operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification
to the board Department within 7 days. "Cessation of operations" does not include temporary
operational shutdowns which are seasonal or intermittent in nature.

Article 3.2. Reports of Facility Information

§ 18221.5.1. In-Vessel Digestion Facility Plan.
Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration
Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0,
(commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility
Plan ("Plan") with the EA as required in section 17896.14 of this Title. In order to maintain the permit,
the operator must file amendments as necessary to maintain the accuracy of the Plan. Such
amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the
permit. The Plan shall contain the following:
(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) schematic drawing of the building and other structures showing layout and general dimensions of
the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(c) descriptive statement of the manner in which activities are to be conducted at the facility;
(d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of
material processing, each set of hours may be stated. For facilities with continuous operations,
indicate the start of the operating day for purpose of calculating amount of waste received per
operating day. The operator may also indicate whether or not, and when, other activities, such as
routine maintenance will take place, if those activities will occur at times other than those indicated
above;
(e) total acreage contained within the operating area;
(f) facility design capacity including the assumptions, methods, and calculations performed to
determine the total capacity;
(g) information showing the types and the daily quantities of solid waste to be received. If tonnage
was figured from records of cubic yards, include the conversion factor used;
(h) description of the methods used by the facility to comply with each state minimum standard
contained in sections 17896.17 through 17896.61;
(i) anticipated volume of quench or process water and the planned method of treatment, and disposal
of any wastewater;
(j) description of provisions to handle unusual peak loading;
(k) description of transfer, recovery and processing equipment, including classification, capacity and
the number of units;
(l) planned method for final disposal of the solid waste;
(m) planned method for the storage and removal of salvaged material;
(n) resume of management organization which will operate the facility;
(o) An Odor Impact Minimization Plan pursuant to section 17896.31.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections
40053, 43020 and 43021, Public Resources Code.

§ 18221.6.1. In-Vessel Digestion Report.
Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid
Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3,
Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel
Digestion Report ("Report") with the EA as required in section 17896.15 of this Title. In order to
maintain an existing permit, the operator must file amendments as required in section 17896.15 of
this Title and re-title the document as an In-vessel Digestion Report. Such amendments, or lack
thereof, may become the basis for changes in the permit or for revocation of the permit. A Report
shall contain the following:
(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) facility specifications or plans, to include: a site location map, a site map, and identification of
adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet
of the facility property line;
(c) schematic drawing of the building and other structures showing layout and general dimensions of
the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(d) descriptive statement of the manner in which activities are to be conducted at the facility;
(e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of
material processing, each set of hours may be stated. For facilities with continuous operations,
indicate the start of the operating day for purpose of calculating amount of waste received per
operating day. The operator may also indicate whether or not, and when, other activities, such as
routine maintenance will take place, if those activities will occur at times other than those indicated
above;
(f) total acreage contained within the operating area;
(g) facility design capacity including the assumptions, methods, and calculations performed to
determine the total capacity;
(h) information showing the types and the daily quantities of solid waste to be received. If tonnage
was figured from records of cubic yards, include the conversion factor used;
(i) description of the methods used by the facility to comply with each state minimum standard
contained in sections 17896.17 through 17896.61;
(j) anticipated volume of quench or process water, and the planned method of treatment, and disposal of any wastewater;
(k) description of provisions to handle unusual peak loading;
(l) description of transfer, recovery and processing equipment, including classification, capacity and the number of units;
(m) planned method for final disposal of the solid waste;
(n) planned method for the storage and removal of salvaged material;
(o) resume of management organization which will operate the facility;
(p) list of permits already obtained, and the date obtained or last revised;
(q) An Odor Impact Minimization Plan pursuant to section 17896.31.


§ 18227. Report of Composting Site Information.
Each operator of a compostable material handling facility that is required to obtain a Compostable Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18104) shall, at the time of application, file a Report of Composting Site Information with the EA as required by section 17863 of this Title. A Report of Composting Site Information shall contain the following:
(a) A description of the processes to be used, including estimated quantities of feedstocks, additives, and amendments.
(b) A descriptive statement of the operations conducted at the facility.
(c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized in the production of compost including, but not limited to, unloading, storage, processing, parking, and loading areas.
(d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and insects, for example, how the operator will store, process and incorporate food material and vegetative food material into windrows or static piles, timeframes for inclusion of material, collection and containment of leachate, passive and active vector controls, methods to monitor effectiveness of control measures.
(e) A description of the proposed emergency provisions for equipment breakdown or power failure.
(f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average length of time compostable materials will be stored at the facility.
(g) A description of compostable materials handling equipment used at the facility including type, capacity, and number of units.
(h) Anticipated annual operation capacity for the facility in cubic-yards.
(i) A description of provisions to handle unusual peak loadings.
(j) A description of the proposed method for storage and final disposal of nonrecoverable or nonmarketable residues.
(k) A description of the water supplies for process water required.
(l) Identification of person(s) responsible for oversight of facility operations.
(m) A description of the proposed site restoration activities, in accordance with section 17870.
(n) An Odor Impact Minimization Plan pursuant to section 17863.4. The EA may require the operator to revise the Odor Impact Minimization Plan if the operator proposes to accept new feedstock, such as food material or vegetative food material.


Article 4. Enforcement by EA and Review by Board-Department

§ 18302. Written Complaints of Alleged Violations.
(a) Any person having information alleging a facility or operation is being operated without a required permit or notification, in violation of one or more terms or conditions of a permit, in violation of the
state minimum standards, or in violation of any related state solid waste laws or regulations, or that a
permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may
file a complaint regarding such allegation in writing to the EA. The compliant complaint shall include
the following:
(1) The name, address and telephone number of the person making the complaint, however nothing
in this chapter shall be construed to prevent the making of anonymous complaints by omitting the
identity of the reporting party from the complaint;
(2) The identity and location, if known, of the facility or operation and the names and addresses, if
known, of the persons responsible for the violation;
(3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and
(4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in
investigating the complaint, including but not limited to information relating to witnesses and physical
evidence.
(b) The person making the complaint may forward a copy to the boardDepartment.
(c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine
whether its allegations, if true, would constitute a violation of a state minimum standard, permit term
or condition or any related state solid waste law or regulation. The EA shall make its determination on
the basis of the substance of the allegations rather than on the basis of the complaint's technical
compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege
facts constituting a violation of a state minimum standard, permit term or condition or related state
solid waste law or regulation, it shall so advise the reporting party in writing at the address given in
the complaint if an address is given and place a copy in its files.
(d) Upon receipt of an odor complaint, the EA shall investigate the complaint as soon as practical prior
to issuing a violation for failing to minimize odor. The odor complaint investigation shall include the
following:
(1) The date and time the EA arrived and departed within the complaint area.
(2) Observations of wind direction and speed, and general weather conditions such as clouds, fog,
high wind speed, humidity, and temperature.
(3) If odor is detected, the EA shall:
(A) Record the location where odor was observed, such as the street address, latitude/longitude,
tax parcel number, etc.
(B) Verify the odor event at the complainant’s location and ascertain if the odor is interfering with
the complainant’s use and enjoyment of the property.
(C) Document odor characteristics, intensity, and duration at the complainant’s location, the solid
waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.
(D) Identify activities conducted at the solid waste facility/operation at the time of the odor event.
The EA should consult with the operator to determine if there were unusual operational changes or
atypical feedstocks accepted during the time of the complaint(s).
(de) The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted
because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on
that ground, it shall so advise the complaining party in writing at the address given in the complaint if
an address is given and place a copy in its files.
(ef) Except as provided in subsection (c) or subsection (de) of this section, the EA shall commence an
investigation of the facts alleged in the complaint.
(fg) If an LEA has a complaint review and investigation initiation procedure that contains substantially
the same basic requirements as this section, and accomplishes the intended purposes of this section
within its boardDepartment-approved EPP, it may follow that equivalent process in lieu of subsections
(c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written
complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or
her complaint will receive appropriate attention.
(gh) If the boardDepartment receives a complaint in a jurisdiction where it is not the EA, the
complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has
already received a copy from the complaining party.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43209,
44012, 44015 and 45000-45024, Public Resources Code.
INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR
SOLID WASTE FACILITY PERMIT/AND WASTE DISCHARGE REQUIREMENTS

This application form is for a Solid Waste Facility Permit (SWFP) and/or Waste Discharge Requirements (WDRs) to receive, store, process, transform, or dispose of solid waste regulated by the California Integrated Waste Management Board (CIWMB), Department of Resources Recycling and Recovery (CalRecycle) and Local Enforcement Agencies (LEAs) and the California Regional Water Quality Control Boards (RWQCBs), and for related purposes. The Application is to be used for both new and revised permits, changes to existing SWFPs, WDRs, and supporting documents (e.g. Reports of Facility Information, Reports of Waste Discharge), and expansions for SWFP Reviews. All Applications must be filled out completely and correctly. Check with the local or county enforcement agency the applicable EA or RWQCB for specific permit requirements and/or exemptions or the use of the Application/General Information Form for WDRs and National Pollutant Discharge Elimination System permit (Form 200) by the RWQCB. This form should be submitted to the appropriate agency(ies) indicated below:

<table>
<thead>
<tr>
<th>FORM TYPE / USE</th>
<th>APPROPRIATE AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for a Solid Waste Facility Permit</td>
<td>CIWMB/LEA</td>
</tr>
<tr>
<td>Report of Waste Discharge and/or WDRs</td>
<td>RWQCB</td>
</tr>
</tbody>
</table>

If you have any questions on how to complete this form, please contact the appropriate agency(ies) for assistance. You can download this form from the CIWMB, CalRecycle website at http://www.calrecycle.ca.gov.

NOTE: For direct discharge (point source discharge) to surface waters, a different application form and submittal package is required in place of this form. Please contact the appropriate Regional Water Quality Control Board-RWQCB if seeking to discharge to surface water under the National Pollutant Discharge Elimination System (NPDES) permit application form to apply for a permit for this type of discharge.

The Application for Solid Waste Facility Permit/Waste Discharge Requirements provides initial notice of a waste discharge. In most instances, additional information will be required, and should be submitted on 8 1/2” x 11” paper. Submit two copies of the completed form Application and of any required report(s), and filing fee to the Enforcement Agency (EA). Submit one copy of the form Application and any required report and filing fee to the RWQCB. The RWQCB will notify you of your annual fee based on an evaluation of your proposed discharge. Please do not submit a check to the RWQCB until requested to do so by a RWQCB representative. Applicants applying for an update of an existing WDR will be billed through the annual fee billing system and therefore are requested NOT to submit a check with their Application. The agency(ies) will advise you of any additional information that may be required to complete this Application and waste disposal report.

You will be notified of the effective date of the application by each agency.

The Applicant shall submit this Application in a form and format required by the EA. The EA will exercise its discretion in using the information provided by the Applicant to establish terms and conditions of a proposed SWFP the EA determines to be appropriate.

AMOUNT OF FILING FEES
- EA - The enforcement agencies shall determine the exact fee. Contact the EA for fee information.

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• RWQCB – Use flow or units reported in Part 4 (application form) and the appropriate class schedule A, B, B1, B3, or C (attached filing fee schedule). Contact the RWQCB for fee information.

FOR OFFICIAL USE ONLY (CIWMB CalRecycle/LEA/RWQCB staff)

SWIS/WDID/Global ID Number: The Solid Waste Information System (SWIS) number assigned to the facility by CIWMB CalRecycle staff. The Waste Discharge Identification number (WDID) and global identification number (global ID) for use by RWOB staff.

Filing Fee: The amount of filing fee submitted by the applicant.

Receipt Number: The number assigned to the application by CIWMB CalRecycle/LEA/RWQCB staff.

Date Received: The date the EA or RWQCB receives the application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts the application package for filing (Title 27, section 21650(a)).

Date Rejected: The date the EA rejects determines that the application package is rejected (Title 27, section 21650(d)).

Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete application package as incomplete (Title 27, section 21580).

Due Date: 180 days from the date the application was accepted as incomplete (Title 27, section 21580).

Part 1. GENERAL INFORMATION

A. Enforcement Agency: Enter the name of the EA.

B. County: Enter the name of the county or counties in which the facility is located.

C. Type of Application: Check the box (one box only) that describes the reason the application is being submitted, as follows:

1. New SWFP and/or WDRs: A facility that does not have a current full SWFP or WDRs.

2. Revision of Change to SWFP and/or WDRs: Applicant is proposing to make a change to the design or operation of the facility. (Title 27, section 21620 and 21710)

3. Exemption and/or Waiver: The facility is exempted from a full SWFP pursuant to Title 27, section 21565 and/or WDRs have been waived.

4. Review: To comply with the five-year permit review requirement (Title 27, section 21640).

5. Amendment of Application: If the applicant changes any of the information required in the Application after the application package it has been submitted and before the EA has acted on the Application issuance or denial of the permit or alteration thereof, the applicant changes any of the information required in the application package. (Title 27, section 21610 and 21710)

6. RFI/ROWD/JTD Amendments: For existing permitted facilities, when an owner/operator proposes to make minor changes in design or operation supported by an existing or new CEQA documentation. The application package is submitted to the EA and/or RWQCB to determine if the proposed change(s) can be allowed without an application for a revision. A change to the Report of Facility Information, Report of Waste Discharge, or Joint Technical Document that does not require a change to the SWFP or WDRs.

Part 2. FACILITY DESCRIPTION

A. Name of Facility: The name as it is to be listed on the SWFP and/or the WDRs.

B. Location of Facility:

1. The physical address of the facility or, if no address, a description of the location. Include the Assessor’s Parcel Number, directions to the location of the facility and the name of the nearest city or named place, i.e. mountain, lake, cross roads, etc. Provide the zip code for the actual facility location, not the mailing address.

2. Latitude and longitude is to be submitted in Degrees, Minutes, and Seconds, or Decimal Degrees identifying the center of the waste footprint for existing or proposed disposal sites and identifying the office or main gate for all other facilities (e.g., transfer station, composting facility, etc.). Use of a GPS
instrument is recommended. It indicates the center of the waste footprint, existing or proposed, for
disposal sites, and the office or gate for all other facilities (i.e., transfer, composting, etc.).
3. Map or sketch should be to a scale adequate to show the precise location of the permitted
boundary. Use of a portion of a U.S.G.S. Quadrangle map is recommended. Map must show proximity
of disposal location to populated areas and must indicate all wells and drainage courses within 1,000
feet of any disposal point. The map must include approaches and/or access roads, streets, and/or
highways. The legal description shall include the applicable portions of the section(s) of the township,
range, base, and meridian. The facility shall have permanent monuments or other physical features
that adequately delineate the permitted boundary in the field.
C. **Type Of Activity:** Check all that apply or will apply for the type of facility covered under this
application package.
   1. **Disposal:** A facility that includes a place, location, tract of land, area, or premises in use,
      intended to be used, or which has been used, for landfill disposal of solid waste; and,
      a. **Type:** The type of disposal facility, such as, mono-fill, monofill, C&D/inert, municipal solid
         waste.
   2. **Composting-Compostable Material Handling:** A facility that is operated for the purpose of
      producing compost handles compostable materials; and
      a. **Type:** The type of composting facility, e.g., green waste, food waste, biosolids, or MSW.
   3. **Transformation:** A facility that at which solid waste is incinerated; or subject to pyrolysis,
      distillation, or biological conversion other than composting. Transformation does not include
      composting, gasification, or biomass conversion.
   4. **Transfer/Processing Facility:** A facility that receives, handles, stores, separates, converts or
      otherwise processes materials in solid waste; and/or transfers solid waste directly from one container
      to another or from one vehicle to another for transport; and/or store solid waste. For informational
      purposes only: Check the box if recyclable materials are recovered prior to transfer/processing.
   5. **Construction and Demolition/Inert Debris Processing:** A facility that receives Construction
      and Demolition Debris and/or Inert Debris for the purpose of controlled separation, recovery, volume
      reduction, or recycling.
   6. **In-vessel Digestion:** A facility that receives solid waste for digestion in an in-vessel digester.
      5-7. **Other:** An activity authorized by law not listed above.
D. **Identification of Facility in CIWMP [Conformance Finding Information] (CIWMP-Title 27,
section 21570(f)(S)):**
   1) If the location of the facility is identified in either a Countywide Siting Element or a Nondisposal
      Facility Element, check the appropriate box, and fill in the date of the document and the page on
      which the facility is identified. If you do not currently have this information, (you may obtain it this
      information from the jurisdiction in which the facility is located).
   2) If the facility is a Transfer Station that will divert less than 5% of the material that it receives, it
      is not required to be identified in either a Countywide Siting Element or a Nondisposal Facility Element
      and you should check the appropriate box.
E. **Type Of Permitted Wastes To Be Received:** Check all that apply for the type of material
covered under this application package:
   1. **Agricultural:** Wastes resulting directly from the production and processing conduct of farm or
      agricultural products activities, including, but not limited to, manures, prunings, and crop residues.
   2. **Asbestos:** A naturally occurring family of carcinogenic fibrous mineral substance. The State
      Department of Health Services—Toxic Substances Control has classified friable wastes which contain
      more than one percent or more asbestos by weight as hazardous wastes. Frible means that the
      material can be crumbled with pressure and, therefore, is likely to emit fibers. Indicate whether the
      asbestos is friable or non-friable by checking the appropriate box.
   3. **Ash:** The residue from the incineration of solid wastes, including, but not limited to, municipal
      waste, infectious medical waste, woodwaste, sludge, and agricultural waste.
   4. **Treated Auto Shredder Waste:** The “fluff” consisting of upholstery, paint, plastics, and other
      non-metallic substances that remains after the shredding of automobiles, discarded household major
      appliances, and sheet metal similar items. The State Department of Health Services has classified
      untreated shredder wastes as hazardous.
   5. **Compostable Material:** Any organic material that when accumulated will become active
      compost. Describe the types of compostable materials to be received.
   6. **Construction/Demolition Waste:** Waste that results from construction, remodeling, repair,
      demolition or deconstruction of buildings, and other structures.
7. **Contaminated Soil**: Waste which contains designated or nonhazardous concentrations and has been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency for Soil that the RWQCB or the Local Oversight Agency has classified as a designated waste.

8. **Dead Animals**: Animal carcasses requiring disposal that have **not** been previously used for medical purposes and are not known to have been infected or with known-infectious diseases.

9. **Industrial**: Solid or semi-solid wastes resulting from industrial processes and manufacturing operations, e.g., cement kiln dust, ore process residues, grit or screenings removed from a waste water treatment facility, etc.

10. **Inert**: Solid waste and recyclable materials that are source separated or separated for reuse, do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives and do not contain significant quantities of decomposable waste. Inert debris may not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the putrescible wastes do not constitute a nuisance, as determined by the EA.

11. **Liquids**: Wastes which are not spadeable, usually containing less than 50% solids. These wastes include canny and food processing wastes, landfill leachate and gas condensate, boiler blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings, rendering plant byproducts, some sewage sludge, etc.

12. **Mixed/ or Municipal Solid Waste (MSW)**: Solid waste generated primarily by residential and commercial refuse sources, garbage and/or rubbish although it may contain insignificant amounts of other solid waste that, when mixed together, is all handled as MSW. Residential waste is commonly thought of as household garbage, commercial wastes contain less putrescible waste and more paper and cardboard.

13. **Sewage Sludge**: Human (not industrial) residue, excluding grit or screenings, removed from a wastewater treatment facility or septic tank, whether in a dry or semidry form.

14. **Waste Tires**: Discarded tire casings. Tires that are no longer mounted on a vehicle and are no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer's original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not organized for inspection in a rack or a stack.

15. **Other**: Any allowable wastes not included in the above.

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### Part 3. FACILITY INFORMATION

A. **Proposed Change**: Check the box that identifies the type of change proposed. Briefly describe the proposed change in the space provided.

- 1. **Design Change**: A design change would include but is not limited to: change in footprint, acreage, additional capacity, site improvements, etc.

- 2. **Operation**: A change in operation would include but is not limited to: change in hours or days of operation, the addition of an activity, tonnage change, etc.

- 3. **Owner, Operator, Address, and/or Facility Name Change**: Complete if there is a change in the owner, operator, address, or facility name.

- 4. **Other**: This type of change includes, but is not limited to: change in emergency contact list, etc.

For an application for permit review, if there are no changes, so indicate.

**AB. Facility Information**

1. **Information Applicable To All Existing Facilities**: This portion of Part 3 of the Application must be filled out by every applicant regardless of the type of facility.

   a. **Peak-Maximum Daily Tonnage or Cubic Yards**: The peak (maximum) total amount of solid waste and other material the facility applicant is permitted-authorized by the EA to receive through the gate to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-to-day operations (include information on all other material authorized by the EA to receive in the Report of Facility Information (RFI)). This amount shall be expressed in tons if tonnage is not available or not applicable: provide this specify the amount in cubic yards with a conversion factor. This will be referred to as the “permitted maximum tonnage” and is considered the facility maximum tonnage limit. This amount must be consistent with the approved SWFP and the approved Report of Facility Information (RFI). Any California Environmental Quality Act (CEQA) existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Volume figures should be converted to tons and the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP...
and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below must equal the maximum daily tonnage.

1. **Disposal/Transfer**: The amount of material—solid waste that comes through the gate and is disposed of on-site or transferred off-site as waste; and

2. **Other**: That amount of all other material received at the site, including, but not limited to,
material that is recycled, or used for beneficial use beneficially reused (such as ADC, road building or other on-site projects), stored or processed. Note: 1 and 2 should equal the peak daily tonnage or cubic yards.

b. **As-Designed Daily Design-Tonnage (TFD) or Cubic Yards**: For landfills, the maximum
daily tonnage—amount of solid waste and other material that the facility is designed to receive and process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited to, size of working face the operating areas, vehicle traffic considerations, hours of operation, personnel, equipment operational limits, etc.
For other facilities, it is the maximum amount of solid waste and other material the facility is designed to handle receipt and process at any one time on an ongoing bases over an extended period of time (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited to, vehicle traffic consideration, facility size, hours of operations, length of material storage, type of equipment and movement, personnel, equipment operational limits, etc. This amount shall be expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion factor. The as-designed tonnage value may be equal to or greater than the peak maximum daily tonnage value.

c. **Facility Size**: The area that encompasses the entire area on which solid waste facility activities are authorized by the EA to occur and are permitted. This includes the area of the facility in acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and managing equipment management area, or any area that is required to maintain compliance with the design and operating parameters of the facility. The facility size is the same as “operating area” for composting material handling facilities, “permitted acreage” or the area within the “permitted boundaries” for transfer/processing facilities and landfills.

d. **Peak-Maximum Traffic Volume Per Day (vpd)**: The estimated maximum number of vehicles that will be authorized by the EA to enter the facility on a daily basis. This number should include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or material intended for beneficial reuse. This number must be consistent with the approved RFI and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted.

e. **Days and Hours of Operation**: The days and hours that the facility is authorized by the EA to operate and the hours of waste receipt authorized by the EA if different from the hours of operation. This information must be consistent with the approved RFI and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Any activities that are limited to prescribed days and/or hours should be fully described in the RFI.

2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs**: This portion of the Application must be filled out by every applicant requesting a change to any item(s) listed under Part 3 A. 1 and every applicant submitting an application for a new SWFP and/or WDRs (see Part 3 A. 1 for a description of the terms used). The requests must be consistent with an RFI submitted as part of the Application. The EA will review the requests and establish the terms and conditions of a proposed SWFP for those requests that are supported by documents submitted by the applicant. The RWQCB will review the requests and establish the terms and conditions of tentative WDRs for those requests that are supported by documents submitted by the applicant. Use the "OTHER" section to describe design or operational requests not already specified in this Part 3 A.2.

23. **Additional Information Required For Compostable Materials Handling Facilities Only**: This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled out by the applicant if composting handling compostable materials is part of this Application.

a. **Total Site Storage-Capacity**: The total capacity in tons or cubic yards of all feedstock and compost (active, curing, and cured) material that is received, processed, and can be stored on-site at any one time.

24. **Additional Information Required For Landfills Only**: This portion of Part 3, section B3, in addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of this Application. All [Note to OAL and publisher: No proposed change. Existing text underlined for
emphasis] sections of the Application must be filled out completely. [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.]

a. **Average Daily Tonnage (TPD):** The estimated average waste tonnage expected to be received and placed in a waste management unit for each operating day on a yearly basis (calendar year) for the next five years. Do not use non-operating days in estimating or calculating the average daily tonnage. This average daily tonnage can be equal to but may not exceed the peak maximum daily tonnage. Report as tons per day (TPD).

b. **Site Capacity Currently Permitted (Airspace) (cu yds):** The volume contained between the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to the top of the final cover) taking into consideration design slopes, benches, and other design features, as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site Capacity.

c. **Site Capacity Proposed (Airspace) (cu yds):** Additional site capacity (airspace) requested or potentially resulting from this permit application.

d. **Site Capacity Used To Date (Airspace) (cu yds):** The volume of permitted site capacity used to date. See Date of Capacity Information below.

e. **Site Capacity Remaining (Airspace) (cu yds):** The total volume of permitted site capacity remaining, not including any proposed site capacity. If the remaining capacity information provided is based on estimates of capacity used since the last physical site survey, please explain the methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume, etc. See Date of Capacity Information below.

f. **Date Of Capacity Information (date):** The date as of which the remaining and used site capacities in Part 3 were determined. This date may predate the Application date by no more than three months. Amendments of the Application including more current capacities may be required.

g. **Last Physical Site Survey (date):** Date when the last aerial or ground survey was conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see Part 6, Section B for more details).

h. **Estimated Closure Date (month and year):** The closure date estimated based on remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other appropriate factors. Please note if the closure date is controlled by factors other than waste capacity (e.g., conditional use permit date, etc.).

i. **Disposal Footprint (acres):** The permitted area where waste will be or has been placed. This will be referred to as “permitted disposal area.”

j. **Site Capacity Planned (cu yds):** The estimated additional site capacity (in cubic yards) based upon any planned expansions not currently proposed, whether within or outside the current permitted boundary.

k. Provide one of the following:

1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste).** The in-place waste density is the estimated or measured density of in-place waste material achieved by mechanical or other means in the development of the current lift of the current operating waste cell, and

   (ii) **Waste-to-Cover Ratio (estimated) (volume:volume).** The waste-to-cover ratio estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate should include only soil or approved daily or intermediate alternative cover that is not considered a waste material, i.e., payment of fees to the CIWMB-CaRecycle is not required. The waste portion of the waste-to-cover ratio estimate should include only waste material for which payment of fees to the CIWMB-CaRecycle is reported, or

2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace).** The airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is recorded as the total weight of waste material passing over the landfill scales that is placed in a known volume of landfill airspace in a given period of time. The waste portion of the AUF should include only waste material for which payment of fees to the CIWMB-CaRecycle is reported.

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**Part 4. SOURCE OF WATER SUPPLY** (This is water used for any purpose at the facility)

A. **Municipal or Utility Service:** Give name and address of the water purveyor.

B. **Individual Wells:** Identify those wells that are not part of a municipal or utility service.

C. **Surface Supply:**
1. Provide the name of any stream, lake, spring, etc, if identified.
2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
3. If a state permit or license has been granted, give identification number.

D. Other: Enter any water source(s) not identified above.

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A. Check the appropriate box(es) if an environmental document was, or is going to will be, prepared and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.

1. If an environmental document was prepared:
   - If an environmental document has already been prepared and circulated through the SCH and there is a SCH number, please write this number in the appropriate blank following the box that is checked.
   - If an environmental document has not yet been circulated through the SCH and no SCH number has been assigned to the environmental document yet, please check the box for the type of environmental document that is anticipated to be prepared and circulated through the SCH and write N/A in the appropriate blank for “SCH#.”
   - If the “ADDENDUM TO (Identify environmental document)” box is checked, please provide the type of environmental document that the addendum was prepared for along with the SCH number.

2. If an environmental document will be prepared, enter the name of the lead agency for preparing the document, if known.

EXAMPLE ONLY:
If the environmental document is an environmental impact report (EIR), write “EIR” and include the dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH number for the EIR.

B. If an environmental document was not, and is not planned to be, prepared because it is not required to comply with the requirements of CEQA, please provide the requested information by checking the appropriate box to indicate why an environmental document is not required for CEQA.

   - If the “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” box is checked, please provide the CEQA Guidelines Section number and citation for the exemption.

   EXAMPLE ONLY:
   A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor repair to an existing facility. Therefore, check the box that says “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” and write the following in the blank after the box: “CEQA Guidelines, Section 15301, Class I Categorical Exemption.”

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

All attachments are necessary parts of the Application and are incorporated herein.

A. Section A of Part 6 must be completed by all applicants regardless of the type of facility.
B. Section B of Part 6 is additional documents required must be completed only by landfill applicants for disposal facilities.

   - Operating Liability Financial Mechanism: The date the demonstration was last modified or renewed. That date must be within the preceding twelve-month (annual renewal) period. For example, a Certificate of Insurance (CalRecycle CIWMB 107) has an “effective date” identified on the certificate. This date should and must be within the preceding twelve-month (annual renewal) period.
   - Financial Responsibility Documentation: The financial mechanism will be is a document, (i.e., letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance) statement, etc.) identifying the current dollar value of the demonstration and the date of the stated value. The date of the stated value should be within the preceding twelve-month (annual renewal) period.

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• Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those plans required by Title 27, sections 21780 and 21865 as appropriate applicable.
• Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release corrective action cost estimate and a copy of the non-water release corrective action cost estimate, as required by Title 27, sections 22100 through 22103.
• Landfill Capacity Survey Results: For disposal sites permitted to receive more than 20 tons per day, a ground or aerial survey is to be prepared at least every five years or more frequently as determined by the enforcement agency EA. For disposal sites permitted to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every ten years. If not previously submitted, survey results must be included with this application. Survey results must be submitted as a CADD or vector graphics data file including at least two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum showing the existing and finished ground surfaces. For disposal sites where a change in permitted volume is proposed, a third stratum showing the base and proposed finished ground surfaces must be included. For each stratum the following information shall be included: site name, stratum name, surface1 name, surface2 name, volume calculation method (grid, composite, section), expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground surface is uncertain, the operator is allowed to provide the best available information as a substitute for the actual as-built contours. If selecting this substitute method, the operator must provide an explanation of the basis for using the substitute base ground surface.

For the purposes of this section the following definitions apply:

A1. "base ground surface" - the best available excavation plan surface that existed prior to the placement of any waste;
B2. "CADD" - computer aided design and drafting;
C3. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;
D4. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the upper surface;
E5. "existing ground surface" - the topography that exists at the time of the subject survey;
F6. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;
G7. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
H8. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for the disposal site;
I9. "net volume" - the fill volume less the cut volume;
J10. "site name" - the name of the disposal site for which the survey information is being submitted;
K11. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified upper and lower surfaces;
L12. "stratum name" - a descriptive name for the stratum for which volumetric information is being submitted, e.g., total volume including proposed expansion;
M13. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base ground surface and proposed finished ground surface;
N14. "survey" - a comprehensive examination of the disposal site under the direction of a registered civil engineer or a licensed land surveyor for purposes of determining the topography of the base, existing and finished ground surfaces, and the volumes bound by those surfaces;
O15. "vector graphics" - computer generated images comprised of lines and shapes of given origin, direction, thickness, color and other attributes;
P16. "volume calculation method" - grid, composite, section or other method approved by the enforcement agency EA.

C. Section C of Part 6 specifies additional documents required only if applicable for the type of facility to be covered under this application as required by the EA or RWQCB. Under "Other," identify and list any other necessary documents not included specified above but that are required by the EA or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or franchise other agreement documenting the operator's interest in and right to use the site as a solid
Another example would be if there is a contract operator then a copy of the contract between the permitted operator and contract operator and etc.

Part 7. OWNER INFORMATION:

Type of Business: Specify if the business owner of the facility that is the subject of the Application is a sole proprietorship, partnership, corporation, or government public agency.

Owner of Land: The person(s) that owns, in whole or in part, the land on which the facility is located.

Address, City, State, Zip: Provide the address, city, state, and zip code for the facility owner(s).

SSN or Tax ID #: Provide the SSN or tax identification number for the land owner(s).

Telephone #, Contact Person, Fax #, and E-mail Address: Provide the telephone number, fax number, and e-mail address, and print the contact name.

Address Where Legal Notice May Be Served: Provide the name and address of the person authorized to accept service for each owner of the facility where legal notice may be served.

Part 8. OPERATOR INFORMATION:

Type of Business: Specify if the business operator filing this Application is a sole proprietorship, partnership, corporation, or government public agency.

Facility Operator: The person(s) (e.g., individual(s), partnership, corporation, or public agency) to whom the approval to operate the facility is granted, and who is responsible for the overall operation of the facility including but not limited to, complying with regulatory requirements, complying with all applicable federal, state, and local requirements, and the design, construction, and physical operation of the operating area, and control the activities at an a facility.

Address, City, State, Zip: Provide the address, city, state, and zip code for the facility operator(s).

SSN or Tax ID #: Provide the SSN or tax identification number for the operator(s).

Telephone #, Contact Person, Fax #, and E-mail Address: Provide the telephone number, fax number, and e-mail address, and print the contact name.

Address Where Legal Notice May Be Served: Provide the name and address of the person authorized to accept service for the operator of the facility where legal notice may be served.

Part 9. SIGNATURE BLOCK:

Signature (landowner or agent): The person(s) or their agent authorized to sign on behalf of the above owner.

Signature (lessee): A person(s) authorized to sign on behalf of the person leasing the land, if applicable.

Signature (facility operator or agent): The person(s) or their agent authorized to sign on behalf of the operator above.

Part 10. OTHER:

Attach additional sheets to explain any responses that need clarification.
**APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS**

NOTE: This form has been developed for multiple uses. It is the transmittal sheet for documents required to be submitted to the appropriate agency. Please refer to the attached instructions for definitions of terms and for completing this application form in a complete and correct manner.

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**FOR OFFICIAL USE ONLY**

<table>
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<tr>
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**Part 1. GENERAL INFORMATION**

A. ENFORCEMENT AGENCY:  
B. COUNTY:  

C. TYPE OF APPLICATION (Check one box only):

- [ ] 1. NEW SWFP and/or WDRS  
- [ ] 2. REVISION OF CHANGE TO SWFP and/or WDRS  
  - [ ] REVISION  
  - [ ] MODIFICATION  
  - [ ] OTHER (As authorized by law)  
- [ ] 3. EXEMPTION and/or WAIVER  
- [ ] 4. PERMIT REVIEW  
- [ ] 5. AMENDMENT OF APPLICATION  
  - [ ] MODIFICATION  
  - [ ] OTHER (As authorized by law)  
- [ ] 6. RFI/ROWD/JTD AMENDMENTS  

---

**Part 2. FACILITY DESCRIPTION**

A. NAME OF FACILITY:

B. LOCATION OF FACILITY:

1. PHYSICAL ADDRESS OR LOCATION AND ZIP CODE:  

2. LATITUDE AND LONGITUDE:  

3. LEGAL DESCRIPTION OF PERMITTED BOUNDARY BY SECTION, TOWNSHIP, RANGE, BASE, AND MERIDIAN, IF SURVEYED:  

C. TYPE OF ACTIVITY: (Check applicable boxes):

- [ ] 1. DISPOSAL  
- [ ] 2. COMPOSTABLE MATERIALS HANDLING  
  a. TYPE:  
- [ ] 3. TRANSFORMATION  
- [ ] 4. TRANSFER/PROCESSING FACILITY  
  a. TYPE:  
  - [ ] CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING:  
  - [ ] OTHER (describe):  
- [ ] 5. CAD/INERT DEBRIS PROCESSING  
- [ ] 6. IN-VESSEL DIGESTION  
- [ ] 7. OTHER (describe):  

D. IDENTIFICATION OF FACILITY IN CIWMP: CONFORMANCE FINDING INFORMATION (CIWMP):

1. FACILITY IS IDENTIFIED IN (Check one):
   - [ ] SITING ELEMENT  
   - [ ] NONDISPOSAL FACILITY ELEMENT  
   - [ ] DATE OF DOCUMENT  
   - [ ] PAGE #:  

2. FACILITY IS NOT REQUIRED TO BE IDENTIFIED IN SITING ELEMENT OR NONDISPOSAL FACILITY ELEMENT:

---

**E. TYPE OF PERMITTED WASTES TO BE RECEIVED:** (Check applicable boxes):

- [ ] 1. AGRICULTURAL  
- [ ] 2. ASBESTOS o Friable o Non-friable  
- [ ] 3. ASH  
- [ ] 4. AUTO SHREDDER  
- [ ] 5. COMPOSTABLE MATERIAL (describe):  
- [ ] 6. CONSTRUCTION/DEMOLITION  
- [ ] 7. CONTAMINATED SOILS  
- [ ] 8. DEAD ANIMALS  
- [ ] 9. INDUSTRIAL  
- [ ] 10. INERT  
- [ ] 11. LIQUIDS  
- [ ] 12. MIXED/MUNICIPAL SOLID WASTE (MSW)  
- [ ] 13. SEWAGE SLUDGE  
- [ ] 14. WASTE TIRES  
- [ ] 15. OTHER (describe):  

---

Page 1
### Part 3. FACILITY INFORMATION

**A. PROPOSED CHANGE (Check applicable box(es)):**

- [ ] DESIGN (describe): 
- [ ] OPERATION (describe): 
- [ ] OWNER, OPERATOR, ADDRESS, AND/OR FACILITY NAME CHANGE (describe): 
- [ ] OTHER (describe): 

**B. FACILITY INFORMATION:**

1. INFORMATION APPLICABLE TO ALL FACILITIES
   - **a. PEAK DAILY TONNAGE OR CUBIC YARDS**
     - 1) DISPOSAL/TRANSFER (unit):
     - 2) OTHER (unit):
   - **b. DAILY DESIGN TONNAGE (TPD)**:
   - **c. FACILITY SIZE (acres)**:
   - **d. PEAK TRAFFIC VOLUME PER DAY (vpd)**:
   - **e. DAYS AND HOURS OF OPERATION**:

2. INFORMATION APPLICABLE TO ALL EXISTING FACILITIES
   - **a. MAXIMUM DAILY TONNAGE OR CUBIC YARDS**:
   - **b. AS-DESIGNED DAILY TONNAGE or CUBIC YARDS**:
   - **c. FACILITY SIZE (acres)**:
   - **d. MAXIMUM TRAFFIC VOLUME PER DAY (vpd)**:
   - **e. DAYS AND HOURS OF OPERATION**:
   - **f. OTHER**:

3. ADDITIONAL INFO. REQUIRED FOR COMPOSTINGABLE MATERIALS HANDLING FACILITIES ONLY:
   - **a. TOTAL SITE STORAGE CAPACITY (cu yds)**:

4. ADDITIONAL INFORMATION REQUIRED FOR LANDFILLS ONLY
   - **a. AVERAGE DAILY TONNAGE (TPD)**:
   - **b. SITE CAPACITY CURRENTLY PERMITTED (Airspace) (cu yds)**:
   - **c. SITE CAPACITY PROPOSED (Airspace) (cu yds)**:
   - **d. SITE CAPACITY USED TO DATE (Airspace) (cu yds)**:
   - **e. SITE CAPACITY REMAINING (Airspace) (cu yds)**:
   - **f. DATE OF CAPACITY INFORMATION (Date) (See instructions):**
   - **g. LAST PHYSICAL SITE SURVEY (Date)**:
   - **h. ESTIMATED CLOSURE DATE (month and year)**:
   - **i. DISPOSAL FOOTPRINT (acres)**:
   - **j. SITE CAPACITY PLANNED (cu yds)**:
   - **k. 1. (i) IN-PLACE WASTE DENSITY (lbs of waste per cu yd of waste) **
     - (ii) WASTE-TO-COVER RATIO (Estimated) (v:v) **
     - OR
   - **2. AIRSPACE UTILIZATION FACTOR (tons of waste per cu yd of landfill airspace)**
Part 4. SOURCE OF WATER SUPPLY (Check applicable boxes)

A. MUNICIPAL OR UTILITY SERVICE: ____________________________________________

B. INDIVIDUAL (wells): _________________________________________________________

C. SURFACE SUPPLY:
   1. NAME OF STREAM, LAKE, ETC. : ____________________________________________
   2. TYPE OF WATER RIGHTS: ____________ ____________
   3. STATE PERMIT OR LICENSE NUMBER, IF APPLICABLE: _________________________

D. OTHER: ___________________________________________________________________

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (Check applicable boxes)

A. CHECK BOX(ES) IF ENVIRONMENTAL DOCUMENT WAS OR WILL BE PREPARED FOR THIS PROJECT AND PROVIDE THE STATE CLEARINGHOUSE NUMBER (SCH#)

1. ENVIRONMENTAL DOCUMENT WAS PREPARED:
   【】 ENVIRONMENTAL IMPACT REPORT (EIR) SCH# __________________
   【】 NEGATIVE DECLARATION (ND)/MITIGATED NEGATIVE DECLARATION (MND) SCH# __________________
   【】 ADDENDUM TO (Identify environmental document) SCH# __________________

2. ENVIRONMENTAL DOCUMENT WILL BE PREPARED (Enter lead agency if known):

B. IF ENVIRONMENTAL DOCUMENT(S) WAS NOT PREPARED, PLEASE PROVIDE THE FOLLOWING INFORMATION:

   【】 CATEGORICAL/STATUTORY EXEMPTION (CE/SE) EXEMPTION TYPE ____________ GUIDELINE # ____________

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

A. REQUIRED WITH ALL APPLICATION SUBMITTALS:
   【】 RFJ/TCD ____________________________ 【】 ENVIRONMENTAL DOCUMENT(S):
   【】 LOCAL USE/PLANNING PERMITS ____________________________ EIR ____________________________
   【】 LOCATION MAP ____________________________ MND/ND ____________________________
   【】 MITIGATION MONITORING IMPLEMENTATION SCHEDULE & REPORTING PROGRAM ____________________________ EXEMPTION ____________________________
   【】 LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC ____________________________ ADDENDUM ____________________________

B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS-DISPOSAL FACILITIES ONLY:
   【】 OPERATING LIABILITY FINANCIAL MECHANISM ____________________________ 【】 FINANCIAL RESPONSIBILITY DOCUMENTATION ____________________________
   【】 CLOSURE/POST CLOSURE MAINTENANCE PLAN ____________________________ 【】 KNOWN OR REASONABLY FORESEEABLE CORRECTIVE ACTION COST ESTIMATES ____________________________
   【】 PRELIMINARY ____________________________ 【】 LANDFILL CAPACITY SURVEY RESULTS (see instructions) ____________________________
   【】 FINAL ____________________________

C. IF APPLICABLE:
   【】 REPORT OF WASTE DISCHARGE ____________________________ 【】 DEPT. OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT ____________________________
   【】 CONTRACT AGREEMENTS ____________________________ 【】 SWAT (Air and water) ____________________________
   【】 STORMWATER PERMIT APPLICATION ____________________________ 【】 WETLANDS PERMITS ____________________________
   【】 NPDES PERMIT APPLICATION ____________________________ 【】 VERIFICATION OF FIRE DISTRICT COMPLIANCE ____________________________
   【】 OTHER ____________________________
### Part 7. OWNER INFORMATION
(For disposal site, if operator is different from land owner, attach lease or other agreement)

<table>
<thead>
<tr>
<th>TYPE OF BUSINESS:</th>
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<th>PARTNERSHIP</th>
<th>CORPORATION</th>
<th>GOVERNMENT AGENCY</th>
</tr>
</thead>
</table>

**OWNER(S) OF LAND**
(=)

**ADDRESS, CITY, STATE, ZIP**

**TELEPHONE #:**

**FAX #:**

**E-MAIL ADDRESS:**

**CONTACT PERSON (Print Name):**

### Part 8. OPERATOR INFORMATION
(For disposal site, if operator is different from land owner, attach lease or other agreement)

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<th>CORPORATION</th>
<th>GOVERNMENT AGENCY</th>
</tr>
</thead>
</table>

**FACILITY OPERATOR(S)**
(=)

**ADDRESS, CITY, STATE, ZIP**

**TELEPHONE #:**

**FAX #:**

**E-MAIL ADDRESS:**

**CONTACT PERSON (Print Name):**

**ADDRESS WHERE LEGAL NOTICE MAY BE SERVED:**
**Part 9. SIGNATURE BLOCK**

**Owner:**

I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application and understand that I may be responsible for the site should the operator fail to meet applicable requirements.

SIGNATURE (LAND OWNER OR AGENT):

<table>
<thead>
<tr>
<th>PRINTED NAME:</th>
<th>TITLE:</th>
<th>DATE:</th>
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**Lessee:**

I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application.

SIGNATURE (LESSEE):

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</table>

**Operator:**

I certify under penalty of perjury that the information contained in this application and all attachments are true and accurate to the best of my knowledge and belief.

SIGNATURE (FACILITY OPERATOR OR AGENT):

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**Part 10. OTHER** (Attach additional sheets to explain any responses that need clarification).
CalRecycle Informal Workshop on Draft Regulatory Revisions to Title 14 and 27

Wednesday, October 3, 2012
9:30 AM – 1:00 PM
Los Angeles County Department of Public Health
5050 Commerce Drive
Baldwin Park, CA
Agenda

1. Introductions

2. Overview of workshop objectives

3. Staff summary of newly-released draft text for Issues 5, 6, 7, and 12

4. Staff Review of Issues 1, 2, 3, 4, 8, 9, 10, 11, 13, and 14

5. Stakeholder survey: Which Issues/draft text need more discussion?

6. Discussion

7. Next Steps

8. Adjourn
1. Introductions
2. Overview of workshop objectives
3. Staff summary of newly-released draft text for Issues 5, 6, 7, and 12
Issue 5 – Regulatory Coordination of Publicly Owned Treatment Works (POTWs) Accepting Food Waste, Fats, Oils and Grease (FOG)

POTWs are considering adding organic material such as food waste & FOG into their anaerobic digesters

RWQCB regulatory oversight of POTWs may adequately address co-digestion activities
Issue 5 – Regulatory Coordination of POTWs Accepting Food Waste & FOG

CalRecycle staff proposes:

Exclude POTW facilities that receive specific types of organic solid waste for co-digestion with POTW wastewater from CalRecycle transfer/processing and in-vessel digestion regulations
Issue 6 - Green Material Contamination

Current regulations require green material to contain no greater than 1.0% physical contaminants by weight

Stakeholders have indicated:

Green material can exceed the 1.0% contaminant limit

Difficult for operators/LEAs to visually evaluate physical contaminants

1.0% physical contaminant limit is hard to enforce
Issue 6 - Green Material Contamination

CalRecycle staff proposes:

Incoming:
Keep 1.0% physical contaminant limit by weight

Require operators to increase visual inspections of incoming loads

Require operators to take samples of incoming loads

Outgoing:

Require operations to take a representative sample of product and send to a laboratory

Require facilities to take a representative sample for every 5,000 cubic yards of product

Require compostable material products to meet 0.1% physical contaminant limit by weight.
Issue 7 - Anaerobic Digestion Facility Permitting

Anaerobic digestion (AD) is currently regulated under the Compostable Materials Handling or Transfer/Processing regulations, depending on the nature of the feedstock and how it is handled.
Issue 7 - Anaerobic Digestion Facility Permitting

CalRecycle staff:

Views AD as a process in between Transfer/Processing and Compostable Materials Handling

Intended to develop initial draft regulatory text for AD

Became aware of several in-vessel digestion technologies that do not utilize AD

Proposes to broaden the scope of regulations to cover other types of “in-vessel” digestion activities, including AD
Issue 7 - Anaerobic Digestion Facility Permitting

CalRecycle staff proposes:

**Option 1:** A stand-alone, fully-contained set of regulations containing imported transfer/processing and compostable materials handling standards applicable to in-vessel digestion.

Other options considered but not developed include:

**Option 2:** A stand-alone set of regulations containing cross-references to transfer/processing and compostable materials handling standards applicable to in-vessel digestion.

**Option 3:** Option 2 plus provide, upon completion of the rulemaking, a fully-contained, non-regulatory guidance document that includes the full text of any cross-referenced standard.
Issue 12 - Clarify “permitted maximum tonnage”

Directions for completion of the Solid Waste Facility Permit Application are not clear on the meaning of the term “permitted maximum tonnage” used in section B.1 a of the permit application (Form E-1-77)
Issue 12 - Clarify “permitted maximum tonnage”

CalRecycle staff proposes:

Update E-1-77 Form and Instructions

Clarify that total tonnage is the maximum amount of waste material that is expected to be received per day.
4. Staff Review of Issues 1, 2, 3, 4, 8, 9, 10, 11, 13, and 14
Issue 1- Food waste definition

Current definition is general, does not distinguish between various food waste types, and food material composting requires a Compostable Materials Handling Permit.

CalRecycle staff proposes:

Expand food material definition; add “vegetative food material”

Allow green material composting operations to accept vegetative food material & obtain a Registration Permit as a “Green/Vegetative Food Material Composting Facility”

Food material composting still requires a Compostable Materials Handling Facility Permit.
Issue 1 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 12

- Salts, fats, oils, and preservatives are ingredients, not adulterants

- Difficult for EA to enforce vegetative food material in its “natural state”

- Synchronize all definitions with other agencies, such as CDFA and SWRCB

- Cross contamination issues with animal & vegetative food material

- Vegetative food material should be “pre-consumer” & prohibit products no longer in their original state (noodles, breads, crackers, etc.)

- Putrescible vegetative waste processing or composting should be subject to full solid waste facility permitting requirements
Issue 1 - Stakeholder Written Comments on Draft Text

• What is “agricultural material” versus “vegetative food material”

• EAs should require facilities in Registration tier to upgrade OIMPs

• Adding food processing in food material definition will cause confusion

• Recommended three tiers:

  Tier 1 - Full SWFP.  > than 10% contaminants (physical, MSW, animal) = MSW compost facility
  < than 10% contamination = food waste compost facility

  Tier II - Registration. Putrescible vegetative food material.

  Tier III - EA Notification. Non-putrescible & low moisture food waste
Issue 2 - Land application: disposal or beneficial use

Application of compostable materials to agricultural land is beneficial use if it meets CDFA requirements. There is a need to better determine when land application is considered disposal.

CalRecycle staff proposes:

Establish criteria for determining when use of compostable material and compost is considered disposal, such as limits on storage time, application depth & frequency, and physical contaminants
Issue 2 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 11

- Storage of compostable materials should be longer than 72 hours
- Include restrictions on marginal agricultural or range land
- Plan must submitted to LEA prior to land application
- 0.1% is difficult to measure
- “Physical contamination” needs to be defined
- Excluded composting sites can produce nuisances by excessive storage
- Stabilized compost is not defined
Issue 2 - Stakeholder Written Comments on Draft Text

• Not clear what is excluded from disposal

• Compost product or by-product used as ADC is inconsistent with cover requirements of receiving facility

• More accurate to measure 0.1% contamination by weight

• Applying compostable material more than once a year should be allowed if depth and contamination level requirements are met

• Limiting storage of manure to 72 hours is impractical for ag operations

• Model ordinance would be adopted in a piecemeal approach by jurisdictions, statewide standard is preferred
Issue 3 - On-site storage and 12,500 cubic yard limit

Agricultural material & green material composting operations are limited to 12,500 cubic yards of off-site- generated green material to be stored on-site at any one time.

Some stakeholders have indicated that they are unable to meet seasonal demand for their products with storage limitations.

CalRecycle staff proposes:

Provide EA with discretion to authorize an operator to temporarily store additional material if EA determines it will not adversely affect public health, safety or the environment.
Issue 3 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 3

- Allow unlimited storage of finished compost
- 12,500 limitation should only apply to feedstock and unfinished compost
- EA should have discretion to authorize an operator to temporarily store additional feedstock and unfinished compost
- Do not allow EA to approve a reduced inspection frequency of Chipping and Grinding Operations
- Chipping and grinding operations should be regulated as green material composting operations if they exceed storage time limits
- Agricultural/green material should have a uniform meaning among regulatory agencies
- Owner/operator should provide the burden of proof to store additional materials onsite, not the EA
Issue 4 - Odor complaints

Stay Tuned....
Issue 8 - Regulatory coordination of meat, fish, and poultry waste

CalRecycle does not propose to publish “stand-alone” initial discussion draft text for this issue. CalRecycle will address it in the text developed for other issues that require coordination (e.g., Issues 1, 2, and 5).
Issue 9 - Maximum metal concentrations consistency with federal regulations

CIWMB adopted US EPA’s land application standards for biosolids and applied them to compost

US EPA eliminated chromium & increased selenium limit allowed in the land application of biosolids

CalRecycle staff proposes:

Revise maximum metal concentrations allowed in compost to reflect US EPA changes
Issue 9 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 8

- Regulation should remain unchanged even if inconsistent with US EPA
- Current maximum metal concentrations are too high for compost
- Compost is not tested for chemical contaminants
- Allow LEAs discretionary ability to require additional testing based on feedstock risks and contaminants
Issue 9 - Stakeholder Written Comments on Draft Text

• Adjust criteria to meet Water Board concerns regarding run-off or groundwater contamination from compost

• Revise 14 CCR 17868.2 (b) to allow alternative methods of compliance for metals to include ag materials

• Remove metal concentration sampling requirements for animal manure composting operations. Greater risk in viral, proteins, biological, hormone, or other antibiotic contaminants.
Issue 10 - Clarify “processing” in agricultural material definition

Current definition of Agricultural Material is not clear relative to the term “processing”

CalRecycle staff proposes:

Clarify that Agricultural Material is separated at point of generation and has not been processed in a way that alters its essential character
Issue 10 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 5

- Prohibit animal-derived materials (carcasses) in agricultural material compost products that conflict with CDFA Code
- Unreasonable to regulate agricultural composting because of odors
- EA should be allowed to waive metals or pathogen sampling based on feedstock types and process consistency
- Processed agricultural material should be considered a solid waste and subject to a higher tier by CalRecycle
- Adding “waste” and “alters its essential character” to definition is confusing
Issue 11 - Small-scale composting exclusions

Current regulations do not address various types of small-scale composting activities.

CalRecycle staff proposes:

Revise exclusions to facilitate composting of food material and vegetative food material at non-commercial sites, such as community gardens and schools.
Issue 11 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 2

• 17855(a)(4)
  – 500 cubic yard limit should include only feedstock & active compost
  – delete requirement that feedstock be generated onsite
  – delete 20% limitation on food or vegetative material
  – specify performance measures instead of feedstock & volume limits

• 17855(a)(6) & 17855(a)(10) appear contradictory & redundant. Delete both exclusions & incorporate into 17855(a)(4)

• Specify all compostable materials must be generated onsite and all finished compost must be used onsite
Issue 13 - Vermiculture

Current regulations specify that the handling of compostable material prior to vermicomposting and after its use as a growth medium is subject to the Compostable Material Handling regulations

CalRecycle staff proposes:

Clarify that this activity is subject to either the Compostable Material Handling or Transfer/Processing regulations

Develop non-regulatory guidance to assist EA in determining vermicomposting activity
Issue 13 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 4

- Food waste should have a 48 hour limit for its use as growth media
- Only compostable materials that are directly part of the vermiculture process should be excluded
- Regulatory oversight needs to be strengthened & develop guidance document for LEAs
15 types of solid waste handling activities are regulated as “operations” under the EA Notification tier.

LEA inspection requirements for operations are not entirely consistent in regulation.

CalRecycle staff proposes:

Clarify LEA inspection requirements, delete conflicting provisions, & add new provision for each EA Notification activity.
Issue 14 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 8

- EA Notification operation can commence without a Land Use-Permit or approval & places burden on limited county resources

- County routinely reduces inspection frequency on EA notification operations. No need to add CalRecycle concurrence.

- LEA should initiate request for inspection frequency reduction or modification based on potential risks
Where to Find Draft Text

www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm
Where to Find Stakeholder Comments

www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=696&aiid=656
5. Stakeholder Survey: Which Issues/draft text need more discussion?
Which Issues/draft text need more discussion?

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Which Issues/draft text need more discussion?

Survey Results

Issue 1 - Food waste definition
Issue 2 - Land application
Issue 3 - On-site storage/ 12,500 cubic yard limit
Issue 4 - Odor complaints
Issue 5 – Regulatory Coordination of POTWs
Issue 6 - Green Material Contamination
Issue 7 - Anaerobic Digestion Facility Permitting
Issue 8 - Regulatory coordination of meat, fish, and poultry waste
Issue 9 - Max metal concentrations
Issue 10 - Clarify “processing” in ag material definition
Issue 11 - Small-scale composting exclusions
Issue 12 - Clarify “permitted maximum tonnage”
Issue 13 – Vermiculture
Issue 14 - EA Notification Inspection frequency language
6. Discussion
7. Next Steps
Information on the Rulemaking Process

Compostable Materials, Transfer/Processing Rulemaking
http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm

CalRecycle: Compostable Materials, Transfer/Processing Rulemaking Listserv
http://www.calrecycle.ca.gov/Listservs/

Send Written Comments to: compost.transfer.regs@calrecycle.ca.gov.

Staff contact: Ken Decio at (916) 341-6313 or Ken.Decio@CalRecycle.ca.gov
8. Adjourn
CalRecycle Informal Workshop on Draft Regulatory Revisions to Title 14 and 27

Tuesday, September 25, 2012
Cal/EPA Building,
Conference Room 550
1001 I Street
Sacramento, CA
Agenda

1. Introductions
2. Overview of workshop objectives
3. Staff summary of newly-released draft text for Issues 5, 6, 7, and 12
4. Staff Review of Issues 1, 2, 3, 4, 8, 9, 10, 11, 13, and 14
5. Stakeholder survey: Which Issues/draft text need more discussion?
6. Discussion
7. Next Steps
8. Adjourn
1. Introductions
2. Overview of workshop objectives
3. Staff summary of newly-released draft text for Issues 5, 6, 7, and 12
Issue 5 – Regulatory Coordination of Publicly Owned Treatment Works (POTWs) Accepting Food Waste, Fats, Oils and Grease (FOG)

POTWs are considering adding organic material such as food waste & FOG into their anaerobic digesters.

RWQCB regulatory oversight of POTWs may adequately address co-digestion activities.
Issue 5 – Regulatory Coordination of POTWs Accepting Food Waste & FOG

CalRecycle staff proposes:

Exclude POTW facilities that receive specific types of organic solid waste for co-digestion with POTW wastewater from CalRecycle transfer/processsing and in-vessel digestion regulations
Issue 6 - Green Material Contamination

Current regulations require green material to contain no greater than 1.0% physical contaminants by weight.

Stakeholders have indicated:

- Green material can exceed the 1.0% contaminant limit.
- Difficult for operators/LEAs to visually evaluate physical contaminants.
- 1.0% physical contaminant limit is hard to enforce.
Issue 6 - Green Material Contamination

CalRecycle staff proposes:

Incoming:
Keep 1.0% physical contaminant limit by weight

Require operators to increase visual inspections of incoming loads

Require operators to take samples of incoming loads

Outgoing:
Require operations to take a representative sample of product and send to a laboratory

Require facilities to take a representative sample for every 5,000 cubic yards of product

Require compostable material products to meet 0.1% physical contaminant limit by weight.
Anaerobic digestion (AD) is currently regulated under the Compostable Materials Handling or Transfer/Processing regulations, depending on the nature of the feedstock and how it is handled.
Issue 7 - Anaerobic Digestion Facility Permitting

CalRecycle staff:

Views AD as a process in between Transfer/Processing and Compostable Materials Handling

Intended to develop initial draft regulatory text for AD

Became aware of several in-vessel digestion technologies that do not utilize AD

Proposes to broaden the scope of regulations to cover other types of “in-vessel” digestion activities, including AD
Issue 7 - Anaerobic Digestion Facility Permitting

CalRecycle staff proposes:

Option 1: A stand-alone, fully-contained set of regulations containing imported transfer/processing and compostable materials handling standards applicable to in-vessel digestion.

Other options considered but not developed include:

Option 2: A stand-alone set of regulations containing cross-references to transfer/processing and compostable materials handling standards applicable to in-vessel digestion.

Option 3: Option 2 plus provide, upon completion of the rulemaking, a fully-contained, non-regulatory guidance document that includes the full text of any cross-referenced standard.
Issue 12 - Clarify “permitted maximum tonnage”

Directions for completion of the Solid Waste Facility Permit Application are not clear on the meaning of the term “permitted maximum tonnage” used in section B.1 a of the permit application (Form E-1-77)
Issue 12 - Clarify “permitted maximum tonnage”

CalRecycle staff proposes:

Update E-1-77 Form and Instructions

Clarify that total tonnage is the maximum amount of waste material that is expected to be received per day.
4. Staff Review of Issues 1, 2, 3, 4, 8, 9, 10, 11, 13, and 14
Issue 1- Food waste definition

Current definition is general, does not distinguish between various food waste types, and food material composting requires a Compostable Materials Handling Permit

CalRecycle staff proposes:

Expand food material definition; add “vegetative food material”

Allow green material composting operations to accept vegetative food material & obtain a Registration Permit as a “Green/Vegetative Food Material Composting Facility”

Food material composting still requires a Compostable Materials Handling Facility Permit
Issue 1 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 12

- Salts, fats, oils, and preservatives are ingredients, not adulterants
- Difficult for EA to enforce vegetative food material in its “natural state”
- Synchronize all definitions with other agencies, such as CDFA and SWRCB
- Cross contamination issues with animal & vegetative food material
- Vegetative food material should be “pre-consumer” & prohibit products no longer in their original state (noodles, breads, crackers, etc.)
- Putrescible vegetative waste processing or composting should be subject to full solid waste facility permitting requirements
Issue 1 - Stakeholder Written Comments on Draft Text

- What is “agricultural material” versus “vegetative food material”

- EAs should require facilities in Registration tier to upgrade OIMPs

- Adding food processing in food material definition will cause confusion

- Recommended three tiers:

  Tier 1 - Full SWFP. > than 10% contaminants (physical, MSW, animal) = MSW compost facility
  < than 10% contamination = food waste compost facility

  Tier II - Registration. Putrescible vegetative food material.

  Tier III - EA Notification. Non-putrescible & low moisture food waste
Issue 2 - Land application: disposal or beneficial use

Application of compostable materials to agricultural land is beneficial use if it meets CDFA requirements. There is a need to better determine when land application is considered disposal.

CalRecycle staff proposes:

Establish criteria for determining when use of compostable material and compost is considered disposal, such as limits on storage time, application depth & frequency, and physical contaminants.
Issue 2 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 11

- Storage of compostable materials should be longer than 72 hours
- Include restrictions on marginal agricultural or range land
- Plan must submitted to LEA prior to land application
- 0.1% is difficult to measure
- “Physical contamination” needs to be defined
- Excluded composting sites can produce nuisances by excessive storage
- Stabilized compost is not defined
Issue 2 - Stakeholder Written Comments on Draft Text

• Not clear what is excluded from disposal

• Compost product or by-product used as ADC is inconsistent with cover requirements of receiving facility

• More accurate to measure 0.1% contamination by weight

• Applying compostable material more than once a year should be allowed if depth and contamination level requirements are met

• Limiting storage of manure to 72 hours is impractical for ag operations

• Model ordinance would be adopted in a piecemeal approach by jurisdictions, statewide standard is preferred
Issue 3 - On-site storage and 12,500 cubic yard limit

Agricultural material & green material composting operations are limited to 12,500 cubic yards of off-site-generated green material to be stored on-site at any one time.

Some stakeholders have indicated that they are unable to meet seasonal demand for their products with storage limitations.

CalRecycle staff proposes:

Provide EA with discretion to authorize an operator to temporarily store additional material if EA determines it will not adversely affect public health, safety or the environment.
Issue 3 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 3

- Allow unlimited storage of finished compost
- 12,500 limitation should only apply to feedstock and unfinished compost
- EA should have discretion to authorize an operator to temporarily store additional feedstock and unfinished compost
- Do not allow EA to approve a reduced inspection frequency of Chipping and Grinding Operations
- Chipping and grinding operations should be regulated as green material composting operations if they exceed storage time limits
- Agricultural/green material should have a uniform meaning among regulatory agencies
- Owner/operator should provide the burden of proof to store additional materials onsite, not the EA
Issue 4 - Odor complaints

Stay Tuned....
Issue 8 - Regulatory coordination of meat, fish, and poultry waste

CalRecycle does not propose to publish “stand-alone” initial discussion draft text for this issue. CalRecycle will address it in the text developed for other issues that require coordination (e.g., Issues 1, 2, and 5).
Issue 9 - Maximum metal concentrations consistency with federal regulations

CIWMB adopted US EPA’s land application standards for biosolids and applied them to compost

US EPA eliminated chromium & increased selenium limit allowed in the land application of biosolids

CalRecycle staff proposes:

Revise maximum metal concentrations allowed in compost to reflect US EPA changes
Issue 9 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 8

- Regulation should remain unchanged even if inconsistent with US EPA
- Current maximum metal concentrations are too high for compost
- Compost is not tested for chemical contaminants
- Allow LEAs discretionary ability to require additional testing based on feedstock risks and contaminants
Issue 9 - Stakeholder Written Comments on Draft Text

• Adjust criteria to meet Water Board concerns regarding run-off or groundwater contamination from compost

• Revise 14 CCR 17868.2 (b) to allow alternative methods of compliance for metals to include ag materials

• Remove metal concentration sampling requirements for animal manure composting operations. Greater risk in viral, proteins, biological, hormone, or other antibiotic contaminants.
Issue 10 - Clarify “processing” in agricultural material definition

Current definition of Agricultural Material is not clear relative to the term “processing”

CalRecycle staff proposes:

Clarify that Agricultural Material is separated at point of generation and has not been processed in a way that alters its essential character
Issue 10 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 5

- Prohibit animal-derived materials (carcasses) in agricultural material compost products that conflict with CDFA Code

- Unreasonable to regulate agricultural composting because of odors

- EA should be allowed to waive metals or pathogen sampling based on feedstock types and process consistency

- Processed agricultural material should be considered a solid waste and subject to a higher tier by CalRecycle

- Adding “waste” and “alters its essential character” to definition is confusing
Issue 11 - Small-scale composting exclusions

Current regulations do not address various types of small-scale composting activities.

CalRecycle staff proposes:

Revise exclusions to facilitate composting of food material and vegetative food material at non-commercial sites, such as community gardens and schools.
Issue 11 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 2

• 17855(a)(4)
  – 500 cubic yard limit should include only feedstock & active compost
  – delete requirement that feedstock be generated onsite
  – delete 20% limitation on food or vegetative material
  – specify performance measures instead of feedstock & volume limits

• 17855(a)(6) & 17855(a)(10) appear contradictory & redundant. Delete both exclusions & incorporate into 17855(a)(4)

• Specify all compostable materials must be generated onsite and all finished compost must be used onsite
Issue 13 - Vermiculture

Current regulations specify that the handling of compostable material prior to vermicomposting and after its use as a growth medium is subject to the Compostable Material Handling regulations.

CalRecycle staff proposes:

Clarify that this activity is subject to either the Compostable Material Handling or Transfer/Processing regulations.

Develop non-regulatory guidance to assist EA in determining vermicomposting activity.
Issue 13 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 4

• Food waste should have a 48 hour limit for its use as growth media

• Only compostable materials that are directly part of the vermiculture process should be excluded

• Regulatory oversight needs to be strengthened & develop guidance document for LEAs
Issue 14 - EA Notification Inspection frequency language

15 types of solid waste handling activities are regulated as “operations” under the EA Notification tier

LEA inspection requirements for operations are not entirely consistent in regulation

CalRecycle staff proposes:

Clarify LEA inspection requirements, delete conflicting provisions, & add new provision for each EA Notification activity
Issue 14 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 8

- EA Notification operation can commence without a Land Use-Permit or approval & places burden on limited county resources

- County routinely reduces inspection frequency on EA notification operations. No need to add CalRecycle concurrence.

- LEA should initiate request for inspection frequency reduction or modification based on potential risks
Where to Find Draft Text

www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm
Where to Find Stakeholder Comments

www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=696&aiid=656
5. Stakeholder Survey: Which Issues/draft text need more discussion?
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Staff contact: Ken Decio at (916) 341-6313 or Ken.Decio@CalRecycle.ca.gov
8. Adjourn
CalRecycle Informal Workshop on Draft Regulatory Revisions to Title 14 and 27

Tuesday, March 27, 2012
Cal/EPA Building,
Conference Room 550
1001 I Street
Sacramento, CA
Agenda

- Introductions
- Overview of Workshop Objectives
- Discussion - Issues and Potential Approaches
  - Issue 3 - On-site storage and 12,500 yd$^3$ limit
  - Issue 5 - AD at POTW’s
  - Issue 6 - Green waste contamination
  - Issue 11 - Small-scale composting
- Next Steps
  - Draft Regulatory Text - April 2012
- Adjourn
Issue 3

Agricultural material and green material composting operations are limited to 12,500 cubic yards of off-site-generated green material being stored on-site at any one time.

Potential Approach

Exclude “stabilized compost” from calculation of the 12,500 cubic yard for Notification sites that meet storage criteria.
1a. Proposed Approach

Stabilized compost not counted as part of the 12,500 yd$^3$ for Notification sites if:

“Stabilized compost” has undergone PFRP

Storage must be within the defined operations area

Maximum pile size to control temperature, avoid odors, and potential for fires

Pile temperatures are monitored weekly

Minimum spacing between storage piles for fire lanes and set-back requirements
1b. Proposed Approach

Operator submits a Fire Prevention, Control and Mitigation Plan

• Measures the operator will take to prevent fires and to control and extinguish fires at the site, including maximum pile size and regular temperature monitoring;

• Equipment the operator will have available to control and extinguish fires;

• Measures to mitigate the impacts of any fire at the site to the public health and safety and the environment;

• Arrangements the operator has made with the local fire control authority;

• Local fire control authority to suppress fires at the site;

• Evidence that the operator has submitted the Plan to the local fire control authority for review and that the authority has found it to be in compliance with the authority's applicable requirements.
1c. Proposed Approach

Upon request, EA may authorize operator to temporarily (e.g. seasonally) store finished compost product in an amount that exceeds the 12,500 yd$^3$ limit if the EA determines it will not pose an additional risk to public health and safety and the environment.
Issue 5

POTW’s are adding food waste and fats, oils, & grease in the treatment system downstream from the headworks. There may be duplication of regulatory efforts between the LEA, RWQCB, air districts and CDFA.

Potential Approach

• Revise regulations to eliminate potential duplication with RWQCB and air districts requirements.
• Coordinate with SWRCB and air districts to identify specific requirements that adequately address issues within LEA authority and responsibility prior to making regulatory revisions.
Anaerobic digestion (AD) is currently regulated under the compostable materials handling or transfer/processing regulations, depending on the nature of feedstock and how it is handled (Issue 7).
CalRecycle Interagency Coordination

November 15, 2011 – Met with CVRWQCB
Potential regulatory overlap between agencies

December 2011 – Correspondence between SWRCB & CalRecycle
RWQCB’s place standard provision in NPDES permits that requires POTWs to develop & implement standard operating procedures to accept FOG & food processing waste

March 2012 - Regulatory Flowchart Development
Material flow and regulatory authority between CDFA, SWRCB/RWQCBs, and CalRecycle
Current Status

CalRecycle may consider excluding certain types of activities at POTWs, such as immediately slurring materials in an enclosed tank or pumping materials into digesters.

RWQCB oversight may adequately address solid waste handling issues at POTWs:
- NPDES or WDR requirements
- SOPs to address spillage, vectors & odors
- Licensed and trained operators

Informal discussions between CalRecycle & CDFA to determine if animal material can be safely processed in digesters at POTWs.
Issue 6

Current regulations require green material to contain no greater than 1.0% physical contaminants by weight.

Potential Approach
• Increase the maximum inorganic physical contamination limit for green material received
• Add maximum inorganic physical contamination limit for material leaving site
1a. Proposed Approach

Increase maximum inorganic physical contamination limit for green material received from 1.0% by weight to ___0 % by weight

Product must meet a 0.1% maximum physical contamination level before leaving the site or would not be considered product and would require further processing or disposal.
1.b Proposed Approach

Allow de minimis amounts of inorganic physical contamination in green material

Product must meet a 0.1% maximum physical contamination level before leaving the site or would not be considered product and would require further processing or disposal.
Issue 11

Current regulations do not address small-scale composting of food material at community gardens, or associated with restaurants, cafeterias, and other businesses that provide food service to employees.

Potential Approach
Revise the excluded tier to address newly identified activities that are similar to existing excluded activities.
Proposed Approach

Revise exclusion language in 17855(a)(4) to allow small-scale composting of food material.

Handling of green material, feedstock, additives, amendments, compost, or chipped and ground material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or given away annually. The compostable material may also include up to 10% food material by volume generated on-site or off-site.
Other Excluded Activities

(Small-scale composting)

(6) Non-commercial composting with less than one cubic yard of food material is excluded provided that all compostable material is generated and used on-site.

(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.
Next Steps

Draft Regulatory Text:  (April 2012)

Issue 14: EA Notification inspection frequency

Issue 12: SWFP Application – “permitted maximum tonnage”

Issue 9: Maximum Metals Concentrations

Issue 2: Beneficial use/Land application

Issue 1: Food material definition
Information on the Rulemaking Process

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http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm

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Staff contact: Ken Decio at (916) 341-6313 or Ken.Decio@CalRecycle.ca.gov
CalRecycle Informal Workshop on Draft Regulatory Revisions to Title 14 and 27

Wednesday, December 21, 2011
Cal/EPA Building,
Conference Room 550
1001 I Street
Sacramento, CA
Issue 1

Current food waste definition is general & does not distinguish between various food waste types. All food waste composting requires a full permit.

Potential Approach

• Define sub-categories of food waste
• Establish varying degrees of handling protocols
• Allow some types of food waste to be co-composted at Notification tiered sites
Define Potential Food Material Subcategories?

**Pre-consumer** - material that does not meet the definition of “agricultural material” and is generated at farmers markets, food manufacturing facilities (canneries, coffee production, wine production, etc.), grocery stores, retail stores, and restaurants during the process to produce food for human or animal consumption. Primarily vegetative material.

**Postconsumer** - material generated at residences, restaurants, retail stores, grocery stores, and institutions after being provided for human consumption. May include meat scraps, fish and poultry, and dairy.

**Animal-Derived** - material that does not meet the definition of “agricultural material”, generated at residences, grocery stores, retail stores, restaurants, cheese and dairy production, institutions, but not at slaughter houses or meat processing facilities, during the process to produce meat, fish, poultry and dairy products for human or animal consumption.
Allow Certain Types of Food Material to be Co-Composted with Green Material in EA Notification Tier

- Vegetable
- Fruit
- Meat, poultry, fish (raw)
- Meat, poultry, fish (cooked)
- Bread, grains/pasta
- Dairy
- Food-soiled paper products
- Food processing waste
- Cannery waste
- Grape pomace
- Cheese Whey
- Coffee grounds
- Molasses

EA Notification Tier
**Food Material Type Subcategories**

Example: Vegetables

Raw  
Cooked  
Fresh (not putrefying)  
Old (putrefying)  
Food processing by-products  
Farmers Market (with fruits, nuts, flowers, etc.)  
Residential curbside (with green & other food material, soiled paper, contaminants)  
Restaurant (with other food material, soiled paper, plastics, biodegradable plastics, contaminants)  
Institutions (with other food material, soiled paper, plastics, biodegradable plastics, contaminants)  
Grocery Stores (with other food material, waxy cardboard, shrink wrap, etc.)
Allowable Food to Green Material Ratio Options in EA Notification Tier

10:90  food to green

20:80  food to green

25: 75 food to green

30:70  food to green
Proposed Approach

Types of food waste allowed in EA Notification Tier

Maximum allowable ratio of food (pre- and post-consumer, not animal derived) to green material

Require additional design & operating standards (potential BMPs)

- Process incoming food material loads daily
- Temporarily cover food material feedstock with tarps
- Construct smaller feedstock storage piles
- Spread green material or wood chips on ground, surround area with horseshoe-shaped berm of green material/wood chips, dump incoming food material directly into area
- Incorporate food material into windrows the same day
- Incorporate food material with high carbon material
- Apply compost blanket or compost “overs”
- Revise OIMP to address new food waste stream
- Install litter fences
- Other?
Issue 2
Current regulations identify application of compostable materials, compost, and ash to agricultural land as beneficial use if it meets CDFA requirements. Need a clearer way to determine when land application is disposal and not beneficially used.

Potential Approach
• Work with agencies to establish criteria for determining disposal.
• Criteria could include: area, application depth, frequency, storage time, contaminant limits,
• Also allow case by case determinations.
Proposed Approach
Defining Disposal
(Based on concepts from Ventura County Ordinance & does not refer to fertilizers)

Application of organic material that exceeds an average of 12 inches in total depth

Application of organic material that exceeds 0.1% physical contamination level

Storing or stockpiling of organic material onto land for greater than six months

LEA may consult with other agencies to determine if application of organic material is disposal
Proposed Approach (cont.)

Exceptions

Application of organic material on land may exceed average depths of 12 inches upon receipt of prior written approval by a local fire district, county agricultural commissioner, or LEA.

Does not apply to the storage and application of organic materials in quantities of less than 200 cubic yards per parcel.
Issue 3

Agricultural material and green material composting operations are limited to 12,500 cubic yards of off-site-generated green material being stored on-site at any one time.

Potential Approach
Exclude stable compost from calculation of the 12,500 cubic yard for Notification sites that meet storage criteria
1a. Proposed Approach

Stored stable compost that has undergone PFRP is excluded from 12,500 cubic yards calculation for EA Notification sites if: Proscribed requirements are met, the requirements would include:

- Pile size,
- Temperature monitoring,
- Pile separation,
- Pile setback from facility boundary.

1b. Proposed Approach

Operator submits a Fire Prevention, Control and Mitigation Plan for review and approved by the LEA.
Issue 4
Approaches to verification of odor complaints at compost sites are not consistent statewide.

Potential Approach
• Develop an odor verification/complaint protocol for operators to be included in OIMP.
• Use similar protocols employed by other regulatory entities and include verification and complaint protocols and possibly utilize odor measuring technologies.
Proposed Approach

1. Establish odor baseline/threshold in OIMP for each site

2. If an odor event causes the facility to exceed the baseline/threshold, the operator is required to implement additional monitoring and data collection

3. Based on monitoring and data, design and/or operational changes are proposed, and if approved, implemented
Baseline and Monitoring

Operator monitors and logs the following:

1. Complaints
   - Number and summary of complaints within given time frame (day, month)
   - Date, time, complaint was received and complaints were investigated

2. Intensity of odors
   - Site specific methods and scale
   - Odor instruments

3. Odor characteristic spectrum

   | Floral | Fruity | Vegetable | Earthy | Medicinal | Chemical | Fishy | Offensive (Putrid, Rancid, Fecal, Garbage) |

4. Duration of odors (hours, days, weeks, months)

5. Changes to design and operation during monitoring and data collection

LEA & operators use same criteria to evaluate and document odors & complaints
Operator provides data & proposed operational changes quarterly to LEA, or other designated timeframe in OIMP
Operator proposes baseline

LEA approves

Above threshold?

Yes

Extensive Monitoring
(at fixed monitoring points)

No

No changes

Operational changes
Issue 6

Current regulations require green material to contain no greater than 1.0% physical contaminants by weight.

Potential Approach

• Increase the maximum inorganic physical contamination limit for green material received
• Add maximum inorganic physical contamination limit for material leaving site
Proposed Approach

Increase maximum inorganic physical contamination limit for green material received from 1.0% by weight to 0.0% by weight.

Operator samples finished product before material leaves site

Illinois Pollution Control Board method

- Material dried 24 hours
- Measure contamination level in sample:

  Weigh each sample and pass through a four millimeter screen. Inspect material remaining on the screen, and separate and weigh man-made materials. Calculate percent man-made materials relative to the total dry weight of the sample prior to screening.

Maximum physical contaminant level by weight = 0.1%, or other %

If sample is above 0.1% maximum physical contamination level, finished product must be reprocessed or disposed.
Issue 7

Anaerobic digestion is currently regulated under the compostable materials handling or transfer/processing regulations, depending on the nature of the feedstock and how it is handled.

Potential Approach

Revise regulations to identify AD as a type of transfer processing activity.
Proposed Approach

PRC 40116.1 “Composting means the controlled or uncontrolled biological decomposition of organic wastes. Anaerobic Digestion is composting by statute.

CalRecycle proposes to define AD as a type of compostable material handling

- Change definition of Anaerobic Decomposition in Compostable Materials Handling Operations and Facilities Regulatory Requirements in 17852 (a)(8), OR
- Add definition of Anaerobic Digestion Operation and Anaerobic Digestion Facility in 17852

Compostable material handling and transfer/processing design and operational requirements would be applied
AD Operations & Facilities

Chapter 3.1: Compostable Materials Handling Operations and Facilities Regulatory Requirements
17855.2. Prohibitions
17863.4 Odor Impact Minimization Plan

Chapter 3: Minimum Standards for Solid Waste Handling and Disposal
Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements.
Article 6.1. Siting and Design Sections 17406.1-17406.2
Article 6.2 Operating Standards Sections 17407.1-17413
Article 6.3 Record Keeping Requirements Section 17414-17414.1
Article 6.35 Additional Operating Requirements for Facilities Only Sections 17415.1-17419.2
Issue 9
Maximum Metal Concentrations in current regulations do not match US EPA biosolids regulations (503 CFR).

Regulations are not clear on when an operator must ensure that a compost product meets the required limits for metals and pathogens.

Potential Approach
• Revise Maximum Metal Concentrations in current regulations to match Maximum Metal Concentrations in 503 CFR.

• Require composters to obtain test results showing the material meets requirements prior to materials leaving the site.
Proposed Approach

Revise Maximum Metal Concentrations in § 17868.2 to match Maximum Metal Concentrations in 503 CFR

Table 2
Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>1200</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>1500</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>36</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>

Table 3 of §503.13—Pollutant Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
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<td>1500</td>
</tr>
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<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>36 [100]</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>
Proposed Approach (cont.)

Revise § 17868.1 to ensure metals & pathogen test results are received by operator *before* compost leaves the site.

a) Operators shall verify that compost meets the maximum acceptable metal concentration limits specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3. Verification of maximum acceptable metal concentration limits and pathogen reduction requirements shall occur *before the at the point where compost is sold and removed from the site*, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used.
Issue 11

Current regulations do not address small-scale composting of food material at community gardens, or associated with restaurants, cafeterias, and other businesses that provide food service to employees.

Potential Approach
Revise the excluded tier to address newly identified activities that are similar to existing excluded activities.
Proposed Approach

Revise exclusion language in 17854(a)(5)(4) to allow small-scale composting of food material.

Handling of green material, feedstock, additives, amendments, compost, or chipped and ground material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or given away annually. The compostable material may also include up to 10% food material by volume generated on-site or off-site.
Issue 13

The current definition of vermicomposting is general which may make it difficult for LEAs to determine vermicomposting activities.

Potential Approach

Consult with vermicomposters and other stakeholders to determine how regulations need to be adjusted to better determine what is or is not vermicomposting.
Information on the Rulemaking Process

Compostable Materials, Transfer/Processing Rulemaking
http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm

CalRecycle: Compostable Materials, Transfer/Processing Rulemaking Listserv
http://www.calrecycle.ca.gov/Listservs/

Send Written Comments to: compost.transfer.regs@calrecycle.ca.gov.

Staff contact: Ken Decio at (916) 341-6313 or Ken.Decio@CalRecycle.ca.gov
Issue 5
POTW’s are adding food waste and fats, oils, & grease in the treatment system downstream from the headworks. There may be duplication of regulatory efforts between the LEA, RWQCB, air districts and CDFA.

Potential Approach
• Revise regulations to eliminate potential duplication with RWQCB and air districts requirements.
• Coordinate with SWRCB and air districts to identify specific requirements that adequately address issues within LEA authority and responsibility prior to making regulatory revisions.
Current Status

November 15, 2011 – Met with CVRWQCB
Potential regulatory overlap between agencies

December 6, 2011 - Letter from SWRCB to CalRecycle
POTWs accepting FOG & food processing waste (handout)
Issue 8
CalRecycle is working with CDFA to reduce regulatory overlap between the two agencies in regulating the handling of meat, poultry, and fish waste.

Potential Approach
Continue to work with CDFA to identify and include in regulation additional sampling requirements for composted or processed products resulting from meat, poultry and fish waste prior to the products leaving a solid waste facility.
Current Status

October 27, 2011 - CDFA Inedible Material Disposal Workshop
Consensus was formed that any regulated conversion facility that accepts IKG from grease traps or grease interceptors should be exempt from CDFA rendering license requirements due to the very low disease and public health threat posed by IKG going into a regulated facility. The risk of greatest concern remaining is diversion into animal feed, but existing feed regulations are adequate to manage said risk.

November - December 2011 - Follow-up to October 27, 2011 CDFA Workshop
Working with CDFA to develop a regulatory authority flowchart regarding the disposal, transportation, collection, and processing/recycling of meat, poultry, fish material and inedible kitchen grease to identify potential regulatory overlap.
Issue 10

The current definition of Agricultural Material is not clear relative to the term “processing”.

Potential Approach
Clarify that Agricultural Material does not include materials removed from the ranch or farm, processed, and then returned to the farm or ranch.
"Agricultural Material" means material of plant or animal origin, which result from the production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products, including manures, orchard and vineyard prunings, and crop residues.
Proposed Approach

Revise Section 17852(a)(5)

"Agricultural Material" means material of plant or animal origin, which result from the production and on-site processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products, including manures, orchard and vineyard prunings, and crop residues.
Issue 12
Directions for completion of the Solid Waste Facility Permit Application are not clear on the meaning of the term “permitted maximum tonnage” used in section B.1 a of the permit application (Form E 1-77).

Potential Approach
Clarify that the total tonnage indicated in the permit application is the maximum amount of waste material that is expected to be received per day.
Proposed Approach

Revise “permitted maximum tonnage” to “maximum tonnage” in the Facility Information section (B.1 a) of the Instructions in Form E 1-77
B. Facility Information

1. Information Applicable To All Facilities: This portion of Part 3 must be filled out by every applicant regardless of the type of facility.

• Peak Daily Tonnage or Cubic Yards: The peak (maximum) total amount of waste and material the facility is permitted to receive through the gate to store, process, transfer, or dispose per day. This amount shall be expressed in tons, if tonnage is not available or not applicable provide this in cubic yards with a conversion factor. This will be referred to as the “permitted maximum tonnage” and is considered the facility maximum tonnage limit. Must be consistent with the Report of Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Volume figures should be converted to tons and the conversion factor should be documented in the accompanying RFI.

• Disposal/Transfer: The amount of material that comes through the gate and is disposed of on-site or transferred off site as waste; and

• Other: That amount of material that is recycled or used for beneficial use such as ADC or other on-site projects. Note: 1 and 2 should equal the peak daily tonnage or cubic yards.
New Issue 14

Description of Enforcement Agency (EA) Notification inspection frequency is not consistent in Title 14.

Potential Approach

Use consistent description of EA Notification inspection frequency in Title 14.
Proposed Approach

§ 18083(a)(3) requires LEAs to perform inspections “at the frequency required by the state minimum standards for each type of operation regulated under the EA Notification tier.”

Use consistent description of EA Notification inspection frequency in § 17403.2, § 17403.3, § 17856, § 17857.1, § 17859.1, § 17862, and § 17862.1 (handout)
Informal Workshop

December 21, 2011
Cal/EPA Building, Conference Room 550
9:00 a.m. to 12:00 p.m.

Issue 1- Food waste definition
Issue 2- Land application: disposal or beneficial use
Issue 3- On-site storage and 12,500 cubic yard limit
Issue 4- Odor complaints: beyond zero tolerance
Issue 6- Green waste contamination
Issue 7- Anaerobic Digestion facility permitting
Issue 9- Maximum metal concentrations consistency with federal regulations
Issue 11- Small-scale composting exclusions
Issue 13- Vermiculture
Information on Rulemaking Process

Compostable Materials, Transfer/Processing Rulemaking
http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm

CalRecycle: Compostable Materials, Transfer/Processing Rulemaking Listserv
http://www.calrecycle.ca.gov/Listservs/

Send Written Comments to: compost.transfer regs@calrecycle.ca.gov

Staff contact: Ken Decio at (916) 341-6313 or Ken.Decio@CalRecycle.ca.gov
1. **Issue.** The current food waste definition is general and does not distinguish between various food waste types that are generated and handled as separate waste streams. All food waste composting requires a full permit.

   **Potential Approach.** Define sub-categories of food waste that have unique characteristics, such as vegetative and animal-derived food waste, and establish varying degrees of handling protocols that will continue to prevent public health and environmental issues at compost sites, but will allow some types of food waste to be co-composted at Notification tiered sites if specified handling protocols are followed.

2. **Issue.** Current regulations identify application of compostable materials and ash to agricultural land as beneficial use if the use meets CDFA requirements. There is a need to better determine when use of compostable materials, compost, and ash are considered disposal and not beneficially used. Title 27 Section 21565 allows an EA to grant an exemption to permit requirements if a facility that disposes of cannery wastes, ashes and residues, agricultural wastes, and wastewater treatment sludge on agricultural land, meets explicit criteria.

   **Potential Approach.** Continue working with CDFA on agricultural use issues. Coordinate with SWRCB and Air Districts to establish specific measurable criteria for determining when use of compostable material, compost, and ash is considered disposal. Focus criteria on parameters required to prevent odor, fire, litter, and dust, and protect public health and safety. Criteria could include size of plot, maximum application depth, frequency of application, incorporation times, pre-application storage time, inorganic contaminant limits, and 503 CFR requirements. Criteria could also allow LEA’s to make case by case determinations after consultation with other regulatory agencies and/or experts, such as RWQCBs, CDFA, agronomists, certified crop advisors, and local air districts. Revise Title 27 Section 21565 so that it is consistent with Title 14 regarding disposal activities.

3. **Issue.** Agricultural material and green material composting operations are limited to 12,500 cubic yards of off-site-generated green material being stored on-site at any one time. These limits include stable compost.

   **Potential Approach.** Exclude stable compost from calculation of the 12,500 cubic yard storage limit for all agricultural material and green material composting operations if specific storage criteria are followed, including pile size and others measures that prevent fire, odor, and cross contamination. Ensure criteria are not in conflict with controls for the prevention of water and air pollution.

4. **Issue.** Approaches to verification of odor complaints relative to compost sites are not consistent statewide.

   **Potential Approach.** Develop an odor verification and complaint protocol for operators to be included in Odor Impact Minimization Plans (OIMP). Use protocols that are similar to existing methods employed by other regulatory entities and include verification and complaint protocols. The protocols could also utilize the use of odor measuring technologies.

5. **Issue.** POTW’s are adding food waste and fats, oils, & grease (FOG) in the treatment system downstream from the headworks. Current regulations require LEA regulatory oversight of facilities that handle solid waste. There may be duplication of regulatory efforts between the LEA, RWQCB, air districts and CDFA (See Issue 8).

   **Potential Approach.** Revise regulations to eliminate potential duplication with RWQCB and air districts requirements. Coordinate with SWRCB and air districts to identify specific requirements that adequately address issues within LEA authority and responsibility prior to making regulatory revisions.

6. **Issue.** Current regulations require green material to contain no greater than 1.0% physical contaminants by weight. Programs that collect urban green material may have higher levels of contamination.

   **Potential Approach.** Increase the maximum inorganic physical contamination limit for green material received, and add a maximum inorganic physical contamination for material leaving compostable material handling sites.
Ensure contaminant levels for material leaving a site are consistent with requirements for determining disposal versus use of material (See Issue 2).

7. Issue. Anaerobic digestion is currently regulated under the compostable materials handling or transfer/processing regulations, depending on the nature of the feedstock and how it is handled.

Potential Approach. Revise regulations to identify AD as a type of transfer processing activity.

8. Issue. CalRecycle is working with CDFA to reduce regulatory overlap between the two agencies in regulating the handling of meat, poultry, and fish waste.

Potential Approach. Continue to work with CDFA to identify and include in regulation additional sampling requirements for composted or processed products resulting from meat, poultry and fish waste prior to the products leaving a solid waste facility. Use additional sampling to ensure that no additional processing is required for meat, poultry, and fish waste to prevent threats to animal and human health.

9. Issue. Maximum Metal Concentrations in current regulations do not match US EPA biosolids regulations (503 CFR). Regulations are not clear on when an operator must ensure that a compost product meets the required limits for metals and pathogens.

Potential Approach. Revise Maximum Metal Concentrations in current regulations to match Maximum Metal Concentrations in 503 CFR. Clarify in regulation that composters must receive test results showing the material meets requirements prior to materials leaving the site.

10. Issue. The current definition of Agricultural Material is not clear relative to the term “processing”.

Potential Approach. Clarify that the definition of Agricultural Material does not include materials removed from the ranch or farm, processed, and then returned to the farm or ranch.

11. Issue. Current regulations do not address small-scale composting of food material at community gardens, or associated with restaurants, cafeterias, and other businesses that provide food service to employees.

Potential Approach. Revise the excluded tier to address newly identified activities that are similar to existing excluded activities.

12. Issue. Directions for completion of the Solid Waste Facility Permit Application are not clear on the meaning of the term “permitted maximum tonnage” used in section B.1 a of the permit application (Form E 1-77).

Potential Approach. Clarify that the total tonnage indicated in the permit application is the maximum amount of waste material that is expected to be received per day.
Draft Regulation Text
Chapter 1. General Provisions

Article 1. Emergency Waiver of Standards—Definitions

§ 17017. Definitions.
As used in this division:
(a) “Department” means the Department of Resources Recycling and Recovery, which is vested with the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California Integrated Waste Management Board (board).
(b) “Board” or “CIWMB” means the California Integrated Waste Management Board, which, as of January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department of Resources Recovery and Recycling (Department).


Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities—Regulatory Requirements

§ 17362.2. Contaminated Soil Transfer/Processing Operations.
All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These operations shall be inspected by the enforcement agency at least once quarterly every three (3) months unless the enforcement agency approves, with Department concurrence, a reduced inspection frequency. The enforcement agency may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


Article 5.8. Nonhazardous Ash Regulatory Tier Requirements

§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.
(a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in the California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18103).
(b) In addition to the requirements of subdivision (a), the following statement shall be included in the enforcement agency notification and signed by the operator: “The undersigned certify under penalty of perjury that the information in this document and all attachments are true and correct to the best of my knowledge, and is being executed in accordance with the requirements of the California Code of Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as...
defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that there are significant penalties for submitting false or misleading information in this certification, including the possibility of fine or imprisonment, or both.”

(c) A new Enforcement Agency Notification is required any time there are changes to information required by this section.

(d) These operations may shall be inspected by the enforcement agency as necessary for the protection of public health, safety and the environment every three (3) months unless the enforcement agency approves, with Department concurrence, a reduced inspection frequency. The enforcement agency may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements

§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris Regulatory Requirements.

(a) A site that receives only construction and demolition debris and inert debris (CDI) and which meets the requirements of this section shall be classified as a CDI recycling center. A site that receives only inert debris and which meets the requirements of this section shall be classified as an inert debris recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any other requirements of this Article except as specified in this section.

(1) The CDI debris that a CDI recycling center receives shall have been separated at the point of generation.

(A) For the purposes of this section, "separated at the point of generation" means that the material has been separated from the solid waste stream by the generator of that material or by a processor prior to receipt at a CDI recycling center and has not been commingled with other solid waste or recyclable materials. For example, each material type must be transferred in separate containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled in a single container.

(2) An inert debris recycling center shall receive only Type A inert debris that is source separated or separated for reuse. The inert debris may be commingled in a single container.

(b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:

(1) The residual shall be less than 10% by weight of the amount of debris received at the site, calculated on a monthly basis. Recycling center operators may report their residual percentage to the EA and the Department on Form CIWMB 607 (see Appendix A).

(2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible wastes shall not constitute a nuisance, as determined by the EA.

(c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited at CDI recycling centers.

(d) The following storage time limits apply to CDI recycling centers:

(1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on site for more than one year 90 days, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the Department.

(4) At the EA’s discretion, storage time limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.
(5) CDI recycling center storage time limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA's findings shall be in writing.

(e) The following storage limits apply to inert debris recycling centers:

(1) Inert debris stored for more than 6 months that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(2) Inert debris that has been processed and sorted for resale, or reuse, but remains stored on site for more than 18-12 months, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(3) Storage time limits do not apply to Type A inert debris recycling centers which are located at an inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material production facility.

(4) Storage time limits do not apply to Type A inert debris recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the board Department.

(5) At the EA's discretion, storage limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.

(6) Inert debris recycling center storage limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA's findings shall be in writing.

(f) Nothing in this section precludes the EA or the board Department from inspecting a site to verify that it is and has been operating in a manner that meets the requirements of this section, or from taking any appropriate enforcement action, including the use of a Notice and Order as provided in section 18304.

(g) In evaluating whether or not a particular site is in compliance with this section, the EA shall, among other things, do the following:

(1) If the EA has reason to believe that each load of debris received at a recycling center is not separated at the point of generation, is not source separated or is not separated for reuse, as applicable, or that the residual exceeds 10% of the total debris received per month, or that the amount of putrescible wastes exceeds 1% by volume of the total debris received per month, or material is being stored in excess of the applicable storage limits, or that upon request no evidence is provided by the owner and operator that the stored debris is being accumulated for viable reuse, or that the site is not in compliance with any other requirement in this section, the EA may require the owner or operator to provide evidence that the recycling center is in compliance. The burden of proof shall be on the owner and operator of the recycling center to demonstrate it is in compliance.

(2) At the time that the EA requires a recycling center to provide evidence that it is in compliance with this section, the EA shall provide the owner and operator of the recycling center a written description of the information that has caused the EA to believe that the recycling center is not in compliance. Notwithstanding, the EA shall not be required to identify the name or other identifying information regarding any person(s) who has complained about the recycling center.

(h) Sites which do not meet the applicable requirements of this section do not qualify as recycling centers and shall comply with this Article and all laws and regulations applicable to them. The burden of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are not subject to the requirements of this Article.


§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.

(a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.
The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier requirements.

(1) A small volume C&D wood debris chipping and grinding operation shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq., and shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(2) A medium volume C&D wood debris chipping and grinding operation shall comply with the Registration Permit tier requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq.

(3) A large volume C&D wood debris chipping and grinding facility shall comply with the Full Permit tier requirements set forth in CCR, Title 27, Division 2, Subdivision 1, Chapter 4, commencing with section 21563.

(4) To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

(5) Except as otherwise specified in this section, small volume C&D wood debris chipping and grinding activities shall comply with all requirements applicable to small volume CDI debris processing operations, medium volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to medium volume CDI processing facilities, and large volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to large volume CDI debris processing facilities.

§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.

All small volume CDI debris processing operations shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These operations shall be inspected quarterly by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals. The operator shall specify the operation's boundary area in the operating record.

§ 17383.7. Inert Debris Type A Processing Operations.

(f) These operations shall be inspected by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

Inspections shall be conducted quarterly. To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements

§ 17388.3. Inert Debris Engineered Fill Operations.

(b) Inert debris engineered fill operations shall be inspected as necessary by the EA at least once every three (3) months to verify compliance with State Minimum Standards unless the EA approves.
with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less than annual.

...  

Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements

§ 17403.1. Excluded Operations.
(a) The following operations do not constitute transfer operations or facilities for the purposes of these Articles and are not required to meet the requirements set forth herein:
...
(8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, in accordance with Section 17896.6(a)(1).
...

§ 17403.2. Sealed Containers Transfer Operations.
All sealed container transfer operations subject to this Article shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA, as necessary at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less than annual. The operator shall specify the operation’s boundary area in the operating record.


§ 17403.3. Limited Volume Transfer Operations.
All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100). These operations shall be inspected by EA as necessary at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less than annual. The operator shall specify the operation’s boundary area in the operating record.

Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 1. General

§ 17852. Definitions.
(a) For the purposes of this Chapter:
(1) "Active Compost" means compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of compost per day, or the equivalent of oxygen uptake.
(2) "Additives" means material mixed with feedstock or active compost in order to adjust the moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include, but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost feedstock.
(3) "Aerated Static Pile" means a composting process that uses an air distribution system to either blow or draw air through the pile. Little or no pile agitation or turning is performed.
(4) "Aerobic Decomposition" means the biological decomposition of organic substances in the presence of oxygen.
(5) "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as "food material" or "vegetative food material" is not agricultural material. Agricultural material includes, including but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.
(6) "Agricultural Material Composting Operation" means an operation that produces compost from green or agricultural material, additives, and/or amendments.
(7) "Amendments" means materials added to stabilized or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock.
(8) "Anaerobic Decomposition" means the biological decomposition of organic substances in the absence of oxygen.
(9) "Biosolids" means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and scum or solids removed in primary, secondary, or advanced wastewater treatment processes. Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works.
(10) "Chipping and Grinding Operations and Facilities" means an operation or facility, that does not produce compost, that mechanically reduces the size or otherwise engages in the handling, of compostable material and:
(A) The site does the following:
1. The site handles only material, excluding manure, allowed at a green material composting operation or facility as set forth in section 17852(a)(22); and,
2. Each load of green material is removed from the site within 48 hours of receipt. The EA may allow a site to keep green material on-site for up to 7 days if the EA determines that the additional time does not increase the potential for violations of this Chapter.
(B) If the site fails to meet the definition of green material because it exceeds the contamination limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing Regulatory requirements (commencing at section 17400).
(C) If the site fails to meet the definition of this section because the green material remains on-site for a longer period of time than is allowed, then the site shall be regulated as a compostable material handling operation or facility, as set forth in this Chapter.
(11) “Compostable Material” means any organic material that when accumulated will become active compost as defined in section 17852(a)(1).
(12) “Compostable Materials Handling Operation” or “Facility” means an operation or facility that processes, transfers, or stores compostable material. Handling of compostable materials results in controlled biological decomposition. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstocks, and chipped and ground materials. “Compostable Materials Handling Operation or Facility” does not include activities excluded from regulation in section 17855. “Compostable Materials Handling Operation or Facility” also includes:
(A) agricultural material composting operations;
(B) green material composting operations and facilities;
(C) vegetative food material composting facilities;
(D) research composting operations; and,
(DE) chipping and grinding operations and facilities.
(13) “Curing” means the final stage of the composting process that occurs after compost has undergone pathogen reduction, as described in section 17868.3, and after most of the readily metabolized material has been decomposed and stabilized.
(13.5) “Digestate” means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester, as defined in section 17896.2(a)(12). Digestate intended to be composted pursuant to this Chapter may only be handled at a facility that has obtained a Compostable Materials Handling Facility Permit pursuant to section 17854.
(14) “Domestic Sewage” means waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.
(15) “Disposal of compostable material” means:
(A) the final deposition of compostable material on land, unless excluded from this Chapter 3.1 pursuant to Section17855;
(B) storing or stockpiling more than 200 cubic yards of compostable material, other than stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration requirements of section 17868.2, onto on land for a combined period of time greater than six months 30 days, except as provided in subdivision (A) 3.; or
(C) storing or stockpiling more than 200 cubic yards of agricultural material and green material, or compost for more than twelve months on prime land that is zoned for agricultural land uses as defined in Government Code section 51201, unless the EA, after RWQCB and other agencies as the EA deems appropriate, makes a written finding that storing or stockpiling the material more than 12 months will not adversely affect the public health and safety or the environment where the material remains within the operations area for a period of time greater than specified.
(B) Disposal of compostable material does not include the use of compostable material for:
1. alternative daily cover material beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of Regulations, section 20686; or
2. mine reclamation in accordance with applicable law. Notwithstanding this section, use of compostable organic material as an alternative daily cover material shall still require approval for use pursuant to Title 27, California Code of Regulations, section 20680 and may require additional approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.
(E-3) “Disposal” does not include land application of compostable organic material as defined in section 17852(a)(24.5). “Land Application” means the application of compostable material, excluding food material or mixed solid waste for the following applications: to forest, agricultural, and range land at agronomic rates; in accordance with California Department of Food and Agriculture (CDFA) requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.
(D-C) Should the EA have information reason to believe that a person compostable material handler is engaging in other activities that meet the definition of disposal of compostable material or authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall be on each person engaging in or authorizing such activities the land owner or operator to demonstrate otherwise.
(E-D) If the activities at a site meet the definition of disposal of compostable material, the site shall be regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).
(16) "Dry Weight Basis" means weight calculated on the basis of having been dried until reaching a constant mass; that results in essentially 100 percent solids content.

(17) "Enclosed Composting Process" means a composting process where the area that is used for the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed sides and rests on a stable surface with environmental controls for moisture and air-borne emissions present.

(18) "EA" means enforcement agency.

(19) "Feedstock" means any compostable organic material used in the production of compost or chipped and ground material including, but not limited to, agricultural material, green material, vegetative food material, food material, biosolids, and mixed solid waste material. Feedstocks shall not be considered as either additives or amendments.

(20) "Food Material" means any waste material of plant or animal origin that was acquired for results from the preparation or processing of food for animal or human consumption, and that is separated from the municipal solid waste stream, and that does not meet the definition of "agricultural material". Food material may includes, but is not limited to, material food waste from food facilities as defined in Health and Safety Code section 113785-113789 (such as restaurants), food processing establishments as defined in Health and Safety Code section 111955, grocery stores, institutional cafeterias (such as prisons, schools and hospitals), and residential food scrap collection. Food material does not include any material that is to be handled only pursuant to the California Food and Agricultural Code and regulations adopted pursuant thereto.

(A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant material and is separated from other food material and the municipal solid waste stream. Vegetative food material may be processed or cooked but must otherwise retain its essential natural character and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and spoiled produce, and coffee grounds.

(21) "Green Material" means any plant material except food material and vegetative food material that is separated at the point of generation, contains no greater than 1.0 of percent physical contaminants by weight, and meets the requirements of section 17868.5. Green material includes, but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood waste from silviculture and manufacturing, and construction and demolition wood waste. Green material does not include food material, vegetative food material, biosolids, mixed solid waste material, material processed separated from commingled solid waste collection or processing, wood containing lead-based paint or wood preservative, or mixed construction or mixed and demolition debris.

Green material, as defined in this section 17852(a)(5), that meets this definition of "green material" may be handled as either agricultural material or green material.

(22) "Green Material Composting Operation" or "Facility" is an operation or facility that composts green material, additives, and/or amendments. A green material composting operation or facility may also handle manure and paper products. An operation or facility that handles a feedstock that is not green material, manure, or paper products, shall not be considered a green material composting operation or facility. "Green Material Composting Operation" or "Facility" does not include activities excluded from regulation in section 17855.

(23) "Handling" means the processing, transfer, and storage of compostable materials. Handling of compostable materials results in controlled biological decomposition. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstocks, and chipped and ground materials.

(24) "Insulating Material" means material used for the purpose of minimizing the loss of heat from a compost pile undergoing the "Process to Further Reduce Pathogens" (PFRP), as described in section 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.

(24.5) "Land Application" means either subdivision (A) or (B):

(A) The final deposition of compostable material and/or digestate spread on any land, including land zoned only for agricultural uses, under the following conditions:

1. The compostable material does not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters as specified in section 17868.3.1;

2. The compostable material meets the maximum metal concentrations as specified in section 17868.2;

3. The compostable material meets the pathogen density limits as specified in section 17868.3(b)(1); and
4. The compostable material is not applied more frequently than once during a 12 month period, and, at the time of the application, the compostable material shall not exceed an average of 12 inches in total, accumulated depth. The EA, in consultation with the Regional Water Quality Control Board, may approve alternative application frequencies and depths, if the EA after such consultation determines that the alternatives will not adversely affect public health and safety or the environment.

5. Verification of compliance with this subdivision must be provided to the EA upon request.

(B) The final deposition of compostable material spread on land zoned only for agricultural uses under the following conditions:

1. The compostable material does not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters; and

2. Prior to application, the California Department of Food and Agriculture (CDFA) has determined that the land application is in compliance with all applicable requirements established by CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land application is agronomically beneficial; and

3. Prior to application, the EA has received confirmation that CDFA has made the determination specified in (B)2. above.

[Note: This subdivision (a)(24.5) does not apply to: 1) the use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division, 2) the use of compostable material for gardening or landscaping on a parcel of land 5 acres or less in size, 3) the final deposition of compostable material spread on land by a Federal, State, or local government entity, provided the material is applied in accordance with applicable law, 4) beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of Regulations, section 20686, or 5) beneficial reuse of biosolids pursuant to Part 503, Title 40 of the Code of Federal Regulations and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-specific Waste Discharge Requirements or other issued requirements from the State Water Resources Control Board or a Regional Water Quality Control Board having jurisdiction. In addition, as specified in section 17850(d), nothing in these standards shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all authorizations and complying with all requirements of other regulatory agencies, including but not limited to, local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.]

(25) “Manure” is an agricultural material and means accumulated herbivore or avian excrement. This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is mixed with feces or urine.

(26) “Mixed Solid Waste Material” means any compostable material that is part of the municipal solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed demolition or mixed construction debris, or plastics. A feedstock that is not source separated or contains 1.0% or more of physical contaminants by weight is mixed solid waste material. Compostable material that contains mixed demolition or mixed construction debris shall be considered mixed solid waste.

(27) “Mushroom Farm” means an activity that produces mushrooms. The handling of compostable material at a mushroom farm prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered mushroom farming.

(27.5) “Nuisance” includes anything which:

(A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and

(B) affects at the same time an entire community, neighborhood or any considerable number of persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

(28) "Operations Area" means the following areas within the boundary of a compostable material handling operation or facility:

(A) equipment cleaning, maintenance, and storage areas;

(B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and

(C) process water and stormwater drainage control systems.

(29) “Operator” means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, becomes legally responsible for the following:

(A) complying with regulatory requirements set forth in this Chapter;

(B) complying with all applicable federal, state and local requirements;

(C) the design, construction, and physical operation of the site; and

(D) site restoration.
“Owner” means the person or persons who own, in whole or in part, a compostable material handling operation or facility, or the land on which these operations or facilities are located.

“Pathogenic Organism” means disease-causing organisms.

“Physical Contamination” or “Contaminants” means human-made inert products material contained within feedstocks, including, but not limited to, glass, metal, and plastic.

“Process Water” means liquid that is generated during or used in the production of compost or chipped and ground materials.

“Research Composting Operation” means a composting operation, that is operated for the purpose of gathering research information on composting.

“Separated At The Point of Generation” includes material separated from the solid waste stream by the generator of that material. It may also include material from a centralized facility as long as that material was kept separate from the waste stream prior to receipt by that facility and the material was not commingled with other materials during handling.

“Stabilized Compost” means any organic material that has undergone the Process to Further Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced biological activity as indicated by reduced temperature and rate of respiration below that of active compost.

“Static Pile” means a composting process that is similar to the aerated static pile except that the air source may or may not be controlled.

“Vector” includes any insect or other arthropod, rodent, or other animal capable of transmitting the causative agents of human disease.

“Vegetative Food Material Composting Facility” is a facility that composes agricultural material, green material, vegetative food material, additives, and/or amendments. A vegetative food material composting facility may also handle manure and paper products. An operation or facility that handles a feedstock that is not agricultural material, green material, vegetative food material, manure, or paper products, shall not be considered a vegetative food material composting facility.

“Vegetative Food Material Composting Facility” does not include activities excluded from regulation in section 17855.

“Vermicomposting” means an activity that produces worm castings through worm activity. The EA may determine whether an activity is or is not vermicomposting. The handling of compostable material prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered vermicomposting.

“Windrow Composting Process” means the process in which compostable material is placed in elongated piles. The piles or “windrows” are aerated and/or mechanically turned on a periodic basis.

“Within-vessel Composting Process” means an aerobic process in which compostable material is enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost, maintained under uniform conditions of temperature and moisture where air-borne emissions are controlled.

“Wood Waste” means solid waste consisting of wood pieces or particles which are generated from the manufacturing or production of wood products, harvesting, processing or storage of raw wood materials, or construction and demolition activities.

“Yard Trimmings” means any wastes generated from the maintenance or alteration of public, commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree trimmings, prunings, brush, and weeds.


Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities

§ 17854. Compostable Materials Handling Facility Permit Requirements.

Except as specified in this Article, all compostable materials handling activities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations.
§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities.

Sections 17854 through 17862.1 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5., Article 3.0., commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of Regulations) for compostable material handling operations and facilities. These requirements are summarized in Table 1.

Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency Notification Tier</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Material Composting Operations (all)</td>
<td>Section 17856.</td>
<td>Composting Facilities (all) (e.g. biosolids, digestate, food material, mixed material) Section 17854.</td>
<td></td>
</tr>
<tr>
<td>Green Material Composting Operations (≤ 12,500 yd³)</td>
<td>Section 17857.1(a)</td>
<td>Vegetative Food Material Composting Facilities (≤ 12,500 yd³) Section 17857.2</td>
<td></td>
</tr>
<tr>
<td>Biosolids Composting Operations at POTWs (all)</td>
<td>Section 17859.1</td>
<td>Green Material Composting Facilities (&gt; 12,500 yd³) Section 17857.1(c)</td>
<td></td>
</tr>
<tr>
<td>Research Composting Operations (≤ 5,000 yd³) (Within-vessel)</td>
<td>Section 17862.</td>
<td>Vegetative Food Material Composting Facilities (&gt; 12,500 yd³) Section 17857.2</td>
<td></td>
</tr>
<tr>
<td>Chipping and Grinding Operations (≤ 200 tpd)</td>
<td>Section 17862.1(a)</td>
<td>Chipping and Grinding Facilities (&gt; 200 tpd and ≤ 500 tpd) Section 17862.1(c)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chipping and Grinding Facilities (&gt; 500 tpd) Section 17862.1(b)</td>
<td></td>
</tr>
</tbody>
</table>


§ 17855. Excluded Activities.

(a) Except as provided otherwise in this Chapter, the activities listed in this section do not constitute compostable material handling operations or facilities for the purposes of this Chapter and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the board-Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.
(1) An activity is excluded if it handles agricultural material, derived from an agricultural site, and
returns a similar amount of the material produced to that same agricultural site, or an agricultural site
owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an
incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

(2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after
its use as a growth medium during the vermicomposting process is not an excluded activity and is
subject to the requirements of this chapter. Handling of agricultural material on the site of a
vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it
complies with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory
Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),
whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as
determined by the EA, the requirements of this chapter apply;

(B) at all other times when it is not being used as a growth medium during vermicomposting, the
compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory
Requirements.

(3) Mushroom farming is an excluded activity. The handling of compostable material prior to and
after its use as a growth medium during the mushroom farming process is not an excluded activity
and is subject to the requirements of this chapter. Handling of agricultural material on the site of a
mushroom farm, for use as mushroom bedding on that same site, is an excluded activity if it complies
with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory
Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35),
whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as
determined by the EA, the requirements of this chapter apply;

(B) at all other times when it is not being used as a growth medium during mushroom farming,
the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory
Requirements.

(4) Handling of green material, feedstock, additives, amendments, compost, or chipped and ground
material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable
materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or
given away annually. The compostable material may also include up to 10% food material by volume.
Composting green material, food material, and vegetative food material is an excluded activity if the
total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and
500 square feet.

[Note: Persons handling compostable material under the above exclusion are obligated to obtain all
permits, licenses, or other clearances that may be required by other regulatory agencies including, but
not limited to local health entities and local land use authorities.]

(5) The handling of compostable materials is an excluded activity if:

(A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered
or full permit as defined in section 18101,

1. has a Report of Facility Information which is completed and submitted to the EA that
identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

2. will only use the facility on the facility site

(B) the activity is solely for the temporary storage of biosolids sludge at a Publicly Operated
Owned Treatment Works (POTW), or

(C) the activity is located at the site of biomass conversion and is for use in biomass conversion as
defined in Public Resources Code section 40106; or

(D) the activity is part of a silvicultural operation or a wood, paper, or wood product
manufacturing operation; or

(E) the activity is part of an agricultural operation and is used to temporarily store or process
agricultural material not used in the production of compost or mulch; or

(F) the activity is part of an operation used to chip and grind materials derived from and applied
to lands owned or leased by the owner, parent, or subsidiary of the operation; or

(G) the activity is part of an agricultural operation used to chip and grind agricultural material
produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation,
for use in biomass conversion; or

(H) the activity is part of an animal food manufacturing or rendering operation.
(I) the activity is the storage of yard trimmings at a publicly designated site for the collection of lot clearing necessary for fire protection provided that the public agency designating the site has notified the fire protection agency; or

(J) the materials are handled in such a way to preclude their reaching temperatures at or above 122 degrees Fahrenheit as determined by the EA.

(6) Non-commercial composting with less than one cubic yard of food material is excluded provided that all compostable material is generated and used on-site.

(7) Storage of bagged products from compostable material is an excluded activity provided that such bags are no greater than 5 cubic yards.

(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.

(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as determined by the EA; land application in accordance with California Department of Food and Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770 et seq.


§ 17855.2. Prohibitions.
The following activities are prohibited at all compostable materials handling operations and facilities and at all sites where compostable materials handling activities that are excluded from regulation under this Chapter occur:

(a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow is prohibited, except when received:

(1) from a food service industry facility as defined in Health and Safety Code section 113789, grocery stores, or residential food scrap collection; or

(2) as part of a research composting operation for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concern, in accordance with section 17862; or

(3) from a source approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture.

(b) The composting of medical waste is prohibited.

(c) The composting of hazardous waste is prohibited.


§ 17855.3. Permit Name.
Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and 17857.2(a), shall be entitled: "Compostable Materials Handling Facility Permit."


§ 17855.4. Pre-Existing Permits and Notifications.

(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations, sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is required. If the EA makes such a determination, the operator shall comply with the Compostable Materials Handling Facility permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

(b) If an operation had previously been operating pursuant to an EA Notification in accordance with the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance with its EA Notification or regulatory authorization until the EA determines that a Compostable...
Materials Handling Facility Permit is required. The EA shall make this determination no sooner than 120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable Materials Handling Facility Permit is required, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

(c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003, that activity may continue to operate in accordance with its regulatory exclusion until the EA determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this determination no sooner than 120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable Materials Handling Facility Permit is required, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

(d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate in accordance with its regulatory authorization until the EA determines that a different authorization is required. The EA shall make this determination within 120 days from April 4, 2003.

(1) If the EA determines that the activity is required to comply with the EA Notification requirements, the operator 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), within 120 days from that determination.

(2) If the EA determines that the activity is required to comply with the Registration requirements, the operator shall comply with the Registration requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) within 120 days from that determination.

(3) If the EA determines that the activity is required to comply with the Compostable Materials Handling Facility Permit requirements, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years from that determination.


§ 17856. Agricultural Material Composting Operations.

(a) All agricultural material composting operations and chipping and grinding operations shall comply with the Enforcement Agency 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. Agricultural Compostable Materials Handling Operations shall only be subject to the requirements of section 17863.4 if the EA makes a written determination that the operation has violated the requirements for odor impacts of section 17867 and the requirements of this Chapter.

(b) Compost produced by an agricultural material composting operation is subject to the requirements of sections 17863.4 and 17863.4.1 only if the EA determines that the operation or has caused odor impacts in violation of section 17867(a)(2) and has notified the operator in writing of the violation. A chipping and grinding operation which uses only agricultural material may be sold or given away in unrestricted quantities. These operations shall be inspected by the EA at least once annually.

(c) If their feedstock is limited to agricultural material, agricultural material composting operations may handle an unlimited quantity of agricultural material on the site and may sell or give away any or all compost they produce. These operations shall be inspected by the EA at least once each calendar year at a time when compostable material on the site is active compost. Compost produced by an agricultural material composting operation which uses agricultural material and/or green material, as specified in section 17852(a)(21), may be sold or given away in accordance with the following restrictions.

1. Those sites that do not sell or give away more than 1,000 cubic yards of material per year shall be inspected by the EA at least once annually when actively composting. If more than 12,500 cubic yards of green material, including feedstock, compost, or chipped and ground material, is to be handled on-site of productive farmland as defined in Government Code section 51201, the operator...
shall give advance notice to the EA. The EA shall only prohibit the on-site storage of additional
materials, or impose a greater inspection frequency, if the EA makes a written finding that it will pose
an additional risk to public health and safety and the environment. The EA shall forward a copy of the
request and approval to the Board.

(2) Those operations that sell or give away more than 1,000 cubic yards of material per year, shall
have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped
and ground material, on-site at any one time and shall be inspected by the EA once every three (3)
months.

(3) These sites shall record the quantity received of green material.

(d) Agricultural material composting operations whose feedstock is both green material and
agricultural material are subject to the following requirements:

(1) Producers located on Agricultural Land:

(A) Operations located on land that is zoned for agricultural uses that sell or give away less than
1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and
green material on the site; provided, however, the EA may limit the amount of green material
feedstock on site to 12,500 cubic yards upon making a written finding that handling the excess
material may pose a risk to public health and safety or the environment.

(B) The EA shall inspect operations authorized under this subdivision (d)(1) at least once each
calendar year at a time when compostable material on the site is active compost.

(2) Other Producers:

(A) Operations located on land that is not zoned for agricultural uses and operations that sell or
give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of
agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock
on the site at any time.

(B) The EA shall inspect operations authorized under this subdivision (d)(2) at least once every
three (3) months unless the EA approves, with Department concurrence, a reduced inspection
frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional
risk to public health and safety or the environment but in no case shall the frequency be less than
once per calendar year. At least one of the required inspections each year shall occur at a time when
compostable material on the site is active compost.

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


(a) A green material composting operation that has up to may have no more than 12,500 cubic yards
of feedstock, compost, or chipped and ground material, amendments, additives, active compost, and
stabilized compost on-site at any one time. Green material composting operations 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) and with the applicable requirements
specified in this Chapter.

(1) These operations shall be inspected by the EA at least once every three (3) months unless the
EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.]

(2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural
users and other consumers, the operator may request in writing that the EA authorize it to temporarily
exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed
on site ("seasonal storage adjustment"). The EA shall respond in writing to the operator's request
within 30 days of receipt. The EA may authorize such a seasonal storage adjustment if the EA
determines it will not adversely affect public health and safety or the environment. The EA may
impose any reasonable conditions on its approval of a seasonal storage adjustment. The initial term
seasonal storage adjustment may not exceed 30 days. The EA may grant one or more additional 30-
day seasonal storage adjustments not exceeding a total of 90 days per calendar year.

(A) With its request for a seasonal storage adjustment, the operator shall submit the following to
the EA:
1. A description of the storage capacity at the operation and the maximum and average lengths of time the compostable material will be stored.

2. A schematic drawing showing the general layout of the operation and the location(s) where all materials at the site are stored with specific identification of the proposed location of the excess material.

3. A description of any additional fire prevention, protection and control measures needed to minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any such fires, which measures shall be approved by the local fire authority.

4. Where applicable, any revisions to the odor impact minimization plan necessary to address the storage of the additional material or a statement, with supporting information, that no revisions are necessary.

(b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost, or chipped and ground material on-site at any one time shall be inspected by the EA at least once every three (3) months, unless an operator request for a reduced inspection frequency of no less than annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA finds that it will not pose an additional risk to public health and safety and the environment. The EA shall forward a copy of the request and approval to the Board.

(b) If a green material composting operation exceeds any combination of the following requirements three (3) or more times within any two (2) year period, which the EA determines constitutes a violation of this Chapter, the facility no longer qualifies for an EA Notification under this section:

(1) Receipt of material that contains greater than 1.0% physical contaminants by weight as specified in section 17852(a)(21);

(2) Failure to comply with the processing requirements set forth in section 17868.5;

(3) Failure to comply with the maximum volume on-site at any one time limit set forth in subdivision (a) above.

Note: See section 17868.5 for green material processing requirements.

On the third such violation, the EA shall notify the operator in writing that the facility no longer qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease and desist order pursuant to section 18304 directing, among other things, that the operator immediately cease accepting material at the site until the operator has demonstrated to the EA that it has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at any time take any additional enforcement action the EA deems appropriate.

(c) A site that handles green material composting facility that has more than 12,500 cubic yards of feedstock, compost, or chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one-time is a green material composting facility, excepting green material composting operations which the EA has authorized a seasonal storage adjustment pursuant to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations. Green material composting facilities shall comply with the applicable requirements specified in this Chapter 3.1.

[Note: See section 17868.5 for green material processing requirements.]


§ 17857.2. Vegetative Food Material Composting Facilities.

(a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock, compost, and chipped and ground material on-site at any one time and shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock, compost, and chipped and ground material on-site at any one time shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations.

[Note: See section 17868.5 for green material and vegetative food material processing requirements.]
§ 17859.1. Biosolids Composting at POTWs.
(a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly Operated Owned Treatment Works (POTW) 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).

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]
(b) All other composting of biosolids shall comply with section 17854.


§ 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 no more than a two year period of operation. Review criteria the operator of a research composting operation shall submit to the EA a report that includes the results and conclusions drawn from the research. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870.
(e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, 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.

(3) After no more than a six-month period of operation the EA Notification for the operator of a research composting operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report that includes the results and conclusions drawn from the research and documentation of additional requirements of this section shall be reviewed after each six month period of operation. If the EA determines based on the report that there are further research objectives to be met or data to
be gathered, the EA may extend the research for a specified time period not to exceed two years. If
the EA determines based on the report that there are no further research objectives to be met or data
to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870.
(f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to
the EA with the 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.
(g) These operations shall be inspected by the EA at least once every three (3) months unless the EA
approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.]

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

(a) A chipping and grinding operation that receives up to 200 tons per day of material that may be
handled by a green material composting operation 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 the applicable requirements specified in
this Chapter.
(1) These operations shall be inspected by the EA at least once every three (3) months unless the
EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.]
(b) A chipping and grinding facility that receives more than 200 tons per day but not more than
500 tons per day of material that may be handled by a green material composting operation
shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of
Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply
with the applicable requirements of this Chapter.
(c) A chipping and grinding facility that receives more than 500 tons per day of material that may be
handled by a green material composting operation shall obtain a Compostable Materials Handling
Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2,
Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with
section 21450) prior to commencing operations and shall comply with the applicable requirements of
this Chapter.
(d) A chipping and grinding operation or facility shall not be subject to the provisions of sections
17868.1 through 17868.3.1 of this Chapter, however, any chipped and ground material that will be
land applied must meet the requirements of section 17852(a)(24.5).
(e) If a chipping and grinding operation or facility exceeds the contamination limits specified in section
17852 (a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory requirements
(commencing at section 17400).
(f) If a chipping and grinding operation or facility stores material for a longer period of time than is
allowed by section 17852 (a)(10)(A)(2), then the site shall be regulated as a green material
handling-composting operation or facility, as set forth in this Chapter.

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

Article 3. Report of Facility Information

§ 17863. Report of Composting Site Information.
Each operator of a compostable material handling facility that is required to obtain a Compostable
Materials Handling Facility Permit or a Registration Permit for a Vegetative Food Material Composting
Facility, as specified in Article 2 of this Chapter, shall, at the time of application, file a Report of Composting Site Information with the EA. If the operator intends to alter the permitted feedstock, these changes must be reported to the EA for maintenance of permit status. Such changes may become the basis for revisions to the permit or for revocation of the permit.

(m) A description of the proposed site restoration activities, in accordance with Section 17870.


§ 17863.4. Odor Impact Minimization Plan.
(a) All compostable material handling operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.
(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.

(1) an odor monitoring and data collection protocol for on-site odor sources, which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,
(2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,
(3) a complaint response and recordkeeping protocol; and,
(4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns as applicable; and,
(5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), biofiltration, and tarping as applicable.
(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.
(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.
(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.
(f) If the odor impact minimization plan is being followed, but and the EA determines, in a manner consistent with section 18302(d), that odor impacts are still occurring, the EA may issue shall direct the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors, unless:

(1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
(2) there is an imminent threat to public health and safety and the environment; or
(3) a public nuisance has occurred.

Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code.
Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

§ 17863.4.1. Odor Best Management Practice Feasibility Report
(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to section 17863.4(f).
(b) The Report shall:

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(1) Present representative and correlating odor data for each potential onsite odor source including but not limited to: odor severity, odor characteristics, time and weather conditions when data was collected, description of operations associated with the source, and any odor impacts or complaints received;

(2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in order of impact;

(3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

(A) List of all best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has used to minimize odor and analyze each BMP for the following:

1. The effectiveness of the BMP in reducing odor impacts;
2. The potential for more extensive use of the BMP to minimize odor impacts described by complainants;
3. If the BMP has been operationally practical and if more extensive use of the BMP would be operationally practical;
4. The approximate cost to implement a more extensive use of the BMP;
5. Any permits or permit changes necessary to use the BMP more extensively;
6. Overall recommendation if existing BMPs should be continued and if more extensive use of the BMP is recommended; and
7. If the BMP has been found to be ineffective (include supporting data).

(B) List of all potential best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has not used and analyze each potential BMP to determine:

1. The potential for the BMP to reduce odor impacts described by complainants;
2. If the BMP is operationally practical;
3. The approximate cost to implement the BMP;
4. Any permits or permit changes necessary to use the BMP; and
5. Overall recommendation and ranking of implementing the BMP.

(C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

(c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and the Department for review. If the EA has required the operator to prepare a Report pursuant to subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe approved by the EA.

(d) The EA, in consultation with the Department, shall within 30 days:

1. Approve the Report and associated plan and direct the operator in writing to implement the plan in whole or in part; and/or
2. Direct the operator in writing to submit specific changes or additional information within a timeframe specified by the EA.

(e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision (d)(1) or (d)(2).

Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code.
Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

Article 6. Composting Operating Standards

§ 17867. General Operating Standards.
(a) All compostable materials handling operations and facilities shall meet the following requirements:

1. All handling activities are prohibited from composting any material specified in section 17855.2 of this Chapter.
2. All handling activities shall be conducted in a manner that minimizes odor impacts so as to not cause a nuisance.
3. All handling activities shall be conducted in a manner that minimizes vectors, odor impacts, litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and transportation of dust, particulates, and pathogenic organisms.
Random load checks of feedstocks, additives, and amendments for contaminants shall be conducted.

Contamination of compostable material that has undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.

Unauthorized human or animal access to the facility shall be prevented.

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

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

- name of the operation or facility,
- name of the operator,
- facility hours of operation,
- materials that will and will not be accepted, if applicable,
- schedule of charges, if applicable, and
- phone number where operator or designee can be reached in case of an emergency.

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

The operator shall provide telephone or radio communication capability for emergency purposes.

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

Enclosed operations and facilities shall provide ventilation to prevent adverse public health effects from decomposition gases.

The operator shall ensure that leachate is controlled to prevent contact with the public.

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

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

Article 7. Environmental Health Standards

§ 17868.1. Sampling Requirements.

All composting operations that sell or give away greater than 1,000 cubic yards of compost annually, and all composting facilities shall meet the following requirements:

(a) Operators shall verify that compost meet the maximum acceptable metal concentration limits specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3. Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced. This verification shall be performed by taking and analyzing at least one composite sample of compost, following the requirements of this section as follows:

(1) An operator who comports agricultural material, green material, food material, vegetative food material, or mixed solid waste material shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced.

(2) An operator who comports biosolids shall meet the sampling schedule described in Table 12 below.
Table 12 - Frequencies of Compost Sampling for Biosolids Composting Facilities

<table>
<thead>
<tr>
<th>Amount of Biosolids Compost Feedstock (metric tons per 365 day period)</th>
<th>Frequency</th>
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<tbody>
<tr>
<td>Greater than zero but fewer than 290 annually</td>
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<tr>
<td>Equal to or greater than 290 but fewer than 1,500 quarterly</td>
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<tr>
<td>Equal to or greater than 1,500 but fewer than 15,000 bimonthly</td>
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<tr>
<td>Equal to or greater than 15,000 monthly</td>
<td></td>
</tr>
</tbody>
</table>

(A) The amount of biosolids compost feedstock shall be calculated in dry weight metric tons.

(3) Composite sample analysis for maximum acceptable metal concentrations, specified in section 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health Services, pursuant to the Health and Safety Code.

(b) A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below.

(1) The twelve samples shall be of equal volume.
(2) The twelve samples shall be extracted from within the compost pile as follows:
   (A) Four samples from one-half the width of the pile, each at a different cross-section;
   (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
   (C) Four samples from one-eighth the width of the pile, each at a different cross-section.

(c) The EA may approve alternative methods of sampling for a green material composting operation or facility that ensures the maximum metal concentration requirements of section 17868.2 and the pathogen reduction requirements of section 17868.3 are met.


§ 17868.2. Maximum Metal Concentrations.

(a) Compost products derived from compostable materials that contain any metal in amounts that shall not contain metals in excess exceed of the maximum acceptable metal concentrations shown in Table 23. Compost that contains any metal in excess of any maximum metal concentrations shall be designated for disposal, additional processing, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

Table 23 - Maximum Acceptable Metal Concentrations

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<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>1200 (see subdivision (a)(1) below)</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>1500</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>36-100</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>

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(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

(b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section, including but not limited to sampling frequencies, may be approved by the EA for green and food materials composting operations and facilities if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 23 are not exceeded.

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

§ 17868.3. Pathogen Reduction.

(a) Compost products derived from compostable materials, that contains pathogens in amounts that shall not exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

(b) Operators that produce compost shall ensure that:

(1) The density of fecal coliform in compost, that is or has at one time been active compost, shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis).

(2) At enclosed or within-vessel composting process operations and facilities, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of Subdivision (b)(2) of this section.

(3) If the operation or facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

(4) If the operation or facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

(d) Compost operations and facilities that utilize a windrow composting process or an aerated static pile composting process shall be monitored as follows to ensure that the standards in Subdivision (b) of this section are met:

(1) Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.

(2) Temperature measurements for pathogen reduction shall be measured as follows:

(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;

(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.

(d) Alternative methods of compliance to meet the pathogen reduction requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

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

Sections 43020 and 43021, Public Resources Code.
§ 17868.3.1. Physical Contamination Limits.
(a) Compost shall not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters shall be designated for disposal, additional processing, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced.
(b) Upon request of the EA, a compostable material handling operation shall take a representative sample of compost and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.
(c) All compostable material handling facilities shall take one representative sample for every 5,000 cubic-yards of compost and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.
(d) Any sampling conducted to comply with this section shall require a composite sample. A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below:
(1) The twelve samples shall be of equal volume.
(2) The twelve samples shall be extracted from within the compost pile as follows:
   (A) Four samples from one-half the width of the pile, each at a different cross-section;
   (B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
   (C) Four samples from one-eighth the width of the pile, each at a different cross-section.
(e) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure the physical contamination limits requirements of this section are met.

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

§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.
In order for a feedstock to be considered green material, as defined in section 17852(a)(21), and vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following requirements:
(a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste loads and load sorting to quantify the percentage of contaminating materials, physical contaminants and detect receipt of unacceptable feedstock (e.g. feedstock that does not meet the definition of green material or vegetative food material).
(1) A minimum of one ten percent of daily incoming feedstock volume or at least one truck per day, whichever is greater, shall be inspected visually. If a visual load check indicates a physical contamination level greater than 1.0 percent, a representative sample shall be taken, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total weight or if the load contains materials that do not meet the definitions of green material in section 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).
(b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined.
(c) Any agricultural material handling operation using this material shall ensure the feedstock meets the metal concentration limits specified in Table 2 of section 17868.2.
(d) Facility personnel shall be adequately trained to perform the activities specified in this section.
Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code.
Article 8. Composting Operation and Facility Records

§ 17869. General Record Keeping Requirements.
Except as provided in subsection (d), all compostable materials handling operations and facilities shall meet the following requirements:
(a) All records required by this Chapter shall be kept in one location and accessible for five (5) years and shall be available for inspection by authorized representatives of the Department, EA local health entity, and other duly authorized regulatory and EAs during normal working hours.
(b) The operator shall record any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.
(c) The operator shall record any public complaints received by the operator, including:
(1) the nature of the complaint,
(2) the date the complaint was received,
(3) if available, the name, address, and telephone number of the person or persons making the complaint, and
(4) any actions taken to respond to the complaint.
(d) The operator shall record the quantity and type of feedstock received and quantity of compost and chipped and ground material produced. Agricultural compostable materials handling operations shall maintain records only for compostable material accepted from off-site.
(e) The operator shall record the number of load checks performed and loads rejected.
(f) The operator shall record all test results generated by compliance with Article 7 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings.
(1) The operator shall retain records detailing pathogen reduction methods.
(g) The operator shall record and retain records of any serious injury to the public occurring on-site and any complaint of adverse health effects to the public attributed to operations. Serious injury means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which a member of the public suffers a loss of any member of the body or suffers any degree of permanent disfigurement.
(h) The operator shall retain a record of training and instruction completed in accordance with section 17867.5.


Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements

§ 17896.1. Authority and Scope.
(a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel digestion operations and facilities that receive and process by means of in-vessel digestion solid wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of this Division, may still be subject to the regulatory requirements specified in this Chapter.
(b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code, as amended. These regulations should be read together with the Act.
(c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This Chapter establishes standards and regulatory requirements for the intentional processing of organic material by means of in-vessel digestion.
(d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage, handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to...
enforce any provision of law that it is authorized or required to enforce or administer, nor limits or restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter.

(e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, or reports, or other requirements of other regulatory or enforcement agencies, including but not limited to, local health agencies, regional water quality control boards, Department of Toxic Substances Control, California Department of Industrial Relations, Division of Occupational Safety and Health, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.


§ 17896.2. Definitions.

(a) For the purposes of this Chapter:

(1) "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as "food material" or "vegetative food material" is not agricultural material. Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

(2) "Agricultural Site" means activities located on land that is zoned for agricultural uses.

(3) "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.

(4) "Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.

(5) "Contact Water" means water that has come in contact with waste and may include leachate.

(6) "Digestate" means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester.

(7) "Digestion" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic solid wastes. Digestion includes:

(A) Aerobic digestion - the controlled biological decomposition of organic material in the presence of oxygen.

(B) Anaerobic digestion - the controlled biological decomposition of organic material in the absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a residual digestate.

(C) Other controlled biological decomposition processes.

(8) "Dairy In-vessel Digestion Operation" means a dairy that receives, for purposes of co-digestion in an in-vessel digester, imported solid waste feedstock with manure and other agricultural materials in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board.

(9) "Distribution Center In-vessel Digestion Operation" means a site that receives, for the purpose of digestion in an in-vessel digester, unsold products from retail stores to which the products were originally sent. All unsold products shall be collected and processed in covered, leak-proof containers, and remain in the custody of the owner at all times. All putrescible material shall be refrigerated at the retail store and during transport to the operation.

(10) "EA" means enforcement agency as defined in PRC section 40130.

(11) "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22, section 66261.3, et seq.

(12) "In-vessel Digester" means the sealed container(s) or sealed structure in which the entire digestion process occurs.

(13) "Large Volume In-vessel Digestion Facility" means a facility that receives 100 tons or more of solid waste per operating day for digestion in an in-vessel digester.

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(14) "Limited Volume In-vessel Digestion Operation" means an operation that receives less than an average of 15 tons (or 60 cubic yards) of solid waste per operating day for digestion in an in-vessel digester. The amount of solid waste the operation receives shall not exceed 105 tons (or 420 cubic yards) per week or the solid waste quantity limitations of the general design of the operation (whichever is less).

(15) "Litter" means all solid waste which has been improperly discarded or which has migrated by wind or equipment away from the operations area. Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state.

(16) "Manure" is an agricultural material and means accumulated herbivore or avian excrement. This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is mixed with feces or urine.

(17) "Medium Volume In-vessel Digestion Facility" means a facility that receives an average of 15 tons (or 60 cubic yards) or more but less than 100 tons of solid waste per operating day for digestion in an in-vessel digester. The amount of solid waste the operation receives shall be less than 700 tons (or 2,800 cubic yards) per week or the solid waste quantity limitations of the general design of the operation (whichever is less).

(18) "Nuisance" includes anything which:

(A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and

(B) affects at the same time an entire community, neighborhood or any considerable number of persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

(19) "On-site" means located within the boundary of the operation or facility.

(20) "Operating Day" means the daily hours of operation for a facility or operation as set forth in the application, Enforcement Agency Notification or solid waste facilities permit.

(21) "Operating Record" means an easily accessible collection of records of an operation’s or facility’s activities and compliance with required state minimum standards under Title 14. The Record may include the In-vessel Digestion Facility Plan or In-vessel Digestion Report for facilities, and shall contain but is not limited to containing: agency approvals, tonnage and load checking records, facility contacts and training history. The record may be reviewed by state and local authorities and shall be available during normal business hours. If records are too voluminous to place in the main operating record or if the integrity of the records could be compromised by on-site storage, such as exposure to weather, they may be maintained at an alternative site, as long as that site is easily accessible to the EA.

(22) "Operations Area" means:

(A) the following areas within the boundary of an operation or facility as described in the permit application or Enforcement Agency Notification:

1. equipment management area, including cleaning, maintenance, and storage areas; and
2. material and/or solid waste management area, including unloading, handling, transfer, processing, and storage areas.

(B) the boundary of the operations area is the same as the permitted boundary of the operation or facility but may or may not be the same as the property boundary on which the operation or facility is located.

(23) "Operator" means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, that is listed in the permit application or Enforcement Agency Notification and is legally responsible for all of the following:

(A) complying with regulatory requirements set forth in these Articles;

(B) complying with all applicable federal, state and local requirements;

(C) the design, construction, and physical operation of the operations area;

(D) controlling the activities at an operation or facility as listed on the permit application or Enforcement Agency Notification.

(24) "Owner" means the person or persons who own, in whole or in part, an operation or facility and the land on which it is located. If the ownership of the operation or facility is not the same as the ownership of the land on which it is located, the owner of the land shall be identified as the "Land Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

(25) "Putrescible Wastes" include wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive...
conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes. (26) “Salvaging” means the controlled separation of solid waste material which do not require further processing, for reuse or recycling prior to in-vessel digestion activities.

(27) “Scavenging” means the uncontrolled and/or unauthorized removal of solid waste materials.

(28) “Sealed Container” means a tank, vessel, or similar apparatus capable of containing liquids and air-borne emissions during the entire digestion process to control odors or other nuisance conditions.

(29) “Sealed Structure” means a fully enclosed building capable of containing liquids and controlling air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance conditions.

(30) “Special Waste” includes but is not limited to:

(A) waste requiring special collection, treatment, handling, storage, or transfer techniques as defined in Title 22, section 66260.10.

(B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

(31) “Spotter” means an employee who conducts activities that include, but are not limited to, traffic control, hazardous waste recognition and removal for proper handling, storage and transport or disposal, and protection of the public from health and/or safety hazards.

(32) “Store” means to stockpile or accumulate for later use.


§ 17896.3. Pre-Existing Permits and Notifications.

(a) If a facility had previously obtained a permit in accordance with regulations in effect prior to [operative date of these regulations], that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations, sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA makes such a determination, the operator shall comply with this Chapter within two years of that determination.

(b) If an operation had previously been operating pursuant to an EA Notification in accordance with regulations in effect prior to [operative date of these regulations], that operation may continue to operate in accordance with its EA Notification or regulatory authorization until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from [operative date of these regulations]. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.

(c) If an activity had previously been excluded from regulations in effect prior to [operative date of these regulations], that activity may continue to operate in accordance with its regulatory exclusion until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from [operative date of these regulations]. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.


§ 17896.4. Permit Name.

Any permit issued pursuant to this Article, except for one issued pursuant to section 17896.12, shall be entitled: “In-vessel Digestion Facility Permit.”


§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities.

Sections 17896.6 through 17896.13 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5. Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of
Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These requirements are summarized in Table 1.

Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anaerobically digestible materials at POTWs</td>
<td>Research In-Vessel Digestion Operations</td>
<td>Medium Volume In-Vessel Digestion Facilities</td>
<td>Large Volume In-Vessel Digestion Facilities</td>
</tr>
<tr>
<td>Section 17896.6(a)(1)</td>
<td>Section 17896.8</td>
<td>(≥ 60 yd³ or 15 tpd and &lt; 100 tpd) Section 17896.12</td>
<td>Section 17896.13</td>
</tr>
<tr>
<td>Ag material derived from ag site &amp; returned to same site</td>
<td>Dairy In-Vessel Digestion Operations</td>
<td>Section 17896.9</td>
<td></td>
</tr>
<tr>
<td>Section 17896.6(a)(2)</td>
<td>Distribution Center In-Vessel Digestion Operations</td>
<td>Section 17896.10</td>
<td></td>
</tr>
<tr>
<td>In-vessel digestion activities with less than 100 cubic yard on-site capacity</td>
<td>Limited Volume In-Vessel Digestion Operations</td>
<td>(≤ 60 yd³ or 15 tpd) Section 17896.11</td>
<td></td>
</tr>
<tr>
<td>Section 17896.6(a)(3)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Handling activities that are already subject to more stringent handling requirements under Federal or State law</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 17896.6(a)(4)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]


§ 17896.6. Excluded Activities.
(a) The activities listed in this section are not subject to the in-vessel digestion requirements set forth in this Chapter. Nothing in this section precludes the EA or the Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, is excluded under the following conditions:

(A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant.

Once on site, the anaerobically digestible material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and
conveyed in a contained system. Any separated material at the POTW that is not suitable for anaerobic digestion and has no beneficial use shall be further managed as a solid waste.

(B) The POTW Treatment Plant has developed Standard Operating Procedures for the acceptance of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality Control Board that those Standard Operating Procedures are being implemented, and a Standard Provision (permit condition) that reflects the acceptance of anaerobically digestible material:

1. has been incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit; or

2. will be incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit no later than the next permit renewal.

(C) For the purpose of this exclusion, “anaerobically digestible material” means: inedible kitchen grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title 14, CCR, Section 17852(a)(20) and vegetative food material as defined in Title 14, CCR, Section 17852(a)(20)(A).

(D) For the purpose of this exclusion, the Department, in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, will on a case-by-case basis, review and consider approval of additional types of organic materials as potential “anaerobically digestible material” beyond those specified in section 17896.6(a)(1)(C) in accordance with the following:

1. Receipt of a written request to the Department from the General Manager or designee of a POTW Treatment Plant.
   a. The written request must contain the following information:
      i. The purpose of the request.
      ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the organic waste material with the POTW wastewater.
      iii. Types of organic material requested for classification as an anaerobically digestible material.
      iv. The source(s) of the waste material.
      v. A description of how the waste material will be handled, processed, stored and transported (before and after receipt at the POTW Treatment Plant).
      vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant to accommodate the new waste materials.
      vii. Available laboratory test results, engineering reports, research or study to support the request.
      viii. Data and/or reports if this waste material has been used without incident at a different POTW Treatment Plant.
      ix. The name, addresses and phone numbers for the General Manager and designee of the POTW Treatment Plant.
   b. Upon receipt of the written request, the Department will communicate and coordinate the request with and between the State Water Resources Control Board and the California Department of Food and Agriculture and will complete the following actions:
      i. Within 10 days of receipt, send written confirmation to the General Manager and designee of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate Department staff, as well as to the State Water Resources Control Board and California Department of Food and Agriculture staff contacts for review;
      ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board and California Department of Food and Agriculture staff contacts;
      iii. Prior to the meeting, Department staff will review the letter and identify questions and/or issues with the request and make a list of recommendations;
      iv. Within 40 days of receipt, conduct a meeting on the request. If an agency representative does not attend the meeting, comments will be accepted by the Department up to close of business on the 45th day after receipt;
      v. Within 60 days of receipt, the Department will provide a written decision to the General Manager and designee of the POTW Treatment Plant stating one of the following:
         I. The waste type has or has not been determined to be an anaerobically digestible material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory Requirements (pursuant to Section 17896.6(a)(1)(C) and the Transfer/Processing Operations and Facility Regulatory Requirements (pursuant to Section 17403.1(a)(8));
II. The agencies, based on the information provided, were unable to reach a
determination and additional information is required before a determination can be made; or
III. The agencies have determined that additional research or study will need to be
carried out and the results analyzed prior to a determination made by the agencies.
IV. If additional information, research or study is necessary, the Department will consult
with the General Manager or designee of the POTW, the State Water Resources Control Board and
California Department of Food and Agriculture contacts, for the purpose of developing a timeline for
either reviewing the additional information or for reviewing a proposed scope of work and timeline for
additional research or study.

2. For the purpose of this exclusion, if an organic waste material is determined by the
Department to be anaerobically digestible material for the purpose of co-digestion with the POTW
wastewater, the POTW Treatment Plant must comply with 17896.6(a)(1)(A) prior to receipt of the
material at the POTW Treatment Plant.

(2) In-vessel digestion of agricultural material is an excluded activity if the agricultural material is
derived from an agricultural site and the digestate or compost produced from digestate is returned to
that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary
of the agricultural site on which the in-vessel digester is located. No more than an incidental amount
of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually.
Digestate that is not composted may not be given away or sold.

(3) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste, feedstock,
and digestate on site are excluded.

[Note: Persons handling solid waste under the above exclusion are obligated to obtain all permits,
licenses, or other clearances that may be required by other regulatory agencies including, but not
limited to local health entities and local land use authorities.]

(4) Other discrete handling activities that are already subject to more stringent handling
requirements under Federal or State law, as determined by the EA in consultation with the
Department, are excluded.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.7. Prohibitions.
The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites
where in-vessel digestion activities that are excluded from regulation under this Chapter occur:
(a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh,
organs, hide, blood, bone and marrow, except when received:
(1) from a food facility as defined in Health and Safety Code section 113789, grocery store; or
residential food scrap collection; or
(2) as part of a research activity for the purpose of obtaining data on pathogen reduction or other
public health, animal health, safety, or environmental concerns in accordance with section 17896.8; or
(3) from a source approved by the Department in consultation with the State Water Resources
Control Board and the California Department of Food and Agriculture.
(b) The in-vessel digestion of medical waste.
(c) The in-vessel digestion of hazardous waste.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.8. Research In-Vessel Digestion Operations.
(a) An operator conducting research in-vessel digestion operations 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) 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.
(c) After no more than a two year period of operation, the operator of a research in-vessel digestion
operation shall submit to the EA a report that includes the results and conclusions drawn from the
research. If the EA determines, based on the report, that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17896.41.

(d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, 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 in-vessel digestion operation site security plan. The research in-vessel digestion 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.

(3) After no more than a six-month period of operation the operator of a research in-vessel digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report that includes the results and conclusions drawn from the research and documentation of additional requirements of this section. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17896.41.

(e) The operator shall submit all additional documentation required by subdivisions (b) and (d)(2) to the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that the EA Notification for research in-vessel digestion operations is complete and correct only if the additional documentation requirements of this section have been met.

(f) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.9. Dairy In-Vessel Digestion Operations.
(a) All dairy in-vessel digestion operations 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).

(1) These operations shall be inspected by the EA at least once a month for the first 12 months of operation. After the first 12 months of operation the EA may approve, with Department concurrence, a reduced inspection frequency of once every three months. After the first 24 months of operation the EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.10. Distribution Center In-Vessel Digestion Operations.
(a) All distribution center in-vessel digestion operations 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).
(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.11. Limited Volume In-Vessel Digestion Operations.
All limited volume in-vessel digestion operations shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100).

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.12. Medium Volume In-Vessel Digestion Facilities.
All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18104).

(1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.


§ 17896.13. Large Volume In-Vessel Digestion Facilities.
All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The In-vessel Digestion Report required by section 17896.15 shall constitute the Report of Facility Information required by section 21570(f)(2) of Title 27.

(1) These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.


Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(17) shall file with the EA an "In-vessel Digestion Facility Plan" (as specified in section 18221.5.1). The information contained in the Plan shall be reviewed by the EA to determine whether it is complete and correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.


§ 17896.15. In-Vessel Digestion Report.
(a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(13) shall file with the EA an "In-Vessel Digestion Report" (as specified in section 18221.6.1). An operator

of an existing facility who submits an application package to the EA, pursuant to Title 27, section 21570, which proposes to change the facility's operations, or to change the solid waste facility permit shall do one of the following:

(1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or
(2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.


§ 17896.16. Applicability of State Minimum Standards.
(a) Articles 1, 2, 3, 4, and 6, of this Chapter set forth the minimum standards that apply to all in-vessel digestion operations and facilities, except as noted in Section 17896.1.(a).
(b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel digestion facilities.
(c) Approvals, determinations and other requirements that the EA is authorized to make under Articles 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator shall place a copy of each approval, determination and other requirement in the operating record together with those records identified in sections 17896.45 and 17896.46.
(d) Some of the standards contained in this Chapter authorize the EA to approve an alternative method of compliance with the standard. These provisions are not intended to allow the EA to change the particular standard, but are intended to allow the EA flexibility to approve, in advance, an alternative method of meeting the existing standard which provides equivalent protection of the public health and safety and the environment as the existing standard. For facilities that require a full solid waste facility permit, the EA may choose to include the approved alternative method of compliance as a term and condition of the solid waste facility permit, rather than in the manner authorized by subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to the method may require a revision to the solid waste facility permit in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 (commencing with section 21570).


Article 2. Siting and Design

§ 17896.17. Siting On Landfills.
(a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27, California Code of Regulations, section 21190.
(b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or failure of pads or structural foundations.
(c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or with the closure or postclosure maintenance of the landfill.


§ 17896.18. General Design Requirements.
(a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as appropriate, from persons competent in engineering, architecture, landscape design, traffic engineering, air quality control, water quality protection and design of structures.
(b) The design shall be based on appropriate data regarding the expected service area, anticipated nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land use (existing and planned), types and number of vehicles anticipated to enter the operation or facility, adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and
other pertinent information. If the operation or facility is to be used by the general public, the design
shall take account of safety features that may be needed to accommodate such public use.
(c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the
unloading area to as small an area as practicable, provide adequate control of windblown material,
minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances
by reason of solid wastes being handled at the operation. Other factors which shall be taken into
consideration are: dust control, noise control, public safety, and other pertinent matters related to the
protection of public health at the operation or facility.
(d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA
may require the applicant to describe how he or she has complied with applicable local and state
requirements regarding odor control measures, personnel health and safety, and sanitary facilities.
(e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and
constructed to prevent loss of wastes from the container during storage. If such a container is used to
store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such
container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily
cleanable, designed for safe handling and constructed to prevent loss of wastes.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities

The operator of an in-vessel digestion operation or facility must take precautions to minimize the
uncontrolled release of biogas that may have harmful effects on site users and the general public.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.20. Cleaning.
(a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of
containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA,
in order to prevent the propagation or attraction of flies, rodents, or other vectors:
   (1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;
   (2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at
   least once every 24 hours.
(b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site
migration of waste materials.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.21. Drainage and Spill Control.
(a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:
   (1) minimize the creation of contact water outside of in-vessel digesters and sealed containers;
   (2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-
   site migration of contact water;
   (3) protect the integrity of roads and structures;
   (4) protect the public health; and
   (5) prevent safety hazards and interference with operations.
(b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills
that occur.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.22. Dust Control.

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(a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates, and prevent other safety hazards to the public caused by obscured visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent the creation of excessive dust. Measures to control dust include, but are not limited to: reduced processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the following may be an indication that dust is excessive:

1. safety hazards due to obscured visibility;
2. irritation of the eyes;
3. hampered breathing;
4. migration of dust off-site.


(a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes, including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.
(b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are discovered, control measures as are necessary to protect public health, safety and the environment, such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation or removal from the operation or facility.
(c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and sludge wastes in a manner to protect public health, safety, and the environment.


§ 17896.24. Litter Control.
Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent possible given existing weather conditions.


§ 17896.25. Load Checking.
(a) The operator of an attended in-vessel digestion operation or facility shall implement a load checking program to prevent the acceptance of waste which is prohibited by this Chapter. This program must include at a minimum:
1. the number of random load checks to be performed;
2. a location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated;
3. records of load checks and the training of personnel in the recognition, proper handling, and disposition of prohibited waste. A copy of the load checking program and copies of the load checking records for the last year shall be maintained in the operating record and be available for review by the appropriate regulatory agencies.


All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair. The operator shall implement a preventative maintenance program to monitor and promptly repair or correct deteriorated or defective conditions.

§ 17896.27. Medical Wastes.
Medical waste, unless treated and deemed to be solid waste, which is regulated pursuant to the Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code), shall not be accepted at an in-vessel digestion operation or facility, unless approved by the appropriate regulatory agencies.


§ 17896.28. Noise Control.
Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise include but are not limited to: posting of warning signs that recommend or require hearing protection; separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise transmission. Compliance with specific provisions regarding noise control in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.


§ 17896.29. Non-Salvageable Items.
Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles, pesticides and other materials capable of causing public health or safety problems shall not be salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and the EA.


(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to section 17896.31(f).
(b) The Report shall:
(1) Present representative and correlating odor data for each potential onsite odor source including but not limited to: odor severity, odor characteristics, time and weather conditions when data was collected, description of operations associated with the source, and any odor impacts or complaints received;
(2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not contributing to odor impacts and rank those contributing to the odor impacts (complaints/ violations) in order of impact;
(3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):
(A) List of all best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has used to minimize odor and analyze each BMP for the following:
1. The effectiveness of the BMP in reducing odor impacts;
2. The potential for more extensive use of the BMP to minimize odor impacts described by complainants;
3. If the BMP has been operationally practical and if more extensive use of the BMP would be operationally practical;
4. The approximate cost to implement a more extensive use of the BMP;
5. Any permits or permit changes necessary to use the BMP more extensively;
6. Overall recommendation if existing BMPs should be continued and if more extensive use of the BMP is recommended; and
7. If the BMP has been found to be ineffective (include supporting data).
(B) List of all potential best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has not used and analyze each potential BMP to determine:
1. The potential for the BMP to reduce odor impacts described by complainants;
2. If the BMP is operationally practical;
3. The approximate cost to implement the BMP;
4. Any permits or permit changes necessary to use the BMP; and
5. Overall recommendation and ranking of implementing the BMP.

(C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

(c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and the Department for review. If the EA has required the operator to prepare a Report pursuant to subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe approved by the EA.

(d) The EA, in consultation with the Department, shall within 30 days:
   (1) approve the Report and associated plan and direct the operator in writing to implement the plan in whole or in part; and/or
   (2) direct the operator in writing to submit specific changes or additional information within a timeframe specified by the EA.

(e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision (d)(1) or (d)(2).

Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
Reference: Sections 43020, 43021 and 43209.1.

§ 17896.31. Odor Minimization Plan.
(a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.

(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.
   (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,
   (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,
   (3) a complaint response and recordkeeping protocol; and,
   (4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns as applicable; and,
   (5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), bio filtration, and tarping as applicable.

(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.

(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.

(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.

(f) If the odor impact minimization plan is being followed and the EA determines, in a manner consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors unless:
(1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
(2) there is an imminent threat to public health and safety and the environment; or
(3) a public nuisance has occurred.

Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

§ 17896.32. Odor and Nuisance Control.
Each in-vessel digestion operation and facility shall be conducted and maintained:
(a) in a manner that minimizes odor impacts so as to not cause a nuisance, and
(b) to otherwise prevent the creation of a nuisance.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.33. Parking.
Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance
with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a
conditional use permit or CEQA mitigation measures, shall be considered compliance with this
standard.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.34. Personnel Health and Safety.
The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations,
section 3203, shall be available for review by local and state inspectors during normal business hours.
Nothing in this section is intended to make the EA responsible for enforcing the IIPP.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.35. Pre-Digestion Solid Waste Handling.
(a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or
sealed structure or removed from the site within 48 hours from the time of receipt. This requirement
does not apply to putrescible waste stored in a sealed bag, bottle, or can.
(b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date
of receipt or at an alternate frequency approved by the EA.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.36. Protection of Users.
An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so
that contact between the public and solid wastes is minimized. This may be accomplished through the
use of railings, curbs, grates, fences, and/or spotters.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.37. Roads.
All on-site roads and driveways shall be designed and maintained to minimize the generation of dust
and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and
maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable
all-weather access to the site.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.
§ 17896.38. Sanitary Facilities.
The operator shall maintain all sanitary and hand-washing facilities which may be required, by applicable state or local requirements, in a reasonably clean and adequately supplied condition.


§ 17896.39. Scavenging and Salvaging.
Each in-vessel digestion operation or facility shall meet the following requirements:
(a) scavenging shall be prohibited;
(b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part of the operation, subject to conditions established by the EA, the local land use authority, or other approving agencies.
(c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious entry and exit of vehicles delivering waste to the in-vessel digestion operation or facility. Salvaging activities conducted at an in-vessel digestion operation or facility shall be confined to specified, clearly identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety or nuisance problems;
(d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel Digestion Facility Plan, or In-vessel Digestion Facility Report.


§ 17896.40. Signs.
(a) For in-vessel digestion operations or facilities not open to the public, each point of access from a public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or facility name and location of nearest public operation or facility.
(b) If the operation or facility is open to the public, there shall be an easily visible sign at all public entrances indicating the name of the operator, the operator's telephone number, schedule of charges, hours of operation, and a listing of the general types of materials which either (1) WILL be accepted, or (2) WILL NOT be accepted.


§ 17896.41. Site Restoration.
All in-vessel digestion operations and facilities shall meet the following requirements:
(a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30 days prior to beginning site restoration.
(b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health, safety, and the environment.
(c) The operator shall ensure that the following site restoration procedures are performed upon completion of operations and termination of service:
   (1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues including, but not limited to, digestate, compost materials, construction scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed.
   (2) All machinery shall be cleaned and removed or stored securely.
   (3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or other residues related to the site restoration operations.

§ 17896.42. Supervision and Personnel.
The operator shall provide adequate supervision and a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the EA in writing of the name, address and telephone number of the operator or other person responsible for the operation. A copy of the written notification shall be placed in the operating record.


§ 17896.43. Training.
Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site solid waste operations and maintenance, hazardous materials recognition and screening, use of mechanized equipment, environmental controls, emergency procedures and the requirements of this Article. A record of such training history shall be maintained and made available for inspection.


§ 17896.44. Vector, Bird and Animal Control.
The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.


Article 4. Record Keeping Requirements

§ 17896.45. Record Keeping Requirements.
Each operator shall meet the following requirements:

(a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or residual weights or volumes in a form and manner approved by the EA. Such records shall be:
submitted to the EA or the Department upon request; be adequate for overall planning and control purposes; and, be as current and accurate as practicable;

(b) All records required by this Chapter shall be kept by the operator in one location and accessible for five (5) years and shall be available for inspection by the EA and other duly authorized regulatory agencies during normal working hours.

(c) The operator shall submit copies of specified records to the EA upon request or at a frequency approved by the EA;

(d) The operator shall maintain a daily log book or file of special occurrences encountered during operations and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. Special occurrences shall include but are not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding, earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by telephone within 24 hours of all incidents requiring the implementation of emergency procedures, unless the EA determines that a less immediate form of notification will be sufficient to protect public health and safety and the environment;

(e) The operator shall record any written public complaints received by the operator, including:

(1) the nature of the complaint,

(2) the date the complaint was received,

(3) if available, the name, address, and telephone number of the person or persons making the complaint, and

(4) any actions taken to respond to the complaint;
(f) The operator shall maintain a copy of the written notification to the EA and local health agency of the name, address and telephone number of the operator or other person(s) responsible for the operations as required by section 17896.42;

(g) The operator shall maintain records of employee training as required by section 17896.43;

(h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809 et seq.

(i) The operator shall record all test results generated by compliance with Article 6 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

(1) The operator shall retain records detailing pathogen reduction methods.


§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and Requirements.
Approvals, determinations, and other requirements the EA is authorized to make under this Chapter shall be provided in writing to the operator and placed in the operating record by the operator.


Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only

§ 17896.47. Communications Equipment.
Each in-vessel digestion facility shall have adequate communication equipment available to site personnel to allow quick response to emergencies.


§ 17896.48. Equipment.
Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-vessel digestion facility to meet all requirements of this Chapter.


§ 17896.49. Fire Fighting Equipment.
Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly maintained and located as required by the local fire authority.


§ 17896.50. Housekeeping.
The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap, and similar items.


§ 17896.51. Lighting.
The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of operations, and public health, safety and the environment.
§ 17896.52. Site Attendant.
An in-vessel digestion facility open to the public shall have an attendant present during public operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as approved by the EA to ensure that it meets all of the requirements of this Chapter.

§ 17896.53. Site Security.
The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and vehicles through the use of either a perimeter barrier or topographic constraints.

§ 17896.54. Traffic Control.
(a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:
   (1) interference with or creation of a safety hazard on adjacent public streets or roads,
   (2) on-site safety hazards, and
   (3) interference with operations.

§ 17896.55. Visual Screening.
The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be considered compliance with this standard.

§ 17896.56. Water Supply.
A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use (e.g., fire protection, first aid) shall be available.

Article 6. Digestate Handling Standards

§ 17896.57. Digestate Handling.
(a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:
   (1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an alternative handling method after determining the alternative method will not pose an additional risk to public health and safety or the environment; or
   (2) incorporated in an on-site aerobic compost process.
   (A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section 17896.4.
   (B) All in-vessel digestion facilities that compost on-site shall comply with the sampling requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59, the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and physical contamination limits of section 17896.61; or
(3) removed from the site and either:
(A) transported as solid waste to another solid waste facility or operation for disposal, composting, or additional processing; or
(B) used or disposed in a manner approved by local, state, and federal agencies having appropriate jurisdiction.
(b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.59, pathogen concentration pursuant to section 17896.60(b)(1), and physical contaminants pursuant to section 17896.61 or is known to contain any metal in amounts that exceed the maximum metal concentrations described in section 17896.59, pathogens that exceed the maximum acceptable pathogen concentrations described in section 17896.60(b)(1), or physical contaminants that exceed the maximum physical contamination limits described in section 17896.61 shall be designated for disposal, additional processing, or other use as approved by local, state agencies having appropriate jurisdiction.


§ 17896.58. Sampling Requirements.
(a) The sampling of compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall occur at the point where the compost is removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Analytical results indicating compliance with sections 17896.59, 17896.60, and 17896.61 shall be received by the operator prior to the sampled compost leaving the site. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.
(b) This sampling shall be performed by taking and analyzing at least one composite sample, following the requirements of this section as follows:
(1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced.
(2) Composite sample analysis for maximum acceptable metal concentrations, specified in section 17896.59, shall be conducted at a laboratory certified by the California Department of Public Health, pursuant to the Health and Safety Code.
(c) A composite sample shall be representative and random, and may be obtained by taking twelve mixed samples as described below.
(1) The twelve samples shall be of equal volume.
(2) The twelve samples shall be extracted from within the post-digested solids or compost pile as follows:
(A) Four samples from one-half the width of the pile, each at a different cross-section;
(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
(C) Four samples from one-eighth the width of the pile, each at a different cross-section.
(d) The EA may approve alternative methods of sampling that ensures the maximum metal concentration requirements of section 17896.59, the pathogen reduction requirements of section 17896.60, and the physical contamination limits requirements of section 17896.61, as applicable, are met.


§ 17896.59. Maximum Metal Concentrations.
(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not exceed the maximum acceptable metal concentrations shown in Table 2. Compost that contains any metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

Table 2 - Maximum Acceptable Metal Concentrations
<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>(see subdivision (a)(1) below)</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>1500</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>100</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>

(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

(b) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2 are not exceeded.


§ 17896.60. Pathogen Reduction.

(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not exceed the maximum acceptable pathogen concentrations described in subdivision (b)(1) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) Operators of in-vessel digestion facilities that produce compost shall ensure that:

1. The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis). Sample results must be received by the operator prior to removing product from the site.

2. At in-vessel digestion facilities using an enclosed or within-vessel composting process, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.
   (A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of subdivision (b)(2) of this section.

3. If the facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

4. If the facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(c) In-vessel digestion facilities that produce compost utilizing a windrow composting process or an aerated static pile composting process shall be monitored as follows to ensure that the standards in subdivision (b) of this section are met:

1. Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.

2. Temperature measurements for pathogen reduction shall be measured as follows:
(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;

(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.

(d) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.


§ 17896.61. Physical Contamination Limits.
(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. Compost that contains more that 0.1% by weight of physical contaminants greater than 4 millimeters shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.
(b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one representative sample for every 5,000 cubic-yards of compost produced and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.
(c) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure the physical contaminant requirements of this section are met.


Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.

Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities

§ 18083. LEA Duties and Responsibilities for Inspections.
(a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal sites and equipment to verify compliance with the state minimum standards, solid waste facilities permits, and related state solid waste laws and regulations within their purview for the protection of the environment and the public health and safety. The LEA/EA shall perform these inspections and related duties as required below, and forward inspection reports to the operator and/or owner, and the board-Department within 30 days of the inspection:
(1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;
(2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending abatement by enforcement action(s);
(3) at the frequency required by the state minimum standards for each type of operation specified in 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA Notification tier shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, and in no case shall the inspection frequency be less than once per calendar year. The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose an additional risk to public health and safety or the environment in light of the specific circumstances...
at the operation in question. The Department shall concur or deny the EA-proposed approval within thirty (30) days from receipt.

(4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section 21565. For closed sites, inspections shall be made until no potential threat exists to public health and safety or the environment. This determination shall be subject to Department approval. For the purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable closure requirements;

(A) the Department may approve an alternate inspection frequency for these sites where such an action will not result in adverse impact on public health and safety and the environment.

(5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement with the Department through a grant program to inspect waste tire facilities, major waste tire facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once every two and a half years pursuant to 14 CCR Section 18443;

(6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

(7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application, revision, review, RFI amendment, or closure/postclosure plan; and

(8) pursuant to the EPP, for solid waste handling and collection equipment.

(b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above inspections, whenever possible, without prior notice to the owner or operator, on randomly selected days, during normal business hours or the site’s operating hours.


Article 3.0. Regulatory Tier Requirements

§ 18100. Scope.

(a) This Article sets forth the method of application for a tiered solid waste facilities permit, procedures for review and action on an application package, and other requirements associated with regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance and other requirements associated with solid waste handling operations. Similar provisions regarding a full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).

(b) The provisions of this Article shall apply only to those operations and facilities as specified in the minimum standards set forth in Chapters 3.0 or 3.1 or 3.2 of Division 7 of this Title.

(c) The submittal of an enforcement agency notification (in accordance with section 18103) or issuance of a tiered permit supersedes any previously submitted enforcement agency notification or issued tiered permit.

(d) Specific provisions relating to the different types of regulatory tiers may be found below as follows:

(1) Excluded

(2) Notification of Enforcement Agency

(3) Registration Permit

(4) Standardized Permit


§ 18102. Excluded Solid Waste Handling.

Operators of excluded operations designated by the minimum standards set forth in Division 7 of this Title are not required to notify the enforcement agency or submit an application for a solid waste facilities permit. Nothing in this section precludes the enforcement agency or the Department from inspecting an excluded operation to verify that the operation is being conducted in a manner that qualifies as an excluded operation or taking any appropriate enforcement action.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 44100(a), 44101(a) and 45200, Public Resources Code.
§ 18103. Enforcement Agency Notification.
(a) The enforcement agency notification provisions of this Article shall apply only to operations as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title.
(b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement agency notification as follows:
1. Filing Requirements section 18103.1;
2. Record Keeping Requirements section 18103.2; and
3. Termination of Operation section 18103.3.
(c) Operations authorized to use the enforcement agency notification tier are required to operate in accordance with the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 applicable to that operation.
(d) Nothing in this section precludes the enforcement agency or the board Department from the following: inspecting an operation to verify that the operation is being conducted in a manner that qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in compliance with the minimum standards; or, taking any appropriate enforcement action, including the use of a ‘notice and order.’

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 44100(a), 44101(a) and 45200, Public Resources Code.

§ 18103.1. Filing Requirements.
(a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency notification shall notify the enforcement agency of its intent to operate in writing prior to commencing operations. This written notification shall include the following information:
1. The name, address, and phone number of the proposed operation; the name, address, and phone number where the operator can be contacted if these differ from the operation site; and, the name, address, and phone number of the owner if these differ from the operator.
2. The section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier and a description of the facility's operations, including but not limited to, volume and hours of wastes/material handled, peak and annual loading, and hours of operation.
3. Documentation that the operator has notified the local planning department with jurisdiction over the site of its intent to commence operations. Documentation may include proof of compliance with CEQA, correspondence from the local planning department that compliance with the California Environmental Quality Act is not required for the operation to obtain local land use approval or written notice to the local planning department of the operator’s intent to commence operations.
4. A statement by the owner and operator certifying under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.


§ 18103.2. Record Keeping Requirements.
The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall be publicly available during normal business hours. The enforcement agency shall forward a copy of the notification to the board Department within five days of receipt. The enforcement agency shall retain a copy of the notification for a minimum of one year after the facility is known to have ceased operations.


§ 18104. Registration Permit.
(a) The registration permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title.
(b) A registration permit shall be deemed to incorporated by reference, as terms and conditions of the permit, all minimum standards applicable to it, as set forth in Chapters 3, or 3.1, or 3.2, of Division 7.
(c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:
(1) Filing Requirements section 18104.1;
(2) Enforcement Agency Processing Requirements section 18104.2;
(3) Record Keeping Requirements section 18104.3;
(4) Completeness Appeal section 18104.4;
(5) Change in Operation section 18104.5;
(6) Change in Owner section 18104.6;
(7) Permit Review & Reissuance section 18104.7;
(8) Suspend/Revoke section 18104.8, and
(9) Voiding of a Registration Permit section 18104.9.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

§ 18104.1. Filing Requirements.

Any operator proposing to operate a solid waste facility pursuant to a registration permit shall file an
application using form CIWMB 83 “Registration Permit Application” (rev. 12/96), which is incorporated
herein by reference, with the enforcement agency. The application shall be accompanied by the fee
specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). (See
Appendix A.) This application shall contain the following information:
(a) The name and address of the enforcement agency, and the section in Chapters 3, or 3.1, or 3.2 of
Division 7 of this Title authorizing eligibility for this tier.
(b) General description of the facility including, but not limited to name, location, site map, and
location map.
(c) Facility information, including, but not limited to, volume and type of waste/material; handled,
peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.
(d) Operator information, including identification of the land owner, his/her address and telephone
number; identification of the facility operator, his/her address and telephone number; and the
address(es) at which process may be served upon the operator and owner.
(e) Conformance finding information as follows:
(1) Until a countywide or regional agency integrated waste management plan has been approved by
the board Department, the application shall include statements that: the facility is identified and
described in or conforms with the County Solid Waste Management Plan, or otherwise complies with
Public Resources Code Section 50000; and that the facility is consistent with the city or county
General Plan.
(2) After a countywide or regional agency integrated waste management plan has been approved by
the board Department, the application shall include a statement that: the facility is identified in either
the countywide siting element, the nondisposal facility element, or in the Source Reduction and
Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public
Resources Code Section 50001.
(f) The owner and operator shall each certify under penalty of perjury that the information which they
have provided is true and accurate to the best of their knowledge and belief.
(g) Evidence that the application form was provided to the director of the local agency that oversees
local use planning for the jurisdiction in which the site is located.
(h) List of all public hearings and other meetings open to the public that have been held or copies of
notices distributed that are applicable to the proposed solid waste facilities permit action.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

§ 18104.2. Enforcement Agency Processing Requirements.

... 
(g) The enforcement agency shall provide a copy of the registration permit to the board Department
and to any person who has so requested in writing.
...
§ 18104.3. Record Keeping Requirements.
(c) The enforcement agency shall forward copies of any written public comments received on an application to the board Department with the registration permit submitted pursuant to section 18104.2(f).
(d) Subsequent to the transmittal of the registration permit to the board Department, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board Department unless the comment clearly states that a copy has already been provided to the board Department.
(e) If an application is denied, the enforcement agency shall retain public comments received on that application for a period of 2 years. If a previously denied permit is approved, all comments received shall be forwarded to the board Department with the copy of the registration permit submitted under subsection (c) above.

§ 18104.6. Change in Owner.
(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever comes first. The enforcement agency shall transmit a copy of the notification to the board Department within five days of receipt.

§ 18104.9. Voiding of a Registration Permit.
Every registration permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification to the board Department within 7 days. “Cessation of operations” does not include temporary operational shutdowns which are seasonal or intermittent in nature.


§ 18105. Standardized Permit.
(a) The standardized permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of the Title.
(b) A standardized permit obtained pursuant to this Article shall contain only those terms and conditions applicable to the type of facility receiving it as set out in the minimum standards for that type of facility.
(c) Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as follows:
   (1) Filing Requirements section 18105.1;
   (2) Enforcement Agency Processing Requirements section 18105.2;
   (3) Record keeping Requirements section 18105.3;
   (4) Completeness Appeal section 18105.4;
   (5) Board Department Processing Requirements section 18105.5;
   (6) Appeal of Decision section 18105.6;
   (7) Change in Operation section 18105.7;
   (8) Change in Owner section 18105.8;
   (9) Permit Review section 18105.9;
   (10) Suspend/Revoke section 18105.10; and
   (11) Voiding of a Standardized Permit section 18105.11.

§ 18105.1. Filing Requirements.

Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an application in duplicate with the enforcement agency accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall contain the following information:

(a) The name and address of the enforcement agency, and the section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.

(b) General description of the facility including, but not limited to, name, location, site map, and location map.

(c) Facility information, including, but not limited to, volume and types of waste/material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.

(e) A Report of Facility Information that contains all of the information required by the applicable section(s) of Article 3.2, Chapter 5, of this Division.

(f) One of the following:
   (1) Evidence that there has been compliance with the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,
   (2) Information on the status of the application's compliance with the California Environmental Quality Act regarding the facility. Once there has been compliance with the California Environmental Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement agency.

(g) Conformance finding information as follows:
   (1) Until a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.
   (2) After a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be identified in any of these elements pursuant Public Resources Code Section 50001.

(h) The owner and operator shall each certify under penalty of perjury that the information provided is true and accurate to the best of their knowledge and belief.

(i) Evidence that the application form was provided to the director of the local agency that oversees local use planning for jurisdiction in which the site is located.

(j) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.


§ 18105.2. Enforcement Agency Processing Requirements.

... (g) Within fifteen days of acceptance of an application for filing:
(1) The enforcement agency shall evaluate the information provided in the application and the proposed facility to determine whether or not the facility will be able to operate in compliance with the applicable minimum standards and standardized solid waste facilities permit terms and conditions.
(2) The enforcement agency shall provide notice pursuant to Title 27 Section 21660.3.
(3) If the enforcement agency finds that the application and facility meet the requirements set forth in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed standardized permit, application package, and the results of any analysis to the board Department.
The enforcement agency shall further provide the applicant with a copy of the proposed standardized permit submitted to the board Department. In addition, the enforcement agency shall provide a copy of the proposed standardized permit to any person who has so requested in writing.
(4) If the enforcement agency finds that the application or facility do not meet the requirements set forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy of the rejected application accompanied by an explanation shall be mailed to the applicant.

(h) If evidence of compliance with the California Environmental Quality Act, as required by Section 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this requirement has been demonstrated. Unless waived by the applicant pursuant to Public Resources Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not been submitted within 120 days of the application's acceptance for filing, the enforcement agency shall reject the application and not issue the standardized permit.

(i) Once the board Department has concurred in the issuance of the proposed standardized permit, pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

(j) If the board Department objects to the proposed standardized permit, the enforcement agency shall notify the applicant in writing of the board Department's decision, and the reasons for that decision, within five days of receipt of that decision.

§ 18105.3. Record Keeping Requirements.

(c) The enforcement agency shall forward copies of any written public comments received on a pending application to the board Department with the proposed standardized permit submitted pursuant to section 18105.2(g).

(d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board Department, unless the comment clearly states that a copy has already been provided to the board Department.

§ 18105.5. Board Department Processing Requirements.

(a) The board Department shall mark the proposed standardized permit with the date of receipt.

(b) The board Department shall evaluate the application package and the proposed standardized permit for compliance with the requirements set forth by section 18105.1 and 18105.2(g).

(c) Within 30 days of receipt of a proposed standardized permit, the board Department shall either concur in or object to the issuance of the proposed standardized permit.

(d) If the proposed standardized permit contains terms and conditions not authorized by the minimum standards and the permit is otherwise in conformance with these regulations, any additional unauthorized terms and conditions shall be stricken. The board Department shall concur in the edited standardized permit.

(e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the board Department shall notify the enforcement agency of its determination in writing. If the board Department objects, the reasons for the objection shall be provided to the enforcement agency.


§ 18105.6. Appeal of Decision.

(a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section 18105.2(g)(3) or of the Board Department taken pursuant to section 18105.5 to the enforcement agency within 15 days of the date that the decision was received. Such an appeal must be in writing and specify the grounds for the appeal. A final written determination on the appeal shall be made by the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources Code, no later than 60 days after receipt of the applicant's appeal.


§ 18105.8. Change in Owner.

(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever comes first. The enforcement agency shall transmit a copy of the notification to the board Department within five days of receipt.

§ 18105.9. Permit Review and Reissuance.

(d) If an operator files a certification as specified in subsection (c) above or a new application pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections 18105.2 and 18105.3 and the board Department shall follow the procedures set forth in Section 18105.5.

§ 18105.11. Voiding of a Standardized Permit.

Every standardized permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification to the board Department within 7 days. “Cessation of operations” does not include temporary operational shutdowns which are seasonal or intermittent in nature.

Article 3.2. Reports of Facility Information

§ 18221.5.1. In-Vessel Digestion Facility Plan.

Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0, (commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility Plan (“Plan”) with the EA as required in section 17896.14 of this Title. In order to maintain the permit, the operator must file amendments as necessary to maintain the accuracy of the Plan. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. The Plan shall contain the following:

(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(c) descriptive statement of the manner in which activities are to be conducted at the facility;
(d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of material processing, each set of hours may be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;
(e) total acreage contained within the operating area;
(f) facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity;
(g) information showing the types and the daily quantities of solid waste to be received. If tonnage was figured from records of cubic yards, include the conversion factor used;
(h) description of the methods used by the facility to comply with each state minimum standard contained in sections 17896.17 through 17896.61;
(i) anticipated volume of quench or process water and the planned method of treatment, and disposal of any wastewater;
(j) description of provisions to handle unusual peak loading;
(k) description of transfer, recovery and processing equipment, including classification, capacity and the number of units;
(l) planned method for final disposal of the solid waste;
(m) planned method for the storage and removal of salvaged material;
(n) resume of management organization which will operate the facility;
(o) An Odor Impact Minimization Plan pursuant to section 17896.31.


§ 18221.6.1. In-Vessel Digestion Report.
Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel Digestion Report ("Report") with the EA as required in section 17896.15 of this Title. In order to maintain an existing permit, the operator must file amendments as required in section 17896.15 of this Title and re-title the document as an In-vessel Digestion Report. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. A Report shall contain the following:
(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) facility specifications or plans, to include: a site location map, a site map, and identification of adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet of the facility property line;
(c) schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(d) descriptive statement of the manner in which activities are to be conducted at the facility;
(e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of material processing, each set of hours may be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;
(f) total acreage contained within the operating area;
(g) facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity;
(h) information showing the types and the daily quantities of solid waste to be received. If tonnage was figured from records of cubic yards, include the conversion factor used;
(i) description of the methods used by the facility to comply with each state minimum standard contained in sections 17896.17 through 17896.61;
(j) anticipated volume of quench or process water, and the planned method of treatment, and disposal of any wastewater;
(k) description of provisions to handle unusual peak loading;
(l) description of transfer, recovery and processing equipment, including classification, capacity and the number of units;
(m) planned method for final disposal of the solid waste;
(n) planned method for the storage and removal of salvaged material;
(o) resume of management organization which will operate the facility;
(p) list of permits already obtained, and the date obtained or last revised;
(q) An Odor Impact Minimization Plan pursuant to section 17896.31.


§ 18227. Report of Composting Site Information.
Each operator of a compostable material handling facility that is required to obtain a Compostable Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18104) shall, at the time of application, file a Report of Composting Site Information with the EA as required by section 17863 of this Title. A Report of Composting Site Information shall contain the following:
(a) A description of the processes to be used, including estimated quantities of feedstocks, additives, and amendments.
(b) A descriptive statement of the operations conducted at the facility.
(c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized in the production of compost including, but not limited to, unloading, storage, processing, parking, and loading areas.
(d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and insects, for example, how the operator will store, process and incorporate food material and vegetative food material into windrows or static piles, timeframes for inclusion of material, collection and containment of leachate, passive and active vector controls, methods to monitor effectiveness of control measures.
(e) A description of the proposed emergency provisions for equipment breakdown or power failure.
(f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average length of time compostable materials will be stored at the facility.
(g) A description of compostable materials handling equipment used at the facility including type, capacity, and number of units.
(h) Anticipated annual operation capacity for the facility in cubic-yards.
(i) A description of provisions to handle unusual peak loadings.
(j) A description of the proposed method for storage and final disposal of nonrecoverable or nonmarketable residues.
(k) A description of the water supplies for process water required.
(l) Identification of person(s) responsible for oversight of facility operations.
(m) A description of the proposed site restoration activities, in accordance with section 17870.
(n) An Odor Impact Minimization Plan pursuant to section 17863.4. The EA may require the operator to revise the Odor Impact Minimization Plan if the operator proposes to accept new feedstock, such as food material or vegetative food material.

Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

Article 4. Enforcement by EA and Review by Board-Department

§ 18302. Written Complaints of Alleged Violations.
(a) Any person having information alleging a facility or operation is being operated without a required permit or notification, in violation of one or more terms or conditions of a permit, in violation of the state minimum standards, or in violation of any related state solid waste laws or regulations, or that a permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may file a complaint regarding such allegation in writing to the EA. The complaint shall include the following:
   (1) The name, address and telephone number of the person making the complaint, however nothing in this chapter shall be construed to prevent the making of anonymous complaints by omitting the identity of the reporting party from the complaint;
   (2) The identity and location, if known, of the facility or operation and the names and addresses, if known, of the persons responsible for the violation;
   (3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and
   (4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in investigating the complaint, including but not limited to information relating to witnesses and physical evidence.
(b) The person making the complaint may forward a copy to the board-Department.
(c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine whether its allegations, if true, would constitute a violation of a state minimum standard, permit term or condition or any related state solid waste law or regulation. The EA shall make its determination on the basis of the substance of the allegations rather than on the basis of the complaint’s technical compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege facts constituting a violation of a state minimum standard, permit term or condition or related state solid waste law or regulation, it shall so advise the reporting party in writing at the address given in the complaint if an address is given and place a copy in its files.
(d) Upon receipt of an odor complaint, the EA shall investigate the complaint as soon as practical prior
to issuing a violation for failing to minimize odor. The odor complaint investigation shall include the
following:
   (1) The date and time the EA arrived and departed within the complaint area.
   (2) Observations of wind direction and speed, and general weather conditions such as clouds, fog,
high wind speed, humidity, and temperature.
   (3) If odor is detected, the EA shall:
       (A) Record the location where odor was observed, such as the street address, latitude/longitude,
tax parcel number, etc.
       (B) Verify the odor event at the complainant’s location and ascertain if the odor is interfering with
the complainant’s use and enjoyment of the property.
       (C) Document odor characteristics, intensity, and duration at the complainant’s location, the solid
waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.
       (D) Identify activities conducted at the solid waste facility/operation at the time of the odor event.
The EA should consult with the operator to determine if there were unusual operational changes or
atypical feedstocks accepted during the time of the complaint(s).
(de) The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted
because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on
that ground, it shall so advise the complaining party in writing at the address given in the complaint if
an address is given and place a copy in its files.
(ef) Except as provided in subsection (c) or subsection (de) of this section, the EA shall commence an
investigation of the facts alleged in the complaint.
(fg) If an LEA has a complaint review and investigation initiation procedure that contains substantially
the same basic requirements as this section, and accomplishes the intended purposes of this section
within its board-Department-approved EPP, it may follow that equivalent process in lieu of subsections
(c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written
complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or
her complaint will receive appropriate attention.
(gh) If the board-Department receives a complaint in a jurisdiction where it is not the EA, the
complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has
already received a copy from the complaining party.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections
43209, 44012, 44015 and 45000-45024, Public Resources Code.
NEW

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR
SOLID WASTE FACILITY PERMIT/AND WASTE DISCHARGE REQUIREMENTS

This application form is for a Solid Waste Facility Permit (SWFP) and/or Waste Discharge Requirements (WDRs) to receive, store, process, transform, or dispose of solid waste regulated by the California Integrated Waste Management Board (CIWMB) - Department of Resources Recycling and Recovery (CalRecycle) and Local Enforcement Agencies (LEAs) and the California Regional Water Quality Control Boards (RWQCBs), and for related purposes. The Application is to be used for both new and revised permits, changes to existing SWFPs, WDRs, and supporting documents (e.g., Reports of Facility Information, Reports of Waste Discharge), and expansions for SWFP Reviews. All [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] Applications must be filled out completely [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] and correctly [Note to OAL and publisher: Underline indicates addition. Final text should remain underlined for emphasis.]. Check with local or county enforcement agency the applicable EA or RWQCB for specific permit requirements and/or exemptions or the use of the Application/General Information Form for WDRs and National Pollutant Discharge Elimination System (NPDES) permit application form to apply for this type of discharge.

<table>
<thead>
<tr>
<th>FORM TYPE / USE</th>
<th>APPROPRIATE AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for a Solid Waste Facility Permit</td>
<td>CIWMB/LEA</td>
</tr>
<tr>
<td>Report of Waste Discharge #for WDRs</td>
<td>RWQCB</td>
</tr>
</tbody>
</table>

If you have any questions on the completion of how to complete this form, please contact the appropriate agency(ies) for assistance. You can download this form from the CIWMB - CalRecycle website at /LEACentral http://www.calrecycle.ca.gov.

NOTE: For direct discharge (point source discharge) to surface waters, a different application form and submittal package is required in place of this form. Please contact the appropriate Regional Water Quality Control Board-RWQCB if seeking to discharge to surface water under the for a National Pollutant Discharge Elimination System (NPDES) permit application form to apply for a permit for this type of discharge.

The Application for Solid Waste Facility Permit/Waste Discharge Requirements provides initial notice of a waste discharge. In most instances, additional information will be required, and should be submitted on 8 1/2"x 11" paper. Submit two copies of the completed form Application and of any required report(s), and filing fee to the Enforcement Agency (EA). Submit one copy of the form Application and any required report and filing fee to the RWQCB. The RWQCB will notify you of your annual fee based on an evaluation of your proposed discharge. Please do not submit a check to the RWQCB until requested to do so by a RWQCB representative. Applicants applying for an update of an existing WDR will be billed through the annual fee billing system and therefore are requested NOT to submit a check with their Application. The agency(ies) will advise you of any additional information that may be required to complete this Application and waste disposal report.

You will be notified of the effective date of the application by each agency.

The Applicant shall submit this Application in a form and format required by the EA. The EA will exercise its discretion in using the information provided by the Applicant to establish terms and conditions of a proposed SWFP the EA determines to be appropriate.

AMOUNT OF FILING FEES
• EA - The enforcement agencies shall determine the exact fee. Contact the EA for fee information.
• RWQCB – Use flow or units reported in Part 4 (application form) and the appropriate class schedule A, B, B1, B3, or C (attached filing fee schedule). Contact the RWQCB for fee information.

FOR OFFICIAL USE ONLY (CIWMB-CalRecycle/LEA/RWQCB staff)

SWIS/WDID/Global ID Number: The Solid Waste Information System (SWIS) number assigned to the facility by CIWMB-CalRecycle staff. The Waste Discharge Identification number (WDID) and global identification number (global ID) for use by RWQB staff.

Filing Fee: The amount of filing fee submitted by the applicant.

Receipt Number: The number assigned to the application by CIWMB-CalRecycle/LEA/RWQCB staff.

Date Received: The date the EA or RWQCB receives the application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts the application package for filing (Title 27, section 21650(a)).

Date Rejected: The date the EA rejects the application package is rejected (Title 27, section 21650(d)).

Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete application package as incomplete (Title 27, section 21580).

Due Date: 180 days from the date the application was accepted as incomplete (Title 27, section 21580).

Part 1. GENERAL INFORMATION

A. Enforcement Agency: Enter the name of the EA.

B. County: Enter the name of the county or counties in which the facility is located.

C. Type of Application: Check the box (one box only) that describes the reason the application is being submitted, as follows:

1. New SWFP and/or WDRs: A facility that does not have a current full SWFP or WDRs.

2. Revision of Change to SWFP and/or WDRs: Applicant is proposing to make a change to the design or operation of the facility. (Title 27, section 21620 and 21710)

3. Exemption and/or Waiver: The facility is exempted from a full SWFP pursuant to Title 27, section 21565 and/or WDRs have been waived.

4. Review: To comply with the five-year permit review requirement (Title 27, section 21640).

5. Amendment of Application: If the applicant changes any of the information required in the application after the application package it has been submitted and before the EA has acted on the application issuance or denial of the permit or alteration thereof, the applicant changes any of the information required in the application package. (Title 27, section 21610 and 21710)

6. RFI/ROWD/JTD Amendments: For existing permitted facilities, when an owner/operator proposes to make minor changes in design or operation supported by an existing or new CEQA documentation. The application package is submitted to the EA and/or RWQCB to determine if the proposed change(s) can be allowed without an application for a revision. A change to the Report of Facility Information, Report of Waste Discharge, or Joint Technical Document that does not require a change to the SWFP or WDRs.

Part 2. FACILITY DESCRIPTION

A. Name of Facility: The name as it is to be listed on the SWFP and/or the WDRs.

B. Location of Facility:

1. The physical address of the facility or, if no address, a description of the location. Include the Assessor’s Parcel Number, directions to the location of the facility and the name of the nearest city or named place, i.e. mountain, lake, cross roads, etc. Provide the zip code for the actual facility location, not the mailing address.

2. Latitude and longitude is to be submitted in Degrees, Minutes, and Seconds, or Decimal Degrees identifying the center of the waste footprint for existing or proposed disposal sites and identifying the office or main gate for all other facilities (e.g., transfer station, composting facility, etc.). Use of a GPS...
instrument is recommended. It indicates the center of the waste footprint, existing or proposed, for
disposal sites, and the office or gate for all other facilities (i.e., transfer, composting, etc.)
3. Map or sketch should be to a scale adequate to show the precise location of the permitted
boundary. Use of a portion of a U.S.G.S. Quadrangle map is recommended. Map must show proximity
do disposal location to populated areas and must indicate all wells and drainage courses within 1,000
feet of any disposal point. The map must include approaches and/or access roads, streets, and/or
highways. The legal description shall include the applicable portions of the section(s) of the township,
range, base, and meridian. The facility shall have permanent monuments or other physical features
that adequately delineate the permitted boundary in the field.

C. Type Of Activity: Check all that apply or will apply for the type of facility covered under this
application package.
1. Disposal: A facility that includes a place, location, tract of land, area, or premises in use,
tended to be used, or which has been used, for landfill disposal of solid waste; and
   a. Type: The type of disposal facility, such as, mono-fill, monofill, C&D/inert, municipal solid
      waste.
2. Composting-Compostable Material Handling: A facility that is operated for the purpose of
   producing compost-handles compostable materials; and
   a. Type: The type of composting facility, e.g., green waste, food waste, biosolids, or MSW.
3. Transformation: A facility that at which solid waste is incinerated, or subject to pyrolysis,
distillation, or biological conversion other than composting. Transformation does not include
composting, gasification, or biomass conversion.
4. Transfer/Processing Facility: A facility that receives, handles, stores, separates, converts or
   otherwise processes materials in solid waste; and/or transfers solid waste directly from one container
to another or from one vehicle to another for transport, and/or store solid waste. For Informational
   Purposes Only: Check the box if recyclable materials are recovered prior to transfer/processing.
5. Construction and Demolition/Inert Debris Processing: A facility that receives Construction
   and Demolition Debris and/or Inert Debris for the purpose of controlled separation, recovery, volume
   reduction, or recycling.
6. In-vessel Digestion: A facility that receives solid waste for digestion in an in-vessel digester.
   5–7. Other: An activity authorized by law not listed above.

D. Identification of Facility in CIWMP [Conformance Finding Information] (CIWMP-Title 27,
section 21570(f)(5)):
1. If the location of the facility is identified in either a Countywide Siting Element or a Nondisposal
   Facility Element, check the appropriate box, and fill in the date of the document and the page on
   which the facility is identified. If you do not currently have this information, you may obtain it from
   this information from the jurisdiction in which the facility is located.
2. If the facility is a Transfer Station that will divert less than 5% of the material that it receives, it
   is not required to be identified in either a Countywide Siting Element or a Nondisposal Facility Element
   and you should check the appropriate box.

E. Type Of Permitted Wastes To Be Received: Check all that apply for the type of material
covered under this application package:
1. Agricultural: Wastes resulting directly from the production and processing of farm or
   agricultural products activities, including but not limited to, manures, prunings, and crop residues.
2. Asbestos: A naturally occurring family of carcinogenic fibrous mineral substance. The State
   Department of Health Services-Toxic Substances Control has classified friable wastes which contain
   more than one percent or more asbestos by weight as hazardous wastes. Frible means that the
   material can be crumbled with pressure and, therefore, is likely to emit fibers. Indicate whether the
   asbestos is friable or non-friable by checking the appropriate box.
3. Ash: The residue from the incineration of solid wastes, including, but not limited to, municipal
   waste, infectious medical waste, woodwaste, sludge, and agricultural waste.
4. Treated Auto Shredder Waste: The "fluff" consisting of upholstery, paint, plastics, and other
   non-metallic substances that remains after the shredding of automobiles, discarded household major
   appliances, and sheet metal similar items. The State Department of Health Services has classified
   untreated shredded wastes as hazardous.
5. Compostable Material: Any organic material that when accumulated will become active
   compost. Describe the types of compostable materials to be received.
6. Construction/Demolition Waste: Waste that results from construction, remodeling, repair,
   demolition or deconstruction of buildings, and other structures.
7. **Contaminated Soil**: Waste which contains designated or nonhazardous concentrations and has been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency-Soil that the RWQCB or the Local Oversight Agency has classified as a designated waste.

8. **Dead Animals**: Animal carcasses requiring disposal that have not been previously used for medical purposes and are not known to have been infected with known infectious diseases.

9. **Industrial**: Solid or semi-solid wastes resulting from industrial processes and manufacturing operations, e.g. cement kiln dust, ore process residues, grit or screenings removed from a waste water treatment facility, etc.

10. **Inert**: Solid waste and recyclable materials that are source separated or separated for reuse, do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives and do not contain significant quantities of decomposable waste. Inert debris may not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the putrescible wastes do not constitute a nuisance, as determined by the EA.

11. **Liquids**: Wastes which are not spadeable, usually containing less than 50% solids. These wastes include canneries and food processing wastes, landfill leachate and gas condensate, boiler blowdown water, grease trap smoothings, oil and geothermal field wastes, septic tank smoothings, rendering plant byproducts, some sewage smooths, etc.

12. **Mixed/ or Municipal Solid Waste (MSW)**: Solid waste generated primarily by residential and commercial refuse sources, garbage and/or rubbish although it may contain insignificant amounts of other solid waste that, when mixed together, is all handled as MSW. Residential waste is commonly thought of as household garbage, commercial wastes contain less putrescible waste and more paper and cardboard.

13. **Sewage Sludge**: Human (not industrial) residue, excluding grit or screenings, removed from a wastewater treatment facility or septic tank, whether in a dry or semidry form.

14. **Waste Tires**: Discarded tire casings. Tires that are no longer mounted on a vehicle and are no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer’s original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not organized for inspection in a rack or a stack.

15. **Other**: Any allowable wastes not included in the above.

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**Part 3. FACILITY INFORMATION**

1. **Proposed Change**: Check the box that identifies the type of change proposed. Briefly describe the proposed change in the space provided.
   - **1. Design Change**: A design change would include but is not limited to: change in footprint, acreage, additional capacity, site improvements, etc.
   - **2. Operation**: A change in operation would include but is not limited to: change in hours or days of operation, the addition of an activity, tonnage changes, etc.
   - **3. Owner, Operator, Address, and/or Facility Name Change**: Complete if there is a change in the owner, operator, address, or facility name.
   - **4. Other**: This type of change includes, but is not limited to: change in emergency contact list, etc.

2. **Information Applicable To All Existing Facilities**: This portion of Part 3 of the Application must be filled out by every applicant regardless of the type of facility.
   - **a. Peak-Maximum Daily Tonnage or Cubic Yards**: The peak (maximum) total amount of solid waste and other material the facility applicant is permitted to receive through the gate to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-to-day operations (include information on all other material authorized by the EA to receive in the Report of Facility Information (RFI)). This amount shall be expressed in tons if tonnes are not available or not applicable provide this specify the amount in cubic yards with a conversion factor. This amount will be referred to as the “permitted maximum tonnage” and is considered the facility maximum tonnage limit. This amount must be consistent with the approved SWFP and the approved Report of Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Volume figures should be converted to tons and the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP
and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below must equal the maximum daily tonnage.

1. **Disposal/Transfer:** The amount of material solid waste that comes through the gate and is disposed of on-site or transferred off-site as waste; and

2. **Other:** That amount of all other material received at the site, including, but not limited to, material that is recycled, or used for beneficial use beneficially reused (such as ADC, road building or other on-site projects), stored or processed. Note: 1 and 2 should equal the peak daily tonnage or cubic yards.

b. **As-Designed Daily Design-Tonnage (TPD) or Cubic Yards:** For landfills, the maximum daily tonnage amount of solid waste and other material that the facility is designed to receive and process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited to, size of working face the operating areas, vehicle traffic considerations, hours of operation, personnel, equipment operational limits, etc. For other facilities, it is the maximum amount of solid waste and other material the facility is designed to handle receive and process at any one time on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited to, vehicle traffic considering, facility size, hours of operations, length of material storage, type of equipment and movement, personnel, equipment operational limits, etc. This amount shall be expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion factor. The as-designed tonnage value may be equal to or greater than the peak maximum daily tonnage value.

c. **Facility Size:** The area that encompasses the entire area on which solid waste facility activities are authorized by the EA to occur and are permitted. This includes the area of the facility in acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and managing equipment management area, or any area that is required to maintain compliance with the design and operating parameters of the facility. The facility size is the same as "operating area" for composting material handling facilities, "permitted acreage" or the area within the "permitted boundaries" for transfer/processing facilities and landfills.

d. **Peak-Maximum Traffic Volume Per Day (vpd):** The estimated maximum number of vehicles that will be authorized by the EA to enter the facility on a daily basis. This number should include not only waste vehicles, but all vehicles, laden or not, that will enter the facility gate, including vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or material intended for beneficial reuse. This number must be consistent with the approved RFI and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted.

e. **Days and Hours of Operation:** The days and hours that the facility is authorized by the EA to operate and the hours of waste receipt authorized by the EA if different from the hours of operation. This information must be consistent with the approved RFI and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Any activities that are limited to prescribed days and/or hours should be fully described in the RFI.

2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs:** This portion of the Application must be filled out by every applicant requesting a change to any item(s) listed under Part 3.A.1 and every applicant submitting an application for a new SWFP and/or WDRs (see Part 3.A.1. for a description of the terms used). The requests must be consistent with an RFI submitted as part of the Application. The EA will review the requests and establish the terms and conditions of a proposed SWFP for those requests that are supported by documents submitted by the applicant. The RWQCB will review the requests and establish the terms and conditions of tentative WDRs for those requests that are supported by documents submitted by the applicant. Use the "OTHER" section to describe design or operational requests not already specified in this Part 3.A.2.

23. **Additional Information Required For Compostable Materials Handling Facilities Only:** This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled out by the applicant if composting handling compostable materials is part of this Application.

a. **Total Site Storage Capacity:** The total capacity in tons or cubic yards of all feedstock and compost (active, curing, and cured) material that is received, processed, and can be stored on-site at any one time.

24. **Additional Information Required For Landfills Only:** This portion of Part 3, section B3, in addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of the Application. All [Note to OAL and publisher: No proposed change. Existing text underlined for
CIWMB the waste-to-cover ratio estimate should include only waste material for which payment of fees to a. **Average Daily Tonnage (TPD):** The estimated average waste tonnage expected to be received placed in a waste management unit for each operating day on a yearly basis (calendar year) for the next five years. Do not use non-operating days in calculating the average daily tonnage. This average daily tonnage can be equal to but may not exceed the peak maximum daily tonnage. Report as tons per day (TPD).

b. **Site Capacity Currently Permitted (Airspace) (cu yds):** The volume contained between the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to the top of the final cover) taking into consideration design slopes, benches, and other design features, or potentially resulting from this permit application. Site Capacity means the same as Total Site Capacity or Gross Site Capacity.

c. **Site Capacity Proposed (Airspace) (cu yds):** Additional site capacity (airspace) requested or potentially resulting from this permit application.

d. **Site Capacity Used To Date (Airspace) (cu yds):** The volume of permitted site capacity used to date. See Date of Capacity Information below.

e. **Site Capacity Remaining (Airspace) (cu yds):** The total volume of permitted site capacity remaining, not including any proposed site capacity. If the remaining capacity information provided is based on estimates of capacity used since the last physical site survey, please explain the methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume, etc. See Date of Capacity Information below.

f. **Date Of Capacity Information (date):** The date as of which the remaining and used site capacities in Part 3 were determined. This date may predate the application date by no more than three months. Amendments of the application including more current capacities may be required.

g. **Last Physical Site Survey (date):** Date when the last aerial or ground survey was conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see Part 6, Section B for more details).

h. **Estimated Closure Date (month and year):** The closure date estimated based on remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other appropriate factors. Please note if the closure date is controlled by factors other than waste capacity (e.g., conditional use permit date, etc.).

i. **Disposal Footprint (acres):** The permitted area where waste will be or has been placed. This will be referred to as "permitted disposal area.

j. **Site Capacity Planned (cu yds):** The estimated additional site capacity (in cubic yards) based upon any planned expansions not currently proposed, whether within or outside the current permitted boundary.

k. **Provide one of the following:**

1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste).** The in-place waste density is the estimated or measured density of in-place waste material achieved by mechanical or other means in the development of the current lift of the current operating waste cell, and

   (ii) **Waste-to-Cover Ratio (estimated) (volume:volume).** The waste-to-cover ratio estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate should include only soil or approved daily or intermediate alternative cover that is not considered a waste material, i.e., payment of fees to the CIWMB-CalRecycle is not required. The waste portion of the waste-to-cover ratio estimate should include only waste material for which payment of fees to the CIWMB-CalRecycle is reported, or

2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace).** The airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is recorded as the total weight of waste material passing over the landfill scales that is placed in a known volume of landfill airspace in a given period of time. The waste portion of the AUF should include only waste material for which payment of fees to the CIWMB-CalRecycle is reported.

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**Part 4. SOURCE OF WATER SUPPLY** (This is water used for any purpose at the facility)

**A. Municipal or Utility Service:** Give name and address of the water purveyor.

**B. Individual Wells:** Identify those wells that are not part of a municipal or utility service.

**C. Surface Supply:**
1. Provide the name of any stream, lake, spring, etc, if identified.
2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
3. If a state permit or license has been granted, give identification number.
4. Other: Enter any water source(s) not identified above.

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A. Check the appropriate box(es) if an environmental document was, or is going to will be, prepared and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.

1. If an environmental document was prepared:
   - If an environmental document has already been prepared and circulated through the SCH and there is a SCH number, please write this number in the appropriate blank following the box that is checked.
   - If an environmental document has not yet been circulated through the SCH and no SCH number has been assigned to the environmental document yet, please check the box for the type of environmental document that is anticipated to be prepared and circulated through the SCH and write N/A in the appropriate blank for “SCH#.”
   - If the “ADDENDUM TO (Identify environmental document)” box is checked, please provide the type of environmental document that the addendum was prepared for along with the SCH number.

2. If an environmental document will be prepared, enter the name of the lead agency for preparing the document, if known.

EXAMPLE ONLY:
If the environmental document is an environmental impact report (EIR), write “EIR” and include the dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH number for the EIR.

B. If an environmental document was not, and is not planned to be, prepared because it is not required to comply with the requirements of CEQA, please provide the requested information by checking the appropriate box to indicate why an environmental document is not required for CEQA.

   - If the “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” box is checked, please provide the CEQA Guidelines Section number and citation for the exemption.

   EXAMPLE ONLY:
A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor repair to an existing facility. Therefore, check the box that says “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” and write the following in the blank after the box: “CEQA Guidelines, Section 15301, Class I Categorical Exemption.”

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

All attachments are necessary parts of the Application and are incorporated herein.

A. Section A of Part 6 must be completed by all applicants regardless of the type of facility.

B. Section B of Part 6 is additional documents required must be completed only by landfill applicants only for disposal facilities.

   - Operating Liability Financial Mechanism: The date the demonstration was last modified or renewed. That date must be within the preceding twelve-month (annual renewal) period. For example, a Certificate of Insurance (CalRecycle CIWMB 107) has an “effective date” identified on the certificate. This date should and must be within the preceding twelve-month (annual renewal) period.

   - Financial Responsibility Documentation: The financial mechanism is a document, (i.e., letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance) statement, etc.) identifying the current dollar value of the demonstration and the date of the stated value. The date of the stated value must be within the preceding twelve-month (annual renewal) period.
• Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those plans required by Title 27, Sections 21780 and 21865 as appropriate applicable.

• Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release corrective action cost estimate and a copy of the non-water release corrective action cost estimate, as required by Title 27, sections 22100 through 22103.

• Landfill Capacity Survey Results: For disposal sites facilities permitted for to receive more than 20 tons per day, a ground or aerial survey is to be prepared at least every five years or more frequently as determined by the enforcement agency-EA. For disposal sites facilities permitted for to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every ten years. If not previously submitted, survey results must be included with this Application. Survey results must be submitted as a CADD or vector graphics data file including at least two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum showing the existing and finished ground surfaces. For disposal sites where a change in permitted volume is proposed, a third stratum showing the base and proposed finished ground surfaces must be included. For each stratum the following information shall be included: site name, stratum name, surface1 name, surface2 name, volume calculation method (grid, composite, section), expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground surface is uncertain, the operator is allowed to provide the best available information as a substitute for the actual as-built contours. If selecting this substitute method, the operator must provide an explanation of the basis for using the substitute base ground surface.

For the purposes of this section the following definitions apply:
A1. “base ground surface” - the best available excavation plan surface that existed prior to the placement of any waste;
B2. “CADD” - computer aided design and drafting;
C3. “compaction (fill) factor” - the factor used to correct for expected compaction of fill material; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;
D4. “cut volume” - for any stratum, the volume removed by a cut of a lower surface to achieve the upper surface;
E5. “existing ground surface” - the topography that exists at the time of the subject survey;
F6. “expansion (cut) factor” - the factor used to correct for expected expansion of a cut surface; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;
G7. “fill volume” - for any stratum, the volume bound between the upper and lower surfaces;
H8. “finished ground surface” - the final fill plan surface as shown in the approved closure plan for the disposal site;
I9. “net volume” - the fill volume less the cut volume;
J10. “site name” - the name of the disposal site for which the survey information is being submitted;
K11. “stratum (plural: strata)” - a particular volume of a solid waste landfill bound by specified upper and lower surfaces;
L12. “stratum name” - a descriptive name for the stratum for which volumetric information is being submitted, e.g., total volume including proposed expansion;
M13. “surface names” - names for the pair of surfaces that define a named stratum, e.g., base ground surface and proposed finished ground surface;
N14. “survey” - a comprehensive examination of the disposal site under the direction of a registered civil engineer or a licensed land surveyor for purposes of determining the topography of the base, existing and finished ground surfaces, and the volumes bound by those surfaces;
O15. “vector graphics” - computer generated images comprised of lines and shapes of given origin, direction, thickness, color and other attributes;
P16. “volume calculation method” - grid, composite, section or other method approved by the enforcement agency-EA;
C. Section C of Part 6 specifies additional documents required only if applicable for the type of facility to be covered under this Application as required by the EA or RWQCB. Under "Other," identify and list any other necessary documents not included specified above but that are required by the EA or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or franchise other agreement documenting the operator's interest in and right to use the site as a solid
waste facility real property. Another example would be if there is a contract operator then a copy of 
the-or-a-contract-between-the-permitted-operator-and-contract-operator-and-etc.

Part 7. OWNER INFORMATION:

Type of Business: Specify if the business owner of the facility that is the subject of the Application is 
a sole proprietorship, partnership, corporation, or government public agency.

Owner of Land: The person(s) that owns, in whole or in part, the land on which the facility is 
located.

Address, City, State, Zip: Provide the address, city, state, and zip code for the facility owner(s).

SSN or Tax ID #: Provide the SSN or tax identification number for the land owner(s).

Telephone #, Contact Person, Fax #, and E-mail Address: Provide the telephone number, fax # 
number, and e-mail address, and print the contact name.

Address Where Legal Notice May Be Served: Provide the name and address of the person 
authorized to accept service for each owner of the facility where legal notice may be served.

Part 8. OPERATOR INFORMATION:

Type of Business: Specify if the business operator filing this Application is a sole proprietorship, 
partnership, corporation, or government public agency.

Facility Operator: The person(s) (e.g., individual(s), partnership, corporation, or public agency) to 
whom the approval to operate the facility is granted, and who is responsible for the overall operation 
of the facility including but not limited to, complying with regulatory requirements, complying with all 
applicable federal, state, and local requirements, and the design, construction, and physical operation 
of the operating area, and control the activities at an a-facility.

Address, City, State, Zip: Provide the address, city, state, and zip code for the facility operator(s).

SSN or Tax ID #: Provide the SSN or tax identification number for the operator(s).

Telephone #, Contact Person, Fax #, and E-mail Address: Provide the telephone number, fax # 
number, and e-mail address, and print the contact name.

Address Where Legal Notice May Be Served: Provide the name and address of the person 
authorized to accept service for the operator of the facility where legal notice may be served.

Part 9. SIGNATURE BLOCK:

Signature (landowner or agent): The person(s) or their agent authorized to sign on behalf of the 
above-owner.

Signature (lessee): A person(s) authorized to sign on behalf of the person leasing the land, if 
applicable.

Signature (facility operator or agent): The person(s) or their agent authorized to sign on behalf 
of the operator above.

Part 10. OTHER:

Attach additional sheets to explain any responses that need clarification.
Draft Regulation Text

**Strikethrough** = deletion of existing text
**Underline** = addition to existing text
**Red Font** = revision to Consolidated Draft Regulation Text (February 28, 2013)
Chapter 1. General Provisions

Article 1. Emergency Waiver of Standards Definitions

§ 17017. Definitions.
As used in this division:
(a) "Department" means the Department of Resources Recycling and Recovery, which is vested with
the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California
Integrated Waste Management Board (board).
(b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of
January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department
of Resources Recovery and Recycling (Department).

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40110, 40400, 40401, 43020 and 43021, Public Resources Code.

Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities
Regulatory Requirements

§ 17362.2. Contaminated Soil Transfer/Processing Operations.
All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall
comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7,
Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These
operations shall be inspected by the enforcement agency at least once quarterly every three (3)
months unless the enforcement agency approves, with Department concurrence, a reduced inspection
frequency. The enforcement agency may approve a reduced inspection frequency only if it will not
pose an additional risk to public health and safety or the environment but in no case shall the
frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional
enforcement agency and Department requirements regarding the approval or denial of requests for
reducing the frequency of inspections.]

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

Article 5.8. Nonhazardous Ash Regulatory Tier Requirements

§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.
(a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in
this Article, shall comply with the Enforcement Agency Notification requirements set forth in the
California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section
18103).
(b) In addition to the requirements of subdivision (a), the following statement shall be included in the
enforcement agency notification and signed by the operator: "The undersigned certify under penalty of
perjury that the information in this document and all attachments are true and correct to the best of
my knowledge, and is being executed in accordance with the requirements of the California Code of
Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify
that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as
defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that
there are significant penalties for submitting false or misleading information in this certification,
including the possibility of fine or imprisonment, or both.”
(c) A new Enforcement Agency Notification is required any time there are changes to information
required by this section.
(d) These operations may be inspected by the enforcement agency as necessary for the
protection of public health, safety and the environment every three (3) months unless the
enforcement agency approves, with Department concurrence, a reduced inspection frequency. The
enforcement agency may approve a reduced inspection frequency only if it will not pose an additional
risk to public health and safety or the environment but in no case shall the frequency be less than
once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and
Department requirements regarding the approval or denial of requests for reducing the frequency of
inspections.]

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

Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory
Requirements

§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris
Regulatory Requirements.
(a) A site that receives only construction and demolition debris and inert debris (CDI) and which
meets the requirements of this section shall be classified as a CDI recycling center. A site that receives
only inert debris and which meets the requirements of this section shall be classified as an inert debris
recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any
other requirements of this Article except as specified in this section.
(1) The CDI debris that a CDI recycling center receives shall have been separated at the point of
generation.
   (A) For the purposes of this section, ”separated at the point of generation” means that the
material has been separated from the solid waste stream by the generator of that material or by a
processor prior to receipt at a CDI recycling center and has not been commingled with other solid
waste or recyclable materials. For example, each material type must be transferred in separate
containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled
in a single container.
(2) An inert debris recycling center shall receive only Type A inert debris that is source separated or
separated for reuse. The inert debris may be commingled in a single container.
(b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:
   (1) The residual shall be less than 10% by weight of the amount of debris received at the site,
calculated on a monthly basis. Recycling center operators may report their residual percentage to the
EA and the board Department on Form CIWMB 607 (see Appendix A).
   (2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by
volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible
wastes shall not constitute a nuisance, as determined by the EA.
   (c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited
at CDI recycling centers.
   (d) The following storage time limits apply to CDI recycling centers:
      (1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or
reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
including the use of a Notice and Order as provided in section 18304.
      (2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on site for
more than one year 90 days, shall be deemed to have been unlawfully disposed and therefore subject
to enforcement action, including the use of a Notice and Order as provided in section 18304.
      (3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism
pursuant to section 17384(c) has been approved by the board Department.
   (4) At the EA’s discretion, storage time limits for sorted and processed materials may be extended
to the time specified in a land use entitlement for the site that has an express time limit for the
storage of materials.
(5) CDI recycling center storage time limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA's findings shall be in writing.

(e) The following storage limits apply to inert debris recycling centers:

(1) Inert debris stored for more than 6 months that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(2) Inert debris that has been processed and sorted for resale, or reuse, but remains stored on site for more than 18-12 months, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(3) Storage time limits do not apply to Type A inert debris recycling centers which are located at an inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material production facility.

(4) Storage time limits do not apply to Type A inert debris recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the board Department.

(5) At the EA's discretion, storage limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.

(6) Inert debris recycling center storage limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA's findings shall be in writing.

(f) Nothing in this section precludes the EA or the board Department from inspecting a site to verify that it is and has been operating in a manner that meets the requirements of this section, or from taking any appropriate enforcement action, including the use of a Notice and Order as provided in section 18304.

(g) In evaluating whether or not a particular site is in compliance with this section, the EA shall, among other things, do the following:

(1) If the EA has reason to believe that each load of debris received at a recycling center is not separated at the point of generation, is not source separated or is not separated for reuse, as applicable, or that the residual exceeds 10% of the total debris received per month, or that the amount of putrescible wastes exceeds 1% by volume of the total debris received per month, or material is being stored in excess of the applicable storage limits, or that upon request no evidence is provided by the owner and operator that the stored debris is being accumulated for viable reuse, or that the site is not in compliance with any other requirement in this section, the EA may require the owner or operator to provide evidence that the recycling center is in compliance. The burden of proof shall be on the owner and operator of the recycling center to demonstrate it is in compliance.

(2) At the time that the EA requires a recycling center to provide evidence that it is in compliance with this section, the EA shall provide the owner and operator of the recycling center a written description of the information that has caused the EA to believe that the recycling center is not in compliance. Notwithstanding, the EA shall not be required to identify the name or other identifying information regarding any person(s) who has complained about the recycling center.

(h) Sites which do not meet the applicable requirements of this section do not qualify as recycling centers and shall comply with this Article and all laws and regulations applicable to them. The burden of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are not subject to the requirements of this Article.


§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.

(a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.
The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier requirements.

(1) A small volume C&D wood debris chipping and grinding operation shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq., and shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(2) A medium volume C&D wood debris chipping and grinding operation shall comply with the Registration Permit tier requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq.

(3) A large volume C&D wood debris chipping and grinding facility shall comply with the Full Permit tier requirements set forth in CCR, Title 27, Division 2, Subdivision 1, Chapter 4, commencing with section 21563.

(4) To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

(5) Except as otherwise specified in this section, small volume C&D wood debris chipping and grinding activities shall comply with all requirements applicable to small volume CDI debris processing operations, medium volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to medium volume CDI processing facilities, and large volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to large volume CDI debris processing facilities.

§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.
All small volume CDI debris processing operations shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These operations shall be inspected quarterly by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals. The operator shall specify the operation’s boundary area in the operating record.

§ 17383.7. Inert Debris Type A Processing Operations.
(f) These operations shall be inspected by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

Inspections shall be conducted quarterly. To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements

§ 17388.3. Inert Debris Engineered Fill Operations.
(b) Inert debris engineered fill operations shall be inspected as necessary by the EA at least once every three (3) months to verify compliance with State Minimum Standards unless the EA approves.
with Department concurrence, a reduced inspection frequency. The EA may approve a reduced
inspection frequency only if it will not pose an additional risk to public health and safety or the
environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless
the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less
than annual.

...
Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 1. General

§ 17852. Definitions.

(a) For the purposes of this Chapter:

(1) "Active Compost" means compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of compost per day, or the equivalent of oxygen uptake.

(2) "Additives" means material mixed with feedstock or active compost in order to adjust the moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include, but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost feedstock.

(3) "Aerated Static Pile" means a composting process that uses an air distribution system to either blow or draw air through the pile. Little or no pile agitation or turning is performed.

(4) "Aerobic Decomposition" means the biological decomposition of organic substances in the presence of oxygen.

(5) "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as "food material" or "vegetative food material" is not agricultural material. Agricultural material includes, including but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

(6) "Agricultural Material Composting Operation" means an operation that produces compost from green or agricultural material, additives, and/or amendments.

(7) "Amendments" means materials added to stabilized or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock.

(8) "Anaerobic Decomposition" means the biological decomposition of organic substances in the absence of oxygen.

(9) "Biosolids" means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and scum or solids removed in primary, secondary, or advanced wastewater treatment processes.

Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works.

(10) "Chipping and Grinding Operations and Facilities" means an operation or facility, that does not produce compost; that mechanically reduces the size or otherwise engages in the handling, of compostable material and:

(A) The site does the following:

1. The site handles only material, excluding manure, allowed at a green material composting operation or facility as set forth in section 17852(a)(22); and,

2. Each load of green material is removed from the site within 48 hours of receipt. The EA may allow a site to keep green material on-site for up to 7 days if the EA determines that the additional time does not increase the potential for violations of this Chapter.

(B) If the site fails to meet the definition of green material because it exceeds the contamination limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing Regulatory requirements (commencing at section 17400).

(C) If the site fails to meet the definition of this section because the green material remains on-site for a longer period of time than is allowed, then the site shall be regulated as a compostable material handling operation or facility, as set forth in this Chapter.
(11) "Compostable Material" means any organic material that when accumulated will become active compost as defined in section 17852(a)(1).

(12) "Compostable Materials Handling Operation" or "Facility" means an operation or facility that processes, transfers, or stores compostable material. Handling of compostable materials results in controlled biological decomposition. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstocks, and chipped and ground materials. "Compostable Materials Handling Operation or Facility" does not include activities excluded from regulation in section 17855. "Compostable Materials Handling Operation or Facility" also includes:

(A) agricultural material composting operations;
(B) green material composting operations and facilities;
(C) vegetative food material composting facilities;
(D) research composting operations; and,
(DE) chipping and grinding operations and facilities.

(13) "Curing" means the final stage of the composting process that occurs after compost has undergone pathogen reduction, as described in section 17868.3, and after most of the readily metabolized material has been decomposed and stabilized.

(13.5) "Digestate" means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester, as defined in section 17896.2(a)(12). Digestate intended to be composted pursuant to this Chapter may only be handled at a facility that has obtained a Compostable Materials Handling Facility Permit pursuant to section 17854.

(14) "Domestic Sewage" means waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

(15) "Disposal of compostable material" means:

(A) 1. the final deposition of compostable material on land, unless excluded from this Chapter 3.1 pursuant to Section 17855;

2. storing or stockpiling more than 200 cubic yards of compostable material, other than stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration requirements of section 17868.2, onto on land for a combined period of time greater than six months 30 days, except as provided in subdivision (A) 3.; or

3. storing or stockpiling more than 200 cubic yards of agricultural material and green material, or compost for more than twelve months on prime land that is zoned for agricultural land uses as defined in Government Code section 51201, unless the EA, after RWQCB in consultation with the applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that storing or stockpiling the material more than 12 months will not adversely affect the public health and safety or the environment may remain within the operations area for a period of time greater than specified.

(B) Disposal of compostable material does not include the use of compostable material for:

1. alternative daily cover material beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of Regulations, section 20686; or

2. mine reclamation in accordance with applicable law. Notwithstanding this section, use of compostable organic material as an alternative daily cover material shall still require approval for use pursuant to Title 27, California Code of Regulations, section 20680 and may require additional approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.

(C-3.) disposal does not include land application of compostable organic material as defined in section 17852(a)(24.5). "Land Application" means the application of compostable material, excluding food material or mixed solid waste for the following applications: to forest, agricultural, and range land at agronomic rates; in accordance with California Department of Food and Agriculture (CDFA) requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.

(D-C) Should the EA have information reason to believe that a person engaging in activities that meet the definition of disposal of compostable material or authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall be on each person engaging in or authorizing such activities the land owner or operator to demonstrate otherwise.

(E-D) If the activities at a site meet the definition of disposal of compostable material, the site shall be regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).
(16) "Dry Weight Basis" means weight calculated on the basis of having been dried until reaching a constant mass, that results in essentially 100 percent solids content.

(17) "Enclosed Composting Process" means a composting process where the area that is used for the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed sides and rests on a stable surface with environmental controls for moisture and air-borne emissions present.

(18) "EA" means enforcement agency.

(19) "Feedstock" means any compostable organic material used in the production of compost or chipped and ground material including, but not limited to, agricultural material, green material, vegetative food material, food material, biosolids, and mixed solid waste material. Feedstocks shall not be considered as either additives or amendments.

(20) "Food Material" means any waste material of plant or animal origin that was acquired for results from the preparation or processing of food for animal or human consumption, and that is separated from the municipal solid waste stream, and that does not meet the definition of "agricultural material". Food material may includes, but is not limited to, material food waste from food facilities as defined in Health and Safety Code section 113785-113789 (such as restaurants), food processing establishments as defined in Health and Safety Code section 111955, grocery stores, institutional cafeterias (such as prisons, schools and hospitals), or and residential food scrap collection. Food material does not include any material that is required to be handled only pursuant to the California Food and Agricultural Code and regulations adopted pursuant thereto.

(A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant material and is separated from other food material and the municipal solid waste stream. Vegetative food material may be processed or cooked but must otherwise retain its essential natural character and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and spoiled produce, and coffee grounds.

(21) "Green Material" means any plant material except food material and vegetative food material that is separated at the point of generation, contains no greater than 1.0 of percent physical contaminants by weight, and meets the requirements of section 17868.5. Green material includes, but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood waste from silviculture and manufacturing, and construction and demolition wood waste. Green material does not include food material, vegetative food material, biosolids, mixed solid waste material, material processed separated from commingled solid waste collection or processing, wood containing lead-based paint or wood preservative, or mixed construction or mixed and demolition debris. Agricultural material, as defined in this section 17852(a)(5), that meets this definition of "green material" may be handled as either agricultural material or green material.

(22) "Green Material Composting Operation" or "Facility" is an operation or facility that composts green material, additives, and/or amendments. A green material composting operation or facility may also handle manure and paper products. An operation or facility that handles a feedstock that is not green material, manure, or paper products, shall not be considered a green material composting operation or facility. "Green Material Composting Operation" or "Facility" does not include activities excluded from regulation in section 17855.

(23) "Handling" means the processing, transfer, and storage of compostable materials. Handling of compostable materials results in controlled biological decomposition. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstocks, and chipped and ground materials.

(24) "Insulating Material" means material used for the purpose of minimizing the loss of heat from a compost pile undergoing the "Process to Further Reduce Pathogens" (PFRP), as described in section 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.

(24.5) "Land Application" means either subdivision (A) or (B):

(A) The final deposition of compostable material and/or digestate spread on any land, including

1. The compostable material does not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters as specified in section 17868.3.1;

2. The compostable material meets the maximum metal concentrations as specified in section 17868.2;

3. The compostable material meets the pathogen density limits as specified in section 17868.3(b)(1); and
4. The compostable material is not applied more frequently than once during a 12 month period, and, at the time of the application, the compostable material shall not exceed an average of 12 inches in total, accumulated depth. The EA, in consultation with the Regional Water Quality Control Board, may approve alternative application frequencies and depths, if the EA after such consultation determines that the alternatives will not adversely affect public health and safety or the environment.

5. Verification of compliance with this subdivision must be provided to the EA upon request.

(B) The final deposition of compostable material spread on land zoned only for agricultural uses under the following conditions:

1. The compostable material does not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters; and
2. Prior to application, the California Department of Food and Agriculture (CDFA) has determined that the land application is in compliance with all applicable requirements established by CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land application is agronomically beneficial; and
3. Prior to application, the EA has received confirmation that CDFA has made the determination specified in (B)2. above.

[Note: This subdivision (a)(24.5) does not apply to: 1) the use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division, 2) the use of compostable material for gardening or landscaping on a parcel of land 5 acres or less in size, 3) the final deposition of compostable material spread on land by a Federal, State, or local government entity, provided the material is applied in accordance with applicable law, 4) beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of Regulations, section 20686, or 5) beneficial reuse of biosolids pursuant to Part 503, Title 40 of the Code of Federal Regulations and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-specific Waste Discharge Requirements or other issued requirements from the State Water Resources Control Board or a Regional Water Quality Control Board having jurisdiction. In addition, as specified in section 17850(d), nothing in these standards shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all authorizations and complying with all requirements of other regulatory agencies, including but not limited to, local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.]

(25) “Manure” is an agricultural material and means accumulated herbivore or avian excrement. This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is mixed with feces or urine.

(26) “Mixed Solid Waste Material” means any compostable material that is part of the municipal solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed demolition or mixed construction debris, or plastics. A feedstock that is not source separated or contains 1.0% or more of physical contaminants by weight is mixed solid waste material. Compostable material that contains mixed demolition or mixed construction debris shall be considered mixed solid waste.

(27) “Mushroom Farm” means an activity that produces mushrooms. The handling of compostable material at a mushroom farm prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered mushroom farming.

(27.5) “Nuisance” includes anything which:

(A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and

(B) affects at the same time an entire community, neighborhood or any considerable number of persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

(28) “Operations Area” means the following areas within the boundary of a compostable material handling operation or facility:

(A) equipment cleaning, maintenance, and storage areas;
(B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and
(C) process water and stormwater drainage control systems.

(29) “Operator” means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, becomes legally responsible for the following:

(A) complying with regulatory requirements set forth in this Chapter;
(B) complying with all applicable federal, state and local requirements;
(C) the design, construction, and physical operation of the site; and
(D) site restoration.
(30) "Owner" means the person or persons who own, in whole or in part, a compostable material handling operation or facility, or the land on which these operations or facilities are located.

(31) "Pathogenic Organism" means disease-causing organisms.

(32) "Physical Contamination" or "Contaminants" means human-made inert products contained within feedstocks, including, but not limited to, glass, metal, and plastic.

(33) "Process Water" means liquid that is generated during or used in the production of compost or chipped and ground materials.

(34) "Research Composting Operation" means a composting operation, that is operated for the purpose of gathering research information on composting.

(35) "Separated At The Point of Generation" includes material separated from the solid waste stream by the generator of that material. It may also include material from a centralized facility as long as that material was kept separate from the waste stream prior to receipt by that facility and the material was not commingled with other materials during handling.

(36) "Stabilized Compost" means any organic material that has undergone the Process to Further Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced biological activity as indicated by reduced temperature and rate of respiration below that of active compost.

(37) "Static Pile" means a composting process that is similar to the aerated static pile except that the air source may or may not be controlled.

(38) "Vector" includes any insect or other arthropod, rodent, or other animal capable of transmitting the causative agents of human disease.

(38.5) "Vegetative Food Material Composting Facility” is a facility that comports agricultural material, green material, vegetative food material, additives, and/or amendments. A vegetative food material composting facility may also handle manure and paper products. An operation or facility that handles a feedstock that is not agricultural material, green material, vegetative food material, manure, or paper products, shall not be considered a vegetative food material composting facility. "Vegetative Food Material Composting Facility” does not include activities excluded from regulation in section 17855.

(39) "Vermicomposting” means an activity that produces worm castings through worm activity. The EA may determine whether an activity is or is not vermicomposting. The handling of compostable material prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered vermicomposting.

(40) "Windrow Composting Process” means the process in which compostable material is placed in elongated piles. The piles or "windrows” are aerated and/or mechanically turned on a periodic basis.

(41) “Within-vessel Composting Process” means an aerobic process in which compostable material is enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost, maintained under uniform conditions of temperature and moisture where air-borne emissions are controlled.

(42) “Wood Waste” means solid waste consisting of wood pieces or particles which are generated from the manufacturing or production of wood products, harvesting, processing or storage of raw wood materials, or construction and demolition activities.

(43) "Yard Trimmings” means any wastes generated from the maintenance or alteration of public, commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree trimmings, prunings, brush, and weeds.


Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities

§ 17854. Compostable Materials Handling Facility Permit Requirements.

Except as specified in this Article, all compostable materials handling activities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations.
§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities.
Sections 17854 through 17862.1 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5., Article 3.0., commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of Regulations) for compostable material handling operations and facilities. These requirements are summarized in Table 1.

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency Notification Tier</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Material Composting Operations (all)</td>
<td>Refer to Section 17855</td>
<td>Composting Facilities (all) (e.g. biosolids, digestate, food material, mixed material)</td>
<td>Section 17854.</td>
</tr>
<tr>
<td>Green Material Composting Operations (≤ 12,500 yd³)</td>
<td>Section 17857.1(a)</td>
<td>Vegetative Food Material Composting Facilities (≤ 12,500 yd³)</td>
<td>Section 17857.2</td>
</tr>
<tr>
<td>Biosolids Composting Operations at POTWs (all)</td>
<td>Section 17859.1</td>
<td>Green Material Composting Facilities (&gt; 12,500 yd³)</td>
<td>Section 17857.1 (c)</td>
</tr>
<tr>
<td>Research Composting Operations (≤ 5,000 yd³) (Within-vessel &gt; 5,000 yd³ with EA determination)</td>
<td>Section 17862.</td>
<td>Vegetative Food Material Composting Facilities (&gt; 12,500 yd³)</td>
<td>Section 17857.2</td>
</tr>
<tr>
<td>Chipping and Grinding Operations (≤ 200 tpd)</td>
<td>Section 17862.1(a)</td>
<td>Chipping and Grinding Facilities (&gt; 200 tpd and ≤ 500 tpd)</td>
<td>Section 17862.1(c)</td>
</tr>
<tr>
<td>Chipping and Grinding Operations (&gt; 500 tpd)</td>
<td>Section 17862.1(b)</td>
<td>Chipping and Grinding Facilities (&gt; 500 tpd)</td>
<td>Section 17862.1(c)</td>
</tr>
</tbody>
</table>


§ 17855. Excluded Activities.
(a) Except as provided otherwise in this Chapter, the activities listed in this section do not constitute compostable material handling operations or facilities for the purposes of this Chapter and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the board-Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

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(1) An activity is excluded if it handles agricultural material, derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

(2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after its use as a composting process is not an excluded activity and is subject to the requirements of this chapter. Handling of agricultural material on the site of a vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it complies with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as determined by the EA, the requirements of this chapter apply;

(B) at all other times when it is not being used as a growth medium during vermicomposting, the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory Requirements.

(3) Mushroom farming is an excluded activity. The handling of compostable material prior to and after its use as a growth medium during the mushroom farming process is not an excluded activity and is subject to the requirements of this chapter. Handling of agricultural material on the site of a mushroom farm, for use as mushroom bedding on that same site, is an excluded activity if it complies with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as determined by the EA, the requirements of this chapter apply;

(B) at all other times when it is not being used as a growth medium during mushroom farming, the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory Requirements.

(4) Handling of green material, feedstock, additives, amendments, compost, or chipped and ground material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or given away annually. The compostable material may also include up to 10% food material by volume. Composting green material, food material, and vegetative food material is an excluded activity if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 500 square feet.

[Note: Persons handling compostable material under the above exclusion are obligated to obtain all permits, licenses, or other clearances that may be required by other regulatory agencies including, but not limited to local health entities and local land use authorities.]

(5) The handling of compostable materials is an excluded activity if:

(A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered or full permit as defined in section 18101,

1. has a Report of Facility Information which is completed and submitted to the EA that identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

2. will only use the facility on the facility site; or

(B) the activity is solely for the temporary storage of biosolids sludge at a Publicly Operated Owned Treatment Works (POTW); or

(C) the activity is located at the site of biomass conversion and is for use in biomass conversion as defined in Public Resources Code section 40106; or

(D) the activity is part of a silvicultural operation or a wood, paper, or wood product manufacturing operation; or

(E) the activity is part of an agricultural operation and is used to temporarily store or process agricultural material not used in the production of compost or mulch; or

(F) the activity is part of an operation used to chip and grind materials derived from and applied to lands owned or leased by the owner, parent, or subsidiary of the operation; or

(G) the activity is part of an agricultural operation used to chip and grind agricultural material produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation, for use in biomass conversion; or

(H) the activity is part of an animal food manufacturing or rendering operation.
(1) the activity is the storage of yard trimmings at a publicly designated site for the collection of
lot clearing necessary for fire protection provided that the public agency designating the site has
notified the fire protection agency; or

(2) the materials are handled in such a way to preclude their reaching temperatures at or above
122 degrees Fahrenheit as determined by the EA.

(6) Non-commercial composting with less than one cubic yard of food material is excluded provided
that all compostable material is generated and used on-site.

(7) Storage of bagged products from compostable material is an excluded activity provided that
such bags are no greater than 5 cubic yards.

(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.

(9) Benefits use of compostable materials is an excluded activity. Benefits use includes, but is not
limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as
determined by the EA; land application in accordance with California Department of Food and
Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section
14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine
Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770
et seq.

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

§ 17855.2. Prohibitions.
The following activities are prohibited at all compostable materials handling operations and facilities
and at all sites where compostable materials handling activities that are excluded from regulation
under this Chapter occur:
(a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs,
hide, blood, bone and marrow is prohibited, except when received:
(1) from a food service industry facility as defined in Health and Safety Code section 113789,
grocery stores, or residential food scrap collection; or
(2) as part of a research composting operation for the purpose of obtaining data on pathogen
reduction or other public health, animal health, safety, or environmental concern, in accordance with
section 17862-1 or
(3) from a source approved by the Department in consultation with the State Water Resources
Control Board and the California Department of Food and Agriculture.
(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.

§ 17855.3. Permit Name.
Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and
17857.2(a), shall be entitled: "Compostable Materials Handling Facility Permit."

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

§ 17855.4. Pre-Existing Permits and Notifications.
(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the
regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its
permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations,
sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is
required. If the EA makes such a determination, the operator shall comply with the Compostable
Materials Handling Facility requirements set forth in Title 27, California Code of Regulations,
Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1
(commencing with section 21450) within two years of that determination.
(b) If an operation had previously been operating pursuant to an EA Notification in accordance with
the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance
with its EA Notification or regulatory authorization until the EA determines that a Compostable
Materials Handling Facility Permit is required. The EA shall make this determination no sooner than 120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable Materials Handling Facility Permit is required, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

(c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003, that activity may continue to operate in accordance with its regulatory exclusion until the EA determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this determination no sooner than 120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable Materials Handling Facility Permit is required, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

(d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate in accordance with its regulatory authorization until the EA determines that a different authorization is required. The EA shall make this determination within 120 days from April 4, 2003.

—(1) If the EA determines that the activity is required to comply with the EA Notification requirements, the operator 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), within 120 days from that determination.

—(2) If the EA determines that the activity is required to comply with the Registration requirements, the operator shall comply with the Registration requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) within 120 days from that determination.

—(3) If the EA determines that the activity is required to comply with the Compostable Materials Handling Facility Permit requirements, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years from that determination.


§ 17856. Agricultural Material Composting Operations.
(a) All agricultural material composting operations and chipping and grinding operations shall comply with the Enforcement Agency 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. Agricultural Compostable Materials Handling Operations shall only be subject to the requirements of section 17863.4 if the EA makes a written determination that the operation has violated the requirements for odor impacts of section 17867 and the requirements of this Chapter.
(b) Compost produced by an agricultural material composting operation is subject to the requirements of sections 17863.4 and 17863.4.1 only if the EA determines that the operation has caused odor impacts in violation of section 17867(a)(2) and has notified the operator in writing of the violation a chipping and grinding operation which uses only agricultural material may be sold or given away in unrestricted quantities. These operations shall be inspected by the EA at least once annually.
(c) If their feedstock is limited to agricultural material, agricultural material composting operations may handle an unlimited quantity of agricultural material on the site and may sell or give away all compost they produce. These operations shall be inspected by the EA at least once each calendar year at a time when compostable material on the site is active compost. Compost produced by an agricultural material composting operation which uses agricultural material and/or green material, as specified in section 17852(a)(21), may be sold or given away in accordance with the following restrictions.

(1) Those sites that do not sell or give away more than 1,000 cubic yards of material per year shall be inspected by the EA at least once annually when actively composting. If more than 12,500 cubic yards of green material, including feedstock, compost, or chipped and ground material, is to be handled on-site of productive farmland as defined in Government Code section 51201, the operator...
shall give advance notice to the EA. The EA shall only prohibit the on-site storage of additional
materials, or impose a greater inspection frequency, if the EA makes a written finding that it will pose
an additional risk to public health and safety and the environment. The EA shall forward a copy of the
request and approval to the Board.

(2) Those operations that sell or give-away more than 1,000 cubic yards of material per year, shall
have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped
and ground material, on-site at any one time and shall be inspected by the EA once every three (3)
months.

(3) These sites shall record the quantity received of green material.

(d) Agricultural material composting operations whose feedstock is both green material and
agricultural material are subject to the following requirements:

(1) Producers located on Agricultural Land:

(A) Operations located on land that is zoned for agricultural uses that sell or give away less than
1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and
green material on the site; provided, however, the EA may limit the amount of green material
feedstock on site to 12,500 cubic yards upon making a written finding that handling the excess
material may pose a risk to public health and safety or the environment.

(B) The EA shall inspect operations authorized under this subdivision (d)(1) at least once each
calendar year at a time when compostable material on the site is active compost.

(2) Other Producers:

(A) Operations located on land that is not zoned for agricultural uses and operations that sell or
give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of
agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock
on the site at any time.

(B) The EA shall inspect operations authorized under this subdivision (d)(2) at least once every
three (3) months unless the EA approves, with Department concurrence, a reduced inspection
frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional
risk to public health and safety or the environment but in no case shall the frequency be less than
once per calendar year. At least one of the required inspections each year shall occur at a time when
compostable material on the site is active compost.

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


(a) A green material composting operation that has up to may have no more than 12,500 cubic yards
of feedstock, compost, or chipped and ground material, amendments, additives, active compost, and
stabilized compost on-site at any one time. Green material composting operations 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) and with the applicable requirements
specified in this Chapter.

(1) These operations shall be inspected by the EA at least once every three (3) months unless the
EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or the
environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.]

(2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural
users and other consumers, the operator may request in writing that the EA authorize it to temporarily
exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed
on site ("seasonal storage adjustment"). The EA shall respond in writing to the operator’s request
within 30 days of receipt. The EA may authorize such a seasonal storage adjustment if the EA
determines it will not adversely affect public health and safety or the environment. The EA may
impose any reasonable conditions on its approval of a seasonal storage adjustment. The initial term
seasonal storage adjustment may not exceed 30 days. The EA may grant one or more additional 30-
day seasonal storage adjustments not exceeding a total of 90 days per calendar year.

(A) With its request for a seasonal storage adjustment, the operator shall submit the following to
the EA:
1. A description of the storage capacity at the operation and the maximum and average lengths of time the compostable material will be stored.

2. A schematic drawing showing the general layout of the operation and the location(s) where all materials at the site are stored with specific identification of the proposed location of the excess material.

3. A description of any additional fire prevention, protection and control measures needed to minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any such fires, which measures shall be approved by the local fire authority.

4. Where applicable, any revisions to the odor impact minimization plan necessary to address the storage of the additional material or a statement, with supporting information, that no revisions are necessary.

(b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost, or chipped and ground material on-site at any one time shall be inspected by the EA at least once every three (3) months, unless an operator request for a reduced inspection frequency of no less than annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA finds that it will not pose an additional risk to public health and safety and the environment. The EA shall forward a copy of the request and approval to the Board.

(b) If a green material composting operation exceeds any combination of the following requirements three (3) or more times within any two (2) year period, which the EA determines constitutes a violation of this Chapter, the facility no longer qualifies for an EA Notification under this section:

1. Receipt of material that contains greater than 1.0% physical contaminants by weight as specified in section 17852(a)(21);

2. Failure to comply with the processing requirements set forth in section 17868.5;

3. Failure to comply with the maximum volume on-site at any one time limit set forth in subdivision (a) above.

Upon the third such violation, the EA shall notify the operator in writing that the facility no longer qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease and desist order pursuant to section 18304 directing, among other things, that the operator immediately cease accepting material at the site until the operator has demonstrated to the EA that it has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at any time take any additional enforcement action the EA deems appropriate.

(c) A site that handles green material composting facility that has more than 12,500 cubic yards of feedstock, compost, or-chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time is a green material composting facility, excepting green material composting operations which the EA has authorized a seasonal storage adjustment pursuant to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations. Green material composting facilities shall comply with the applicable requirements specified in this Chapter.

Note: See section 17868.5 for green material processing requirements.


§ 17857.2. Vegetative Food Material Composting Facilities.

(a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock, compost, and chipped and ground material on-site at any one time and shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock, compost, and chipped and ground material on-site at any one time shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations.

[Note: See section 17868.5 for green material and vegetative food material processing requirements.]
§ 17859.1. Biosolids Composting at POTWs.

(a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly Operated Owned Treatment Works (POTW) 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).

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(b) All other composting of biosolids shall comply with section 17854.


§ 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 no more than a two year period of operation. Review criteria the operator of a research composting operation shall submit to the EA a report that includes the results and conclusions drawn from the research. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870.

(e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, 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.

(3) After no more than a six-month period of operation, the EA Notification for the operator of a research composting operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report that includes the results and conclusions drawn from the research and documentation of additional requirements of this section shall be reviewed after each six month period of operation. If the EA determines based on the report that there are further research objectives to be met or data to

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be gathered, the EA may extend the research for a specified time period not to exceed two years. If
the EA determines based on the report that there are no further research objectives to be met or data
to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870.
(f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to
the EA with the 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.
(g) These operations shall be inspected by the EA at least once every three (3) months unless the EA
approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.]

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

(a) A chipping and grinding operation that receives up to 200 tons per day of material that may be
handled by a green material composting operation 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 and the applicable requirements specified in this
Chapter.
(1) These operations shall be inspected by the EA at least once every three (3) months unless the
EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.]
(b) A chipping and grinding facility that receives more than 200 tons per day but not more than
up to 500 tons per day of material that may be handled by a green material composting operation
shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of
Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply
with the applicable requirements of this Chapter.
(c) A chipping and grinding facility that receives more than 500 tons per day of material that may be
handled by a green material composting operation shall obtain a Compostable Materials Handling
Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2,
Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with
section 21450) prior to commencing operations and shall comply with the applicable requirements of
this Chapter.
(d) A chipping and grinding operation or facility shall not be subject to the provisions of sections
17868.1 through 17868.3.1 of this Chapter, however, any chipped and ground material that will be
land applied must meet the requirements of section 17852(a)(24.5).
(e) If a chipping and grinding operation or facility exceeds the contamination limits specified in section
17852 (a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory requirements
(commencing at section 17400).
(f) If a chipping and grinding operation or facility stores material for a longer period of time than is
allowed by section 17852 (a)(10)(A)(2), then the site shall be regulated as a green material
handling-composting operation or facility, as set forth in this Chapter.

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

Article 3. Report of Facility Information

§ 17863. Report of Composting Site Information.
Each operator of a compostable material handling facility that is required to obtain a Compostable
Materials Handling Facility Permit or a Registration Permit for a Vegetative Food Material Composting
Facility, as specified in Article 2 of this Chapter, shall, at the time of application, file a Report of Composting Site Information with the EA. If the operator intends to alter the permitted feedstock, these changes must be reported to the EA for maintenance of permit status. Such changes may become the basis for revisions to the permit or for revocation of the permit.

(m) A description of the proposed site restoration activities, in accordance with Section 17870.


§ 17863.4. Odor Impact Minimization Plan.

(a) All compostable material handling operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.

(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.

(1) an odor monitoring and data collection protocol for on-site odor sources, which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,

(2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,

(3) a complaint response and recordkeeping protocol; and,

(4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns as applicable; and,

(5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), biofiltration, and tarping as applicable.

(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.

(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.

(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.

(f) If the odor impact minimization plan is being followed, but and the EA determines, in a manner consistent with section 18302(d), that odor impacts are still occurring, the EA may issue shall direct the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors, unless:

(1) the EA has evidence that a specific and immediate action would reduce the odor impacts;

(2) there is an imminent threat to public health and safety and the environment; or

(3) a public nuisance has occurred.


§ 17863.4.1. Odor Best Management Practice Feasibility Report

(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to section 17863.4(f).

(b) The Report shall:
Present representative and correlating odor data for each potential onsite odor source including but not limited to: odor severity, odor characteristics, time and weather conditions when data was collected, description of operations associated with the source, and any odor impacts or complaints received.

(2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in order of impact:

(3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):

(A) List of all best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has used to minimize odor and analyze each BMP for the following:

1. The effectiveness of the BMP in reducing odor impacts;
2. The potential for more extensive use of the BMP to minimize odor impacts described by complainants;
3. If the BMP has been operationally practical and if more extensive use of the BMP would be operationally practical;
4. The approximate cost to implement a more extensive use of the BMP;
5. Any permits or permit changes necessary to use the BMP more extensively;
6. Overall recommendation if existing BMPs should be continued and if more extensive use of the BMP is recommended; and
7. If the BMP has been found to be ineffective (include supporting data).

(B) List of all potential best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has not used and analyze each potential BMP to determine:

1. The potential for the BMP to reduce odor impacts described by complainants;
2. If the BMP is operationally practical;
3. The approximate cost to implement the BMP;
4. Any permits or permit changes necessary to use the BMP; and
5. Overall recommendation and ranking of implementing the BMP.

(C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

(c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and the Department for review. If the EA has required the operator to prepare a Report pursuant to subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe approved by the EA.

(d) The EA, in consultation with the Department, shall within 30 days:

1. approve the Report and associated plan and direct the operator in writing to implement the plan in whole or in part; and/or
2. direct the operator in writing to submit specific changes or additional information within a timeframe specified by the EA.

(e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision (d)(1) or (d)(2).

Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code.
Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

Article 6. Composting Operating Standards

§ 17867. General Operating Standards.

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

1. All handling activities are prohibited from composting any material specified in section 17855.2 of this Chapter.
2. All handling activities shall be conducted in a manner that minimizes odor impacts so as to not cause a nuisance.
3. All handling activities shall be conducted in a manner that minimizes vectors, odor impacts, litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and transportation of dust, particulates, and pathogenic organisms.
Random load checks of feedstocks, additives, and amendments for contaminants shall be conducted. 
Contamination of compostable material that has undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented. Unauthorized human or animal access to the facility shall be prevented.
Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe manner.
All compostable materials handling operations and facilities that are open for public business shall post legible signs at all public entrances. These signs shall include the following information:

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

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

The operator shall provide telephone or radio communication capability for emergency purposes.
Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground material shall be removed from the site within 7 days and transported to an appropriate facility.
Enclosed operations and facilities shall provide ventilation to prevent adverse public health effects from decomposition gases.
The operator shall ensure that leachate is controlled to prevent contact with the public.
The operator shall prevent or remove physical contaminants in compost and chipped and ground materials that may cause injury to humans.
An attendant shall be on duty during business hours if the operation or facility is open to the public.


Article 7. Environmental Health Standards

§ 17868.1. Sampling Requirements.
All composting operations that sell or give away greater than 1,000 cubic yards of compost annually, and all composting facilities shall meet the following requirements:
(a) Operators shall verify that compost meet the maximum acceptable metal concentration limits specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3. Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced. This verification shall be performed by taking and analyzing at least one composite sample of compost, following the requirements of this section as follows:
(1) An operator who comports agricultural material, green material, food material, vegetative food material, or mixed solid waste material shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced.
(2) An operator who comports biosolids shall meet the sampling schedule described in Table 12 below.
Table 12: Frequencies of Compost Sampling for Biosolids Composting Facilities

<table>
<thead>
<tr>
<th>Amount of Biosolids Compost Feedstock (metric tons per 365 day period)</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than zero but fewer than 290 annually</td>
<td></td>
</tr>
<tr>
<td>Equal to or greater than 290 but fewer than 1,500 quarterly</td>
<td></td>
</tr>
<tr>
<td>Equal to or greater than 1,500 but fewer than 15,000 bimonthly</td>
<td></td>
</tr>
<tr>
<td>Equal to or greater than 15,000 monthly</td>
<td></td>
</tr>
</tbody>
</table>

(A) The amount of biosolids compost feedstock shall be calculated in dry weight metric tons.

(3) Composite sample analysis for maximum acceptable metal concentrations, specified in section 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health Services, pursuant to the Health and Safety Code.

(b) A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below.

(1) The twelve samples shall be of equal volume.

(2) The twelve samples shall be extracted from within the compost pile as follows:

(A) Four samples from one-half the width of the pile, each at a different cross-section;

(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

(C) Four samples from one-eighth the width of the pile, each at a different cross-section.

(c) The EA may approve alternative methods of sampling for a green material composting operation or facility that ensures the maximum metal concentration requirements of section 17868.2 and the pathogen reduction requirements of section 17868.3 are met.


§ 17868.2. Maximum Metal Concentrations.

(a) Compost products derived from compostable materials that contain any metal in amounts that shall not contain metals in excess of the maximum acceptable metal concentrations shown in Table 23. Compost that contains any metal in excess of any maximum metal concentrations shall be designated for disposal, additional processing, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

Table 23 - Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>1200 (see subdivision (a)(1) below)</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>1500</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>36-100</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>
Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

Alternative methods of compliance to meet the requirements of Subdivision (a) of this section, including but not limited to sampling frequencies, may be approved by the EA for green and food materials composting operations and facilities if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 23 are not exceeded.


§ 17868.3. Pathogen Reduction.
(a) Compost products derived from compostable materials, that contains pathogens in amounts that shall not exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

(b) Operators that produce compost shall ensure that:
(1) The density of fecal coliform in compost, that is or has at one time been active compost, shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis).
(2) At enclosed or within-vessel composting process operations and facilities, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.
(A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of Subdivision (b)(2) of this section.
(3) If the operation or facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.
(4) If the operation or facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.
(c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.
(d) Compost operations and facilities that utilize a windrow composting process or an aerated static pile composting process shall be monitored as follows to ensure that the standards in Subdivision (b) of this section are met:
(1) Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.
(2) Temperature measurements for pathogen reduction shall be measured as follows:
(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;
(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.
(d) Alternative methods of compliance to meet the pathogen reduction requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

§ 17868.3.1. Physical Contamination Limits.
(a) Compost shall not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters shall be designated for disposal, additional processing, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced.
(b) Upon request of the EA, a compostable material handling operation shall take a representative sample of compost and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.
(c) All compostable material handling facilities shall take one representative sample for every 5,000 cubic-yards of compost and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.
(d) Any sampling conducted to comply with this section shall require a composite sample. A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below:

1. The twelve samples shall be of equal volume.
2. The twelve samples shall be extracted from within the compost pile as follows:
   A. Four samples from one-half the width of the pile, each at a different cross-section;
   B. Four samples from one-fourth the width of the pile, each at a different cross-section; and,
   C. Four samples from one-eighth the width of the pile, each at a different cross-section.
(e) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure the physical contamination limits requirements of this section are met.


§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.
In order for a feedstock to be considered green material, as defined in section 17852(a)(21), and vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following requirements shall be met:
(a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste loads and load sorting to quantify the percentage of contaminating materials physical contaminants and detect receipt of unacceptable feedstock (e.g. feedstock that does not meet the definition of green material or vegetative food material).

1. A minimum of one ten percent of daily incoming feedstock volume or at least one truck per day, whichever is greater, shall be inspected visually. If a visual load check indicates a physical contamination level greater than 1.0 percent, a representative sample shall be taken, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total weight or if the load contains materials that do not meet the definitions of green material in section 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).
(b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined.
(c) Any agricultural material handling operation using this material shall ensure the feedstock meets the metal concentration limits specified in Table 2 of section 17868.2.
(d) Facility personnel shall be adequately trained to perform the activities specified in this section.
(e)(d) Any operation or facility using this feedstock shall maintain records demonstrating compliance with this section.

Article 8. Composting Operation and Facility Records

§ 17869. General Record Keeping Requirements.
Except as provided in subsection (d), all compostable materials handling operations and facilities shall meet the following requirements:
(a) All records required by this Chapter shall be kept in one location and accessible for five (5) years and shall be available for inspection by authorized representatives of the board Department, EA local health entity, and other duly authorized regulatory and EAs during normal working hours.
(b) The operator shall record any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.
(c) The operator shall record any public complaints received by the operator, including:
(1) the nature of the complaint,
(2) the date the complaint was received,
(3) if available, the name, address, and telephone number of the person or persons making the complaint, and
(4) any actions taken to respond to the complaint.
(d) The operator shall record the quantity and type of feedstock received and quantity of compost and chipped and ground material produced. Agricultural compostable materials handling operations shall maintain records only for compostable material accepted from off-site.
(e) The operator shall record the number of load checks performed and loads rejected.
(f) The operator shall record all test results generated by compliance with Article 7 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings.
(1) The operator shall retain records detailing pathogen reduction methods.
(g) The operator shall record and retain records of any serious injury to the public occurring on-site and any complaint of adverse health effects to the public attributed to operations. Serious injury means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which a member of the public suffers a loss of any member of the body or suffers any degree of permanent disfigurement.
(h) The operator shall retain a record of training and instruction completed in accordance with section 17867.5.


Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements

§ 17896.1. Authority and Scope.
(a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel digestion operations and facilities that receive and process by means of in-vessel digestion solid wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of this Division, may still be subject to the regulatory requirements specified in this Chapter.
(b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code, as amended. These regulations should be read together with the Act.
(c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This Chapter establishes standards and regulatory requirements for the intentional processing of organic material by means of in-vessel digestion.
(d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage, handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to
enforce any provision of law that it is authorized or required to enforce or administer, nor limits or restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter.

(e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, or reports, or other requirements of other regulatory or enforcement agencies, including but not limited to, local health agencies, regional water quality control boards, Department of Toxic Substances Control, California Department of Industrial Relations, Division of Occupational Safety and Health, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.


§ 17896.2. Definitions.

(a) For the purposes of this Chapter:

1. "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as "food material" or "vegetable food material" is not agricultural material. Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

2. "Agricultural Site" means activities located on land that is zoned for agricultural uses.

3. "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.

4. "Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.

5. "Contact Water" means water that has come in contact with waste and may include leachate.

6. "Digestate" means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester.

7. "Digester" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic solid wastes. Digestion includes:

(A) Anaerobic digestion - the controlled biological decomposition of organic material in the presence of oxygen.

(B) Anaerobic digestion - the controlled biological decomposition of organic material in the absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a residual digestate.

(C) Other controlled biological decomposition processes.

8. "Dairy In-vessel Digestion Operation" means a dairy that receives, for purposes of co-digestion in an in-vessel digester, imported solid waste feedstock with manure and other agricultural materials in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board.

9. "Distribution Center In-vessel Digestion Operation" means a site that receives, for the purpose of digestion in an in-vessel digester, unsold products from retail stores to which the products were originally sent. All unsold products shall be collected and processed in covered, leak-proof containers, and remain in the custody of the owner at all times. All putrescible material shall be refrigerated at the retail store and during transport to the operation.

10. "EA" means enforcement agency as defined in PRC section 40130.

11. "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22, section 66261.3, et seq.

12. "In-vessel Digester" means the sealed container(s) or sealed structure in which the entire digestion process occurs.

13. "Large Volume In-vessel Digestion Facility" means a facility that receives 100 tons or more of solid waste per operating day for digestion in an in-vessel digester.
(14) "Limited Volume In-vessel Digestion Operation" means an operation that receives less than an average of 15 tons (or 60 cubic yards) of solid waste per operating day for digestion in an in-vessel digester. The amount of solid waste the operation receives shall not exceed 105 tons (or 420 cubic yards) per week or the solid waste quantity limitations of the general design of the operation (whichever is less).

(15) "Litter" means all solid waste which has been improperly discarded or which has migrated by wind or equipment away from the operations area. Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state.

(16) "Manure" is an agricultural material and means accumulated herbivore or avian excrement. This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is mixed with feces or urine.

(17) "Medium Volume In-vessel Digestion Facility" means a facility that receives an average of 15 tons (or 60 cubic yards) or more but less than 100 tons of solid waste per operating day for digestion in an in-vessel digester. The amount of solid waste the operation receives shall be less than 700 tons (or 2,800 cubic yards) per week or the solid waste quantity limitations of the general design of the operation (whichever is less).

(18) "Nuisance" includes anything which:

(A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and

(B) affects at the same time an entire community, neighborhood or any considerable number of persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

(19) "On-site" means located within the boundary of the operation or facility.

(20) "Operating Day" means the daily hours of operation for a facility or operation as set forth in the application, Enforcement Agency Notification or solid waste facilities permit.

(21) "Operating Record" means an easily accessible collection of records of an operation’s or facility’s activities and compliance with required state minimum standards under Title 14. The Record may include the In-vessel Digestion Facility Plan or In-vessel Digestion Report for facilities, and shall contain but is not limited to: agency approvals, tonnage and load checking records, facility contacts and training history. The record may be reviewed by state and local authorities and shall be available during normal business hours. If records are too voluminous to place in the main operating record or if the integrity of the records could be compromised by on-site storage, such as exposure to weather, they may be maintained at an alternative site, as long as that site is easily accessible to the EA.

(22) "Operations Area" means:

(A) the following areas within the boundary of an operation or facility as described in the permit application or Enforcement Agency Notification:

1. equipment management area, including cleaning, maintenance, and storage areas; and

2. material and/or solid waste management area, including unloading, handling, transfer, processing, and storage areas.

(B) the boundary of the operations area is the same as the permitted boundary of the operation or facility but may or may not be the same as the property boundary on which the operation or facility is located.

(23) "Operator" means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, that is listed in the permit application or Enforcement Agency Notification and is legally responsible for all of the following:

(A) complying with regulatory requirements set forth in these Articles;

(B) complying with all applicable federal, state and local requirements;

(C) the design, construction, and physical operation of the operations area;

(D) controlling the activities at an operation or facility as listed on the permit application or Enforcement Agency Notification.

(24) "Owner" means the person or persons who own, in whole or in part, an operation or facility and the land on which it is located. If the ownership of the operation or facility is not the same as the ownership of the land on which it is located, the owner of the land shall be identified as the "Land Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

(25) "Putrescible Wastes" include wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive
conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

(26) "Salvaging" means the controlled separation of solid waste material which do not require further processing, for reuse or recycling prior to in-vessel digestion activities.

(27) "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.

(28) "Sealed Container" means a tank, vessel, or similar apparatus capable of containing liquids and air-borne emissions during the entire digestion process to control odors or other nuisance conditions.

(29) "Sealed Structure" means a fully enclosed building capable of containing liquids and controlling air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance conditions.

(30) "Special Waste" includes but is not limited to:

(A) waste requiring special collection, treatment, handling, storage, or transfer techniques as defined in Title 22, section 66260.10.

(B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

(31) “Spotters” means an employee who conducts activities that include, but are not limited to, traffic control, hazardous waste recognition and removal for proper handling, storage and transport or disposal, and protection of the public from health and/or safety hazards.

(32) “Store” means to stockpile or accumulate for later use.


§ 17896.3. Pre-Existing Permits and Notifications.

(a) If a facility had previously obtained a permit in accordance with regulations in effect prior to [operative date of these regulations], that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations, sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA makes such a determination, the operator shall comply with this Chapter within two years of that determination.

(b) If an operation had previously been operating pursuant to an EA Notification in accordance with regulations in effect prior to [operative date of these regulations], that operation may continue to operate in accordance with its EA Notification or regulatory authorization until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from [operative date of these regulations]. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.

(c) If an activity had previously been excluded from regulations in effect prior to [operative date of these regulations], that activity may continue to operate in accordance with its regulatory exclusion until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from [operative date of these regulations]. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.


§ 17896.4. Permit Name.

Any permit issued pursuant to this Article, except for one issued pursuant to section 17896.12, shall be entitled: “In-vessel Digestion Facility Permit.”


§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities.

Sections 17896.6 through 17896.13 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5. Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of
Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These requirements are summarized in Table 1.

### Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency Notification Tier</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anaerobically digestible materials at POTWs Section 17896.6(a)(1)</td>
<td>Research In-Vessel Digestion Operations</td>
<td>Medium Volume In-Vessel Digestion Facilities (≥ 60 yd³ or 15 tpd and &lt; 100 tpd) Section 17896.12</td>
<td>Large Volume In-Vessel Digestion Facilities (≥ 100 tpd) Section 17896.13</td>
</tr>
<tr>
<td>Ag material derived from ag site &amp; returned to same site Section 17896.6(a)(2)</td>
<td>Dairy In-Vessel Digestion Operations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-vessel digestion activities with less than 100 cubic yard on-site capacity Section 17896.6(a)(3)</td>
<td>Limited Volume In-Vessel Digestion Operations (&lt; 60 yd³ or 15 tpd) Section 17896.11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Handling activities that are already subject to more stringent handling requirements under Federal or State law Section 17896.6(a)(4)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]


### § 17896.6. Excluded Activities.

(a) The activities listed in this section are not subject to the in-vessel digestion requirements set forth in this Chapter. Nothing in this section precludes the EA or the Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

1. A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, is excluded under the following conditions:

   A. Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant. Once on site, the anaerobically digestible material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and...
conveyed in a contained system. Any separated material at the POTW that is not suitable for anaerobic digestion and has no beneficial use shall be further managed as a solid waste.

(B) The POTW Treatment Plant has developed Standard Operating Procedures for the acceptance of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality Control Board that those Standard Operating Procedures are being implemented, and a Standard Provision (permit condition) that reflects the acceptance of anaerobically digestible material:

1. has been incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit; or
2. will be incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit no later than the next permit renewal.

(C) For the purpose of this exclusion, “anaerobically digestible material” means: inedible kitchen grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title 14, CCR, Section 17582(a)(20) and vegetative food material as defined in Title 14, CCR, Section 17582(20)(A).

(D) For the purpose of this exclusion, the Department, in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, will on a case-by-case basis, review and consider approval of additional types of organic materials as potential “anaerobically digestible material” beyond those specified in section 17896.6(a)(1)(C) in accordance with the following:

1. Receipt of a written request to the Department from the General Manager or designee of a POTW Treatment Plant.
   a. The written request must contain the following information:
      i. The purpose of the request.
      ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the organic waste material with the POTW wastewater.
      iii. Types of organic material requested for classification as an anaerobically digestible material.
      iv. The source(s) of the waste material.
      v. A description of how the waste material will be handled, processed, stored and transported (before and after receipt at the POTW Treatment Plant).
      vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant to accommodate the new waste materials.
      vii. Available laboratory test results, engineering reports, research or study to support the request.
      viii. Data and/or reports if this waste material has been used without incident at a different POTW Treatment Plant.
   b. Upon receipt of the written request, the Department will communicate and coordinate the request with and between the State Water Resources Control Board and the California Department of Food and Agriculture and will complete the following actions:
      i. Within 10 days of receipt, send written confirmation to the General Manager and designee of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate Department staff, as well as to the State Water Resources Control Board and California Department of Food and Agriculture staff contacts for review;
      ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board and California Department of Food and Agriculture staff contacts;
      iii. Prior to the meeting, Department staff will review the letter and identify questions and/or issues with the request and make a list of recommendations;
      iv. Within 40 days of receipt, conduct a meeting on the request. If an agency representative does not attend the meeting, comments will be accepted by the Department up to close of business on the 45th day after receipt;
      v. Within 60 days of receipt, the Department will provide a written decision to the General Manager and designee of the POTW Treatment Plant stating one of the following:
         I. The waste type has or has not been determined to be an anaerobically digestible material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory Requirements (pursuant to Section 17896.6(a)(1)(C) and the Transfer/Processing Operations and Facility Regulatory Requirements (pursuant to Section 17403.1(a)(8));
II. The agencies, based on the information provided, were unable to reach a
determination and additional information is required before a determination can be made; or

III. The agencies have determined that additional research or study will need to be
conducted and the results analyzed prior to a determination made by the agencies.

IV. If additional information, research or study is necessary, the Department will consult
with the General Manager or designee of the POTW, the State Water Resources Control Board and
California Department of Food and Agriculture contacts, for the purpose of developing a timeline for
either reviewing the additional information or for reviewing a proposed scope of work and timeline for
additional research or study.

2. For the purpose of this exclusion, if an organic waste material is determined by the
Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW
wastewater, the POTW Treatment Plant must comply with §17896.6(a)(1)(A) prior to receipt of the
material at the POTW Treatment Plant.

(2) In-vessel digestion of agricultural material is an excluded activity if the agricultural material is
derived from an agricultural site and the digestate or compost produced from digestate is returned to
that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary
of the agricultural site on which the in-vessel digester is located. No more than an incidental amount
of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually.
Digestate that is not composted may not be given away or sold.

(3) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste, feedstock,
and digestate on site are excluded.

[Note: Persons handling solid waste under the above exclusion are obligated to obtain all permits,
licenses, or other clearances that may be required by other regulatory agencies including, but not
limited to local health entities and local land use authorities.]

(4) Other discrete handling activities that are already subject to more stringent handling
requirements under Federal or State law, as determined by the EA in consultation with the
Department, are excluded.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.7. Prohibitions.
The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites
where in-vessel digestion activities that are excluded from regulation under this Chapter occur:
(a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh,
organs, hide, blood, bone and marrow, except when received:

(1) from a food facility as defined in Health and Safety Code section 113789, grocery store; or
residential food scrap collection; or

(2) as part of a research activity for the purpose of obtaining data on pathogen reduction or other
public health, animal health, safety, or environmental concerns in accordance with section 17896.8; or

(3) from a source approved by the Department in consultation with the State Water Resources
Control Board and the California Department of Food and Agriculture.
(b) The in-vessel digestion of medical waste.
(c) The in-vessel digestion of hazardous waste.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.8. Research In-Vessel Digestion Operations.
(a) An operator conducting research in-vessel digestion operations 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) 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.
(c) After no more than a two year period of operation, the operator of a research in-vessel digestion
operation shall submit to the EA a report that includes the results and conclusions drawn from the
research. If the EA determines, based on the report, that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17896.41.

(d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, 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 in-vessel digestion operation site security plan. The research in-vessel digestion 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.

3. After no more than a six-month period of operation, the operator of a research in-vessel digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report that includes the results and conclusions drawn from the research and documentation of additional requirements of this section. If the EA determines based on the report that there are further research objectives to be met or data to be gathered, the EA may extend the research for a specified time period not to exceed two years. If the EA determines based on the report that there are no further research objectives to be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17896.41.

(e) The operator shall submit all additional documentation required by subdivisions (b) and (d)(2) to the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that the EA Notification for research in-vessel digestion operations is complete and correct only if the additional documentation requirements of this section have been met.

(f) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.9. Dairy In-Vessel Digestion Operations.

(a) All dairy in-vessel digestion operations 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).

1. These operations shall be inspected by the EA at least once a month for the first 12 months of operation. After the first 12 months of operation the EA may approve, with Department concurrence, a reduced inspection frequency of once every three months. After the first 24 months of operation the EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.10. Distribution Center In-Vessel Digestion Operations.

(a) All distribution center in-vessel digestion operations 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). These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency of once every three months.
frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.11. Limited Volume In-Vessel Digestion Operations.

All limited volume in-vessel digestion operations shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.12. Medium Volume In-Vessel Digestion Facilities.

All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18104). These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.


§ 17896.13. Large Volume In-Vessel Digestion Facilities.

All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The In-vessel Digestion Report required by section 17896.15 shall constitute the Report of Facility Information required by section 21570(f)(2) of Title 27. These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.


Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(17) shall file with the EA an “In-vessel Digestion Facility Plan” (as specified in section 18221.5.1). The information contained in the Plan shall be reviewed by the EA to determine whether it is complete and correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.


§ 17896.15. In-Vessel Digestion Report.

(a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(13) shall file with the EA an “In-Vessel Digestion Report” (as specified in section 18221.6.1). An operator of an existing facility who submits an application package to the EA, pursuant to Title 27, section 21570, which proposes to change the facility’s operations, or to change the solid waste facility permit shall do one of the following:
submit the updated information as an amendment to the existing In-vessel Digestion Report; or
(2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.


§ 17896.16. Applicability of State Minimum Standards.
(a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-vessel digestion operations and facilities, except as noted in Section 17896.1.(a).
(b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel digestion facilities.
(c) Approvals, determinations and other requirements that the EA is authorized to make under Articles 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator shall place a copy of each approval, determination and other requirement in the operating record together with those records identified in sections 17896.45 and 17896.46.
(d) Some of the standards contained in this Chapter authorize the EA to approve an alternative method of compliance with the standard. These provisions are not intended to allow the EA to change the particular standard, but are intended to allow the EA flexibility to approve, in advance, an alternative method of meeting the existing standard which provides equivalent protection of the public health and safety and the environment as the existing standard. For facilities that require a full solid waste facility permit, the EA may choose to include the approved alternative method of compliance as a term and condition of the solid waste facility permit, rather than in the manner authorized by subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to the method may require a revision to the solid waste facility permit in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 (commencing with section 21570).


§ 17896.17. Siting On Landfills.
(a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27, California Code of Regulations, section 21190.
(b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or failure of pads or structural foundations.
(c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or with the closure or postclosure maintenance of the landfill.


§ 17896.18. General Design Requirements.
(a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as appropriate, from persons competent in engineering, architecture, landscape design, traffic engineering, air quality control, water quality protection and design of structures.
(b) The design shall be based on appropriate data regarding the expected service area, anticipated nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land use (existing and planned), types and number of vehicles anticipated to enter the operation or facility, adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and other pertinent information. If the operation or facility is to be used by the general public, the design shall take account of safety features that may be needed to accommodate such public use.
(c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the unloading area to as small an area as practicable, provide adequate control of windblown material, minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances by reason of solid wastes being handled at the operation. Other factors which shall be taken into consideration are: dust control, noise control, public safety, and other pertinent matters related to the protection of public health at the operation or facility.

(d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA may require the applicant to describe how he or she has complied with applicable local and state requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

(e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and constructed to prevent loss of wastes from the container during storage. If such a container is used to store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily cleanable, designed for safe handling and constructed to prevent loss of wastes.


Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities

The operator of an in-vessel digestion operation or facility must take precautions to minimize the uncontrolled release of biogas that may have harmful effects on site users and the general public.


§ 17896.20. Cleaning.
(a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA, in order to prevent the propagation or attraction of flies, rodents, or other vectors:

(1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;
(2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at least once every 24 hours.

(b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials.


§ 17896.21. Drainage and Spill Control.
(a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:

(1) minimize the creation of contact water outside of in-vessel digesters and sealed containers;
(2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-site migration of contact water;

(3) protect the integrity of roads and structures;

(4) protect the public health; and

(5) prevent safety hazards and interference with operations.

(b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills that occur.


§ 17896.22. Dust Control.
(a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates, and prevent other safety hazards to the public caused by obscured visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent
the creation of excessive dust. Measures to control dust include, but are not limited to: reduced
processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the
following may be an indication that dust is excessive:

1. safety hazards due to obscured visibility; or
2. irritation of the eyes; or
3. hampered breathing;
4. migration of dust off-site.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

(a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes,
including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular
waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.
(b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are
discovered, control measures as are necessary to protect public health, safety and the environment,
such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation
or removal from the operation or facility.
(c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and
sludge wastes in a manner to protect public health, safety, and the environment.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.24. Litter Control.
Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to
prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent
possible given existing weather conditions.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.25. Load Checking.
(a) The operator of an attended in-vessel digestion operation or facility shall implement a load
checking program to prevent the acceptance of waste which is prohibited by this Chapter. This
program must include at a minimum:
(1) the number of random load checks to be performed;
(2) a location for the storage of prohibited wastes removed during the load checking process that is
separately secured or isolated;
(3) records of load checks and the training of personnel in the recognition, proper handling, and
disposition of prohibited waste. A copy of the load checking program and copies of the load checking
records for the last year shall be maintained in the operating record and be available for review by the
appropriate regulatory agencies.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair.
The operator shall implement a preventative maintenance program to monitor and promptly repair or
correct deteriorated or defective conditions.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.27. Medical Wastes.
Medical waste, unless treated and deemed to be solid waste, which is regulated pursuant to the
Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code).
shall not be accepted at an in-vessel digestion operation or facility, unless approved by the
appropriate regulatory agencies.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.28. Noise Control.
Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise
include but are not limited to: posting of warning signs that recommend or require hearing protection;
separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise
transmission. Compliance with specific provisions regarding noise control in a local land use approval,
such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with
this standard.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.29. Non-Salvageable Items.
Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles,
pesticides and other materials capable of causing public health or safety problems shall not be
salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and
the EA.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report
(Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor
violations as determined pursuant to section 17863.4(f).
(b) The Report shall:
(1) Present representative and correlating odor data for each potential onsite odor source including
but not limited to: odor severity, odor characteristics, time and weather conditions when data was
collected, description of operations associated with the source, and any odor impacts or complaints
received;
(2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not
contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in
order of impact;
(3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):
   (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor
   Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator
   has used to minimize odor and analyze each BMP for the following:
      1. The effectiveness of the BMP in reducing odor impacts;
      2. The potential for more extensive use of the BMP to minimize odor impacts described by
         complainants;
      3. If the BMP has been operationally practical and if more extensive use of the BMP would be
         operationally practical;
      4. The approximate cost to implement a more extensive use of the BMP;
      5. Any permits or permit changes necessary to use the BMP more extensively;
      6. Overall recommendation if existing BMPs should be continued and if more extensive use of
         the BMP is recommended; and
      7. If the BMP has been found to be ineffective (include supporting data).
   (B) List of all potential best management practices (BMPs), using the Comprehensive Compost
   Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the
   operator has not used and analyze each potential BMP to determine:
      1. The potential for the BMP to reduce odor impacts described by complainants;
      2. If the BMP is operationally practical;
      3. The approximate cost to implement the BMP;
      4. Any permits or permit changes necessary to use the BMP; and
5. Overall recommendation and ranking of implementing the BMP.
   (C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
   the analysis conducted pursuant to subdivision (b)(3)(A) and (B).
   (c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and
   the Department for review. If the EA has required the operator to prepare a Report pursuant to
   subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe
   approved by the EA.
   (d) The EA, in consultation with the Department, shall within 30 days:
      (1) approve the Report and associated plan and direct the operator in writing to implement the plan
          in whole or in part; and/or
      (2) direct the operator in writing to submit specific changes or additional information within a
          timeframe specified by the EA.
   (e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
       (d)(1) or (d)(2).

   Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
   (a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-
       specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA
       Notification or permit application.
   (b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
       describing, at a minimum, the following items. If the operator will not be implementing any of these
       procedures, the plan shall explain why it is not necessary.
       (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
           proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
           possible odor receptors; and,
       (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
           causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
           described; and,
       (3) a complaint response and recordkeeping protocol; and,
       (4) a description of design considerations and/or projected ranges of optimal operation to be
           employed in minimizing odor, including method and degree of aeration, moisture content of materials,
           feedstock characteristics, airborne emission production, process water distribution, pad and site
           drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
           service interruptions, and site specific concerns as applicable; and,
       (5) a description of operating procedures for minimizing odor, including aeration, moisture
           management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
           storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
           power, and personnel), bio filtration, and tarping as applicable.
   (c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
       provided to the EA, within 30 days of those changes.
   (d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
       revisions are necessary.
   (e) The odor impact minimization plan shall be used by the EA to determine whether or not the
       operation or facility is following the procedures established by the operator. If the EA determines that
       the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
       (pursuant to section 18304) to require the operator to either comply with the odor impact
       minimization plan or to revise it.
   (f) If the odor impact minimization plan is being followed and the EA determines, in a manner
       consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator
       to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified
       in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order
       (pursuant to section 18304) requiring the operator to take additional reasonable and feasible
       measures to minimize odors unless:
          (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
          (2) there is an imminent threat to public health and safety and the environment; or
          (3) a public nuisance has occurred.

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§ 17896.32. Odor and Nuisance Control.
Each in-vessel digestion operation and facility shall be conducted and maintained:
(a) in a manner that minimizes odor impacts so as to not cause a nuisance, and
(b) to otherwise prevent the creation of a nuisance.


§ 17896.33. Parking.
Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.


§ 17896.34. Personnel Health and Safety.
The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations, section 3203, shall be available for review by local and state inspectors during normal business hours. Nothing in this section is intended to make the EA responsible for enforcing the IIPP.


§ 17896.35. Pre-Digestion Solid Waste Handling.
(a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or sealed structure or removed from the site within 48 hours from the time of receipt. This requirement does not apply to putrescible waste stored in a sealed bag, bottle, or can.
(b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date of receipt or at an alternate frequency approved by the EA.


§ 17896.36. Protection of Users.
An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so that contact between the public and solid wastes is minimized. This may be accomplished through the use of railings, curbs, grates, fences, and/or spotters.


§ 17896.37. Roads.
All on-site roads and driveways shall be designed and maintained to minimize the generation of dust and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable all-weather access to the site.


§ 17896.38. Sanitary Facilities.
The operator shall maintain all sanitary and hand-washing facilities which may be required, by applicable state or local requirements, in a reasonably clean and adequately supplied condition.
§ 17896.39. Scavenging and Salvaging.
Each in-vessel digestion operation or facility shall meet the following requirements:
(a) scavenging shall be prohibited;
(b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part of the operation, subject to conditions established by the EA, the local land use authority, or other approving agencies.
(c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious entry and exit of vehicles delivering waste to the in-vessel digestion operation or facility. Salvaging activities conducted at an in-vessel digestion operation or facility shall be confined to specified, clearly identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety or nuisance problems;
(d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel Digestion Facility Plan, or In-vessel Digestion Facility Report.

§ 17896.40. Signs.
(a) For in-vessel digestion operations or facilities not open to the public, each point of access from a public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or facility name and location of nearest public operation or facility.
(b) If the operation or facility is open to the public, there shall be an easily visible sign at all public entrances indicating the name of the operator, the operator's telephone number, schedule of charges, hours of operation, and a listing of the general types of materials which either (1) WILL be accepted, or (2) WILL NOT be accepted.

§ 17896.41. Site Restoration.
All in-vessel digestion operations and facilities shall meet the following requirements:
(a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30 days prior to beginning site restoration.
(b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health, safety, and the environment.
(c) The operator shall ensure that the following site restoration procedures are performed upon completion of operations and termination of service:
   (1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues including, but not limited to, digestate, compost materials, construction scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed.
   (2) All machinery shall be cleaned and removed or stored securely.
   (3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or other residues related to the site restoration operations.
§ 17896.42. Supervision and Personnel.
The operator shall provide adequate supervision and a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the EA in writing of the name, address and telephone number of the operator or other person responsible for the operation. A copy of the written notification shall be placed in the operating record.


§ 17896.43. Training.
Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site solid waste operations and maintenance, hazardous materials recognition and screening, use of mechanized equipment, environmental controls, emergency procedures and the requirements of this Article. A record of such training history shall be maintained and made available for inspection.


§ 17896.44. Vector, Bird and Animal Control.
The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.


Article 4. Record Keeping Requirements

§ 17896.45. Record Keeping Requirements.
Each operator shall meet the following requirements:
(a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or residual weights or volumes in a form and manner approved by the EA. Such records shall be:
1. submitted to the EA or the Department upon request;
2. be adequate for overall planning and control purposes; and,
3. be as current and accurate as practicable;
(b) All records required by this Chapter shall be kept by the operator in one location and accessible for five (5) years and shall be available for inspection by the EA and other duly authorized regulatory agencies during normal working hours.
(c) The operator shall submit copies of specified records to the EA upon request or at a frequency approved by the EA.
(d) The operator shall maintain a daily log book or file of special occurrences encountered during operations and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. Special occurrences shall include but are not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding, earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by telephone within 24 hours of all incidents requiring the implementation of emergency procedures, unless the EA determines that a less immediate form of notification will be sufficient to protect public health and safety and the environment.
(e) The operator shall record any written public complaints received by the operator, including:
1. the nature of the complaint;
2. the date the complaint was received;
3. if available, the name, address, and telephone number of the person or persons making the complaint, and
4. any actions taken to respond to the complaint;
(f) The operator shall maintain a copy of the written notification to the EA and local health agency of the name, address and telephone number of the operator or other person(s) responsible for the operations as required by section 17896.42;
(g) The operator shall maintain records of employee training as required by section 17896.43.
(h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809 et seq.
(i) The operator shall record all test results generated by compliance with Article 6 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

   (1) The operator shall retain records detailing pathogen reduction methods.


§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and Requirements.
Approvals, determinations, and other requirements the EA is authorized to make under this Chapter shall be provided in writing to the operator and placed in the operating record by the operator.


Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only

§ 17896.47. Communications Equipment.
Each in-vessel digestion facility shall have adequate communication equipment available to site personnel to allow quick response to emergencies.


§ 17896.48. Equipment.
Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-vessel digestion facility to meet all requirements of this Chapter.


§ 17896.49. Fire Fighting Equipment.
Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly maintained and located as required by the local fire authority.


§ 17896.50. Housekeeping.
The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap, and similar items.


§ 17896.51. Lighting.
The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of operations, and public health, safety and the environment.

§ 17896.52. Site Attendant.  
An in-vessel digestion facility open to the public shall have an attendant present during public operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as approved by the EA to ensure that it meets all of the requirements of this Chapter.


§ 17896.53. Site Security.  
The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and vehicles through the use of either a perimeter barrier or topographic constraints.


§ 17896.54. Traffic Control.  
(a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:
   (1) interference with or creation of a safety hazard on adjacent public streets or roads,
   (2) on-site safety hazards, and
   (3) interference with operations.


§ 17896.55. Visual Screening.  
The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be considered compliance with this standard.


§ 17896.56. Water Supply.  
A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use (e.g., fire protection, first aid) shall be available.


Article 6. Digestate Handling Standards

§ 17896.57. Digestate Handling.  
(a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:
   (1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an alternative handling method after determining the alternative method will not pose an additional risk to public health and safety or the environment; or
   (2) incorporated in an on-site aerobic compost process.
(A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section 17896.4.
   (B) All in-vessel digestion facilities that compost on-site shall comply with the sampling requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59, the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and physical contamination limits of section 17896.61; or
   (3) removed from the site and either:
      (A) transported as solid waste to another solid waste facility or operation for disposal, composting, or additional processing; or

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(B) used or disposed in a manner approved by local, state, and federal agencies having appropriate jurisdiction.

(b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.59, pathogen concentration pursuant to section 17896.60(b)(1), and physical contaminants pursuant to section 17896.61 or are known to contain any metal in amounts that exceed the maximum metal concentrations described in section 17896.59, pathogens that exceed the maximum acceptable pathogen concentrations described in section 17896.60(b)(1), or physical contaminants that exceed the maximum physical contamination limits described in section 17896.61 shall be designated for disposal, additional processing, or other use as approved by local, state agencies having appropriate jurisdiction.


§ 17896.58. Sampling Requirements.

(a) The sampling of compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall occur at the point where the compost is removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Analytical results indicating compliance with sections 17896.59, 17896.60, and 17896.61 shall be received by the operator prior to the sampled compost leaving the site. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) This sampling shall be performed by taking and analyzing at least one composite sample, following the requirements of this section as follows:

(1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced.

(2) Composite sample analysis for maximum acceptable metal concentrations, specified in section 17896.59, shall be conducted at a laboratory certified by the California Department of Public Health, pursuant to the Health and Safety Code.

(c) A composite sample shall be representative and random, and may be obtained by taking twelve mixed samples as described below.

(1) The twelve samples shall be of equal volume.

(2) The twelve samples shall be extracted from within the post-digested solids or compost pile as follows:

(A) Four samples from one-half the width of the pile, each at a different cross-section;

(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

(C) Four samples from one-eighth the width of the pile, each at a different cross-section.

(d) The EA may approve alternative methods of sampling that ensures the maximum metal concentration requirements of section 17896.59, the pathogen reduction requirements of section 17896.60, and the physical contamination limits requirements of section 17896.61, as applicable, are met.


§ 17896.59. Maximum Metal Concentrations.

(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not exceed the maximum acceptable metal concentrations shown in Table 2. Compost that contains any metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.
Table 2 - Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>(see subdivision (a)(1) below)</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>1500</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>100</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>

(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

(b) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2 are not exceeded.


§ 17896.60. Pathogen Reduction.

(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not exceed the maximum acceptable pathogen concentrations described in subdivision (b)(1) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) Operators of in-vessel digestion facilities that produce compost shall ensure that:

(1) The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis). Sample results must be received by the operator prior to removing product from the site.

(2) At in-vessel digestion facilities using an enclosed or within-vessel composting process, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of subdivision (b)(2) of this section.

(3) If the facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

(4) If the facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(c) In-vessel digestion facilities that produce compost utilizing a windrow composting process or an aerated static pile composting process shall be monitored as follows to ensure that the standards in subdivision (b) of this section are met:

(1) Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.
Temperature measurements for pathogen reduction shall be measured as follows:

(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;

(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.

(d) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.


§ 17896.61. Physical Contamination Limits.
(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one representative sample for every 5,000 cubic-yards of compost produced and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

(c) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure the physical contaminant requirements of this section are met.


Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.

Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities

§ 18083. LEA Duties and Responsibilities for Inspections.
(a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal sites and equipment to verify compliance with the state minimum standards, solid waste facilities permits, and related state solid waste laws and regulations within their purview for the protection of the environment and the public health and safety. The LEA/EA shall perform these inspections and related duties as required below, and forward inspection reports to the operator and/or owner, and the board/Department within 30 days of the inspection:

(1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;

(2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending abatement by enforcement action(s);

(3) at the frequency required by the state minimum standards for each type of operation specified in 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA Notification tier shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, and in no case shall the inspection frequency be less than once per calendar year.

The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose an additional risk to public health and safety or the environment in light of the specific circumstances.
at the operation in question. The Department shall concur or deny the \texttt{EA-proposed approval} within thirty (30) days from receipt.

(4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section 21565. For closed sites, inspections shall be made until no potential threat exists to public health and safety or the environment. This determination shall be subject to board-Department approval. For the purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable closure requirements;

(A) the board-Department may approve an alternate inspection frequency for these sites where such an action will not result in adverse impact on public health and safety and the environment.

(5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement with the board-Department through a grant program to inspect waste tire facilities, major waste tire facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once every two and a half years pursuant to 14 CCR Section 18443;

(6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

(7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application, revision, review, RFI amendment, or closure/postclosure plan; and

(8) pursuant to the EPP, for solid waste handling and collection equipment.

(b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above inspections, whenever possible, without prior notice to the owner or operator, on randomly selected days, during normal business hours or the site’s operating hours.


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**Article 3.0. Regulatory Tier Requirements**

§ 18100. Scope.

(a) This Article sets forth the method of application for a tiered solid waste facilities permit, procedures for review and action on an application package, and other requirements associated with regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance and other requirements associated with solid waste handling operations. Similar provisions regarding a full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).

(b) The provisions of this Article shall apply only to those operations and facilities as specified in the minimum standards set forth in Chapters 3.0, 3.1, or 3.2 of Division 7 of this Title.

(c) The submittal of an enforcement agency notification (in accordance with section 18103) or issuance of a tiered permit supersedes any previously submitted enforcement agency notification or issued tiered permit.

(d) Specific provisions relating to the different types of regulatory tiers may be found below as follows:

(1) Excluded section 18102

(2) Notification of Enforcement Agency sections 18103 – 18103.3

(3) Registration Permit sections 18104 – 18104.9; and

(4) Standardized Permit sections 18105 – 18105.11.


§ 18102. Excluded Solid Waste Handling.

Operators of excluded operations designated by the minimum standards set forth in Division 7 of this Title are not required to notify the enforcement agency or submit an application for a solid waste facilities permit. Nothing in this section precludes the enforcement agency or the board-Department from inspecting an excluded operation to verify that the operation is being conducted in a manner that qualifies as an excluded operation or taking any appropriate enforcement action.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 44100(a), 44101(a) and 45200, Public Resources Code.
§ 18103. Enforcement Agency Notification.
(a) The enforcement agency notification provisions of this Article shall apply only to operations as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title.
(b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement agency notification as follows:
(1) Filing Requirements section 18103.1;
(2) Record Keeping Requirements section 18103.2; and
(3) Termination of Operation section 18103.3.
(c) Operations authorized to use the enforcement agency notification tier are required to operate in accordance with the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 applicable to that operation.
(d) Nothing in this section precludes the enforcement agency or the board Department from the following: inspecting an operation to verify that the operation is being conducted in a manner that qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in compliance with the minimum standards; or, taking any appropriate enforcement action, including the use of a ‘notice and order.’

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 44100(a), 44101(a) and 45200, Public Resources Code

§ 18103.1. Filing Requirements.
(a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency notification shall notify the enforcement agency of its intent to operate in writing prior to commencing operations. This written notification shall be legible and include the following information:
(1) The name, address, and phone number of the proposed operation; the name, address, and phone number where the operator can be contacted if these differ from the operation site; and, the name, address, and phone number of the owner if these differ from the operator.
(2) The section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier and a description of the facility's operations, including but not limited to, volume and hours of wastes/material handled, peak and annual loading, and hours of operation.
(3) Documentation that the operator has notified the local planning department with jurisdiction over the site of its intent to commence operations. Documentation may include proof of compliance with CEQA, correspondence from the local planning department that compliance with the California Environmental Quality Act is not required for the operation to obtain local land use approval or written notice to the local planning department of the operator’s intent to commence operations.
(4) A statement by the owner and operator certifying under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.
(b) The notification shall be mailed to the enforcement agency "return receipt requested.”


§ 18103.2. Record Keeping Requirements.
The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall be publicly available during normal business hours. The enforcement agency shall forward a copy of the notification to the board Department within five days of receipt. The enforcement agency shall retain a copy of the notification for a minimum of one year after the facility is known to have ceased operations.


§ 18104. Registration Permit.
(a) The registration permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title.
(b) A registration permit shall be deemed to incorporated by reference, as terms and conditions of the permit, all minimum standards applicable to it, as set forth in Chapters 3, or 3.1, or 3.2, of Division 7.
(c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:
§ 18104.1. Filing Requirements.
Any operator proposing to operate a solid waste facility pursuant to a registration permit shall file an application using form CIWMB 83 “Registration Permit Application” (rev. 12/96), which is incorporated herein by reference, with the enforcement agency. The application shall be accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). (See Appendix A.) This application shall contain the following information:
(a) The name and address of the enforcement agency, and the section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.
(b) General description of the facility including, but not limited to, name, location, site map, and location map.
(c) Facility information, including, but not limited to, volume and type of waste/material; handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.
(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.
(e) Conformance finding information as follows:
(1) Until a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.
(2) After a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public Resources Code Section 50001.
(f) The owner and operator shall each certify under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.
(g) Evidence that the application form was provided to the director of the local agency that oversees local use planning for the jurisdiction in which the site is located.
(h) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.


§ 18104.2. Enforcement Agency Processing Requirements.
...
§ 18104.3. Record Keeping Requirements.

(c) The enforcement agency shall forward copies of any written public comments received on an application to the board Department with the registration permit submitted pursuant to section 18104.2(f).

(d) Subsequent to the transmittal of the registration permit to the board Department, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board Department unless the comment clearly states that a copy has already been provided to the board Department.

(e) If an application is denied, the enforcement agency shall retain public comments received on that application for a period of 2 years. If a previously denied permit is approved, all comments received shall be forwarded to the board Department with the copy of the registration permit submitted under subsection (c) above.

§ 18104.6. Change in Owner.

(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever comes first. The enforcement agency shall transmit a copy of the notification to the board Department within five days of receipt.

§ 18104.9. Voiding of a Registration Permit.

Every registration permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification to the board Department within 7 days. “Cessation of operations” does not include temporary operational shutdowns which are seasonal or intermittent in nature.


§ 18105. Standardized Permit.

(a) The standardized permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, or 3.1, or 3.2 of Division 7 of the Title.

(b) A standardized permit obtained pursuant to this Article shall contain only those terms and conditions applicable to the type of facility receiving it as set out in the minimum standards for that type of facility.

(c) Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as follows:

(1) Filing Requirements section 18105.1;
(2) Enforcement Agency Processing Requirements section 18105.2;
(3) Record keeping Requirements section 18105.3;
(4) Completeness Appeal section 18105.4;
(5) Board Department Processing Requirements section 18105.5;
(6) Appeal of Decision section 18105.6;
(7) Change in Operation section 18105.7;
(8) Change in Owner section 18105.8;
(9) Permit Review section 18105.9;
(10) Suspend/Revoke section 18105.10; and
(11) Voiding of a Standardized Permit section 18105.11.

§ 18105.1. Filing Requirements.
Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an application in duplicate with the enforcement agency accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall contain the following information:
(a) The name and address of the enforcement agency, and the section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.
(b) General description of the facility including, but not limited to name, location, site map, and location map.
(c) Facility information, including, but not limited to volume and types of waste/material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.
(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.
(e) A Report of Facility Information that contains all of the information required by the applicable section(s) of Article 3.2, Chapter 5, of this Division.
(f) One of the following:
(1) Evidence that there has been compliance with the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,
(2) Information on the status of the application’s compliance with the California Environmental Quality Act regarding the facility. Once there has been compliance with the California Environmental Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement agency.
(g) Conformance finding information as follows:
(1) Until a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.
(2) After a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be identified in any of these elements pursuant Public Resources Code Section 50001.
(h) The owner and operator shall each certify under penalty of perjury that the information provided is true and accurate to the best of their knowledge and belief.
(i) Evidence that the application form was provided to the director of the local agency that oversees local use planning for jurisdiction in which the site is located.
(j) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.


§ 18105.2. Enforcement Agency Processing Requirements.
...
(g) Within fifteen days of acceptance of an application for filing:
(1) The enforcement agency shall evaluate the information provided in the application and the proposed facility to determine whether or not the facility will be able to operate in compliance with the applicable minimum standards and standardized solid waste facilities permit terms and conditions.
(2) The enforcement agency shall provide notice pursuant to Title 27 Section 21660.3.
(3) If the enforcement agency finds that the application and facility meet the requirements set forth in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed standardized permit, application package, and the results of any analysis to the board Department. The enforcement agency shall further provide the applicant with a copy of the proposed standardized permit submitted to the board Department. In addition, the enforcement agency shall provide a copy of the proposed standardized permit to any person who has so requested in writing.
(4) If the enforcement agency finds that the application or facility do not meet the requirements set forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy of the rejected application accompanied by an explanation shall be mailed to the applicant.

(h) If evidence of compliance with the California Environmental Quality Act, as required by Section 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this requirement has been demonstrated. Unless waived by the applicant pursuant to Public Resources Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not been submitted within 120 days of the application's acceptance for filing, the enforcement agency shall reject the application and not issue the standardized permit.

(i) Once the board Department has concurred in the issuance of the proposed standardized permit, pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

(j) If the board Department objects to the proposed standardized permit, the enforcement agency shall notify the applicant in writing of the board Department's decision, and the reasons for that decision, within five days of receipt of that decision.

§ 18105.3. Record Keeping Requirements.

(c) The enforcement agency shall forward copies of any written public comments received on a pending application to the board Department with the proposed standardized permit submitted pursuant to section 18105.2(g).

(d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board Department, unless the comment clearly states that a copy has already been provided to the board Department.

§ 18105.5. Board Department Processing Requirements.

(a) The board Department shall mark the proposed standardized permit with the date of receipt.

(b) The board Department shall evaluate the application package and the proposed standardized permit for compliance with the requirements set forth by section 18105.1 and 18105.2(g).

(c) Within 30 days of receipt of a proposed standardized permit, the board Department shall either concur in or object to the issuance of the proposed standardized permit.

(d) If the proposed standardized permit contains terms and conditions not authorized by the minimum standards and the permit is otherwise in conformance with these regulations, any additional unauthorized terms and conditions shall be stricken. The board Department shall concur in the edited standardized permit.

(e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the board Department shall notify the enforcement agency of its determination in writing. If the board Department objects, the reasons for the objection shall be provided to the enforcement agency.


§ 18105.6. Appeal of Decision.

(a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section 18105.2(g)(3) or of the board Department taken pursuant to section 18105.5 to the enforcement agency within 15 days of the date that the decision was received. Such an appeal must be in writing and specify the grounds for the appeal. A final written determination on the appeal shall be made by the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources Code, no later than 60 days after receipt of the applicant's appeal.


§ 18105.8. Change in Owner.

(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever comes first. The enforcement agency shall transmit a copy of the notification to the board Department within five days of receipt.

§ 18105.9. Permit Review and Reissuance.

(d) If an operator files a certification as specified in subsection (c) above or a new application pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections 18105.2 and 18105.3 and the board Department shall follow the procedures set forth in Section 18105.5.

§ 18105.11. Voiding of a Standardized Permit.

Every standardized permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification to the board Department within 7 days. "Cessation of operations" does not include temporary operational shutdowns which are seasonal or intermittent in nature.


Article 3.2. Reports of Facility Information

§ 18221.5.1. In-Vessel Digestion Facility Plan.

Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0, (commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility Plan ("Plan") with the EA as required in section 17896.14 of this Title. In order to maintain the permit, the operator must file amendments as necessary to maintain the accuracy of the Plan. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. The Plan shall contain the following:

(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(c) descriptive statement of the manner in which activities are to be conducted at the facility;
(d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of material processing, each set of hours may be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;
(e) total acreage contained within the operating area;
(f) facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity;
(g) information showing the types and the daily quantities of solid waste to be received. If tonnage was figured from records of cubic yards, include the conversion factor used;
(h) description of the methods used by the facility to comply with each state minimum standard contained in sections 17896.17 through 17896.61;
(i) anticipated volume of quench or process water and the planned method of treatment, and disposal of any wastewater;
(j) description of provisions to handle unusual peak loading;
(k) description of transfer, recovery and processing equipment, including classification, capacity and the number of units;
(l) planned method for final disposal of the solid waste;
§ 18221.6.1. In-Vessel Digestion Report.
Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel Digestion Report ("Report") with the EA as required in section 17896.15 of this Title. In order to maintain an existing permit, the operator must file amendments as required in section 17896.15 of this Title and re-title the document as an In-vessel Digestion Report. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. A Report shall contain the following:
(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) facility specifications or plans, to include: a site location map, a site map, and identification of adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet of the facility property line;
(c) schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(d) descriptive statement of the manner in which activities are to be conducted at the facility;
(e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of material processing, each set of hours may be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;
(f) total acreage contained within the operating area;
(g) facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity;
(h) information showing the types and the daily quantities of solid waste to be received. If tonnage was figured from records of cubic yards, include the conversion factor used;
(i) description of the methods used by the facility to comply with each state minimum standard contained in sections 17896.17 through 17896.61;
(j) anticipated volume of quench or process water, and the planned method of treatment, and disposal of any wastewater;
(k) description of provisions to handle unusual peak loading;
(l) description of transfer, recovery and processing equipment, including classification, capacity and the number of units;
(m) planned method for final disposal of the solid waste;
(n) planned method for the storage and removal of salvaged material;
(o) resume of management organization which will operate the facility;
(p) list of permits already obtained, and the date obtained or last revised;
(q) An Odor Impact Minimization Plan pursuant to section 17896.31.


§ 18227. Report of Composting Site Information.
Each operator of a compostable material handling facility that is required to obtain a Compostable Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18104) shall, at the time of application, file a Report of Composting Site Information with the EA as required by section 17863 of this Title. A Report of Composting Site Information shall contain the following:
(a) A description of the processes to be used, including estimated quantities of feedstocks, additives, and amendments.
(b) A descriptive statement of the operations conducted at the facility.
(c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized in the production of compost including, but not limited to, unloading, storage, processing, parking, and loading areas.
(d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and insects, for example, how the operator will store, process and incorporate food material and vegetative food material into windrows or static piles, timeframes for inclusion of material, collection and containment of leachate, passive and active vector controls, methods to monitor effectiveness of control measures.
(e) A description of the proposed emergency provisions for equipment breakdown or power failure.
(f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average length of time compostable materials will be stored at the facility.
(g) A description of compostable materials handling equipment used at the facility including type, capacity, and number of units.
(h) Anticipated annual operation capacity for the facility in cubic-yards.
(i) A description of provisions to handle unusual peak loadings.
(j) A description of the proposed method for storage and final disposal of nonrecoverable or nonmarketable residues.
(k) A description of the water supplies for process water required.
(l) Identification of person(s) responsible for oversight of facility operations.
(m) A description of the proposed site restoration activities, in accordance with section 17870.
(n) An Odor Impact Minimization Plan pursuant to section 17863.4. The EA may require the operator to revise the Odor Impact Minimization Plan if the operator proposes to accept new feedstock, such as food material or vegetative food material.

Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

Article 4. Enforcement by EA and Review by Board

§ 18302. Written Complaints of Alleged Violations.
(a) Any person having information alleging a facility or operation is being operated without a required permit or notification, in violation of one or more terms or conditions of a permit, in violation of the state minimum standards, or in violation of any related state solid waste laws or regulations, or that a permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may file a complaint regarding such allegation in writing to the EA. The complaint shall include the following:
(1) The name, address and telephone number of the person making the complaint, however nothing in this chapter shall be construed to prevent the making of anonymous complaints by omitting the identity of the reporting party from the complaint;
(2) The identity and location, if known, of the facility or operation and the names and addresses, if known, of the persons responsible for the violation;
(3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and
(4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in investigating the complaint, including but not limited to information relating to witnesses and physical evidence.
(b) The person making the complaint may forward a copy to the board.
(c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine whether its allegations, if true, would constitute a violation of a state minimum standard, permit term or condition or any related state solid waste law or regulation. The EA shall make its determination on the basis of the substance of the allegations rather than on the basis of the complaint’s technical compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege facts constituting a violation of a state minimum standard, permit term or condition or related state solid waste law or regulation, it shall so advise the reporting party in writing at the address given in the complaint if an address is given and place a copy in its files.
(d) Upon receipt of an odor complaint, the EA shall investigate the complaint as soon as practical prior
to issuing a violation for failing to minimize odor. The odor complaint investigation shall include the
following:

1. The date and time the EA arrived and departed within the complaint area.
2. Observations of wind direction and speed, and general weather conditions such as clouds, fog,
   high wind speed, humidity, and temperature.
3. If odor is detected, the EA shall:
   A. Record the location where odor was observed, such as the street address, latitude/longitude,
      tax parcel number, etc.
   B. Verify the odor event at the complainant’s location and ascertain if the odor is interfering with
      the complainant’s use and enjoyment of the property.
   C. Document odor characteristics, intensity, and duration at the complainant’s location, the solid
      waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.
   D. Identify activities conducted at the solid waste facility/operation at the time of the odor event.

The EA should consult with the operator to determine if there were unusual operational changes or
atypical feedstocks accepted during the time of the complaint(s).

d(e) The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted
because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on
that ground, it shall so advise the complaining party in writing at the address given in the complaint if
an address is given and place a copy in its files.

e(f) Except as provided in subsection (c) or subsection (d(e)) of this section, the EA shall commence an
investigation of the facts alleged in the complaint.

(f) If an LEA has a complaint review and investigation initiation procedure that contains substantially
the same basic requirements as this section, and accomplishes the intended purposes of this section
within its board-Department-approved EPP, it may follow that equivalent process in lieu of subsections
(c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written
complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or
her complaint will receive appropriate attention.

g(h) If the board-Department receives a complaint in a jurisdiction where it is not the EA, the
complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has
already received a copy from the complaining party.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections
43209, 44012, 44015 and 45000-45024, Public Resources Code.
Appendix 1 Joint Permit Application Form

**NEW**

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR
SOLID WASTE FACILITY PERMIT/AND WASTE DISCHARGE REQUIREMENTS

This application form is for a Solid Waste Facility Permit (SWFP) and/or Waste Discharge Requirements (WDRs) to receive, store, process, transform, or dispose of solid waste regulated by the California Integrated Waste Management Board (CIWMB), Department of Resources Recycling and Recovery (CalRecycle), and Local Enforcement Agencies (LEAs) and other California Regional Water Quality Control Boards (RWQCBs), and for related purposes. The application is to be used for both new and revised permits changes to existing SWFPs, WDRs, and supporting documents (e.g., Reports of Facility Information, Reports of Waste Discharge), and expansions for SWFP Reviews. All [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] Applications must be filled out completely. [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis:] Check with local or county enforcement agency the applicable EA or RWQCB for specific permit requirements and/or exemptions or the use of the Application/General Information Form for WDRs and National Pollutant Discharge Elimination System permit (Form 200) by the RWQCB. This form—Submit the Application and filing fees should be sent to the appropriate agency(ies) indicated below:

<table>
<thead>
<tr>
<th>FORM TYPE / USE</th>
<th>APPROPRIATE AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for a Solid Waste Facility Permit</td>
<td>CIWMB/LEA</td>
</tr>
<tr>
<td>Report of Waste Discharge for WDRs</td>
<td>RWQCB</td>
</tr>
</tbody>
</table>

If you have any questions on the completion of how to complete this form, please contact the appropriate agency(ies) for assistance. You can download this form from the CIWMB CalRecycle website at [http://www.calrecycle.ca.gov](http://www.calrecycle.ca.gov).

**NOTE:** For direct discharge (point source discharge) to surface waters, a different application form and submittal package is required in place of this form. Please contact the appropriate Regional Water Quality Control Board RWQCB if seeking to discharge to surface water under the for a National Pollutant Discharge Elimination System (NPDES) permit application form to apply for a permit for this type of discharge.

The Application for Solid Waste Facility Permit/Waste Discharge Requirements provides initial notice of a waste discharge. In most instances, additional information will be required, and should be submitted on 8 1/2 “X 11” paper. Submit two copies of the completed form Application and of any required report(s), and filing fee to the Enforcement Agency (EA). Submit one copy of the form Application and any required report and filing fee to the RWQCB. The RWQCB will notify you of your annual fee based on an evaluation of your proposed discharge. Please do not submit a check to the RWQCB until requested to do so by a RWQCB representative. Applicants applying for an update of an existing WDR will be billed through the annual fee billing system and therefore are requested NOT to submit a check with their Application. The agency(ies) will advise you of any additional information that may be required to complete this Application and waste disposal report.

You will be notified of the effective date of the application by each agency.

The Applicant shall submit this Application in a form and format required by the EA. The EA will exercise its discretion in using the information provided by the Applicant to establish terms and conditions of a proposed SWFP the EA determines to be appropriate.

**AMOUNT OF FILING FEES**

- EA - The enforcement agencies shall determine the exact fee Contact the EA for fee information.

October 2013
• RWQCB – Use flow or units reported in Part 4 (application form) and the appropriate class schedule A, B, B1, B3, or C (attached filing fee schedule). Contact the RWQCB for fee information.

FOR OFFICIAL USE ONLY (CIWMB CalRecycle/LEA/RWQCB staff)

SWIS/WDID/Global ID Number: The Solid Waste Information System (SWIS) number assigned to the facility by CIWMB CalRecycle staff. The Waste Discharge Identification number (WDID) and global identification number (global ID) for use by RWQB staff.

Filing Fee: The amount of filing fee submitted by the applicant.

Receipt Number: The number assigned to the application by CIWMB CalRecycle/LEA/RWQCB staff.

Date Received: The date the EA or RWQCB receives the application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts the application package for filing (Title 27, section 21650(a)).

Date Rejected: The date the EA rejects determines that the application package is rejected (Title 27, section 21650(d)).

Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete application package as incomplete (Title 27, section 21580).

Due Date: 180 days from the date the application was accepted as incomplete (Title 27, section 21580).

Part 1. GENERAL INFORMATION

A. Enforcement Agency: Enter the name of the EA.

B. County: Enter the name of the county or counties in which the facility is located.

C. Type of Application: Check the box (one box only) that describes the reason the application is being submitted, as follows:

1. New SWFP and/or WDRs: A facility that does not have a current full SWFP or WDRs.

2. Revision of Change to SWFP and/or WDRs: Applicant is proposing to make a change to the design or operation of the facility. (Title 27, section 21620 and 21710)

3. Exemption and/or Waiver: The facility is exempted from a full SWFP pursuant to Title 27, section 21565 and/or WDRs have been waived.

4. Review: To comply with the five-year permit review requirement (Title 27, section 21640).

5. Amendment of Application: If the applicant changes any of the information required in the Application after the application package it has been submitted and before the EA has acted on the Application issuance or denial of the permit or alteration thereof, the applicant changes any of the information required in the application package. (Title 27, section 21610 and 21710)

6. RFI/ROWD/JTD Amendments: For existing permitted facilities, when an owner/operator proposes to make minor changes in design or operation supported by an existing or new CEQA documentation. The application package is submitted to the EA and/or RWQCB to determine if the proposed change(s) can be allowed without an application for a revision. A change to the Report of Facility Information, Report of Waste Discharge, or Joint Technical Document that does not require a change to the SWFP or WDRs.

Part 2. FACILITY DESCRIPTION

A. Name of Facility: The name as it is to be listed on the SWFP and/or the WDRs.

B. Location of Facility:

1. The physical address of the facility or, if no address, a description of the location. Include the Assessor’s Parcel Number, directions to the location of the facility and the name of the nearest city or named place, i.e. mountain, lake, cross roads, etc. Provide the zip code for the actual facility location, not the mailing address.

2. Latitude and longitude is to be submitted in Degrees, Minutes, and Seconds, or Decimal Degrees identifying the center of the waste footprint for existing or proposed disposal sites and identifying the office or main gate for all other facilities (e.g., transfer station, composting facility, etc.). Use of a GPS
instrument is recommended. It indicates the center of the waste footprint, existing or proposed, for
disposal sites, and the location or gate for all other facilities (i.e., transfer, composting, etc.)

3. Map or sketch should be to a scale adequate to show the precise location of the permitted
boundary. Use of a portion of a U.S.G.S. Quadrangle map is recommended. Map must show proximity
disposal location to populated areas and must indicate all wells and drainage courses within 1,000
feet of any disposal point. The map must include approaches and/or access roads, streets, and/or
highways. The legal description shall include the applicable portions of the section(s) of the township,
range, base, and meridian. The facility shall have permanent monuments or other physical features
that adequately delineate the permitted boundary in the field.

C. Type Of Activity: Check all that apply or will apply for the type of facility covered under this
application package.

1. Disposal: A facility that includes a place, location, tract of land, area, or premises in use,
tended to be used, or which has been used, for landfill disposal of solid waste; and,
   a. Type: The type of disposal facility, such as, mono-fill, monofill, C&D/inert, municipal solid
      waste.

2. Composting Compostable Material Handling: A facility that is operated for the purpose of
   producing compost handles compostable materials, and
   a. Type: The type of composting facility, e.g., green waste, food waste, biosolids, or MSW.

3. Transformation: A facility that at which solid waste is incinerates or subject to pyrolysis,
distillation, or biological conversion other than composting. Transformation does not include
   composting, gasification, or biomass conversion.

4. Transfer/Processing Facility: A facility that receives, handles, stores, separates, converts or
   otherwise processes materials in solid waste; and/or transfers solid waste directly from one container
   to another or from one vehicle to another for transport; and/or store solid waste. For Informational
   Purposes Only: Check the box if recyclable materials are recovered prior to transfer/processing.

5. Construction and Demolition/Inert Debris Processing: A facility that receives Construction
   and Demolition Debris and/or Inert Debris for the purpose of controlled separation, recovery, volume
   reduction, or recycling.

6. In-vessel Digestion: A facility that receives solid waste for digestion in an in-vessel digester.

5-7 Other: An activity authorized by law not listed above.

D. Identification of Facility in CIWMP [Conformance Finding Information] (CIWMP-Title 27,
section 21570(f)(5)):

1. If the location of the facility is identified in either a Countywide Siting Element or a Nondisposal
   Facility Element, check the appropriate box, and fill in the date of the document and the page on
   which the facility is identified. If you do not currently have this information, you may obtain it this
   information from the jurisdiction in which the facility is located.

2. If the facility is a Transfer Station that will divert less than 5% of the material that it receives, it
   is not required to be identified in either a Countywide Siting Element or a Nondisposal Facility Element
   and you should check the appropriate box.

E. Type Of Permitted Wastes To Be Received: Check all that apply for the type of material
covered under this application package:

1. Agricultural: Wastes resulting directly from the production and processing activities of farm or
   agricultural products, including, but not limited to, manures, prunings, and crop residues.

2. Asbestos: A naturally occurring family of carcinogenic fibrous mineral substance. The State
   Department of Health Services Toxic Substances Control has classified friable wastes which contain
   more than one percent of more asbestos by weight as hazardous wastes. Fiable means that the
   material can be crumbled with pressure and, therefore, is likely to emit fibers. Indicate whether the
   asbestos is friable or non-friable by checking the appropriate box.

3. Ash: The residue from the incineration of solid wastes, including, but not limited to, municipal
   waste, infectious medical waste, woodwaste, sluage, and agricultural waste.

4. Treated Auto Shredder Waste: The "fluff" consisting of upholstery, paint, plastics, and other
   non-metallic substances remaining after the shredding of automobiles, discarded household major
   appliances, and sheet metal similar items. The State Department of Health Services has classified
   untreated shredder wastes as hazardous.

5. Compostable Material: Any organic material that when accumulated will become active
   compost. Describe the types of compostable materials to be received.

6. Construction Demolition Waste: Waste that results from construction, remodeling, repair,
   demolition or deconstruction of buildings, and other structures.
7. **Contaminated Soil**: Waste which contains designated or nonhazardous concentrations and has been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency—Soil that the RWQCB or the Local Oversight Agency has classified as a designated waste.

8. **Dead Animals**: Animal carcasses requiring disposal that have **not** been previously used for medical purposes and are not known to have been infected or with known-infectious diseases.

9. **Industrial**: Solid or semi-solid wastes resulting from industrial processes and manufacturing operations, e.g. cement kiln dust, ore process residues, grit or screenings removed from a waste water treatment facility, etc.

10. **Inert**: Solid waste and recyclable materials that are source separated or separated for reuse, do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives and do not contain significant quantities of decomposable waste. Inert debris may not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the putrescible wastes do not constitute a nuisance, as determined by the EA.

11. **Liquids**: Wastes which are not spadeable/spadable, usually containing less than 50% solids. These wastes include canny and food processing wastes, landfill leachate and gas condensate, boiler blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings, rendering plant byproducts, some sewage sludge, etc.

12. **Mixed/ or Municipal Solid Waste (MSW)**: Solid waste generated primarily by Residential and commercial refuse sources, garbage and/or rubbish although it may contain insignificant amounts of other solid waste that, when mixed together, is all handled as MSW. Residential waste is commonly thought of as household garbage, commercial wastes contain less putrescible waste and more paper and cardboard.

13. **Sewage Sludge**: Human (not industrial) residue, excluding grit or screenings, removed from a wastewater treatment facility or septic tank, whether in a dry or wet form.

14. **Waste Tires**: Discarded tire casings. Tires that are no longer mounted on a vehicle and are no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer’s original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not organized for inspection in a rack or a stack.

15. **Other**: Any allowable wastes not included in the above.

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### Part 3. FACILITY INFORMATION

**A. Proposed Change**: Check the box that identifies the type of change proposed. Briefly describe the proposed change in the space provided.

1. **Design Change**: A design change would include but is not limited to: change in footprint, acreage, additional capacity, site improvements, etc.

2. **Operation**: A change in operation would include but is not limited to: change in hours or days of operation, the addition of an activity, tonnage changes, etc.

3. **Owner, Operator, Address, and/or Facility Name Change**: Complete if there is a change in the owner, operator, address, or facility name.

4. **Other**: This type of change includes, but is not limited to: change in emergency contact list, etc. For an application for permit review, if there are no changes, so indicate.

**AB. Facility Information**

1. **Information Applicable To All Existing Facilities**: This portion of Part 3—the Application must be filled out by every applicant regardless of the type of facility.

   a. **Peak-Maximum Daily Tonnage or Cubic Yards**: The peak (maximum) total amount of solid waste and other material the facility applicant is permitted—authorized by the EA to receive through the gate to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-to-day operations (include information on all other material authorized by the EA to receive in the Report of Facility Information (RFI)). This amount shall be expressed in tons; if tonnage is not available or not applicable provide this specify the amount in cubic yards with a conversion factor. This will be referred to as the “permitted maximum tonnage” and is considered the facility maximum tonnage limit. This amount must be consistent with the approved SWFP and the approved Report of Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Volume figures should be converted to tons and the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP
and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below must equal the maximum daily tonnage.

1. **Disposal/Transfer**: The amount of material—solid waste that comes through the gate and is disposed of on-site or transferred off-site as waste; and

2. **Other**: That amount of all other material received at the site, including, but not limited to, material that is recycled or used for beneficial use (beneficially reused (such as ADC, road building or other on-site projects), stored or processed. Note: 1 and 2 should equal the peak daily tonnage or cubic yards.

b. **As-Designed Daily Design-Tonnage (TPD) or Cubic Yards**: For landfills, the maximum daily tonnage—amount of solid waste and other material that the facility is designed to receive and process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited to, size of working face, the operating areas, vehicle traffic considerations, hours of operation, personnel, equipment operational limits, etc. For other facilities, it is the maximum amount of solid waste and other material the facility is designed to handle receive and process at any one time on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited to, vehicle traffic considerations, facility size, hours of operations, length of material storage, type of equipment and movement, personnel, equipment operational limits, etc. This amount shall be expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion factor. The as-designed tonnage value may be equal to or greater than the peak maximum daily tonnage value.

c. **Facility Size**: The area that encompasses the entire area on which solid waste facility activities are authorized by the EA to occur and are permitted. This includes the area of the facility in acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and managing equipment, management area, or any area that is required to maintain compliance with the design and operating parameters of the facility. The facility size is the same as “operating area” for composting facilities and facilities, “permitted acreage” or the area within the “permitted boundaries” for transfer/processing facilities and landfills.

d. **Peak-Maximum Traffic Volume Per Day (vpd)**: The estimated maximum number of vehicles that will be authorized by the EA to enter the facility on a daily basis. This number should include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or material intended for beneficial reuse. This number must be consistent with the approved RFI and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted.

e. **Days and Hours of Operation**: The days and hours that the facility is authorized by the EA to operate and the hours of waste receipt authorized by the EA if different from the hours of operation. This information must be consistent with the approved RFI and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Any activities that are limited to prescribed days and/or hours should be fully described in the RFI.

2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs**: This portion of the Application must be filled out by every applicant requesting a change to any item(s) listed under Part 3, section B1 and every applicant submitting an application for a new SWFP and/or WDRs (see Part 3.A.1 for a description of the terms used). The requests must be consistent with an RFI submitted as part of the Application. The EA will review the requests and establish the terms and conditions of a proposed SWFP for those requests that are supported by documents submitted by the applicant. The RWQCB will review the requests and establish the terms and conditions of tentative WDRs for those requests that are supported by documents submitted by the applicant. Use the "OTHER" section to describe design or operational requests not already specified in this Part 3.A.2.

23. **Additional Information Required For Composting Materials Handling Facilities Only**: This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled out by the applicant if composting-handling compostable materials is part of this application.

a. **Total Site Storage-Capacity**: The total capacity in tons or cubic yards of all feedstock and compost (active, curing, and cured) material that is received, processed, and can be stored on-site at any one time.

24. **Additional Information Required For Landfills Only**: This portion of Part 3, section B3, in addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of this application. All [Note to OAL and publisher: No proposed change. Existing text underlined for October 2013]
Part 4. SOURCE OF WATER SUPPLY (This is water used for any purpose at the facility)

A. Municipal or Utility Service: Give name and address of the water purveyor.

B. Individual Wells: Identify those wells that are not part of a municipal or utility service.

C. Surface Supply:
1. Provide the name of any stream, lake, spring, etc, if identified.
2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
3. If a state permit or license has been granted, give identification number.

D. Other: Enter any water source(s) not identified above.

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Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A. Check the appropriate box(es) if an environmental document was, or is going to will be, prepared and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.

1. If an environmental document was prepared:
   - If an environmental document has already been prepared and circulated through the SCH and there is a SCH number, please write this number in the appropriate blank following the box that is checked.
   - If an environmental document has not yet been circulated through the SCH and no SCH number has been assigned to the environmental document yet, please check the box for the type of environmental document that is anticipated to be prepared and circulated through the SCH and write N/A in the appropriate blank for “SCH#.”
   - If the “ADDENDUM TO (Identify environmental document)” box is checked, please provide the type of environmental document that the addendum was prepared for along with the SCH number.

2. If an environmental document will be prepared, enter the name of the lead agency for preparing the document, if known.

EXAMPLE ONLY:
If the environmental document is an environmental impact report (EIR), write “EIR” and include the dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH number for the EIR.

B. If an environmental document was not, and is not planned to be, prepared because it is not required to comply with the requirements of CEQA, please provide the requested information by checking the appropriate box to indicate why an environmental document is not required for under CEQA.

   - If the “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” box is checked, please provide the CEQA Guidelines Section number and citation for the exemption.

EXAMPLE ONLY:
A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor repair to an existing facility. Therefore, check the box that says “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” and write the following in the blank after the box: “CEQA Guidelines, Section 15301, Class I Categorical Exemption.”

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Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

All attachments are necessary parts of the Application and are incorporated herein.

A. Section A of Part 6 must be completed by all applicants regardless of the type of facility.

B. Section B of Part 6 is additional documents required must be completed only by landfill applicants only for disposal facilities.
   - Operating Liability Financial Mechanism: The date the demonstration was last modified or renewed. That date must be within the preceding twelve-month (annual renewal) period. For example, a Certificate of Insurance (CalRecycle_CIWMB-107) has an “effective date” identified on the certificate. This date should and must be within the preceding twelve-month (annual renewal) period.
   - Financial Responsibility Documentation: The financial mechanism will be a document, (i.e., letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance) statement, etc.) identifying the current dollar value of the demonstration and the date of the stated value. The date of the stated value should must be within the preceding twelve-month (annual renewal) period.
Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those plans required by Title 27, sections 21780 and 21865 as appropriate.

Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release corrective action cost estimate and a copy of the non-water release corrective action cost estimate, as required by Title 27, sections 22100 through 22103.

Landfill Capacity Survey Results: For disposal sites facilities permitted for to receive more than 20 tons per day, a ground or aerial survey is to be prepared at least every five years or more frequently as determined by the enforcement agency EA. For disposal sites facilities permitted for to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every ten years. If not previously submitted, survey results must be included with this application. Survey results must be submitted as a CADD or vector graphics data file including at least two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum showing the existing and finished ground surfaces. For disposal sites where a change in permitted volume is proposed, a third stratum showing the base and proposed finished ground surfaces must be included. For each stratum the following information shall be included: site name, stratum name, surface1 name, surface2 name, volume calculation method (grid, composite, section), expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground surface is uncertain, the operator is allowed to provide the best available information as a substitute for the actual as-built contours. If selecting this substitute method, the operator must provide an explanation of the basis for using the substitute ground surface.

For the purposes of this section the following definitions apply:

A1. “base ground surface” - the best available excavation plan surface that existed prior to the placement of any waste;
B2. “CADD” -computer aided design and drafting;
C3. “compaction (fill) factor” - the factor used to correct for expected compaction of fill material; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;
D4. “cut volume” - for any stratum, the volume removed by a cut of a lower surface to achieve the upper surface;
E5. “existing ground surface” - the topography that exists at the time of the subject survey;
F6. “expansion (cut) factor” - the factor used to correct for expected expansion of a cut surface; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;
G7. “fill volume” - for any stratum, the volume bound between the upper and lower surfaces;
H8. “finished ground surface” - the final fill plan surface as shown in the approved closure plan for the disposal site;
I9. “net volume” - the fill volume less the cut volume;
J10. “site name” - the name of the disposal site for which the survey information is being submitted;
K11. “stratum (plural: strata)” - a particular volume of a solid waste landfill bound by specified upper and lower surfaces;
L12. “stratum name” - a descriptive name for the stratum for which volumetric information is being submitted, e.g., total volume including proposed expansion;
M13. “surface names” - names for the pair of surfaces that define a named stratum, e.g., base ground surface and proposed finished ground surface;
N14. “survey” -a comprehensive examination of the disposal site under the direction of a registered civil engineer or a licensed land surveyor for purposes of determining the topography of the base, existing and finished ground surfaces, and the volumes bound by those surfaces;
O15. “vector graphics” - computer generated images comprised of lines and shapes of given origin, direction, thickness, color and other attributes;
P16. “volume calculation method” - grid, composite, section or other method approved by the enforcement agency EA;

C. Section C of Part 6 specifies additional documents required only if applicable for the type of facility to be covered under this application as required by the EA or RWQCB. Under "Other," identify and list any other necessary documents not included specified above but that are required by the EA or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or franchise other agreement documenting the operator's interest in and right to use the site as a solid waste landfill.
Part 7. OWNER INFORMATION:

**Type of Business**: Specify if the business owner of the facility that is the subject of the Application is a sole proprietorship, partnership, corporation, or government/public agency.

**Owner of Land**: The person(s) that owns, in whole or in part, the land on which the facility is located.

**Address, City, State, Zip**: Provide the address, city, state, and zip code for the facility owner(s).

**SSN or Tax ID #**: Provide the SSN or tax identification number for the land owner(s).

**Telephone #, Contact Person, Fax #, and E-mail Address**: Provide the telephone number, fax number, and e-mail address, and print the contact name.

**Address Where Legal Notice May Be Served**: Provide the name and address of the person authorized to accept service for each owner of the facility where legal notice may be served.

Part 8. OPERATOR INFORMATION:

**Type of Business**: Specify if the business operator filing this Application is a sole proprietorship, partnership, corporation, or government/public agency.

**Facility Operator**: The person(s) (e.g., individual(s), partnership, corporation, or public agency) to whom the approval to operate the facility is granted, and who is responsible for the overall operation of the facility including but not limited to, complying with regulatory requirements, complying with all applicable federal, state, and local requirements, and the design, construction, and physical operation of the operating area, and control the activities at the facility.

**Address, City, State, Zip**: Provide the address, city, state, and zip code for the facility operator(s).

**SSN or Tax ID #**: Provide the SSN or tax identification number for the operator(s).

**Telephone #, Contact Person, Fax #, and E-mail Address**: Provide the telephone number, fax number, and e-mail address, and print the contact name.

**Address Where Legal Notice May Be Served**: Provide the name and address of the person authorized to accept service for the operator of the facility where legal notice may be served.

Part 9. SIGNATURE BLOCK:

**Signature (landowner or agent)**: The person(s) or their agent authorized to sign on behalf of the above owner.

**Signature (lessee)**: A person(s) authorized to sign on behalf of the person leasing the land, if applicable.

**Signature (facility operator or agent)**: The person(s) or their agent authorized to sign on behalf of the operator above.

Part 10. OTHER:

Attach additional sheets to explain any responses that need clarification.
APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS

PART 1. GENERAL INFORMATION

A. ENFORCEMENT AGENCY: ____________________________

B. COUNTY: ____________________________

C. TYPE OF APPLICATION (Check one box only):

☐ 1. NEW SWFP and/or WDRS
☐ 2. REVISION OF CHANGE TO SWFP and/or WDRS
☐ 3. EXEMPTION and/or WAIVER
☐ 4. PERMIT REVIEW
☐ 5. AMENDMENT OF APPLICATION
☐ 6. RFI/ROWD/JTD AMENDMENTS

PART 2. FACILITY DESCRIPTION

A. NAME OF FACILITY: ____________________________

B. LOCATION OF FACILITY:

1. PHYSICAL ADDRESS OR LOCATION AND ZIP CODE: ____________________________

2. LATITUDE AND LONGITUDE: ____________________________

3. LEGAL DESCRIPTION OF PERMITTED BOUNDARY BY SECTION, TOWNSHIP, RANGE, BASE, AND MERIDIAN, IF SURVEYED: ____________________________

C. TYPE OF ACTIVITY: (Check applicable boxes):

☐ 1. DISPOSAL
☐ 2. COMPOSTABLE MATERIALS HANDLING
☐ 3. TRANSFORMATION
☐ 4. TRANSFER/PROCESSING FACILITY
☐ 5. CAD/INERT DEBRIS PROCESSING
☐ 6. IN-VESSEL DIGESTION
☐ 7. OTHER (describe): ____________________________

D. IDENTIFICATION OF FACILITY IN CIWMP [CONFORMANCE FINDING INFORMATION (CIWMP)]

☐ 1. FACILITY IS IDENTIFIED IN (Check one):
☐ SITING ELEMENT DATE OF DOCUMENT ____________________________ PAGE # __________
☐ NONDISPOSAL FACILITY ELEMENT DATE OF DOCUMENT ____________________________ PAGE # __________

☐ 2. FACILITY IS NOT REQUIRED TO BE IDENTIFIED IN SITING ELEMENT OR NONDISPOSAL FACILITY ELEMENT

E. TYPE OF PERMITTED WASTES TO BE RECEIVED: (Check applicable boxes):

☐ 1. AGRICULTURAL
☐ 2. ASBESTOS o Friable o Non-friable
☐ 3. ASH
☐ 4. AUTO SHREDDER
☐ 5. COMPOSTABLE MATERIAL (describe): ____________________________
☐ 6. CONSTRUCTION/DEMOLITION
☐ 7. CONTAMINATED SOILS
☐ 8. DEAD ANIMALS
☐ 9. INDUSTRIAL
☐ 10. INERT
☐ 11. LIQUIDS
☐ 12. MIXED/MUNICIPAL SOLID WASTE (MSW)
☐ 13. SEWAGE SLUDGE
☐ 14. WASTE TIRES
☐ 15. OTHER (describe): ____________________________
### Part 3. FACILITY INFORMATION

#### A. PROPOSED CHANGE (Check applicable box(es)):

- 1. DESIGN (describe):

- 2. OPERATION (describe):

- 3. OWNER, OPERATOR, ADDRESS, AND/OR FACILITY NAME CHANGE (describe):

- 4. OTHER (describe):

#### B. FACILITY INFORMATION:

1. INFORMATION APPLICABLE TO ALL FACILITIES:

   - **a. PEAK DAILY TONNAGE OR CUBIC YARDS**
     - 1) DISPOSAL/TRANSFER (unit):
     - 2) OTHER (unit):
   
   - **b. DAILY DESIGN TONNAGE (TPD)**
   
   - **c. FACILITY SIZE (acres)**
   
   - **d. PEAK TRAFFIC VOLUME PER DAY (vpd)**
   
   - **e. DAYS AND HOURS OF OPERATION**

2. PROPOSED CHANGE(S) OR INFORMATION APPLICABLE TO NEW SWFP AND/OR WDRs

   - **a. MAXIMUM DAILY TONNAGE OR CUBIC YARDS**
   
   - **b. AS-DESIGNED DAILY TONNAGE or CUBIC YARDS**
   
   - **c. FACILITY SIZE (acres)**
   
   - **d. MAXIMUM TRAFFIC VOLUME PER DAY (vpd)**
   
   - **e. DAYS AND HOURS OF OPERATION**

### 23. ADDITIONAL INFO. REQUIRED FOR COMPOSTINGABLE MATERIALS HANDLING FACILITIES ONLY:

- **a. TOTAL SITE STORAGE CAPACITY (cu yds)**

### 34. ADDITIONAL INFORMATION REQUIRED FOR LANDFILLS ONLY

- **a. AVERAGE DAILY TONNAGE (TPD)**

- **b. SITE CAPACITY CURRENTLY PERMITTED (Airspace) (cu yds)**

- **c. SITE CAPACITY PROPOSED (Airspace) (cu yds)**

- **d. SITE CAPACITY USED TO DATE (Airspace) (cu yds)**

- **e. SITE CAPACITY REMAINING (Airspace) (cu yds)**

- **f. DATE OF CAPACITY INFORMATION (Date) (See instructions):**

- **g. LAST PHYSICAL SITE SURVEY (Date)**

- **h. ESTIMATED CLOSURE DATE (month and year)**

- **i. DISPOSAL FOOTPRINT (acres)**

- **j. SITE CAPACITY PLANNED (cu yds)**

- **k. 1. (i) IN-PLACE WASTE DENSITY (lbs of waste per cu yd of waste)**

   - **AND**

   - **(ii) WASTE-TO-COVER RATIO (Estimated) (v:v)**

   - **OR**

   - **2. AIRSPACE UTILIZATION FACTOR (tons of waste per cu yd of landfill airspace)**
Part 4. SOURCE OF WATER SUPPLY (Check applicable boxes)

- A. MUNICIPAL OR UTILITY SERVICE: 
- B. INDIVIDUAL (wells): 
- C. SURFACE SUPPLY:
  1. NAME OF STREAM, LAKE, ETC. :
  2. TYPE OF WATER RIGHTS: 
     - RIPARIAN
     - APPROPRIATION
  3. STATE PERMIT OR LICENSE NUMBER, IF APPLICABLE: 
- D. OTHER: 

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (Check applicable boxes)

- A. CHECK BOX(ES) IF ENVIRONMENTAL DOCUMENT WAS OR WILL BE PREPARED FOR THIS PROJECT AND PROVIDE THE STATE CLEARINGHOUSE NUMBER (SCH#):
  1. ENVIRONMENTAL DOCUMENT WAS PREPARED:
     - ENVIRONMENTAL IMPACT REPORT (EIR) SCH# 
     - NEGATIVE DECLARATION (ND)/MITIGATED NEGATIVE DECLARATION (MND) SCH# 
     - ADDENDUM TO (Identify environmental document) SCH# 
  2. ENVIRONMENTAL DOCUMENT WILL BE PREPARED (Enter lead agency if known): 
- B. IF ENVIRONMENTAL DOCUMENT(S) WAS NOT PREPARED, PLEASE PROVIDE THE FOLLOWING INFORMATION:
  - CATEGORICAL/STATUTORY EXEMPTION (CE/SE) 
  - EXEMPTION TYPE 
  - GUIDELINE # 

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

- A. REQUIRED WITH ALL APPLICATION SUBMITTALS:
  - RFI/JTD 
  - LOCAL USE/PLANNING PERMITS 
  - LOCATION MAP 
  - MITIGATION MONITORING IMPLEMENTATION SCHEDULE & REPORTING PROGRAM 
  - LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC
- B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS-DISPOSAL FACILITIES ONLY:
  - OPERATING LIABILITY FINANCIAL MECHANISM 
  - CLOSURE/POST CLOSURE MAINTENANCE PLAN 
  - KNOWLEDGE OF REASONABLY FORESEEABLE CORRECTIVE ACTION COST ESTIMATES 
  - PRELIMINARY 
  - FINAL 
  - LANDFILL CAPACITY SURVEY RESULTS (see instructions) 
- C. IF APPLICABLE:
  - REPORT OF WASTE DISCHARGE 
  - CONTRACT AGREEMENTS 
  - STORMWATER PERMIT APPLICATION 
  - NPDES PERMIT APPLICATION 
  - DEPT. OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT 
  - SWAT (Air and water) 
  - WETLANDS PERMITS 
  - VERIFICATION OF FIRE DISTRICT COMPLIANCE 
  - OTHER 
### Part 7. OWNER INFORMATION
(For disposal site, if operator is different from land owner, attach lease or other agreement)

<table>
<thead>
<tr>
<th>TYPE OF BUSINESS:</th>
<th>SOLE PROPRIETORSHIP</th>
<th>PARTNERSHIP</th>
<th>CORPORATION</th>
<th>GOVERNMENT AGENCY</th>
</tr>
</thead>
</table>

**OWNER(S) OF LAND**
(Name):

**ADDRESS, CITY, STATE, ZIP**

**TELEPHONE #:**

**FAX #:**

**E-MAIL ADDRESS:**

**CONTACT PERSON (Print Name):**

### Part 8. OPERATOR INFORMATION
(For disposal site, if operator is different from land owner, attach lease or other agreement)

<table>
<thead>
<tr>
<th>TYPE OF BUSINESS:</th>
<th>SOLE PROPRIETORSHIP</th>
<th>PARTNERSHIP</th>
<th>CORPORATION</th>
<th>GOVERNMENT AGENCY</th>
</tr>
</thead>
</table>

**FACILITY OPERATOR(S)**
(Name):

**ADDRESS, CITY, STATE, ZIP**

**TELEPHONE #:**

**FAX #:**

**E-MAIL ADDRESS:**

**CONTACT PERSON (Print Name):**

**ADDRESS WHERE LEGAL NOTICE MAY BE SERVED:**
Part 9. SIGNATURE BLOCK

Owner:
I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application and understand that I may be responsible for the site should the operator fail to meet applicable requirements.

SIGNATURE (LAND OWNER OR AGENT):

PRINTED NAME:

TITLE: 

DATE: 

Lessee:
I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application.

SIGNATURE (LESSEE):

PRINTED NAME:

TITLE: 

DATE: 

Operator:
I certify under penalty of perjury that the information contained in this application and all attachments are true and accurate to the best of my knowledge and belief.

SIGNATURE (FACILITY OPERATOR OR AGENT):

PRINTED NAME:

TITLE: 

DATE: 

Part 10. OTHER (Attach additional sheets to explain any responses that need clarification).
Draft Regulation Text

Strikethrough = deletion of existing text
Underline = addition to existing text
Red Font = revision to Consolidated Draft Regulation Text (February 28, 2013)
§ 17017. Definitions.
As used in this division:
(a) "Department" means the Department of Resources Recycling and Recovery, which is vested with
the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California
Integrated Waste Management Board (board).
(b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of
January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department
of Resources Recovery and Recycling (Department).

Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities
Regulatory Requirements

§ 17362.2. Contaminated Soil Transfer/Processing Operations.
All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall
comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7,
Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These
operations shall be inspected by the enforcement agency at least once quarterly every three (3)
months unless the enforcement agency approves, with Department concurrence, a reduced inspection
frequency. The enforcement agency may approve a reduced inspection frequency only if it will not
pose an additional risk to public health and safety or the environment but in no case shall the
frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional
enforcement agency and Department requirements regarding the approval or denial of requests for
reducing the frequency of inspections.]

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40110, 40400, 40401, 43020 and 43021, Public Resources Code.

Article 5.8. Nonhazardous Ash Regulatory Tier Requirements

§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.
(a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in
this Article, shall comply with the Enforcement Agency Notification requirements set forth in the
California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section
18103).
(b) In addition to the requirements of subdivision (a), the following statement shall be included in the
enforcement agency notification and signed by the operator: "The undersigned certify under penalty of
perjury that the information in this document and all attachments are true and correct to the best of
my knowledge, and is being executed in accordance with the requirements of the California Code of
Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify
that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as
defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that
there are significant penalties for submitting false or misleading information in this certification,
including the possibility of fine or imprisonment, or both.”
(c) A new Enforcement Agency Notification is required any time there are changes to information
required by this section.
(d) These operations may be inspected by the enforcement agency as necessary for the
protection of public health, safety and the environment every three (3) months unless the
enforcement agency approves, with Department concurrence, a reduced inspection frequency. The
enforcement agency may approve a reduced inspection frequency only if it will not pose an additional
risk to public health and safety or the environment but in no case shall the frequency be less than
once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and
Department requirements regarding the approval or denial of requests for reducing the frequency of
inspections.]

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

Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory
Requirements

§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris
Regulatory Requirements.
(a) A site that receives only construction and demolition debris and inert debris (CDI) and which
meets the requirements of this section shall be classified as a CDI recycling center. A site that receives
only inert debris and which meets the requirements of this section shall be classified as an inert debris
recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any
other requirements of this Article except as specified in this section.
(1) The CDI debris that a CDI recycling center receives shall have been separated at the point of
generation.
   (A) For the purposes of this section, “separated at the point of generation” means that the
   material has been separated from the solid waste stream by the generator of that material or by a
   processor prior to receipt at a CDI recycling center and has not been commingled with other solid
   waste or recyclable materials. For example, each material type must be transferred in separate
   containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled
   in a single container.
   (2) An inert debris recycling center shall receive only Type A inert debris that is source separated or
   separated for reuse. The inert debris may be commingled in a single container.
(b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:
   (1) The residual shall be less than 10% by weight of the amount of debris received at the site,
calculated on a monthly basis. Recycling center operators may report their residual percentage to the
   EA and the board Department on Form CIWMB 607 (see Appendix A).
   (2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by
   volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible
   wastes shall not constitute a nuisance, as determined by the EA.
   (c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited
   at CDI recycling centers.
   (d) The following storage time limits apply to CDI recycling centers:
       (1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or
       reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action,
       including the use of a Notice and Order as provided in section 18304.
       (2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on site for
       more than one year 90 days, shall be deemed to have been unlawfully disposed and therefore subject
       to enforcement action, including the use of a Notice and Order as provided in section 18304.
       (3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism
       pursuant to section 17384(c) has been approved by the board Department.
       (4) At the EA’s discretion, storage time limits for sorted and processed materials may be extended
       to the time specified in a land use entitlement for the site that has an express time limit for the
       storage of materials.

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(5) CDI recycling center storage time limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA’s findings shall be in writing.

(e) The following storage limits apply to inert debris recycling centers:

1. Inert debris stored for more than 6 months that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

2. Inert debris that has been processed and sorted for resale, or reuse, but remains stored on site for more than 18.12 months, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(3) Storage time limits do not apply to Type A inert debris recycling centers which are located at an inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material production facility.

(4) Storage time limits do not apply to Type A inert debris recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the board Department.

(5) At the EA’s discretion, storage limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.

(6) Inert debris recycling center storage limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA’s findings shall be in writing.

(f) Nothing in this section precludes the EA or the board Department from inspecting a site to verify that it is and has been operating in a manner that meets the requirements of this section, or from taking any appropriate enforcement action, including the use of a Notice and Order as provided in section 18304.

(g) In evaluating whether or not a particular site is in compliance with this section, the EA shall, among other things, do the following:

1. If the EA has reason to believe that each load of debris received at a recycling center is not separated at the point of generation, is not source separated or is not separated for reuse, as applicable, or that the residual exceeds 10% of the total debris received per month, or that the amount of putrescible wastes exceeds 1% by volume of the total debris received per month, or material is being stored in excess of the applicable storage limits, or that upon request no evidence is provided by the owner and operator that the stored debris is being accumulated for viable reuse, or that the site is not in compliance with any other requirement in this section, the EA may require the owner or operator to provide evidence that the recycling center is in compliance. The burden of proof shall be on the owner and operator of the recycling center to demonstrate it is in compliance.

2. At the time that the EA requires a recycling center to provide evidence that it is in compliance with this section, the EA shall provide the owner and operator of the recycling center a written description of the information that has caused the EA to believe that the recycling center is not in compliance. Notwithstanding, the EA shall not be required to identify the name or other identifying information regarding any person(s) who has complained about the recycling center.

(h) Sites which do not meet the applicable requirements of this section do not qualify as recycling centers and shall comply with this Article and all laws and regulations applicable to them. The burden of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are not subject to the requirements of this Article.


§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.
(a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.
The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier requirements.

(1) A small volume C&D wood debris chipping and grinding operation shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq. and shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(2) A medium volume C&D wood debris chipping and grinding operation shall comply with the Registration Permit tier requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq.

(3) A large volume C&D wood debris chipping and grinding facility shall comply with the Full Permit tier requirements set forth in CCR, Title 27, Division 2, Subdivision 1, Chapter 4, commencing with section 21563.

(4) To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

(5) Except as otherwise specified in this section, small volume C&D wood debris chipping and grinding activities shall comply with all requirements applicable to small volume CDI debris processing operations, medium volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to medium volume CDI processing facilities, and large volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to large volume CDI debris processing facilities.

§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.
All small volume CDI debris processing operations shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These operations shall be inspected quarterly by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]
To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals. The operator shall specify the operation’s boundary area in the operating record.

§ 17383.7. Inert Debris Type A Processing Operations.
(f) These operations shall be inspected by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]
Inspections shall be conducted quarterly. To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements

§ 17388.3. Inert Debris Engineered Fill Operations.
(b) Inert debris engineered fill operations shall be inspected as necessary by the EA at least once every three (3) months to verify compliance with State Minimum Standards unless the EA approves.
with Department concurrence, a reduced inspection frequency. The EA may approve a reduced
inspection frequency only if it will not pose an additional risk to public health and safety or the
environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless
the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less
than annual.

Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements

§ 17403.1. Excluded Operations.
(a) The following operations do not constitute transfer operations or facilities for the purposes of these
Articles and are not required to meet the requirements set forth herein:

(8) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in
section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid
waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW
Treatment Plant wastewater, in accordance with Section 17896.6(a)(1).

§ 17403.2. Sealed Containers Transfer Operations.
All sealed container transfer operations subject to this Article shall comply with the Enforcement
Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California
Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA,
as necessary at least once every three (3) months to verify compliance with minimum standards
unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may
approve a reduced inspection frequency only if it will not pose an additional risk to public health and
safety or the environment but in no case shall the frequency be less than once per calendar year.
[Note: See section 18083(a)(3) for additional EA and Department requirements regarding the
approval or denial of requests for reducing the frequency of inspections.] Inspections shall be
conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall
the frequency be less than annual. The operator shall specify the operation's boundary area in the
operating record.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17403.3. Limited Volume Transfer Operations.
All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency
Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California
Code of Regulations (commencing with section 18100). These operations shall be inspected by EA as
necessary at least once every three (3) months to verify compliance with minimum standards unless
the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve
a reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless
the EA determines a lesser frequency is necessary, but in no case shall the frequency be less
than annual. The operator shall specify the operation's boundary area in the operating record.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.
Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 1. General

§ 17852. Definitions.
(a) For the purposes of this Chapter:
(1) “Active Compost” means compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of compost per day, or the equivalent of oxygen uptake.
(2) “Additives” means material mixed with feedstock or active compost in order to adjust the moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include, but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost feedstock.
(3) “Aerated Static Pile” means a composting process that uses an air distribution system to either blow or draw air through the pile. Little or no pile agitation or turning is performed.
(4) “Aerobic Decomposition” means the biological decomposition of organic substances in the presence of oxygen.
(5) “Agricultural Material” means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as “food material” or “vegetative food material” is not agricultural material. Agricultural material includes, including but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.
(6) “Agricultural Material Composting Operation” means an operation that produces compost from green or agricultural material, additives, and/or amendments.
(7) “Amendments” means materials added to stabilized or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock.
(8) “Anaerobic Decomposition” means the biological decomposition of organic substances in the absence of oxygen.
(9) “Biosolids” means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and scum or solids removed in primary, secondary, or advanced wastewater treatment processes. Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works.
(10) “Chipping and Grinding Operations and Facilities” means an operation or facility, that does not produce compost; that mechanically reduces the size or otherwise engages in the handling, of compostable material and:
(A) The site does the following:
1. The site handles only material, excluding manure, allowed at a green material composting operation or facility as set forth in section 17852(a)(22); and,
2. Each load of green material is removed from the site within 48 hours of receipt. The EA may allow a site to keep green material on-site for up to 7 days if the EA determines that the additional time does not increase the potential for violations of this Chapter.
(B) If the site fails to meet the definition of green material because it exceeds the contamination limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing Regulatory requirements (commencing at section 17400).
(C) If the site fails to meet the definition of this section because the green material remains on-site for a longer period of time than is allowed, then the site shall be regulated as a compostable material handling operation or facility, as set forth in this Chapter.
(11) "Compostable Material" means any organic material that when accumulated will become active compost as defined in section 17852(a)(1).

(12) “Compostable Materials Handling Operation” or “Facility” means an operation or facility that processes, transfers, or stores compostable material. Handling of compostable materials results in controlled biological decomposition. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstocks, and chipped and ground materials. “Compostable Materials Handling Operation or Facility” does not include activities excluded from regulation in section 17855. “Compostable Materials Handling Operation or Facility” also includes:

(A) agricultural material composting operations;
(B) green material composting operations and facilities;
(C) vegetative food material composting facilities;
(D) research composting operations; and,
(E) chipping and grinding operations and facilities.

(13) “Curing” means the final stage of the composting process that occurs after compost has undergone pathogen reduction, as described in section 17868.3, and after most of the readily metabolized material has been decomposed and stabilized.

(13.5) "Digestate" means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester, as defined in section 17896.2(a)(12). Digestate intended to be composted pursuant to this Chapter may only be handled at a facility that has obtained a Compostable Materials Handling Facility Permit pursuant to section 17854.

(14) “Domestic Sewage” means waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

(15) “Disposal of compostable material” means:
(A) the final deposition of compostable material on land, unless excluded from this Chapter 3.1 pursuant to Section 17855;

(B) storing or stockpiling more than 200 cubic yards of compostable material, other than stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration requirements of section 17868.2, onto on land for a combined period of time greater than six months 30 days, except as provided in subdivision (A); or

(C) storing or stockpiling more than 200 cubic yards of agricultural material and green material, or compost for more than twelve months on prime land that is zoned for agricultural land uses as defined in Government Code section 51201, unless the EA, after RWQCB and Air Districts, makes a written finding that storing or stockpiling the material more than 12 months will not adversely affect the public health and safety or the environment may remain within the operations area for a period of time greater than specified.

(B) Disposal of compostable material does not include the use of compostable material for:

1. alternative daily cover material beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of Regulations, section 20686; or
2. mine reclamation in accordance with applicable law. Notwithstanding this section, use of compostable organic material as an alternative daily cover material shall still require approval for use pursuant to Title 27, California Code of Regulations, section 20680 and may require additional approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.

(C) Disposal does not include land application of compostable material as defined in section 17852(a)(24.5). “Land Application” means the application of compostable material, excluding food material or mixed solid waste for the following applications: to forest, agricultural, and range land at agronomic rates; in accordance with California Department of Food and Agriculture (CDFA) requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq. for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.

(D) Should the EA have information reason to believe that a person compostable material handler is engaging in other activities that meet the definition of disposal of compostable material or authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall be on each person engaging in or authorizing such activities the land owner or operator to demonstrate otherwise.

(E) If the activities at a site meet the definition of disposal of compostable material, the site shall be regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).
(16) “Dry Weight Basis” means weight calculated on the basis of having been dried until reaching a constant mass, that results in essentially 100 percent solids content.

(17) “Enclosed Composting Process” means a composting process where the area that is used for the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed sides and rests on a stable surface with environmental controls for moisture and air-borne emissions present.

(18) “EA” means enforcement agency.

(19) “Feedstock” means any compostable organic material used in the production of compost or chipped and ground material including, but not limited to, agricultural material, green material, \textit{vegetative food material, food material, biosolids, and mixed solid waste material}. Feedstocks shall not be considered as either additives or amendments.

(20) “Food Material” means any waste material of plant or animal origin that was acquired for results from the preparation or processing of food for animal or human consumption, and that is separated from the municipal solid waste stream, and that does not meet the definition of “agricultural material”. Food material may includes, but is not limited to, material food waste from food facilities as defined in Health and Safety Code section 113785-113789 (such as restaurants), food processing establishments as defined in Health and Safety Code section 111955, grocery stores, institutional cafeterias (such as prisons, schools and hospitals), or residential food scrap collection. Food material does not include any material that is to be handled only pursuant to the California Food and Agricultural Code and regulations adopted pursuant thereto.

(A) “Vegetative Food Material” means that fraction of food material, defined above, that is a plant material and is separated from other food material and the municipal solid waste stream. Vegetative food material may be processed or cooked but must otherwise retain its essential natural character and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and spoiled produce, and coffee grounds.

(21) “Green Material” means any plant material except food material and vegetative food material that is separated at the point of generation, contains no greater than 1.0 of percent physical contaminants by weight, and meets the requirements of section 17868.5. Green material includes, but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood waste from silviculture and manufacturing, and construction and demolition wood waste. Green material does not include food material, \textit{vegetative food material, biosolids, mixed solid waste material, material processed separated from commingled solid waste collection or processing, wood containing lead-based paint or wood preservative, or mixed construction or mixed and demolition debris}. Agricultural material, as defined in this section 17852(a)(5), that meets this definition of “green material” may be handled as either agricultural material or green material.

(22) “Green Material Composting Operation” or “Facility” is an operation or facility that composts green material, additives, and/or amendments. A green material composting operation or facility may also handle manure and paper products. An operation or facility that handles a feedstock that is not green material, manure, or paper products, shall not be considered a green material composting operation or facility. “Green Material Composting Operation” or “Facility” does not include activities excluded from regulation in section 17855.

(23) “Handling” means the processing, transfer, and storage of compostable materials. Handling of compostable materials results in controlled biological decomposition. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstocks, and chipped and ground materials.

(24) “Insulating Material” means material used for the purpose of minimizing the loss of heat from a compost pile undergoing the “Process to Further Reduce Pathogens” (PFRP), as described in section 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.

(24.5) “Land Application” means either subdivision (A) or (B):

(A) The final deposition of compostable material and/or digestate spread on any land, including land zoned only for agricultural uses, under the following conditions:

1. The compostable material does not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters as specified in section 17868.3.1;

2. The compostable material meets the maximum metal concentrations as specified in section 17868.2;

3. The compostable material meets the pathogen density limits as specified in section 17868.3(b)(1); and
4. The compostable material is not applied more frequently than once during a 12 month period, and, at the time of the application, the compostable material shall not exceed an average of 12 inches in total, accumulated depth. The EA, in consultation with the Regional Water Quality Control Board, may approve alternative application frequencies and depths, if the EA after such consultation determines that the alternatives will not adversely affect public health and safety or the environment.

5. Verification of compliance with this subdivision must be provided to the EA upon request.

(B) The final deposition of compostable material spread on land zoned only for agricultural uses under the following conditions:

1. The compostable material does not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters; and

2. Prior to application, the California Department of Food and Agriculture (CDFA) has determined that the land application is in compliance with all applicable requirements established by CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land application is agronomically beneficial; and

3. Prior to application, the EA has received confirmation that CDFA has made the determination specified in (B)2. above.

[Note: This subdivision (a)(24.5) does not apply to: 1) the use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division, 2) beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of Regulations, section 20686, or 3) beneficial reuse of biosolids pursuant to Part 503, Title 40 of the Code of Federal Regulations and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-specific Waste Discharge Requirements or other issued requirements from the State Water Resources Control Board or a Regional Water Quality Control Board having jurisdiction. In addition, as specified in section 17850(d), nothing in these standards shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all authorizations and complying with all requirements of other regulatory agencies, including but not limited to, local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.]

(25) “Manure” is an agricultural material and means accumulated herbivore or avian excrement. This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is mixed with feces or urine.

(26) “Mixed Solid Waste Material” means any compostable material that is part of the municipal solid waste stream, and is mixed with or contains non-organics, processed industrial materials, mixed demolition or mixed construction debris, or plastics. A feedstock that is not source separated or contains 1.0% or more of physical contaminants by weight is mixed solid waste material. Compostable material that contains mixed demolition or mixed construction debris shall be considered mixed solid waste.

(27) “Mushroom Farm” means an activity that produces mushrooms. The handling of compostable material at a mushroom farm prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered mushroom farming.

(27.5) “Nuisance” includes anything which:

(A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and

(B) affects at the same time an entire community, neighborhood or any considerable number of persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

(28) “Operations Area” means the following areas within the boundary of a compostable material handling operation or facility:

(A) equipment cleaning, maintenance, and storage areas;

(B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and

(C) process water and stormwater drainage control systems.

(29) “Operator” means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, becomes legally responsible for the following:

(A) complying with regulatory requirements set forth in this Chapter;

(B) complying with all applicable federal, state and local requirements;

(C) the design, construction, and physical operation of the site; and

(D) site restoration.

(30) “Owner” means the person or persons who own, in whole or in part, a compostable material handling operation or facility, or the land on which these operations or facilities are located.

(31) “Pathogenic Organism” means disease-causing organisms.
(32) "Physical Contamination" or "Contaminants" means human-made inert products material contained within feedstocks, including, but not limited to, glass, metal, and plastic.
(33) "Process Water" means liquid that is generated during or used in the production of compost or chipped and ground materials.
(34) "Research Composting Operation" means a composting operation, that is operated for the purpose of gathering research information on composting.
(35) "Separated At The Point of Generation" includes material separated from the solid waste stream by the generator of that material. It may also include material from a centralized facility as long as that material was kept separate from the waste stream prior to receipt by that facility and the material was not commingled with other materials during handling.
(36) "Stabilized Compost" means any organic material that has undergone the Process to Further Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced biological activity as indicated by reduced temperature and rate of respiration below that of active compost.
(37) "Static Pile" means a composting process that is similar to the aerated static pile except that the air source may or may not be controlled.
(38) "Vector" includes any insect or other arthropod, rodent, or other animal capable of transmitting the causative agents of human disease.
(38.5) "Vegetative Food Material Composting Facility" is a facility that comports agricultural material, green material, vegetative food material, additives, and/or amendments. A vegetative food material composting facility may also handle manure and paper products. An operation or facility that handles a feedstock that is not agricultural material, green material, vegetative food material, manure, or paper products, shall not be considered a vegetative food material composting facility. "Vegetative Food Material Composting Facility" does not include activities excluded from regulation in section 17855.
(39) "Vermicomposting" means an activity that produces worm castings through worm activity. The EA may determine whether an activity is or is not vermicomposting. The handling of compostable material prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered vermicomposting.
(40) "Windrow Composting Process" means the process in which compostable material is placed in elongated piles. The piles or "windrows" are aerated and/or mechanically turned on a periodic basis.
(41) "Within-vessel Composting Process" means an aerobic process in which compostable material is enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost, maintained under uniform conditions of temperature and moisture where air-borne emissions are controlled.
(42) "Wood Waste" means solid waste consisting of wood pieces or particles which are generated from the manufacturing or production of wood products, harvesting, processing or storage of raw wood materials, or construction and demolition activities.
(43) "Yard Trimmings" means any wastes generated from the maintenance or alteration of public, commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree trimmings, prunings, brush, and weeds.


Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities

§ 17854. Compostable Materials Handling Facility Permit Requirements.
Except as specified in this Article, all compostable materials handling activities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations.

§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities.

Sections 17854 through 17862.1 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5., Article 3.0., commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of Regulations) for compostable material handling operations and facilities. These requirements are summarized in Table 1.

Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Material Composting Operations (all)</td>
<td>Composting Facilities (all)</td>
<td>Section 17856.</td>
<td>(e.g. biosolids, digestate, food material, mixed material)</td>
</tr>
<tr>
<td>Green Material Composting Operations (&lt; 12,500 yd³)</td>
<td>Vegetative Food Material Composting Facilities (&lt; 12,500 yd³)</td>
<td>Section 17857.1(a)</td>
<td>Section 17857.2</td>
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<tr>
<td>Biosolids Composting Operations at POTWs (all)</td>
<td>Green Material Composting Facilities (&gt; 12,500 yd³)</td>
<td>Section 17859.1</td>
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<td>Research Composting Operations (&lt; 5,000 yd³) (Within-vessel &gt; 5,000 yd³ with EA determination)</td>
<td>Vegetative Food Material Composting Facilities (&gt; 12,500 yd³)</td>
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<td>Chipping and Grinding Operations (&lt; 200 tpd)</td>
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§ 17855. Excluded Activities.

(a) Except as provided otherwise in this Chapter, the activities listed in this section do not constitute compostable material handling operations or facilities for the purposes of this Chapter and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the board-Division from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

1 (1) Composting An activity is excluded if it handles agricultural material if the agricultural material is derived from an agricultural site, and returns a similar amount of the compost produced from the agricultural material produced-is returned to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. No
more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or 
sold annually.

(2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after 
its use as a growth medium during the vermicomposting process is not an excluded activity and is 
subject to the requirements of this chapter. Handling of agricultural material on the site of a 
vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it 
complies with section 17855(a)(1) or the Transfer/Processing Operations and Facilities Regulatory 
Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), 
whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as 
determined by the EA, the requirements of this chapter apply;

(B) at all other times when it is not being used as a growth medium during vermicomposting, the 
compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory 
Requirements.

(3) Mushroom farming is an excluded activity. The handling of compostable material prior to and 
after its use as a growth medium during the mushroom farming process is not an excluded activity 
and is subject to the requirements of this chapter. Handling of agricultural material on the site of a 
mushroom farm, for use as mushroom bedding on that same site, is an excluded activity if it complies 
with section 17855(a)(1) or the Transfer/Processing Operations and Facilities Regulatory 
Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), 
whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as 
determined by the EA, the requirements of this chapter apply;

(B) at all other times when it is not being used as a growth medium during mushroom farming, 
the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory 
Requirements.

(4) Handling of green material, feedstock, additives, amendments, compost, or chipped and ground 
material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable 
material are generated on-site and if no more than 1,000 cubic yards of materials are either sold or 
given away annually. The compostable material may also include up to 10% food material by volume. 
Composting green material, food material, and vegetative food material is an excluded activity if the 
total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 
500 square feet.

[Note: Persons handling compostable material under the above exclusion are obligated to obtain all 
permits, licenses, or other clearances that may be required by other regulatory agencies including, but 
not limited to local health entities and local land use authorities.]

(5) The handling of compostable materials is an excluded activity if:

(A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered 
or full permit as defined in section 18101,

1. has a Report of Facility Information which is completed and submitted to the EA that 
identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

2. will only use the material on the facility site or

(B) the activity is solely for the temporary storage of biosolids sludge at a Publicly Operated 
Owned Treatment Works (POTW) or

(C) the activity is located at the site of biomass conversion and is for use in biomass conversion as 
defined in Public Resources Code section 40106; or

(D) the activity is part of a silvicultural operation or a wood, paper, or wood product 
manufacturing operation; or

(E) the activity is part of an agricultural operation and is used to temporarily store or process 
agricultural material not used in the production of compost or mulch; or

(F) the activity is part of an operation used to chip and grind materials derived from and applied 
to lands owned or leased by the owner, parent, or subsidiary of the operation; or

(G) the activity is part of an agricultural operation used to chip and grind agricultural material 
produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation, 
for use in biomass conversion; or

(H) the activity is part of an animal food manufacturing or rendering operation.

(I) the activity is the storage of yard trimmings at a publicly designated site for the collection of 
lot clearing necessary for fire protection provided that the public agency designating the site has 
notified the fire protection agency; or
(J) the materials are handled in such a way to preclude their reaching temperatures at or above 122 degrees Fahrenheit as determined by the EA.

(6) Non-commercial composting with less than one cubic yard of food material is excluded provided that all compostable material is generated and used on-site.

(76) Storage of bagged products from compostable material is an excluded activity provided that such bags are no greater than 5 cubic yards.

(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.

(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as determined by the EA; land application in accordance with California Department of Food and Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770 et seq.


§ 17855.2. Prohibitions.
The following activities are prohibited at all compostable materials handling operations and facilities and at all sites where compostable materials handling activities that are excluded from regulation under this Chapter occur:

(a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow is prohibited, except when received:

1. from the a food service industry facility as defined in Health and Safety Code section 113789, grocery stores, or residential food scrap collection;
2. as part of a research composting operation for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concern, in accordance with section 17862; or
3. from a source approved by the Department in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture.

(b) The composting of medical waste is prohibited.

(c) The composting of hazardous waste is prohibited.


§ 17855.3. Permit Name.
Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and 17857.2(a), shall be entitled: “Compostable Materials Handling Facility Permit.”


§ 17855.4. Pre-Existing Permits and Notifications.
(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations, sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is required. If the EA makes such a determination, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 2, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

(b) If an operation had previously been operating pursuant to an EA Notification in accordance with the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance with its EA Notification or regulatory authorization until the EA determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this determination no sooner than 120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable Materials Handling Facility Permit is required, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 2, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.
Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

(c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003, that activity may continue to operate in accordance with its regulatory exclusion until the EA determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this determination no sooner than 120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable Materials Handling Facility Permit is required, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.

(d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate in accordance with its regulatory authorization until the EA determines that a different authorization is required. The EA shall make this determination within 120 days from April 4, 2003.

(1) If the EA determines that the activity is required to comply with the EA Notification requirements, the operator 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), within 120 days from that determination.

(2) If the EA determines that the activity is required to comply with the Registration requirements, the operator shall comply with the Registration requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) within 120 days from that determination.

(3) If the EA determines that the activity is required to comply with the Compostable Materials Handling Facility Permit requirements, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years from that determination.


§ 17856. Agricultural Material Composting Operations.

(a) All agricultural material composting operations and chipping and grinding operations shall comply with the Enforcement Agency 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. Agricultural Compostable Materials Handling Operations shall only be subject to the requirements of section 17863.4 if the EA makes a written determination that the operation has violated the requirements for odor impacts of section 17867 and the requirements of this Chapter.

(b) Compost produced by an agricultural material composting operations are subject to the requirements of sections 17863.4 and 17863.4.1 only if the EA determines that the operation or has caused odor impacts in violation of section 17867(a)(2) and has notified the operator in writing of the violation. A chipping and grinding operation which uses only agricultural material may be sold or given away in unrestricted quantities. These operations shall be inspected by the EA at least once annually.

(c) If their feedstock is limited to agricultural material, agricultural material composting operations may handle an unlimited quantity of agricultural material on the site and may sell or give away any or all compost they produce. These operations shall be inspected by the EA at least once each calendar year at a time when compostable material on the site is active compost. Compost produced by an agricultural material composting operation which uses agricultural material and/or green material, as specified in section 17852(a)(21), may be sold or given away in accordance with the following restrictions:

(1) Those sites that do not sell or give away more than 1,000 cubic yards of material per year shall be inspected by the EA at least once annually when actively composting. If more than 12,500 cubic yards of green material, including feedstock, compost, or chipped and ground material, is to be handled on-site of productive farmland as defined in Government Code section 51201, the operator shall give advance notice to the EA. The EA shall only prohibit the on-site storage of additional materials, or impose a greater inspection frequency, if the EA makes a written finding that it will pose
an additional risk to public health and safety and the environment. The EA shall forward a copy of the
request and approval to the Board.

(2) Those operations that sell or give away more than 1,000 cubic yards of material per year, shall
have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped
and ground material, on site at any one time and shall be inspected by the EA once every three (3)
months.

(3) These sites shall record the quantity received of green material.

(d) Agricultural material composting operations whose feedstock is both green material and
agricultural material are subject to the following requirements:

(1) Producers located on Agricultural Land:

(A) Operations located on land that is zoned for agricultural uses that sell or give away less than
1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and
green material on the site; provided, however, the EA may limit the amount of green material
feedstock on site to 12,500 cubic yards upon making a written finding that handling the excess
material may pose a risk to public health and safety or the environment.

(B) The EA shall inspect operations authorized under this subdivision (d)(1) at least once each
calendar year at a time when compostable material on the site is active compost.

(2) Other Producers:

(A) Operations located on land that is not zoned for agricultural uses and operations that sell or
give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of
agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock
on the site at any time.

(B) The EA shall inspect operations authorized under this subdivision (d)(2) at least once every
three (3) months unless the EA approves, with Department concurrence, a reduced inspection
frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional
risk to public health and safety or the environment but in no case shall the frequency be less than
once per calendar year. At least one of the required inspections each year shall occur at a time when
compostable material on the site is active compost.

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


(a) A green material composting operation that has up to may have no more than 12,500 cubic yards
of feedstock, compost, or chipped and ground material, amendments, additives, active compost, and
stabilized compost on-site at any one time. Green material composting operations 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) and with the applicable requirements
specified in this Chapter.

(1) These operations shall be inspected by the EA at least once every three (3) months unless the
EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.]

(2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural
users and other consumers, the operator may request in writing that the EA authorize it to temporarily
exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed
on site ("seasonal storage adjustment"). The EA shall respond in writing to the operator’s request
within 30 days of receipt. The EA may authorize such a seasonal storage adjustment if the EA
determines it will not adversely affect public health and safety or the environment. The EA may
impose any reasonable conditions on its approval of a seasonal storage adjustment. The initial term
seasonal storage adjustment may not exceed 30 days. The EA may grant one or more additional 30-
day seasonal storage adjustments not exceeding a total of 90 days per calendar year.

(A) With its request for a seasonal storage adjustment, the operator shall submit the following to
the EA:

1. A description of the storage capacity at the operation and the maximum and average lengths
of time the compostable material will be stored.
2. A schematic drawing showing the general layout of the operation and the location(s) where all materials at the site are stored with specific identification of the proposed location of the excess material.

3. A description of any additional fire prevention, protection and control measures needed to minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any such fires, which measures shall be approved by the local fire authority.

4. Where applicable, any revisions to the odor impact minimization plan necessary to address the storage of the additional material or a statement, with supporting information, that no revisions are necessary.

(b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost, or chipped and ground material on-site at any one time shall be inspected by the EA at least once every three (3) months, unless an operator request for a reduced inspection frequency of no less than annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA finds that it will not pose an additional risk to public health and safety and the environment. The EA shall forward a copy of the request and approval to the Board.

(b) If a green material composting operation exceeds any combination of the following requirements three (3) or more times within any two (2) year period, which the EA determines constitutes a violation of this Chapter, the facility no longer qualifies for an EA Notification under this section:

1. Receipt of material that contains greater than 1.0% physical contaminants by weight as specified in section 17852(a)(21);
2. Failure to comply with the processing requirements set forth in section 17868.5;
3. Failure to comply with the maximum volume on-site at any one time limit set forth in subdivision (a) above.

Upon the third such violation, the EA shall notify the operator in writing that the facility no longer qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease and desist order pursuant to section 18304 directing, among other things, that the operator immediately cease accepting material at the site until the operator has demonstrated to the EA that it has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at any time take any additional enforcement action the EA deems appropriate.

(c) A site that handles green material composting facility that has more than 12,500 cubic yards of feedstock, compost, or-chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time is a green material composting facility, excepting green material composting operations which the EA has authorized a seasonal storage adjustment pursuant to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations. Green material composting facilities shall comply with the applicable requirements specified in this Chapter.

[Note: See section 17868.5 for green material processing requirements.]


§ 17857.2. Vegetative Food Material Composting Facilities.
(a) A vegetative food material composting facility may have up to 12,500 cubic yards of feedstock, compost, and chipped and ground material on-site at any one time and shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(b) A vegetative food material composting facility that has more than 12,500 cubic yards of feedstock, compost, and chipped and ground material on-site at any one time shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations.

[Note: See section 17868.5 for green material and vegetative food material processing requirements.]

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§ 17859.1. Biosolids Composting at POTWs.
(a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly
Operated Owned Treatment Works (POTW) 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).
(1) These operations shall be inspected by the EA at least once every three (3) months unless the
EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.]
(b) All other composting of biosolids shall comply with section 17854.
Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 43020 and 43021, Public Resources Code; and Title 40, Chapter I, Subchapter O, Part 503,
Code of Federal Regulations.

§ 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 at least once each two
years. If the EA determines based on the report that there are further research objectives to be
met or data to be gathered, the EA may extend the research for a specified time period not to exceed
two years. If the EA determines based on the report that there are no further research objectives to
be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
section 17870.
(e) Research composting operations that will be using unprocessed mammalian tissue as a feedstock
for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety,
or environmental protection concern, 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.
(3) After no more than a six-month period of operation, the EA Notification for the operator of a
research composting operation using unprocessed mammalian tissue as feedstock shall submit to the
EA a report that includes the results and conclusions drawn from the research and documentation of
additional requirements of this section shall be reviewed after each six month period of operation. If
the EA determines based on the report that there are further research objectives to be met or data to
be gathered, the EA may extend the research for a specified time period not to exceed two years. If

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 43020 and 43021, Public Resources Code; and Title 40, Chapter I, Subchapter O, Part 503,
Code of Federal Regulations.
the EA determines based on the report that there are no further research objectives to be met or data
to be gathered, the operator shall conduct site restoration at the facility pursuant to section 17870.
(f) The operator shall submit all additional documentation required by subsections (c) and (e)(2) to
the EA with the 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.
(g) These operations shall be inspected by the EA at least once every three (3) months unless the EA
approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.]

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

(a) A chipping and grinding operation that receives up to 200 tons per day of material that may be
handled by a green material composting operation 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 and the applicable requirements specified in this
Chapter.
(1) These operations shall be inspected by the EA at least once every three (3) months unless the
EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.]
(b) A chipping and grinding facility that receives more than 200 tons per day but not more than, and
up to 500 tons per day of material that may be handled by a green material composting operation
shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of
Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply
with the applicable requirements of this Chapter.
(c) A chipping and grinding facility that receives more than 500 tons per day of material that may be
handled by a green material composting operation shall obtain a Compostable Materials Handling
Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2,
Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with
section 21450) prior to commencing operations and shall comply with the applicable requirements of
this Chapter.
(d) A chipping and grinding operation or facility shall not be subject to the provisions of sections
17868.1 through 17868.3.1 of this Chapter, however, any chipped and ground material that will be
land applied must meet the requirements of section 17852(a)(24.5).
(e) If a chipping and grinding operation or facility exceeds the contamination limits specified in section
17852 (a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory requirements
(commencing at section 17400).
(f) If a chipping and grinding operation or facility stores material for a longer period of time than is
allowed by section 17852 (a)(10)(A)(2), then the site shall be regulated as a green material
handling-composting operation or facility, as set forth in this Chapter.

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

Article 3. Report of Facility Information

§ 17863. Report of Composting Site Information.
Each operator of a compostable material handling facility that is required to obtain a Compostable
Materials Handling Facility Permit or a Registration Permit for a Vegetative Food Material Composting
Facility, as specified in Article 2 of this Chapter, shall, at the time of application, file a Report of
(m) A description of the proposed site restoration activities, in accordance with Section 17870.


§ 17863.4. Odor Impact Minimization Plan.
(a) All compostable material handling operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.
(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.
   (1) an odor monitoring and data collection protocol for on-site odor sources, which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,
   (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,
   (3) a complaint response and recordkeeping protocol; and,
   (4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns as applicable; and,
   (5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), biofiltration, and tarping as applicable.
(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.
(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.
(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.
(f) If the odor impact minimization plan is being followed, but and the EA determines, in a manner consistent with section 18302(d), that odor impacts are still occurring, the EA may issue shall direct the operator to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors; unless:
   (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
   (2) there is an imminent threat to public health and safety and the environment; or
   (3) a public nuisance has occurred.

Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code.
Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

§ 17863.4.1. Odor Best Management Practice Feasibility Report
(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to section 17863.4(f).
(b) The Report shall:
(1) Present representative and correlating odor data for each potential onsite odor source including but not limited to: odor severity, odor characteristics, time and weather conditions when data was collected, description of operations associated with the source, and any odor impacts or complaints received;  
(2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in order of impact;  
(3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):  
(A) List of all best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has used to minimize odor and analyze each BMP for the following:  
1. The effectiveness of the BMP in reducing odor impacts;  
2. The potential for more extensive use of the BMP to minimize odor impacts described by complainants;  
3. If the BMP has been operationally practical and if more extensive use of the BMP would be operationally practical;  
4. The approximate cost to implement a more extensive use of the BMP;  
5. Any permits or permit changes necessary to use the BMP more extensively;  
6. Overall recommendation if existing BMPs should be continued and if more extensive use of the BMP is recommended; and  
7. If the BMP has been found to be ineffective (include supporting data).  
(B) List of all potential best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has not used and analyze each potential BMP to determine:  
1. The potential for the BMP to reduce odor impacts described by complainants;  
2. If the BMP is operationally practical;  
3. The approximate cost to implement the BMP;  
4. Any permits or permit changes necessary to use the BMP; and  
5. Overall recommendation and ranking of implementing the BMP.  
(C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on the analysis conducted pursuant to subdivision (b)(3)(A) and (B).  
(d) The EA, in consultation with the Department, shall within 30 days:  
(1) approve the Report and associated plan and direct the operator in writing to implement the plan in whole or in part; and/or  
(2) direct the operator in writing to submit specific changes or additional information within a timeframe specified by the EA.  
(e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision (d)(1) or (d)(2).  

Note: Authority cited: Sections 40502, 43020 43021 and 43209.1, Public Resources Code.  
Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.  

Article 6. Composting Operating Standards  
§ 17867. General Operating Standards.  
(a) All compostable materials handling operations and facilities shall meet the following requirements:  
(1) All handling activities are prohibited from composting any material specified in section 17855.2 of this Chapter.  
(2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not cause a nuisance.  
(23) All handling activities shall be conducted in a manner that minimizes vectors, odor impacts, litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and transportation of dust, particulates, and pathogenic organisms.
Random load checks of feedstocks, additives, and amendments for contaminants shall be conducted.

Contamination of compostable material that has undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.

Unauthorized human or animal access to the facility shall be prevented.

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

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

- Name of the operation or facility,
- Name of the operator,
- Facility hours of operation,
- Materials that will and will not be accepted, if applicable,
- Schedule of charges, if applicable, and
- Phone number where operator or designee can be reached in case of an emergency.

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

The operator shall provide telephone or radio communication capability for emergency purposes.

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

Enclosed operations and facilities shall provide ventilation to prevent adverse public health effects from decomposition gases.

The operator shall ensure that leachate is controlled to prevent contact with the public.

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

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


### Article 7. Environmental Health Standards

#### § 17868.1. Sampling Requirements.

All composting operations that sell or give away greater than 1,000 cubic yards of compost annually, and all composting facilities shall meet the following requirements:

- Operators shall verify that compost meet the maximum acceptable metal concentration limits specified in section 17868.2, and pathogen reduction requirements specified in section 17868.3.
- Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced. This verification shall be performed by taking and analyzing at least one composite sample of compost, following the requirements of this section as follows:
  1. An operator who composts agricultural material, green material, food material, vegetative food material, or mixed solid waste material shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced.
  2. An operator who composts biosolids shall meet the sampling schedule described in Table 12 below.
Table 12 - Frequencies of Compost Sampling for Biosolids Composting Facilities

<table>
<thead>
<tr>
<th>Amount of Biosolids Compost Feedstock (metric tons per 365 day period)</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than zero but fewer than 290 annually</td>
<td></td>
</tr>
<tr>
<td>Equal to or greater than 290 but fewer than 1,500 quarterly</td>
<td></td>
</tr>
<tr>
<td>Equal to or greater than 1,500 but fewer than 15,000 bimonthly</td>
<td></td>
</tr>
<tr>
<td>Equal to or greater than 15,000 monthly</td>
<td></td>
</tr>
</tbody>
</table>

(A) The amount of biosolids compost feedstock shall be calculated in dry weight metric tons.

(3) Composite sample analysis for maximum acceptable metal concentrations, specified in section 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health Services, pursuant to the Health and Safety Code.

(b) A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below.

(1) The twelve samples shall be of equal volume.

(2) The twelve samples shall be extracted from within the compost pile as follows:

(A) Four samples from one-half the width of the pile, each at a different cross-section;

(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

(C) Four samples from one-eighth the width of the pile, each at a different cross-section.

(c) The EA may approve alternative methods of sampling for a green material composting operation or facility that ensures the maximum metal concentration requirements of section 17868.2 and the pathogen reduction requirements of section 17868.3 are met.


§ 17868.2. Maximum Metal Concentrations.

(a) Compost products derived from compostable materials that contain any metal in amounts that shall not contain metals in excess of the maximum acceptable metal concentrations shown in Table 2. Compost that contains any metal in excess of any maximum metal concentrations shall be designated for disposal, additional processing, or other use as approved by local, state, or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

Table 23 - Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>1200-12000 (see subdivision (a)(1) below)</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>1500</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>36-100</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>
(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations. (b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section, including but not limited to sampling frequencies, may be approved by the EA for green and food materials composting operations and facilities if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 23 are not exceeded.


§ 17868.3. Pathogen Reduction.
(a) Compost products derived from compostable materials that contains pathogens in amounts that shall not exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

(b) Operators that produce compost shall ensure that:
(1) The density of fecal coliform in compost, that is or has at one time been active compost, shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis).
(2) At enclosed or within-vessel composting process operations and facilities, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.
(A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of Subdivision (b)(2) of this section.
(3) If the operation or facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.
(4) If the operation or facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.
(c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.
(d) Compost operations and facilities that utilize a windrow composting process or an aerated static pile composting process shall be monitored as follows to ensure that the standards in Subdivision (b) of this section are met:
(1) Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.
(2) Temperature measurements for pathogen reduction shall be measured as follows:
(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;
(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.
(d) Alternative methods of compliance to meet the pathogen reduction requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

§ 17868.3.1. Physical Contamination Limits.
(a) Compost shall not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters shall be designated for disposal, additional processing, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced.
(b) Upon request of the EA, a compostable material handling operation shall take a representative sample of compost and send to a laboratory at which physical contaminants greater than 4 cubic-yards of compost and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.
(c) All compostable material handling facilities shall take one representative sample for every 5,000 cubic-yards of compost and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.
(d) Any sampling conducted to comply with this section shall require a composite sample. A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below:
(1) The twelve samples shall be of equal volume.
(2) The twelve samples shall be extracted from within the compost pile as follows:
(A) Four samples from one-half the width of the pile, each at a different cross-section;
(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
(C) Four samples from one-eighth the width of the pile, each at a different cross-section.
(e) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure the physical contamination limits requirements of this section are met.


§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.
In order for a feedstock to be considered green material, as defined in section 17852(a)(21), and vegetative food material, as defined in section 17852(a)(20)(A), must satisfy the following requirements:
(a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste loads and load sorting to quantify the percentage of contaminating materials physical contaminants and detect receipt of unacceptable feedstock (e.g., feedstock that does not meet the definition of green material or vegetative food material).
(1) A minimum of one ten percent of daily incoming feedstock volume or at least one truck per day, whichever is greater, shall be inspected visually. If a visual load check indicates a physical contamination level greater than 1.0 percent, a representative sample shall be taken, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total weight or if the load contains materials that do not meet the definitions of green material in section 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).
(b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined.
(c) Any agricultural material handling operation using this material shall ensure the feedstock meets the metal concentration limits specified in Table 2 of section 17868.2.
(d) Facility personnel shall be adequately trained to perform the activities specified in this section.
(e) Any operation or facility using this feedstock shall maintain records demonstrating compliance with this section.

Article 8. Composting Operation and Facility Records

§ 17869. General Record Keeping Requirements.
Except as provided in subsection (d), all compostable materials handling operations and facilities shall meet the following requirements:
(a) All records required by this Chapter shall be kept in one location and accessible for five (5) years and shall be available for inspection by authorized representatives of the board Department, EA local health entity, and other duly authorized regulatory and EAs during normal working hours.
(b) The operator shall record any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.
(c) The operator shall record any public complaints received by the operator, including:
(1) the nature of the complaint,
(2) the date the complaint was received,
(3) if available, the name, address, and telephone number of the person or persons making the complaint, and
(4) any actions taken to respond to the complaint.
(d) The operator shall record the quantity and type of feedstock received and quantity of compost and chipped and ground material produced. Agricultural compostable materials handling operations shall maintain records only for compostable material accepted from off-site.
(e) The operator shall record the number of load checks performed and loads rejected.
(f) The operator shall record all test results generated by compliance with Article 7 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings.
(1) The operator shall retain records detailing pathogen reduction methods.
(g) The operator shall record and retain records of any serious injury to the public occurring on-site and any complaint of adverse health effects to the public attributed to operations. Serious injury means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which a member of the public suffers a loss of any member of the body or suffers any degree of permanent disfigurement.
(h) The operator shall retain a record of training and instruction completed in accordance with section 17867.5.


Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements

§ 17896.1. Authority and Scope.
(a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel digestion operations and facilities that receive and process by means of in-vessel digestion solid wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of sections 17896.3 through 17896.15 are not applicable to operations and facilities that are subject to regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of this Division, may still be subject to the regulatory requirements specified in this Chapter.
(b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code, as amended. These regulations should be read together with the Act.
(c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This Chapter establishes standards and regulatory requirements for the intentional processing of organic material by means of in-vessel digestion.
(d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage, handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to
enforce any provision of law that it is authorized or required to enforce or administer, nor limits or restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter.

(e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, or reports, or other requirements of other regulatory or enforcement agencies, including but not limited to, local health agencies, regional water quality control boards, Department of Toxic Substances Control, California Department of Industrial Relations, Division of Occupational Safety and Health, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.


§ 17896.2. Definitions.

(a) For the purposes of this Chapter:

1. "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as "food material" or "vegetative food material" is not agricultural material. Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.

2. "Agricultural Site" means activities located on land that is zoned for agricultural uses.

3. "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.

4. "Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.

5. "Contact Water" means water that has come in contact with waste and may include leachate.

6. "Digestate" means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester.

7. "Digestion" means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic solid wastes. Digestion includes:

(A) Aerobic digestion - the controlled biological decomposition of organic material in the presence of oxygen.

(B) Anaerobic digestion - the controlled biological decomposition of organic material in the absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a residual digestate.

(C) Other controlled biological decomposition processes.

8. "Dairy In-vessel Digestion Operation" means a dairy that receives, for purposes of co-digestion in an in-vessel digester, imported solid waste feedstock with manure and other agricultural materials in accordance with Waste Discharge Requirements issued by a Regional Water Quality Control Board.

9. "Distribution Center In-vessel Digestion Operation" means a site that receives, for the purpose of digestion in an in-vessel digester, unsold products from retail stores to which the products were originally sent. All unsold products shall be collected and processed in covered, leak-proof containers, and remain in the custody of the owner at all times. All putrescible material shall be refrigerated at the retail store and during transport to the operation.

10. "EA" means enforcement agency as defined in PRC section 40130.

11. "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22, section 66261.3, et seq.

12. "In-vessel Digester" means the sealed container(s) or sealed structure in which the entire digestion process occurs.

13. "Large Volume In-vessel Digestion Facility" means a facility that receives 100 tons or more of solid waste per operating day for digestion in an in-vessel digester.
(14) "Limited Volume In-vessel Digestion Operation" means an operation that receives less than an average of 15 tons (or 60 cubic yards) of solid waste per operating day for digestion in an in-vessel digester. The amount of solid waste the operation receives shall not exceed 105 tons (or 420 cubic yards) per week or the solid waste quantity limitations of the general design of the operation (whichever is less).

(15) "Litter" means all solid waste which has been improperly discarded or which has migrated by wind or equipment away from the operations area. Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state.

(16) "Manure" is an agricultural material and means accumulated herbivore or avian excrement. This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is mixed with feces or urine.

(17) "Medium Volume In-vessel Digestion Facility" means a facility that receives an average of 15 tons (or 60 cubic yards) or more but less than 100 tons of solid waste per operating day for digestion in an in-vessel digester. The amount of solid waste the operation receives shall be less than 700 tons (or 2,800 cubic yards) per week or the solid waste quantity limitations of the general design of the operation (whichever is less).

(18) "Nuisance" includes anything which:

(A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and

(B) affects at the same time an entire community, neighborhood or any considerable number of persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

(19) "On-site" means located within the boundary of the operation or facility.

(20) "Operating Day" means the daily hours of operation for a facility or operation as set forth in the application, Enforcement Agency Notification or solid waste facilities permit.

(21) "Operating Record" means an easily accessible collection of records of an operation's or facility's activities and compliance with required state minimum standards under Title 14. The Record may include the In-vessel Digestion Facility Plan or In-vessel Digestion Report for facilities, and shall contain but is not limited to: agency approvals, tonnage and load checking records, facility contacts and training history. The record may be reviewed by state and local authorities and shall be available during normal business hours. If records are too voluminous to place in the main operating record or if the integrity of the records could be compromised by on-site storage, such as exposure to weather, they may be maintained at an alternative site, as long as that site is easily accessible to the EA.

(22) "Operations Area" means:

(A) the following areas within the boundary of an operation or facility as described in the permit application or Enforcement Agency Notification:
   1. equipment management area, including cleaning, maintenance, and storage areas; and
   2. material and/or solid waste management area, including unloading, handling, transfer, processing, and storage areas;

(B) the boundary of the operations area is the same as the permitted boundary of the operation or facility but may or may not be the same as the property boundary on which the operation or facility is located.

(23) "Operator" means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, that is listed in the permit application or Enforcement Agency Notification and is legally responsible for all of the following:

(A) complying with regulatory requirements set forth in these Articles;

(B) complying with all applicable federal, state and local requirements;

(C) the design, construction, and physical operation of the operations area;

(D) controlling the activities at an operation or facility as listed on the permit application or Enforcement Agency Notification.

(24) "Owner" means the person or persons who own, in whole or in part, an operation or facility and the land on which it is located. If the ownership of the operation or facility is not the same as the ownership of the land on which it is located, the owner of the land shall be identified as the "Land Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."

(25) "Putrescible Wastes" include wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive
conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

(26) “Salvaging” means the controlled separation of solid waste material which do not require further processing, for reuse or recycling prior to in-vessel digestion activities.

(27) “Scavenging” means the uncontrolled and/or unauthorized removal of solid waste materials.

(28) “Sealed Container” means a tank, vessel, or similar apparatus capable of containing liquids and air-borne emissions during the entire digestion process to control odors or other nuisance conditions.

(29) “Sealed Structure” means a fully enclosed building capable of containing liquids and controlling air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance conditions.

(30) “Special Waste” includes but is not limited to:

(A) waste requiring special collection, treatment, handling, storage, or transfer techniques as defined in Title 22, section 66260.10.

(B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

(31) “Spotter” means an employee who conducts activities that include, but are not limited to, traffic control, hazardous waste recognition and removal for proper handling, storage and transport or disposal, and protection of the public from health and/or safety hazards.

(32) “Store” means to stockpile or accumulate for later use.


§ 17896.3. Pre-Existing Permits and Notifications.

(a) If a facility had previously obtained a permit in accordance with regulations in effect prior to [operative date of these regulations], that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations, sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA makes such a determination, the operator shall comply with this Chapter within two years of that determination.

(b) If an operation had previously been operating pursuant to an EA Notification in accordance with regulations in effect prior to [operative date of these regulations], that operation may continue to operate in accordance with its EA Notification or regulatory authorization until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from [operative date of these regulations]. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.

(c) If an activity had previously been excluded from regulations in effect prior to [operative date of these regulations], that activity may continue to operate in accordance with its regulatory exclusion until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from [operative date of these regulations]. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.


§ 17896.4. Permit Name.

Any permit issued pursuant to this Article, except for one issued pursuant to section 17896.12, shall be entitled: “In-vessel Digestion Facility Permit.”


§ 17896.5. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities.

Sections 17896.6 through 17896.13 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5. Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of
Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These requirements are summarized in Table 1.

Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency Notification Tier</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
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<tbody>
<tr>
<td>Anaerobically digestible materials at POTWs Section 17896.6(a)(1)</td>
<td>Research In-Vessel Digestion Operations Section 17896.8</td>
<td>Medium Volume In-Vessel Digestion Facilities (≥ 60 yd³ or 15 tpd and &lt; 100 tpd) Section 17896.12</td>
<td>Large Volume In-Vessel Digestion Facilities (≥ 100 tpd) Section 17896.13</td>
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<tr>
<td>Agr material derived from ag site &amp; returned to same site Section 17896.6(a)(2)</td>
<td>Dairy In-Vessel Digestion Operations Section 17896.9</td>
<td></td>
<td></td>
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<tr>
<td>In-vessel digestion activities with less than 100 cubic yard on-site capacity Section 17896.6(a)(3)</td>
<td>Limited Volume In-Vessel Digestion Operations Section 17896.11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Handling activities that are already subject to more stringent handling requirements under Federal or State law Section 17896.6(a)(4)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]


§ 17896.6. Excluded Activities.
(a) The activities listed in this section are not subject to the in-vessel digestion requirements set forth in this Chapter. Nothing in this section precludes the EA or the Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, is excluded under the following conditions:
(A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant. Once on site, the anaerobically digestible material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and
conveyed in a contained system. Any separated material at the POTW that is not suitable for anaerobic digestion and has no beneficial use shall be further managed as a solid waste.

(B) The POTW Treatment Plant has developed Standard Operating Procedures for the acceptance of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality Control Board that those Standard Operating Procedures are being implemented, and a Standard Provision (permit condition) that reflects the acceptance of anaerobically digestible material:

1. has been incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit; or
2. will be incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit no later than the next permit renewal.

(C) For the purpose of this exclusion, “anaerobically digestible material” means: inedible kitchen grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title 14, CCR, Section 17582(a)(20) and vegetative food material as defined in Title 14, CCR, Section 17582(20)(A).

(D) For the purpose of this exclusion, the Department, in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, will on a case-by-case basis, review and consider approval of additional types of organic materials as potential “anaerobically digestible material” beyond those specified in section 17896.6(a)(1)(C) in accordance with the following:

1. Receipt of a written request to the Department from the General Manager or designee of a POTW Treatment Plant.

   a. The written request must contain the following information:
      i. The purpose of the request.
      ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the organic waste material with the POTW wastewater.
      iii. Types of organic material requested for classification as an anaerobically digestible material.
      iv. The source(s) of the waste material.
      v. A description of how the waste material will be handled, processed, stored and transported (before and after receipt at the POTW Treatment Plant).
      vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant to accommodate the new waste materials.
      vii. Available laboratory test results, engineering reports, research or study to support the request.
      viii. Data and/or reports if this waste material has been used without incident at a different POTW Treatment Plant.
      ix. The name, addresses and phone numbers for the General Manager and designee of the POTW Treatment Plant.

   b. Upon receipt of the written request, the Department will communicate and coordinate the request with and between the State Water Resources Control Board and the California Department of Food and Agriculture and will complete the following actions:
      i. Within 10 days of receipt, send written confirmation to the General Manager and designee of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate Department staff, as well as to the State Water Resources Control Board and California Department of Food and Agriculture staff contacts for review;
      ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board and California Department of Food and Agriculture staff contacts;
      iii. Prior to the meeting, Department staff will review the letter and identify questions and/or issues with the request and make a list of recommendations;
      iv. Within 40 days of receipt, conduct a meeting on the request. If an agency representative does not attend the meeting, comments will be accepted by the Department up to close of business on the 45th day after receipt;
      v. Within 60 days of receipt, the Department will provide a written decision to the General Manager and designee of the POTW Treatment Plant stating one of the following:
         I. The waste type has or has not been determined to be an anaerobically digestible material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory Requirements (pursuant to Section 17896.6(a)(1)(C) and the Transfer/Processing Operations and Facility Regulatory Requirements (pursuant to Section 17403.1(a)(8));
II. The agencies, based on the information provided, were unable to reach a
determination and additional information is required before a determination can be made; or

III. The agencies have determined that additional research or study will need to be
conducted and the results analyzed prior to a determination made by the agencies.

IV. If additional information, research or study is necessary, the Department will consult
with the General Manager or designee of the POTW, the State Water Resources Control Board and
California Department of Food and Agriculture contacts, for the purpose of developing a timeline for
either reviewing the additional information or for reviewing a proposed scope of work and timeline for
additional research or study.

2. For the purpose of this exclusion, if an organic waste material is determined by the
Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW
wastewater, the POTW Treatment Plant must comply with 17896.6(a)(1)(A) prior to receipt of the
material at the POTW Treatment Plant.

(2) In-vessel digestion of agricultural material is an excluded activity if the agricultural material is
derived from an agricultural site and the digestate or compost produced from digestate is returned to
that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary
of the agricultural site on which the in-vessel digester is located. No more than an incidental amount
of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually.
Digestate that is not composted may not be given away or sold.

(3) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste, feedstock,
and digestate on site are excluded.

[Note: Persons handling solid waste under the above exclusion are obligated to obtain all permits,
licenses, or other clearances that may be required by other regulatory agencies including, but not
limited to local health entities and local land use authorities.]

(4) Other discrete handling activities that are already subject to more stringent handling
requirements under Federal or State law, as determined by the EA in consultation with the
Department, are excluded.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.7. Prohibitions.
The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites
where in-vessel digestion activities that are excluded from regulation under this Chapter occur:
(a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh,
organs, hide, blood, bone and marrow is prohibited, except when received:
(1) from a food facility as defined in Health and Safety Code section 113789, grocery store; or
residential food scrap collection; or;
(2) as part of a research activity for the purpose of obtaining data on pathogen reduction or other
public health, animal health, safety, or environmental concerns in accordance with section 17896.8; or
(3) from a source approved by the Department in consultation with the State Water Resources
Control Board and the California Department of Food and Agriculture.
(b) The in-vessel digestion of medical waste is prohibited.
(c) The in-vessel digestion of hazardous waste is prohibited.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.8. Research In-Vessel Digestion Operations.
(a) An operator conducting research in-vessel digestion operations 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) 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.
(c) After no more than a two year period of operation, the operator of a research in-vessel digestion
operation shall submit to the EA a report that includes the results and conclusions drawn from the
research. If the EA determines, based on the report, that there are further research objectives to be
met or data to be gathered, the EA may extend the research for a specified time period not to exceed
two years. If the EA determines based on the report that there are no further research objectives to
be met or data to be gathered, the operator shall conduct site restoration at the facility pursuant to
section 17896.41.
(d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a
feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal
health, safety, or environmental protection concern, 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 in-vessel digestion
operation site security plan. The research in-vessel digestion 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.

(3) After no more than a six-month period of operation the operator of a research in-vessel
digestion operation using unprocessed mammalian tissue as feedstock shall submit to the EA a report
that includes the results and conclusions drawn from the research and documentation of additional
requirements of this section. If the EA determines based on the report that there are further research
objectives to be met or data to be gathered, the EA may extend the research for a specified time
period not to exceed two years. If the EA determines based on the report that there are no further
research objectives to be met or data to be gathered, the operator shall conduct site restoration at the
facility pursuant to section 17896.41.

(e) The operator shall submit all additional documentation required by subdivisions (b) and (d)(2), to
the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that
the EA Notification for research in-vessel digestion operations is complete and correct only if the
additional documentation requirements of this section have been met.

(f) These operations shall be inspected by the EA at least once every three (3) months unless the EA
approves, with Department concurrence, a reduced inspection frequency. The EA may approve a
reduced inspection frequency only if it will not pose an additional risk to public health and safety or
the environment but in no case shall the frequency be less than once per calendar year. [Note: See
section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial
of requests for reducing the frequency of inspections.]

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

§ 17896.9. Dairy In-Vessel Digestion Operations.
(a) All dairy in-vessel digestion operations 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).

(1) These operations shall be inspected by the EA at least once a month for the first 12 months of
operation. After the first 12 months of operation the EA may approve, with Department concurrence, a
reduced inspection frequency of once every three months. After the first 24 months of operation the
EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar
year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to
public health and safety or the environment. [Note: See section 18083(a)(3) for additional EA and
Department requirements regarding the approval or denial of requests for reducing the frequency of
inspections.]

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

§ 17896.10. Distribution Center In-Vessel Digestion Operations.
(a) All distribution center in-vessel digestion operations 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). These operations shall be inspected by the EA at least once every
three (3) months unless the EA approves, with Department concurrence, a reduced inspection
§ 17896.11. Limited Volume In-Vessel Digestion Operations.
All limited volume in-vessel digestion operations shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.12. Medium Volume In-Vessel Digestion Facilities.
All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18104). These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.


§ 17896.13. Large Volume In-Vessel Digestion Facilities.
All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The In-vessel Digestion Report required by section 17896.15 shall constitute the Report of Facility Information required by section 21570(f)(2) of Title 27. These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.


Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(17) shall file with the EA an “In-vessel Digestion Facility Plan” (as specified in section 18221.5.1). The information contained in the Plan shall be reviewed by the EA to determine whether it is complete and correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.


§ 17896.15. In-Vessel Digestion Report.
(a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(13) shall file with the EA an “In-Vessel Digestion Report” (as specified in section 18221.6.1). An operator of an existing facility who submits an application package to the EA, pursuant to Title 27, section 21570, which proposes to change the facility’s operations, or to change the solid waste facility permit shall do one of the following:
(1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or
(2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.


§ 17896.16. Applicability of State Minimum Standards.
(a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-vessel digestion operations and facilities, except as noted in Section 17896.1.(a).
(b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel digestion facilities.
(c) Approvals, determinations and other requirements that the EA is authorized to make under Articles 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator shall place a copy of each approval, determination and other requirement in the operating record together with those records identified in sections 17896.45 and 17896.46.
(d) Some of the standards contained in this Chapter authorize the EA to approve an alternative method of compliance with the standard. These provisions are not intended to allow the EA to change the particular standard, but are intended to allow the EA flexibility to approve, in advance, an alternative method of meeting the existing standard which provides equivalent protection of the public health and safety and the environment as the existing standard. For facilities that require a full solid waste facility permit, the EA may choose to include the approved alternative method of compliance as a term and condition of the solid waste facility permit, rather than in the manner authorized by subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to the method may require a revision to the solid waste facility permit in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 (commencing with section 21570).


Article 2. Siting and Design

§ 17896.17. Siting On Landfills.
(a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27, California Code of Regulations, section 21190.
(b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or failure of pads or structural foundations.
(c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or with the closure or postclosure maintenance of the landfill.


§ 17896.18. General Design Requirements.
(a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as appropriate, from persons competent in engineering, architecture, landscape design, traffic engineering, air quality control, water quality protection and design of structures.
(b) The design shall be based on appropriate data regarding the expected service area, anticipated nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land use (existing and planned), types and number of vehicles anticipated to enter the operation or facility, adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and other pertinent information. If the operation or facility is to be used by the general public, the design shall take account of safety features that may be needed to accommodate such public use.
(c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the unloading area to as small an area as practicable, provide adequate control of windblown material, minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances by reason of solid wastes being handled at the operation. Other factors which shall be taken into consideration are: dust control, noise control, public safety, and other pertinent matters related to the protection of public health at the operation or facility.

(d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA may require the applicant to describe how he or she has complied with applicable local and state requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

(e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and constructed to prevent loss of wastes from the container during storage. If such a container is used to store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily cleanable, designed for safe handling and constructed to prevent loss of wastes.


Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities

The operator of an in-vessel digestion operation or facility must take precautions to minimize the uncontrolled release of biogas that may have harmful effects on site users and the general public.


§ 17896.20. Cleaning.
(a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA, in order to prevent the propagation or attraction of flies, rodents, or other vectors:

(1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;
(2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at least once every 24 hours.

(b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials.


§ 17896.21. Drainage and Spill Control.
(a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:

(1) minimize the creation of contact water outside of in-vessel digesters and sealed containers;
(2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-site migration of contact water;
(3) protect the integrity of roads and structures;
(4) protect the public health; and
(5) prevent safety hazards and interference with operations.

(b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills that occur.


§ 17896.22. Dust Control.
(a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates, and prevent other safety hazards to the public caused by obscured visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent
the creation of excessive dust. Measures to control dust include, but are not limited to: reduced
processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the
following may be an indication that dust is excessive:
(1) safety hazards due to obscured visibility; or
(2) irritation of the eyes; or
(3) hampered breathing;
(4) migration of dust off-site.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

(a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes,
including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular
waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.
(b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are
discovered, control measures as are necessary to protect public health, safety and the environment,
such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation
or removal from the operation or facility.
(c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and
sludge wastes in a manner to protect public health, safety, and the environment.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.24. Litter Control.
Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to
prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent
possible given existing weather conditions.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.25. Load Checking.
(a) The operator of an attended in-vessel digestion operation or facility shall implement a load
checking program to prevent the acceptance of waste which is prohibited by this Chapter. This
program must include at a minimum:
(1) the number of random load checks to be performed;
(2) a location for the storage of prohibited wastes removed during the load checking process that is
separately secured or isolated;
(3) records of load checks and the training of personnel in the recognition, proper handling, and
disposition of prohibited waste. A copy of the load checking program and copies of the load checking
records for the last year shall be maintained in the operating record and be available for review by the
appropriate regulatory agencies.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair.
The operator shall implement a preventative maintenance program to monitor and promptly repair or
correct deteriorated or defective conditions.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.27. Medical Wastes.
Medical waste, unless treated and deemed to be solid waste, which is regulated pursuant to the
Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code),
shall not be accepted at an in-vessel digestion operation or facility, unless approved by the appropriate regulatory agencies.


§ 17896.28. Noise Control.
Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise include but are not limited to: posting of warning signs that recommend or require hearing protection; separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise transmission. Compliance with specific provisions regarding noise control in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.


§ 17896.29. Non-Salvageable Items.
Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles, pesticides and other materials capable of causing public health or safety problems shall not be salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and the EA.


(a) The operator may voluntarily prepare an Odor Best Management Practice Feasibility Report (Report) or the EA may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to section 17863.4(f).

(b) The Report shall:
   (1) Present representative and correlating odor data for each potential onsite odor source including but not limited to: odor severity, odor characteristics, time and weather conditions when data was collected, description of operations associated with the source, and any odor impacts or complaints received;
   (2) Identify, based on data required in subdivision (b)(1), which onsite odor sources are and are not contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in order of impact;
   (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):
      (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has used to minimize odor and analyze each BMP for the following:
         1. The effectiveness of the BMP in reducing odor impacts;
         2. The potential for more extensive use of the BMP to minimize odor impacts described by complainants;
         3. If the BMP has been operationally practical and if more extensive use of the BMP would be operationally practical;
         4. The approximate cost to implement a more extensive use of the BMP;
         5. Any permits or permit changes necessary to use the BMP more extensively;
         6. Overall recommendation if existing BMPs should be continued and if more extensive use of the BMP is recommended; and
         7. If the BMP has been found to be ineffective (include supporting data).
      (B) List of all potential best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) or other industry-accepted practice(s) as a guideline, which the operator has not used and analyze each potential BMP to determine:
         1. The potential for the BMP to reduce odor impacts described by complainants;
         2. If the BMP is operationally practical;
         3. The approximate cost to implement the BMP;
         4. Any permits or permit changes necessary to use the BMP; and
5. Overall recommendation and ranking of implementing the BMP.

(C) Develop a plan and schedule for implementing the BMP(s) that are recommended, based on
the analysis conducted pursuant to subdivision (b)(3)(A) and (B).
(c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and
the Department for review. If the EA has required the operator to prepare a Report pursuant to
subdivision (a), the operator shall submit the plan and schedule within 14 days or other timeframe
approved by the EA.
(d) The EA, in consultation with the Department, shall within 30 days:
(1) approve the Report and associated plan and direct the operator in writing to implement the plan
in whole or in part; and/or
(2) direct the operator in writing to submit specific changes or additional information within a
timeframe specified by the EA.
(e) The EA may issue a Notice and Order pursuant to section 17863.4(f) to carry out subdivision
(d)(1) or (d)(2).

Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
Reference: Sections 43020, 43021 and 43209.1, §17896.31. Odor
Minimization Plan.
(a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-
specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA
Notification or permit application.
(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
describing, at a minimum, the following items. If the operator will not be implementing any of these
procedures, the plan shall explain why it is not necessary.
(1) an odor monitoring and data collection protocol for on-site odor sources, which describes the
proximity of possible odor receptors and a method for assessing odor impacts at the locations of the
possible odor receptors; and,
(2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
described; and,
(3) a complaint response and recordkeeping protocol; and,
(4) a description of design considerations and/or projected ranges of optimal operation to be
employed in minimizing odor, including method and degree of aeration, moisture content of materials,
feedstock characteristics, airborne emission production, process water distribution, pad and site
drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
service interruptions, and site specific concerns as applicable; and,
(5) a description of operating procedures for minimizing odor, including aeration, moisture
management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
power, and personnel), bio filtration, and tarping as applicable.
(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
provided to the EA, within 30 days of those changes.
(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
revisions are necessary.
(e) The odor impact minimization plan shall be used by the EA to determine whether or not the
operation or facility is following the procedures established by the operator. If the EA determines that
the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
(pursuant to section 18304) to require the operator to either comply with the odor impact
minimization plan or to revise it.
(f) If the odor impact minimization plan is being followed and the EA determines, in a manner
consistent with section 18302(d), that odor impacts are still occurring, the EA shall direct the operator
to prepare and implement an Odor Best Management Practice Feasibility Report (Report) as specified
in section 17896.30. The EA shall consider the results of the Report prior to issuing a Notice and Order
(pursuant to section 18304) requiring the operator to take additional reasonable and feasible
measures to minimize odors unless:
(1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
(2) there is an imminent threat to public health and safety and the environment; or
(3) a public nuisance has occurred.
§ 17896.32. Odor and Nuisance Control.
Each in-vessel digestion operation and facility shall be conducted and maintained:
(a) in a manner that minimizes odor impacts so as to not cause a nuisance, and
(b) to otherwise prevent the creation of a nuisance.


§ 17896.33. Parking.
Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.


§ 17896.34. Personnel Health and Safety.
The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations, section 3203, shall be available for review by local and state inspectors during normal business hours. Nothing in this section is intended to make the EA responsible for enforcing the IIPP.


§ 17896.35. Pre-Digestion Solid Waste Handling.
(a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or sealed structure or removed from the site within 48 hours from the time of receipt. This requirement does not apply to putrescible waste stored in a sealed bag, bottle, or can.
(b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date of receipt or at an alternate frequency approved by the EA.


§ 17896.36. Protection of Users.
An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so that contact between the public and solid wastes is minimized. This may be accomplished through the use of railings, curbs, grates, fences, and/or spotters.


§ 17896.37. Roads.
All on-site roads and driveways shall be designed and maintained to minimize the generation of dust and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable all-weather access to the site.


§ 17896.38. Sanitary Facilities.
The operator shall maintain all sanitary and hand-washing facilities which may be required, by applicable state or local requirements, in a reasonably clean and adequately supplied condition.
§ 17896.39. Scavenging and Salvaging.
Each in-vessel digestion operation or facility shall meet the following requirements:
(a) scavenging shall be prohibited;
(b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part of the operation, subject to conditions established by the EA, the local land use authority, or other approving agencies.
(c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious entry and exit of vehicles delivering waste to the in-vessel digestion operation or facility. Salvaging activities conducted at an in-vessel digestion operation or facility shall be confined to specified, clearly identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety or nuisance problems;
(d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel Digestion Facility Plan, or In-vessel Digestion Facility Report.


§ 17896.40. Signs.
(a) For in-vessel digestion operations or facilities not open to the public, each point of access from a public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or facility name and location of nearest public operation or facility.
(b) If the operation or facility is open to the public, there shall be an easily visible sign at all public entrances indicating the name of the operator, the operator's telephone number, schedule of charges, hours of operation, and a listing of the general types of materials which either (1) WILL be accepted, or (2) WILL NOT be accepted.


§ 17896.41. Site Restoration.
All in-vessel digestion operations and facilities shall meet the following requirements:
(a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30 days prior to beginning site restoration.
(b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health, safety, and the environment.
(c) The operator shall ensure that the following site restoration procedures are performed upon completion of operations and termination of service:
(1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues including, but not limited to, digestate, compost materials, construction scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed.
(2) All machinery shall be cleaned and removed or stored securely.
(3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or other residues related to the site restoration operations.

§ 17896.42. Supervision and Personnel.
The operator shall provide adequate supervision and a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permits, conditions and other requirements. The operator shall notify the EA in writing of the name, address and telephone number of the operator or other person responsible for the operation. A copy of the written notification shall be placed in the operating record.


§ 17896.43. Training.
Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site solid waste operations and maintenance, hazardous materials recognition and screening, use of mechanized equipment, environmental controls, emergency procedures and the requirements of this Article. A record of such training history shall be maintained and made available for inspection.


§ 17896.44. Vector, Bird and Animal Control.
The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.


Article 4. Record Keeping Requirements

§ 17896.45. Record Keeping Requirements.
Each operator shall meet the following requirements:
(a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or residual weights or volumes in a form and manner approved by the EA. Such records shall be: submitted to the EA or the Department upon request; be adequate for overall planning and control purposes; and, be as current and accurate as practicable;
(b) All records required by this Chapter shall be kept by the operator in one location and accessible for five (5) years and shall be available for inspection by the EA and other duly authorized regulatory agencies during normal working hours.
(c) The operator shall submit copies of specified records to the EA upon request or at a frequency approved by the EA;
(d) The operator shall maintain a daily log book or file of special occurrences encountered during operations and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. Special occurrences shall include but are not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding, earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by telephone within 24 hours of all incidents requiring the implementation of emergency procedures, unless the EA determines that a less immediate form of notification will be sufficient to protect public health and safety and the environment;
(e) The operator shall record any written public complaints received by the operator, including:
   (1) the nature of the complaint,
   (2) the date the complaint was received,
   (3) if available, the name, address, and telephone number of the person or persons making the complaint, and
   (4) any actions taken to respond to the complaint;
(f) The operator shall maintain a copy of the written notification to the EA and local health agency of the name, address and telephone number of the operator or other person(s) responsible for the operations as required by section 17896.42;
(g) The operator shall maintain records of employee training as required by section 17896.43;
(h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809 et seq.
(i) The operator shall record all test results generated by compliance with Article 6 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

The operator shall retain records detailing pathogen reduction methods.


§ 17896.46. Documentation of Enforcement Agency Approvals, Determinations, and Requirements. Approvals, determinations, and other requirements the EA is authorized to make under this Chapter shall be provided in writing to the operator and placed in the operating record by the operator.


Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only

§ 17896.47. Communications Equipment. Each in-vessel digestion facility shall have adequate communication equipment available to site personnel to allow quick response to emergencies.


§ 17896.48. Equipment. Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-vessel digestion facility to meet all requirements of this Chapter.


§ 17896.49. Fire Fighting Equipment. Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly maintained and located as required by the local fire authority.


§ 17896.50. Housekeeping. The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap, and similar items.


§ 17896.51. Lighting. The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of operations, and public health, safety and the environment.

§ 17896.52. Site Attendant.
An in-vessel digestion facility open to the public shall have an attendant present during public
operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as
approved by the EA to ensure that it meets all of the requirements of this Chapter.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.53. Site Security.
The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and
vehicles through the use of either a perimeter barrier or topographic constraints.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.54. Traffic Control.
(a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:
(1) interference with or creation of a safety hazard on adjacent public streets or roads,
(2) on-site safety hazards, and
(3) interference with operations.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.55. Visual Screening.
The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create
and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if
none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening
in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be
considered compliance with this standard.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.56. Water Supply.
A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use
(e.g., fire protection, first aid) shall be available.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

Article 6. Digestate Handling Standards

§ 17896.57. Digestate Handling.
(a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:
(1) stored or processed on-site in a sealed container or sealed structure unless the EA approves an
alternative handling method after determining the alternative method will not pose an additional risk
to public health and safety or the environment; or
(2) incorporated in an on-site aerobic compost process.
(A) On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion
facilities that have obtained an In-vessel Digestion Facility Permit pursuant to section 17896.4.
(B) All in-vessel digestion facilities that compost on-site shall comply with the sampling
requirements of section 17896.58, maximum metal concentrations requirements of section 17896.59,
the maximum acceptable pathogen concentrations requirements of section 17896.60(b)(1), and
physical contamination limits of section 17896.61; or
(3) removed from the site and either:
(A) transported as solid waste to another solid waste facility or operation for disposal, composting,
or additional processing; or
(B) used or disposed in a manner approved by local, state, and federal agencies having
appropriate jurisdiction.
(b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.59,
pathogen concentration pursuant to section 17896.60(b)(1), and physical contaminants pursuant to
section 17896.61 or are known to contain any metal in amounts that exceed the maximum metal
concentrations described in section 17896.59, pathogens that exceed the maximum acceptable
pathogen concentrations described in section 17896.60(b)(1), or physical contaminants that exceed
the maximum physical contamination limits described in section 17896.61 shall be designated for
disposal, additional processing, or other use as approved by local, state agencies having appropriate
jurisdiction.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.58. Sampling Requirements.
(a) The sampling of compost produced at an in-vessel digestion facility (pursuant to section
17896.57(a)(2)) shall occur at the point where the compost is removed from the site, bagged for sale,
given away for beneficial use and removed from the site or otherwise beneficially used. Analytical
results indicating compliance with sections 17896.59, 17896.60, and 17896.61 shall be received by
the operator prior to the sampled compost leaving the site. Sample results must be received by the
operator prior to removing compost from the in-vessel digestion facility where it was produced.
(b) This sampling shall be performed by taking and analyzing at least one composite sample, following
the requirements of this section as follows:
(1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of
compost produced.
(2) Composite sample analysis for maximum acceptable metal concentrations, specified in section
17896.59, shall be conducted at a laboratory certified by the California Department of Public Health,
pursuant to the Health and Safety Code.
(c) A composite sample shall be representative and random, and may be obtained by taking twelve
mixed samples as described below.
(1) The twelve samples shall be of equal volume.
(2) The twelve samples shall be extracted from within the post-digested solids or compost pile as
follows:
(A) Four samples from one-half the width of the pile, each at a different cross-section;
(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
(C) Four samples from one-eighth the width of the pile, each at a different cross-section.
(d) The EA may approve alternative methods of sampling that ensures the maximum metal
concentration requirements of section 17896.59, the pathogen reduction requirements of section
17896.60, and the physical contamination limits requirements of section 17896.61, as applicable, are
met.

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

§ 17896.59. Maximum Metal Concentrations.
(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not
exceed the maximum acceptable metal concentrations shown in Table 2. Compost that contains any
metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall
be designated for disposal, additional processing, or other use as approved by local, state and federal
agencies having appropriate jurisdiction. Sample results must be received by the operator prior to
removing compost from the in-vessel digestion facility where it was produced.
### Table 2 - Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>(see subdivision (a)(1) below)</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>1500</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>100</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>

(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

(b) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2 are not exceeded.


§ 17896.60. Pathogen Reduction.

(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not exceed the maximum acceptable pathogen concentrations described in subdivision (b)(1) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) Operators of in-vessel digestion facilities that produce compost shall ensure that:

1. The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis). Sample results must be received by the operator prior to removing product from the site.

2. At in-vessel digestion facilities using an enclosed or within-vessel composting process, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

   (A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of subdivision (b)(2) of this section.

   (3) If the facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

   (4) If the facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(c) In-vessel digestion facilities that produce compost utilizing a windrow composting process or an aerated static pile composting process shall be monitored as follows to ensure that the standards in subdivision (b) of this section are met:

1. Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.
(2) Temperature measurements for pathogen reduction shall be measured as follows:

(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;

(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.

d) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.


§ 17896.61. Physical Contamination Limits.

(a) Compost produced at an in-vessel digestion facility (pursuant to section 17896.57(a)(2)) shall not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. Compost that contains more than 0.1% by weight of physical contaminants greater than 4 millimeters shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Verification of physical contamination limits shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one representative sample for every 5,000 cubic-yards of compost produced and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

c) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will ensure the physical contaminant requirements of this section are met.


Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.

Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities

§ 18083. LEA Duties and Responsibilities for Inspections.

(a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal sites and equipment to verify compliance with the state minimum standards, solid waste facilities permits, and related state solid waste laws and regulations within their purview for the protection of the environment and the public health and safety. The LEA/EA shall perform these inspections and related duties as required below, and forward inspection reports to the operator and/or owner, and the board Department within 30 days of the inspection:

(1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;

(2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending abatement by enforcement action(s);

(3) at the frequency required by the state minimum standards for each type of operation specified in 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA Notification tier shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, and in no case shall the inspection frequency be less than once per calendar year. The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose an additional risk to public health and safety or the environment in light of the specific circumstances.
at the operation in question. The Department shall concur or deny the EA-proposed approval within
thirty (30) days from receipt.

(4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section
21565. For closed sites, inspections shall be made until no potential threat exists to public health and
safety or the environment. This determination shall be subject to board Department approval. For the
purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site
that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable
closure requirements;

(A) the board Department may approve an alternate inspection frequency for these sites where
such an action will not result in adverse impact on public health and safety and the environment.

(5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement
with the board Department through a grant program to inspect waste tire facilities, major waste tire
facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once
every two and a half years pursuant to 14 CCR Section 18443;

(6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

(7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application,
revision, review, RFI amendment, or closure/postclosure plan; and

(8) pursuant to the EPP, for solid waste handling and collection equipment.

(b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above
inspections, whenever possible, without prior notice to the owner or operator, on randomly selected
days, during normal business hours or the site's operating hours.

Note: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference:
Sections 43200, 43209, 43218, 44100 and 44101, Public Resources Code.

Article 3.0. Regulatory Tier Requirements

§ 18100. Scope.
(a) This Article sets forth the method of application for a tiered solid waste facilities permit,
procedures for review and action on an application package, and other requirements associated with
regulatory tiers. This Article also includes provisions regarding permit maintenance following issuance
and other requirements associated with solid waste handling operations. Similar provisions regarding a
full solid waste facilities permit can be found in Title 27, Division 2, Subdivision 1, Chapter 4,
Subchapter 3, Articles 2.0-3.2 of the California Code of Regulations (commencing with section 21570).
(b) The provisions of this Article shall apply only to those operations and facilities as specified in the
minimum standards set forth in Chapters 3.0, 3.1, or 3.2 of Division 7 of this Title.
(c) The submittal of an enforcement agency notification (in accordance with section 18103) or
issuance of a tiered permit supersedes any previously submitted enforcement agency notification or
issued tiered permit.
(d) Specific provisions relating to the different types of regulatory tiers may be found below as
follows:

1. Excluded section 18102
2. Notification of Enforcement Agency sections 18103 – 18103.3
3. Registration Permit sections 18104 – 18104.9; and
4. Standardized Permit sections 18105 – 18105.11.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020, 43021 and 43000-45802, Public Resources Code.

§ 18102. Excluded Solid Waste Handling.
Operators of excluded operations designated by the minimum standards set forth in Division 7 of this
Title are not required to notify the enforcement agency or submit an application for a solid waste
facilities permit. Nothing in this section precludes the enforcement agency or the board Department
from inspecting an excluded operation to verify that the operation is being conducted in a manner that
qualifies as an excluded operation or taking any appropriate enforcement action.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections
43020, 44100(a), 44101(a) and 45200, Public Resources Code.
§ 18103. Enforcement Agency Notification.
(a) The enforcement agency notification provisions of this Article shall apply only to operations as specified in the minimum standards set forth in Chapters 3.1 or 3.2 of Division 7 of this Title.
(b) Sections 18103.1 through 18103.3 establish the requirements for compliance with enforcement agency notification as follows:
   (1) Filing Requirements section 18103.1;
   (2) Record Keeping Requirements section 18103.2; and
   (3) Termination of Operation section 18103.3.
(c) Operations authorized to use the enforcement agency notification tier are required to operate in accordance with the minimum standards set forth in Chapters 3.1 or 3.2 of Division 7 applicable to that operation.
(d) Nothing in this section precludes the enforcement agency or the board Department from the following: inspecting an operation to verify that the operation is being conducted in a manner that qualifies for the enforcement agency notification tier; inspecting to verify that the operation is in compliance with the minimum standards; or, taking any appropriate enforcement action, including the use of a ‘notice and order.’

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 44100(a), 44101(a) and 45200, Public Resources Code

§ 18103.1. Filing Requirements.
(a) Any operator proposing to engage in solid waste handling pursuant to an enforcement agency notification shall notify the enforcement agency of its intent to operate in writing prior to commencing operations. This written notification shall be legible and include the following information:
   (1) The name, address, and phone number of the proposed operation; the name, address, and phone number where the operator can be contacted if these differ from the operation site; and, the name, address, and phone number of the owner if these differ from the operator.
   (2) The section in Chapters 3.1 or 3.2 of Division 7 of this Title authorizing eligibility for this tier and a description of the facility’s operations, including but not limited to, volume and hours of wastes/material handled, peak and annual loading, and hours of operation.
   (3) Documentation that the operator has notified the local planning department with jurisdiction over the site of its intent to commence operations. Documentation may include, proof of compliance with CEQA, correspondence from the local planning department that compliance with the California Environmental Quality Act is not required for the operation to obtain local land use approval or written notice to the local planning department of the operator’s intent to commence operations.
   (4) A statement by the owner and operator certifying under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.
(b) The notification shall be mailed to the enforcement agency “return receipt requested.”


§ 18103.2. Record Keeping Requirements.
The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall be publicly available during normal business hours. The enforcement agency shall forward a copy of the notification to the board Department within five days of receipt. The enforcement agency shall retain a copy of the notification for a minimum of one year after the facility is known to have ceased operations.


§ 18104. Registration Permit.
(a) The registration permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3.1 or 3.2 of Division 7 of this Title.
(b) A registration permit shall be deemed to incorporated by reference, as terms and conditions of the permit, all minimum standards applicable to it, as set forth in Chapters 3.1 or 3.2, of Division 7.
(c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:
§ 18104.1. Filing Requirements.

Any operator proposing to operate a solid waste facility pursuant to a registration permit shall file an application using form CIWMB 83 “Registration Permit Application” (rev. 12/96), which is incorporated herein by reference, with the enforcement agency. The application shall be accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). (See Appendix A.) This application shall contain the following information:

(a) The name and address of the enforcement agency, and the section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.

(b) General description of the facility including, but not limited to name, location, site map, and location map.

(c) Facility information, including, but not limited to, volume and type of waste/material; handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.

(e) Conformance finding information as follows:

(1) Until a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.

(2) After a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public Resources Code Section 50001.

(f) The owner and operator shall each certify under penalty of perjury that the information which they have provided is true and accurate to the best of their knowledge and belief.

(g) Evidence that the application form was provided to the director of the local agency that oversees local use planning for the jurisdiction in which the site is located.

(h) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.


§ 18104.2. Enforcement Agency Processing Requirements.

... (g) The enforcement agency shall provide a copy of the registration permit to the board Department and to any person who has so requested in writing.
...
§ 18104.3. Record Keeping Requirements.

(c) The enforcement agency shall forward copies of any written public comments received on an application to the board Department with the registration permit submitted pursuant to section 18104.2(f).

(d) Subsequent to the transmittal of the registration permit to the board Department, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board Department unless the comment clearly states that a copy has already been provided to the board Department.

(e) If an application is denied, the enforcement agency shall retain public comments received on that application for a period of 2 years. If a previously denied permit is approved, all comments received shall be forwarded to the board Department with the copy of the registration permit submitted under subsection (c) above.

§ 18104.6. Change in Owner.

(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever comes first. The enforcement agency shall transmit a copy of the notification to the board Department within five days of receipt.

§ 18104.9. Voiding of a Registration Permit.

Every registration permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification to the board Department within 7 days. “Cessation of operations” does not include temporary operational shutdowns which are seasonal or intermittent in nature.


§ 18105. Standardized Permit.

(a) The standardized permit provisions of this Article shall apply only to solid waste facilities as specified in the minimum standards set forth in Chapters 3, 3.1, or 3.2 of Division 7 of the Title.

(b) A standardized permit obtained pursuant to this Article shall contain only those terms and conditions applicable to the type of facility receiving it as set out in the minimum standards for that type of facility.

(c) Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as follows:

(1) Filing Requirements section 18105.1;

(2) Enforcement Agency Processing Requirements section 18105.2;

(3) Record keeping Requirements section 18105.3;

(4) Completeness Appeal section 18105.4;

(5) Board Department Processing Requirements section 18105.5;

(6) Appeal of Decision section 18105.6;

(7) Change in Operation section 18105.7;

(8) Change in Owner section 18105.8;

(9) Permit Review section 18105.9;

(10) Suspend/Revoke section 18105.10; and

(11) Voiding of a Standardized Permit section 18105.11.

§ 18105.1. Filing Requirements.

Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an application in duplicate with the enforcement agency accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall contain the following information:

(a) The name and address of the enforcement agency, and the section in Chapters 3, or 3.1, or 3.2 of Division 7 of this Title authorizing eligibility for this tier.
(b) General description of the facility including, but not limited to name, location, site map, and location map.
(c) Facility information, including, but not limited to, volume and types of waste/material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.
(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.
(e) A Report of Facility Information that contains all of the information required by the applicable section(s) of Article 3.2, Chapter 5, of this Division.

(f) One of the following:

(1) Evidence that there has been compliance with the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,

(2) Information on the status of the application’s compliance with the California Environmental Quality Act regarding the facility. Once there has been compliance with the California Environmental Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement agency.

(g) Conformance finding information as follows:

(1) Until a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.

(2) After a countywide or regional agency integrated waste management plan has been approved by the board Department, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be identified in any of these elements pursuant Public Resources Code Section 50001.

(h) The owner and operator shall each certify under penalty of perjury that the information provided is true and accurate to the best of their knowledge and belief.

(i) Evidence that the application form was provided to the director of the local agency that oversees local use planning for jurisdiction in which the site is located.

(j) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.


§ 18105.2. Enforcement Agency Processing Requirements.

... Within fifteen days of acceptance of an application for filing:

(1) The enforcement agency shall evaluate the information provided in the application and the proposed facility to determine whether or not the facility will be able to operate in compliance with the applicable minimum standards and standardized solid waste facilities permit terms and conditions.

(2) The enforcement agency shall provide notice pursuant to Title 27 Section 21660.3.

(3) If the enforcement agency finds that the application and facility meet the requirements set forth in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed standardized permit, application package, and the results of any analysis to the board Department. The enforcement agency shall further provide the applicant with a copy of the proposed standardized permit submitted to the board Department. In addition, the enforcement agency shall provide a copy of the proposed standardized permit to any person who has so requested in writing.
(4) If the enforcement agency finds that the application or facility do not meet the requirements set forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy of the rejected application accompanied by an explanation shall be mailed to the applicant.

(h) If evidence of compliance with the California Environmental Quality Act, as required by Section 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this requirement has been demonstrated. Unless waived by the applicant pursuant to Public Resources Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not been submitted within 120 days of the application's acceptance for filing, the enforcement agency shall reject the application and not issue the standardized permit.

(i) Once the board Department has concurred in the issuance of the proposed standardized permit, pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

(j) If the board Department objects to the proposed standardized permit, the enforcement agency shall notify the applicant in writing of the board Department's decision, and the reasons for that decision, within five days of receipt of that decision.

§ 18105.3. Record Keeping Requirements.

(c) The enforcement agency shall forward copies of any written public comments received on a pending application to the board Department with the proposed standardized permit submitted pursuant to section 18105.2(g).

(d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board Department, unless the comment clearly states that a copy has already been provided to the board Department.

§ 18105.5. Board Department Processing Requirements.

(a) The board Department shall mark the proposed standardized permit with the date of receipt.

(b) The board Department shall evaluate the application package and the proposed standardized permit for compliance with the requirements set forth by section 18105.1 and 18105.2(g).

(c) Within 30 days of receipt of a proposed standardized permit, the board Department shall either concur in or object to the issuance of the proposed standardized permit.

(d) If the proposed standardized permit contains terms and conditions not authorized by the minimum standards and the permit is otherwise in conformance with these regulations, any additional unauthorized terms and conditions shall be stricken. The board Department shall concur in the edited standardized permit.

(e) Within 7 days of the decision to concur in or object to a proposed standardized permit, the board Department shall notify the enforcement agency of its determination in writing. If the board Department objects, the reasons for the objection shall be provided to the enforcement agency.


§ 18105.6. Appeal of Decision.

(a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section 18105.2(g)(3) or of the Board Department taken pursuant to section 18105.5 to the enforcement agency within 15 days of the date that the decision was received. Such an appeal must be in writing and specify the grounds for the appeal. A final written determination on the appeal shall be made by the hearing panel or hearing officer designated pursuant to section 44800 of the Public Resources Code, no later than 60 days after receipt of the applicant's appeal.


§ 18105.8. Change in Owner.

(a) An operator shall notify the enforcement agency in writing if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the
property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold,
transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to
such action by the owner, or within 7 days of receiving notice of such action by the owner, whichever
comes first. The enforcement agency shall transmit a copy of the notification to the board Department
within five days of receipt.

§ 18105.9. Permit Review and Reissuance.

... (d) If an operator files a certification as specified in subsection (c) above or a new application
pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections
18105.2 and 18105.3 and the board Department shall follow the procedures set forth in Section
18105.5.

§ 18105.11. Voiding of a Standardized Permit.

Every standardized permit shall be void 30 days after cessation of operations. Any operator who
intends to cease operations shall notify the enforcement agency of his/her last proposed date of
operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification
to the board Department within 7 days. “Cessation of operations” does not include temporary
operational shutdowns which are seasonal or intermittent in nature.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 43020, 43021 and 43000-45802, Public Resources Code.

Article 3.2. Reports of Facility Information

§ 18221.5.1. In-Vessel Digestion Facility Plan.

Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration
Permit, as set forth in section 17896.12 and Title 14, Division 7, Chapter 5.0, Article 3.0,
(commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility
Plan (“Plan”) with the EA as required in section 17896.14 of this Title. In order to maintain the permit,
the operator must file amendments as necessary to maintain the accuracy of the Plan. Such
amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the
permit. The Plan shall contain the following:
(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) schematic drawing of the building and other structures showing layout and general dimensions of
the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(c) descriptive statement of the manner in which activities are to be conducted at the facility;
(d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of
material processing, each set of hours may be stated. For facilities with continuous operations,
indicate the start of the operating day for purpose of calculating amount of waste received per
operating day. The operator may also indicate whether or not, and when, other activities, such as
routine maintenance will take place, if those activities will occur at times other than those indicated
above;
(e) total acreage contained within the operating area;
(f) facility design capacity including the assumptions, methods, and calculations performed to
determine the total capacity;
(g) information showing the types and the daily quantities of solid waste to be received. If tonnage
was figured from records of cubic yards, include the conversion factor used;
(h) description of the methods used by the facility to comply with each state minimum standard
contained in sections 17896.17 through 17896.61;
(i) anticipated volume of quench or process water and the planned method of treatment, and disposal
of any wastewater;
(j) description of provisions to handle unusual peak loading;
(k) description of transfer, recovery and processing equipment, including classification, capacity and
the number of units;
(l) planned method for final disposal of the solid waste;
(m) planned method for the storage and removal of salvaged material;
(n) resume of management organization which will operate the facility;
(o) An Odor Impact Minimization Plan pursuant to section 17896.31.


§ 18221.6.1. In-Vessel Digestion Report.
Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel Digestion Report (“Report”) with the EA as required in section 17896.15 of this Title. In order to maintain an existing permit, the operator must file amendments as required in section 17896.15 of this Title and re-title the document as an In-vessel Digestion Report. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. A Report shall contain the following:

(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) facility specifications or plans, to include: a site location map, a site map, and identification of adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet of the facility property line;
(c) schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(d) descriptive statement of the manner in which activities are to be conducted at the facility;
(e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of material processing, each set of hours may be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;
(f) total acreage contained within the operating area;
(g) facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity;
(h) information showing the types and the daily quantities of solid waste to be received. If tonnage was figured from records of cubic yards, include the conversion factor used;
(i) description of the methods used by the facility to comply with each state minimum standard contained in sections 17896.17 through 17896.61;
(j) anticipated volume of quench or process water, and the planned method of treatment, and disposal of any wastewater;
(k) description of provisions to handle unusual peak loading;
(l) description of transfer, recovery and processing equipment, including classification, capacity and the number of units;
(m) planned method for final disposal of the solid waste;
(n) planned method for the storage and removal of salvaged material;
(o) resume of management organization which will operate the facility;
(p) list of permits already obtained, and the date obtained or last revised;
(q) An Odor Impact Minimization Plan pursuant to section 17896.31.


§ 18227. Report of Composting Site Information.
Each operator of a compostable material handling facility that is required to obtain a Compostable Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450), or a Registration Permit for a Vegetative Food Material Composting Facility, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18104) shall, at the time of application, file a Report of Composting Site Information with the EA as required by section 17863 of this Title. A Report of Composting Site Information shall contain the following:
(a) A description of the processes to be used, including estimated quantities of feedstocks, additives, and amendments.
(b) A descriptive statement of the operations conducted at the facility.
(c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized in the production of compost including, but not limited to, unloading, storage, processing, parking, and loading areas.
(d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and insects, for example, how the operator will store, process and incorporate food material and vegetative food material into windrows or static piles, timeframes for inclusion of material, collection and containment of leachate, passive and active vector controls, methods to monitor effectiveness of control measures.
(e) A description of the proposed emergency provisions for equipment breakdown or power failure.
(f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average length of time compostable materials will be stored at the facility.
(g) A description of compostable materials handling equipment used at the facility including type, capacity, and number of units.
(h) Anticipated annual operation capacity for the facility in cubic-yards.
(i) A description of provisions to handle unusual peak loadings.
(j) A description of the proposed method for storage and final disposal of nonrecoverable or nonmarketable residues.
(k) A description of the water supplies for process water required.
(l) Identification of person(s) responsible for oversight of facility operations.
(m) A description of the proposed site restoration activities, in accordance with section 17870.
(n) An Odor Impact Minimization Plan pursuant to section 17863.4. The EA may require the operator to revise the Odor Impact Minimization Plan if the operator proposes to accept new feedstock, such as food material or vegetative food material.

Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
Reference: Sections 43020, 43021 and 43209.1, Public Resources Code.

Article 4. Enforcement by EA and Review by Board-Department

§ 18302. Written Complaints of Alleged Violations.
(a) Any person having information alleging a facility or operation is being operated without a required permit or notification, in violation of one or more terms or conditions of a permit, in violation of the state minimum standards, or in violation of any related state solid waste laws or regulations, or that a permit was obtained wholly or partially by misrepresentation or nondisclosure of relevant facts, may file a complaint regarding such allegation in writing to the EA. The compliant complaint shall include the following:
(1) The name, address and telephone number of the person making the complaint, however nothing in this chapter shall be construed to prevent the making of anonymous complaints by omitting the identity of the reporting party from the complaint;
(2) The identity and location, if known, of the facility or operation and the names and addresses, if known, of the persons responsible for the violation;
(3) The nature of the violation and/or the relevant misrepresented or non-disclosed facts; and
(4) All known facts relevant to the alleged violation or likely to be of assistance to the EA in investigating the complaint, including but not limited to information relating to witnesses and physical evidence.
(b) The person making the complaint may forward a copy to the board Department.
(c) Upon receipt of a complaint, the EA shall within fifteen days examine the report and determine whether its allegations, if true, would constitute a violation of a state minimum standard, permit term or condition or any related state solid waste law or regulation. The EA shall make its determination on the basis of the substance of the allegations rather than on the basis of the complaint’s technical compliance with the Act or this chapter. Should the EA determine that the complaint fails to allege facts constituting a violation of a state minimum standard, permit term or condition or related state solid waste law or regulation, it shall so advise the reporting party in writing at the address given in the complaint if an address is given and place a copy in its files.
(d) Upon receipt of an odor complaint, the EA shall investigate the complaint as soon as practical prior to issuing a violation for failing to minimize odor. The odor complaint investigation shall include the following:

1. The date and time the EA arrived and departed within the complaint area.
2. Observations of wind direction and speed, and general weather conditions such as clouds, fog, high wind speed, humidity, and temperature.
3. If odor is detected, the EA shall:
   A. Record the location where odor was observed, such as the street address, latitude/longitude, tax parcel number, etc.
   B. Verify the odor event at the complainant’s location and ascertain if the odor is interfering with the complainant’s use and enjoyment of the property.
   C. Document odor characteristics, intensity, and duration at the complainant’s location, the solid waste facility/operation, and other odor sources adjacent to the solid waste facility/operation.
   D. Identify activities conducted at the solid waste facility/operation at the time of the odor event. The EA should consult with the operator to determine if there were unusual operational changes or atypical feedstocks accepted during the time of the complaint(s).

d(e) The EA may decline to investigate a complaint if, in its judgment, investigation is unwarranted because the allegations are contrary to facts known to the EA. Should the EA decline to investigate on that ground, it shall so advise the complaining party in writing at the address given in the complaint if an address is given and place a copy in its files.

e(f) Except as provided in subsection (c) or subsection (de) of this section, the EA shall commence an investigation of the facts alleged in the complaint.

(f) If an LEA has a complaint review and investigation initiation procedure that contains substantially the same basic requirements as this section, and accomplishes the intended purposes of this section within its board-Department-approved EPP, it may follow that equivalent process in lieu of subsections (c), (d) and (e) of this section. Section 18302 is intended to insure that every person making a written complaint of an alleged unlawful condition at a solid waste facility or operation can assume that his or her complaint will receive appropriate attention.

g(h) If the board-Department receives a complaint in a jurisdiction where it is not the EA, the complaint shall be forwarded to the appropriate LEA within 5 days of its receipt, unless the LEA has already received a copy from the complaining party.

Appendix 1 Joint Permit Application Form

NEW

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR
SOLID WASTE FACILITY PERMIT/AND WASTE DISCHARGE REQUIREMENTS

This application form is for a Solid Waste Facility Permit (SWFP) and/or Waste Discharge Requirements (WDRs) to receive, store, process, transform, or dispose of solid waste regulated by the California Integrated Waste Management Board (CIWMB), Department of Resources Recycling and Recovery (CalRecycle) and Local Enforcement Agencies (LEAs) and the California Regional Water Quality Control Boards (RWQCBs), and for related purposes. The Application is to be used for both new and revised permits, changes to existing SWFPs, WDRs, and supporting documents (e.g. Reports of Facility Information, Reports of Waste Discharge), and expansions for SWFP Reviews. All [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] Applications must be filled out completely [Note to OAL and publisher: Underline indicates addition. Final text should remain underlined for emphasis.]. Check with local or county enforcement agency the applicable EA or RWQCB for specific permit requirements and/or exemptions or the use of the Application/General Information Form for WDRs and National Pollutant Discharge Elimination System permit (Form 200) by the RWQCB. This form Submit the Application and the filing fees should be sent to the appropriate agency(ies) indicated below:

<table>
<thead>
<tr>
<th>FORM TYPE / USE</th>
<th>APPROPRIATE AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for a Solid Waste Facility Permit</td>
<td>CIWMB/LEA</td>
</tr>
<tr>
<td>Report of Waste Discharge for WDRs</td>
<td>RWQCB</td>
</tr>
</tbody>
</table>

If you have any questions on the completion of how to complete this form, please contact the appropriate agency(ies) for assistance. You can download this form from the CIWMB CalRecycle website at LEACentral http://www.calrecycle.ca.gov.

NOTE: For direct discharge (point source discharge) to surface waters, a different application form and submittal package is required in place of this form. Please contact the appropriate Regional Water Quality Control Board-RWQCB if seeking to discharge to surface water under the for a National Pollutant Discharge Elimination System (NPDES) permit application form to apply for a permit for this type of discharge.

The Application for Solid Waste Facility Permit/Waste Discharge Requirements provides initial notice of a waste discharge. In most instances, additional information will be required, and should be submitted on 8 1/2 "x 11" paper. Submit two copies of the completed form Application and of any required report(s), and filing fee to the Enforcement Agency (EA). Submit one copy of the form Application and any required report and filing fee to the RWQCB. The RWQCB will notify you of your annual fee based on an evaluation of your proposed discharge. Please do not submit a check to the RWQCB until requested to do so by a RWQCB representative. Applicants applying for an update of an existing WDR will be billed through the annual fee billing system and therefore are requested NOT to submit a check with their Application. The agency(ies) will advise you of any additional information that may be required to complete this Application and waste disposal report.

You will be notified of the effective date of the application by each agency.

The Applicant shall submit this Application in a form and format required by the EA. The EA will exercise its discretion in using the information provided by the Applicant to establish terms and conditions of a proposed SWFP the EA determines to be appropriate.

AMOUNT OF FILING FEES

- EA - The enforcement agencies shall determine the exact fee Contact the EA for fee information.
- RWQCB – Use flow or units reported in Part 4 (application form) and the appropriate class schedule A, B, B1, B3, or C (attached filing fee schedule). Contact the RWQCB for fee information.

FOR OFFICIAL USE ONLY (CIWMB-CalRecycle/LEA/RWQCB staff)

SWIS/WDID/Global ID Number: The Solid Waste Information System (SWIS) number assigned to the facility by CIWMB-CalRecycle staff. The Waste Discharge Identification number (WDID) and global identification number (global ID) for use by RWQOB staff.

Filing Fee: The amount of filing fee submitted by the applicant.

Receipt Number: The number assigned to the application by CIWMB-CalRecycle/LEA/RWQCB staff.

Date Received: The date the EA or RWQCB receives the application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts the application package for filing (Title 27, section 21650(a)).

Date Rejected: The date the EA rejects the application package is rejected (Title 27, section 21650(d)).

Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete application package as incomplete (Title 27, section 21580).

Due Date: 180 days from the date the application was accepted as incomplete (Title 27, section 21580).

Part 1. GENERAL INFORMATION

A. Enforcement Agency: Enter the name of the EA.

B. County: Enter the name of the county or counties in which the facility is located.

C. Type of Application: Check the box (one box only) that describes the reason the application is being submitted, as follows:

1. New SWFP and/or WDRs: A facility that does not have a current full SWFP or WDRs.

2. Revision of SWFP and/or WDRs: Applicant is proposing to make a change to the design or operation of the facility. (Title 27, section 21620 and 21710)

3. Exemption and/or Waiver: The facility is exempted from a full SWFP pursuant to Title 27, section 21565 and/or WDRs have been waived.

4. Review: To comply with the five-year permit review requirement (Title 27, section 21640).

5. Amendment of Application: If the application changes any of the information required in the application after the application package it has been submitted and before the EA has acted on the Application issuance or denial of the permit or alteration thereof, the applicant changes any of the information required in the application package. (Title 27, section 21610 and 21710)

6. RFI/ROWD/JTD Amendments: For existing permitted facilities, when an owner/operator proposes to make minor changes in design or operation supported by an existing or new CEQA documentation. The application package is submitted to the EA and/or RWQCB to determine if the proposed change(s) can be allowed without an application for a revision. A change to the Report of Facility Information, Report of Waste Discharge, or Joint Technical Document that does not require a change to the SWFP or WDRs.

Part 2. FACILITY DESCRIPTION

A. Name of Facility: The name as it is to be listed on the SWFP and/or the WDRs.

B. Location of Facility:

1. The physical address of the facility or, if no address, a description of the location. Include the Assessor’s Parcel Number, directions to the location of the facility and the name of the nearest city or named place, i.e. mountain, lake, cross roads, etc. Provide the zip code for the actual facility location, not the mailing address.

2. Latitude and longitude is to be submitted in Degrees, Minutes, and Seconds, or Decimal Degrees identifying the center of the waste footprint for existing or proposed disposal sites and identifying the office or main gate for all other facilities (e.g., transfer station, composting facility, etc.). Use of a GPS...
instrument is recommended. It indicates the center of the waste footprint, existing or proposed, for
disposal sites, and the office or gate for all other facilities (i.e., transfer, composting, etc.)

3. Map or sketch should be to a scale adequate to show the precise location of the permitted
boundary. Use of a portion of a U.S.G.S. Quadrangle map is recommended. Map must show proximity
disposal location to populated areas and must indicate all wells and drainage courses within 1,000
feet of any disposal point. The map must include approaches and/or access roads, streets, and/or
highways. The legal description shall include the applicable portions of the section(s) of the township,
range, base, and meridian. The facility shall have permanent monuments or other physical features
that adequately delineate the permitted boundary in the field.

C. Type Of Activity

1. Disposal: A facility that includes a place, location, tract of land, area, or premises in use,
tended to be used, or which has been used, for landfill disposal of solid waste; and
a. Type: The type of disposal facility, such as, monofill, monofill, C&D/inert, municipal solid
waste.

2. Composting-Compostable Material Handling: A facility that is operated for the purpose of
producing compost or compostable materials, and
a. Type: The type of composting facility, e.g., green waste, food waste, biosolids, or MSW.

3. Transformation: A facility that at which solid waste is incinerated; or subject to pyrolysis,
distillation, or biological conversion other than composting. Transformation does not include
composting, gasification, or biomass conversion.

4. Transfer/Processing Facility: A facility that receives, handles, stores, separates, converts or
otherwise processes materials in solid waste; and or transfers solid waste directly from one container
to another or from one vehicle to another for transport; and/or store solid waste. For Informational
Purposes Only: Check the box if recyclable materials are recovered prior to transfer/processing.

5. Construction and Demolition/Inert Debris Processing: A facility that receives Construction
and Demolition Debris and/or Inert Debris for the purpose of controlled separation, recovery, volume
reduction, or recycling.

6. In-vessel Digestion: A facility that receives solid waste for digestion in an in-vessel digester.

E. Type Of Permitted Wastes To Be Received

1. Agricultural: Wastes resulting directly from the production and processing conduct of farm or
agricultural products activities, including, but not limited to, manures, prunings, and crop residues.

2. Asbestos: A naturally occurring family of carcinogenic fibrous mineral substance. The State
Department of Health Services-Toxic Substances Control has classified friable wastes which contain
more than one percent or more asbestos by weight as hazardous wastes. Friable means that the
material can be crumbled with pressure and, therefore, is likely to emit fibers. Indicate whether the
asbestos is friable or non-friable by checking the appropriate box.

3. Ash: The residue from the incineration of solid wastes, including, but not limited to, municipal
waste, infectious medical waste, wood waste, sludge, and agricultural waste.

4. Treated Auto Shredder Waste: The "fluff" consisting of upholstery, paint, plastics, and other
non-metallic substances that remains after the shredding of automobiles, discarded household major
appliances, and sheet metal-similar items. The State Department of Health Services has classified
untreated shredder wastes as hazardous.

5. Compostable Material: Any organic material that when accumulated will become active
compost. Describe the types of compostable materials to be received.

6. Construction/Demolition Waste: Waste that results from construction, remodeling, repair,
demolition or deconstruction of buildings, and other structures.
7. **Contaminated Soil**: Waste which contains designated or nonhazardous concentrations and has been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency. Soil that the RWQCB or the Local Oversight Agency has classified as a designated waste.

8. **Dead Animals**: Animal carcasses requiring disposal that have not been previously used for medical purposes and are not known to have been infected or with known infectious diseases.

9. **Industrial**: Solid or semi-solid wastes resulting from industrial processes and manufacturing operations, e.g. cement kiln dust, ore process residues, grit or screenings removed from a waste water treatment facility, etc.

10. **Inert**: Solid waste and recyclable materials that are source separated or separated for reuse, do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives and do not contain significant quantities of decomposable waste. Inert debris may not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the putrescible wastes do not constitute a nuisance, as determined by the EA.

11. **Liquids**: Wastes which are not spadeable, usually containing less than 50% solids. These wastes include canning and food processing wastes, landfill leachate and gas condensate, boiler blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings, rendering plant byproducts, some sewage sludge, etc.

12. **Mixed/ or Municipal Solid Waste (MSW)**: Solid waste generated primarily by residential and commercial refuse sources, garbage and/or rubbish although it may contain insignificant amounts of other solid waste that, when mixed together, is all handled as MSW. Residential waste is commonly thought of as household garbage, commercial wastes contain less putrescible waste and more paper and cardboard.

13. **Sewage Sludge**: Human (not industrial) residue, excluding grit or screenings, removed from a wastewater treatment facility or septic tank, whether in a dry or semidry form.

14. **Waste Tires**: Discarded tire casings. Tires that are no longer mounted on a vehicle and are no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer’s original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not organized for inspection in a rack or a stack.

15. **Other**: Any allowable wastes not included in the above.

### Part 3. FACILITY INFORMATION

#### A. Proposed Change

Check the box that identifies the type of change proposed. Briefly describe the proposed change in the space provided.

1. **Design Change**: A design change would include but is not limited to: change in footprint, acreage, additional capacity, site improvements, etc.

2. **Operation**: A change in operation would include but is not limited to: change in hours or days of operation, the addition of an activity, tonnage changes, etc.

3. **Owner, Operator, Address, and/or Facility Name Change**: Complete if there is a change in the owner, operator, address, or facility name.

4. **Other**: This type of change includes but is not limited to: change in emergency contact list, etc.

For an application for permit review, if there are no changes, so indicate.

#### AB. Facility Information

1. **Information Applicable To All Existing Facilities**: This portion of Part 3 of the Application must be filled out by every applicant regardless of the type of facility.

   a. **Peak-Maximum Daily Tonnage or Cubic Yards**: The peak (maximum) total amount of solid waste and other material the facility applies is permitted and authorized by the EA to receive through the gate to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-to-day operations (include information on all other material authorized by the EA to receive in the Report of Facility Information (RFI)). This amount shall be expressed in tons; if tonnage is not available or not applicable provide this specify the amount in cubic yards with a conversion factor. This will be referred to as the “permitted maximum tonnage” and is considered the facility maximum tonnage limit. This amount must be consistent with the approved SWFP and the approved Report of Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Volume figures should be converted to tons and the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP...
and/or WDRs enter zeros (0) in all items of this section. Note: The two amounts in (1) and (2) below must equal the maximum daily tonnage.

1. **Disposal/Transfer**: The amount of material—solid waste that comes through the gate and is disposed of on-site or transferred off-site as waste; and

2. **Other**: That amount of all other material received at the site, including, but not limited to, material that is recycled, or used for beneficial use beneficially reused (such as ADC, road building or other on-site projects), stored or processed. Note: 1 and 2 should equal the peak daily tonnage or cubic yards.

b. **As-Designed Daily Design-Tonnage (TPD) or Cubic Yards**: For landfills, the maximum daily tonnage—amount of solid waste and other material that the facility is designed to receive and process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited to, size of working face the operating areas, vehicle traffic considerations, hours of operation, personnel, equipment operational limits, etc. For other facilities, it is the maximum amount of solid waste and other material the facility is designed to handle receive and process at any one time on an ongoing bases over an extended period of time (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited to, vehicle traffic consideration, facility size, hours of operations, length of material storage, type of equipment and movement, personnel, equipment operational limits, etc. This amount shall be expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion factor. The as-designed tonnage value may be equal to or greater than the peak maximum daily tonnage value.

c. **Facility Size**: The area that encompasses the entire area on which solid waste facility activities are authorized by the EA to occur and are permitted. This includes the area of the facility in acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and managing equipment, management area, or any area that is required to maintain compliance with the design and operating parameters of the facility. The facility size is the same as “operating area” for composting material handling facilities, “permitted acreage” or the area within the “permitted boundaries” for transfer/processing facilities and landfills.

d. **Peak-Maximum Traffic Volume Per Day (vpd)**: The estimated maximum number of vehicles that will be authorized by the EA to enter the facility on a daily basis. This number should include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including vehicles transporting solid waste, personnel vehicles, and vehicles transporting cover material or material intended for beneficial reuse. This number must be consistent with the approved RFI and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review.

e. **Days and Hours of Operation**: The days and hours that the facility is authorized by the EA to operate and the hours of waste receipt authorized by the EA if different from the hours of operation. This information must be consistent with the approved RFI and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review.

2. **Proposed Change(s) or Information Applicable to New SWFP and/or WDRs**: This portion of the Application must be filled out by every applicant requesting a change to any item(s) listed under Part 3, section B1, in addition to Part 3, section B1, the Application must be filled out by the applicant if composting handling compostable materials is part of this Application.

   a. **Additional Information Required For Compostable Materials Handling Facilities Only**: This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled out by the applicant if composting handling compostable materials is part of this Application.

   b. **Total Site Storage-Capacity**: The total capacity in tons or cubic yards of all feedstock and compost (active, curing, and cured) material that is received, processed, and can be stored on-site at any one time.

3. **Proposed Change(s) or Information Applicable to Landfills Only**: This portion of Part 3, section B3, in addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of this Application. All [Note to OAL and publisher: No proposed change. Existing text underlined for
59. [emphasis:] sections of the aApplication must be filled out completely. [Note to OAL and publisher: No
proposed change. Existing text underlined for emphasis.].

a. **Average Daily Tonnage (TPD):** The estimated average waste tonnage expected to be
received in a waste management unit for each operating day on a yearly basis (calendar year)
for the next five years. Do not use non-operating days in calculating the average daily
tonnage. This average daily tonnage can be equal to but may not exceed the peak maximum daily
 tonnage. Report as tons per day (TPD).

b. **Site Capacity Currently Permitted (Airspace) (cu yds):** The volume contained between
the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to
the top of the final cover) taking into consideration design slopes, benches, and other design features,
as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site
Capacity.

c. **Site Capacity Proposed (Airspace) (cu yds):** Additional site capacity (airspace) requested
or potentially resulting from this permit aApplication.

d. **Site Capacity Used To Date (Airspace) (cu yds):** The volume of permitted site capacity
used to date. See Date of Capacity Information below.

e. **Site Capacity Remaining (Airspace) (cu yds):** The total volume of permitted site capacity
remaining, not including any proposed site capacity. If the remaining capacity information provided is
based on estimates of capacity used since the last physical site survey, please explain the
methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume,
etc. See Date of Capacity Information below.

f. **Date Of Capacity Information (date):** The date as of which the remaining and used site
capacities in Part 3 were determined. This date may predate the aApplication date by no more than
three months. Amendments of the aApplication including more current capacities may be required.

g. **Last Physical Site Survey (date):** Date when the last aerial or ground survey was
conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see
Part 6, Section B for more details).

h. **Estimated Closure Date (month and year):** The closure date estimated based on
remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other
appropriate factors. Please note if the closure date is controlled by factors other than waste capacity
(e.g., conditional use permit date, etc.)

i. **Disposal Footprint (acres):** The permitted area where waste will be or has been placed. This
will be referred to as "permitted disposal area."*

j. **Site Capacity Planned (cu yds):** The estimated additional site capacity (in cubic yards)
based upon any planned expansions not currently proposed, whether within or outside the current
permitted boundary.

k. **Provide one of the following:**

   1. **In-place Waste Density (lbs of waste per cubic yard of waste).** The in-place waste
density is the estimated or measured density of in-place waste material achieved by mechanical or
other means in the development of the current lift of the current operating waste cell, and

   2. **Waste-to-Cover Ratio (estimated) (volume:volume).** The waste-to-cover ratio
estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a
volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate
should include only soil or approved daily or intermediate alternative cover that is not considered a
waste material, i.e., payment of fees to the CIWMB-CalRecycle is not required. The waste portion of
the waste-to-cover ratio estimate should include only waste material for which payment of fees to the
CIWMB-CalRecycle is reported, or

   3. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace).** The
airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is
recorded as the total weight of waste material passing over the landfill scales that is placed in a known
volume of landfill airspace in a given period of time. The waste portion of the AUF should include only
waste material for which payment of fees to the CIWMB-CalRecycle is reported.

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**Part 4. SOURCE OF WATER SUPPLY (This is water used for any purpose at the facility)**

A. **Municipal or Utility Service:** Give name and address of the water purveyor.

B. **Individual Wells:** Identify those wells that are not part of a municipal or utility service.

C. **Surface Supply:**
1. Provide the name of any stream, lake, spring, etc, if identified.
2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
3. If a state permit or license has been granted, give identification number.

D. Other: Enter any water source(s) not identified above.

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A. Check the appropriate box(es) if an environmental document was, or is going to be, prepared and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.

1. If an environmental document was prepared:
   - If an environmental document has already been prepared and circulated through the SCH and there is an SCH number, please write this number in the appropriate blank following the box that is checked.
   - If an environmental document has not yet been circulated through the SCH and no SCH number has been assigned to the environmental document yet, please check the box for the type of environmental document that is anticipated to be prepared and circulated through the SCH and write N/A in the appropriate blank for “SCH#.”
   - If the “ADDENDUM TO (Identify environmental document)” box is checked, please provide the type of environmental document that the addendum was prepared for along with the SCH number.

2. If an environmental document will be prepared, enter the name of the lead agency for preparing the document, if known.

EXAMPLE ONLY:
If the environmental document is an environmental impact report (EIR), write “EIR” and include the dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH number for the EIR.

B. If an environmental document was not, and is not planned to be, prepared because it is not required to comply with the requirements of CEQA, please provide the requested information by checking the appropriate box to indicate why an environmental document is not required for CEQA.
   - If the “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” box is checked, please provide the CEQA Guidelines Section number and citation for the exemption.

EXAMPLE ONLY:
A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor repair to an existing facility. Therefore, check the box that says “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” and write the following in the blank after the box: “CEQA Guidelines, Section 15301, Class I Categorical Exemption.”

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

All attachments are necessary parts of the Application and are incorporated herein.

A. Section A of Part 6 must be completed by all applicants regardless of the type of facility.
B. Section B of Part 6 is additional documents required must be completed only by landfill applicants only for disposal facilities.

- Operating Liability Financial Mechanism: The date the demonstration was last modified or renewed. That date must be within the preceding twelve-month (annual renewal) period. For example, a Certificate of Insurance (CalRecycle CIWMB 107) has an “effective date” identified on the certificate. This date should and must be within the preceding twelve-month (annual renewal) period.
- Financial Responsibility Documentation: The financial mechanism will be is a document, (i.e., letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance) statement, etc.) identifying the current dollar value of the demonstration and the date of the stated value. The date of the stated value should must be within the preceding twelve-month (annual renewal) period.
• Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those plans required by Title 27, sections 21780 and 21865 as appropriate, applicable.

• Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release corrective action cost estimate and a copy of the non-water release corrective action cost estimate, as required by Title 27, sections 22100 through 22103.

• Landfill Capacity Survey Results: For disposal sites facilities permitted to receive more than 20 tons per day, a ground or aerial survey is to be prepared at least every five years or more frequently as determined by the enforcement agency EA. For disposal sites facilities permitted to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every ten years. If not previously submitted, survey results must be included with this Application. Survey results must be submitted as a CADD or vector graphics data file including at least two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum showing the existing and finished ground surfaces. For disposal sites where a change in permitted volume is proposed, a third stratum showing the base and proposed finished ground surfaces must be included. For each stratum the following information shall be included: site name, stratum name, surface1 name, surface2 name, volume calculation method (grid, composite, section), expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground surface is uncertain, the operator is allowed to provide the best available information as a substitute for the actual as-built contours. If selecting this substitute method, the operator must provide an explanation of the basis for using the substitute base ground surface.

For the purposes of this section the following definitions apply:

A.1. “base ground surface” - the best available excavation plan surface that existed prior to the placement of any waste;

B.2. “CADD” - computer aided design and drafting;

C.3. “compaction (fill) factor” - the factor used to correct for expected compaction of fill material; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;

D.4. “cut volume” - for any stratum, the volume removed by a cut of a lower surface to achieve the upper surface;

E.5. “existing ground surface” - the topography that exists at the time of the subject survey;

F.6. “expansion (cut) factor” - the factor used to correct for expected expansion of a cut surface; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;

G.7. “fill volume” - for any stratum, the volume bound between the upper and lower surfaces;

H.8. “finished ground surface” - the final fill plan surface as shown in the approved closure plan for the disposal site;

I.9. “net volume” - the fill volume less the cut volume;

J.10. “site name” - the name of the disposal site for which the survey information is being submitted;

K.11. “stratum (plural: strata)” - a particular volume of a solid waste landfill bound by specified upper and lower surfaces;

L.12. “stratum name” - a descriptive name for the stratum for which volumetric information is being submitted, e.g., total volume including proposed expansion;

M.13. “surface names” - names for the pair of surfaces that define a named stratum, e.g., base ground surface and proposed finished ground surface;

N.14. “survey” - a comprehensive examination of the disposal site under the direction of a registered civil engineer or a licensed land surveyor for purposes of determining the topography of the base, existing and finished ground surfaces, and the volumes bound by those surfaces;

Q.15. “vector graphics” - computer generated images comprised of lines and shapes of given origin, direction, thickness, color and other attributes;

P.16. “volume calculation method” - grid, composite, section or other method approved by the enforcement agency EA.

C. Section C of Part 6 specifies additional documents required only if applicable for the type of facility to be covered under this Application as required by the EA or RWQCB. Under “Other,” identify and list any other necessary documents not included specified above but that are required by the EA or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or franchise, other agreement documenting the operator’s interest in and right to use the site as a solid
Part 7. OWNER INFORMATION:

**Type of Business:** Specify if the business owner of the facility that is the subject of the Application is a sole proprietorship, partnership, corporation, or government public agency.

**Owner of Land:** The person(s) that owns, in whole or in part, the land on which the facility is located.

**Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility owner(s).

**SSN or Tax ID #:** Provide the SSN or tax identification number for the land owner(s).

**Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax number, and e-mail address, and print the contact name.

**Address Where Legal Notice May Be Served:** Provide the name and address of the person authorized to accept service for each owner of the facility where legal notice may be served.

Part 8. OPERATOR INFORMATION:

**Type of Business:** Specify if the business operator filing this Application is a sole proprietorship, partnership, corporation, or government public agency.

**Facility Operator:** The person(s) (e.g., individual(s), partnership, corporation, or public agency) to whom the approval to operate the facility is granted, and who is responsible for the overall operation of the facility including but not limited to, complying with regulatory requirements, complying with all applicable federal, state, and local requirements, and the design, construction, and physical operation of the operating area, and control the activities at a facility.

**Address, City, State, Zip:** Provide the address, city, state, and zip code for the facility operator(s).

**SSN or Tax ID #:** Provide the SSN or tax identification number for the operator(s).

**Telephone #, Contact Person, Fax #, and E-mail Address:** Provide the telephone number, fax number, and e-mail address, and print the contact name.

**Address Where Legal Notice May Be Served:** Provide the name and address of the person authorized to accept service for the facility operator where legal notice may be served.

Part 9. SIGNATURE BLOCK:

**Signature (landowner or agent):** The person(s) or their agent authorized to sign on behalf of the above owner.

**Signature (lessee):** A person(s) authorized to sign on behalf of the person leasing the land, if applicable.

**Signature (facility operator or agent):** The person(s) or their agent authorized to sign on behalf of the operator above.

Part 10. OTHER:

Attach additional sheets to explain any responses that need clarification.
Consolidated Draft Regulation Text

(Revisions to initial discussion draft text based on comments received)

**Strikethrough** = deletion of existing text
**Underline** = addition to existing text
**Red Font** = revision to initial discussion draft text released in summer or fall of 2012
Chapter 1. General Provisions

§ 17017. Definitions.
As used in this division:
(a) "Department" means the Department of Resources Recycling and Recovery, which is vested with
the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California
Integrated Waste Management Board (board).
(b) "Board" or "CIWMB" means the California Integrated Waste Management Board, which, as of
January 1, 2010, ceased to exist as an agency and became part of (subjoined into) a new Department
of Resources Recovery and Recycling (Department).

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40110, 40400, 40401, 43020 and 43021, Public Resources Code.

Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 5.6. Nonhazardous Petroleum Contaminated Soil Operations and Facilities
Regulatory Requirements

§ 17362.2. Contaminated Soil Transfer/Processing Operations.
All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall
comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7,
Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These
operations shall be inspected by the enforcement agency at least once quarterly every three (3)
months unless the enforcement agency approves, with Department concurrence, a reduced inspection
frequency. The enforcement agency may approve a reduced inspection frequency only if it will not
pose an additional risk to public health and safety or the environment but in no case shall the
frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional
enforcement agency and Department requirements regarding the approval or denial of requests for
reducing the frequency of inspections.]

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40110 and 43021, Public Resources Code.

Article 5.8. Nonhazardous Ash Regulatory Tier Requirements

§ 17377.2. Nonhazardous Ash Transfer/Processing Operations.
(a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in
this Article, shall comply with the Enforcement Agency Notification requirements set forth in the
California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section
18103).
(b) In addition to the requirements of subdivision (a), the following statement shall be included in the
enforcement agency notification and signed by the operator: "The undersigned certify under penalty of
perjury that the information in this document and all attachments are true and correct to the best of
my knowledge, and is being executed in accordance with the requirements of the California Code of
Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify
that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as

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defined in section 17376(g) and is to be managed in accordance with this notification. I am aware that there are significant penalties for submitting false or misleading information in this certification, including the possibility of fine or imprisonment, or both.”

(c) A new Enforcement Agency Notification is required any time there are changes to information required by this section.

(d) These operations may—shall be inspected by the enforcement agency as necessary for the protection of public health, safety and the environment every three (3) months unless the enforcement agency approves, with Department concurrence, a reduced inspection frequency. The enforcement agency may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional enforcement agency and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements

§ 17381.1. Activities That Are Not Subject to the Construction and Demolition/Inert Debris Regulatory Requirements.

(a) A site that receives only construction and demolition debris and inert debris (CDI) and which meets the requirements of this section shall be classified as a CDI recycling center. A site that receives only inert debris and which meets the requirements of this section shall be classified as an inert debris recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any other requirements of this Article except as specified in this section.

1) The CDI debris that a CDI recycling center receives shall have been separated at the point of generation.

(A) For the purposes of this section, “separated at the point of generation” means that the material has been separated from the solid waste stream by the generator of that material or by a processor prior to receipt at a CDI recycling center and has not been commingled with other solid waste or recyclable materials. For example, each material type must be transferred in separate containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled in a single container.

2) An inert debris recycling center shall receive only Type A inert debris that is source separated or separated for reuse. The inert debris may be commingled in a single container.

(b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:

1) The residual shall be less than 10% by weight of the amount of debris received at the site, calculated on a monthly basis. Recycling center operators may report their residual percentage to the EA and the Department on Form CIWMB 607 (see Appendix A).

2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible wastes shall not constitute a nuisance, as determined by the EA.

(c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited at CDI recycling centers.

(d) The following storage time limits apply to CDI recycling centers:

1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on site for more than one year—90 days, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the Department. [Note: See section 17384(c) for additional enforcement agency and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

4) At the EA’s discretion, storage time limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.
(5) CDI recycling center storage time limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA's findings shall be in writing.

(e) The following storage limits apply to inert debris recycling centers:

(1) Inert debris stored for more than 6 months that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(2) Inert debris that has been processed and sorted for resale, or reuse, but remains stored on site for more than 18-12 months, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(3) Storage time limits do not apply to Type A inert debris recycling centers which are located at an inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material production facility.

(4) Storage time limits do not apply to Type A inert debris recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the board.

(5) At the EA's discretion, storage limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.

(6) Inert debris recycling center storage limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA's findings shall be in writing.

(f) Nothing in this section precludes the EA or the board from inspecting a site to verify that it is and has been operating in a manner that meets the requirements of this section, or from taking any appropriate enforcement action, including the use of a Notice and Order as provided in section 18304.

(g) In evaluating whether or not a particular site is in compliance with this section, the EA shall, among other things, do the following:

(1) If the EA has reason to believe that each load of debris received at a recycling center is not separated at the point of generation, is not source separated or is not separated for reuse, as applicable, or that the residual exceeds 10% of the total debris received per month, or that the amount of putrescible wastes exceeds 1% by volume of the total debris received per month, or material is being stored in excess of the applicable storage limits, or that upon request no evidence is provided by the owner and operator that the stored debris is being accumulated for viable reuse, or that the site is not in compliance with any other requirement in this section, the EA may require the owner or operator to provide evidence that the recycling center is in compliance. The burden of proof shall be on the owner and operator of the recycling center to demonstrate it is in compliance.

(2) At the time that the EA requires a recycling center to provide evidence that it is in compliance with this section, the EA shall provide the owner and operator of the recycling center a written description of the information that has caused the EA to believe that the recycling center is not in compliance. Notwithstanding, the EA shall not be required to identify the name or other identifying information regarding any person(s) who has complained about the recycling center.

(h) Sites which do not meet the applicable requirements of this section do not qualify as recycling centers and shall comply with this Article and all laws and regulations applicable to them. The burden of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are not subject to the requirements of this Article.


§ 17383.3. C&D Wood Debris Chipping and Grinding Operations and Facilities.

(a) C&D wood debris chipping and grinding operations and facilities conduct chipping and grinding activities to produce C&D mulch. Authorized chipping and grinding activities do not produce active compost, but mechanically reduce the size of lumber and other wood material to produce C&D mulch.
The C&D wood debris chipping and grinding operation or facility shall satisfy the appropriate tier requirements.

(1) A small volume C&D wood debris chipping and grinding operation shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq. and shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(2) A medium volume C&D wood debris chipping and grinding operation shall comply with the Registration Permit tier requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et seq.

(3) A large volume C&D wood debris chipping and grinding facility shall comply with the Full Permit tier requirements set forth in CCR, Title 27, Division 2, Subdivision 1, Chapter 4, commencing with section 21563.

(4) To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

(5) Except as otherwise specified in this section, small volume C&D wood debris chipping and grinding activities shall comply with all requirements applicable to small volume CDI debris processing operations, medium volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to medium volume CDI processing facilities, and large volume C&D wood debris chipping and grinding facilities shall comply with all requirements applicable to large volume CDI debris processing facilities.

§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.
All small volume CDI debris processing operations shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These operations shall be inspected quarterly by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]
To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals. The operator shall specify the operation’s boundary area in the operating record.

§ 17383.7. Inert Debris Type A Processing Operations.
(f) These operations shall be inspected by the EA at least once every three (3) months to verify compliance with minimum standards unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]
Inspections shall be conducted quarterly. To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.

Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements

§ 17388.3. Inert Debris Engineered Fill Operations.
(b) Inert debris engineered fill operations shall be inspected as necessary by the EA at least once every three (3) months to verify compliance with State Minimum Standards unless the EA approves.
with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.] Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less than annual.

...
Article 1. General

§ 17852. Definitions.
(a) For the purposes of this Chapter:
(1) "Active Compost" means compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of compost per day, or the equivalent of oxygen uptake.
(2) "Additives" means material mixed with feedstock or active compost in order to adjust the moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include, but are not limited to, fertilizers and urea. Additives do not include septage, biosolids, or compost feedstock.
(3) "Aerated Static Pile" means a composting process that uses an air distribution system to either blow or draw air through the pile. Little or no pile agitation or turning is performed.
(4) "Aerobic Decomposition" means the biological decomposition of organic substances in the presence of oxygen.
(5) "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, silviculture, floriculture, viticulture, and similar activities undertaken for the production of food or fiber for human or animal consumption or use production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as "food material" or "vegetable food material" is not agricultural material. Agricultural material includes, including but is not limited to manures, orchard and vineyard prunings, grape pomace, and crop residues.
(6) "Agricultural Material Composting Operation" means an operation that produces compost from green or agricultural material, additives, and/or amendments.
(7) "Amendments" means materials added to stabilized or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, biosolids, or compost feedstock.
(8) "Anaerobic Decomposition" means the biological decomposition of organic substances in the absence of oxygen.
(9) "Biosolids" means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and scum or solids removed in primary, secondary, or advanced wastewater treatment processes. Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works.
(10) "Chipping and Grinding Operations and Facilities" means an operation or facility, that does not produce compost, that mechanically reduces the size or otherwise engages in the handling, of compostable material and:
(A) The site does the following:
1. The site handles only material, excluding manure, allowed at a green material composting operation or facility as set forth in section 17852(a)(22); and,
2. Each load of green material is removed from the site within 48 hours of receipt. The EA may allow a site to keep green material on-site for up to 7 days if the EA determines that the additional time does not increase the potential for violations of this Chapter.
(B) If the site fails to meet the definition of green material because it exceeds the contamination limits in section 17852(a)(21), the site shall be regulated as set forth in the Transfer/Processing Regulatory requirements (commencing at section 17400).
(C) If the site fails to meet the definition of this section because the green material remains on-site for a longer period of time than is allowed, then the site shall be regulated as a compostable material handling operation or facility, as set forth in this Chapter.
(11) "Compostable Material" means any organic material that when accumulated will become active compost as defined in section 17852(a)(1).
(12) "Compostable Materials Handling Operation" or "Facility" means an operation or facility that processes, transfers, or stores compostable material. Handling of compostable materials results in controlled biological decomposition. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstocks, and chipped and ground materials. “Compostable Materials Handling Operation or Facility” does not include activities excluded from regulation in section 17855. “Compostable Materials Handling Operation or Facility” also includes:

(A) agricultural material composting operations;
(B) green material composting operations and facilities;
(C) research composting operations; and,
(D) chipping and grinding operations and facilities.

(13) “Curing” means the final stage of the composting process that occurs after compost has undergone pathogen reduction, as described in section 17868.3, and after most of the readily metabolized material has been decomposed and stabilized.

(13.5) “Digestate” means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester, as defined in section 17896.2(a)(10). Digestate intended to be composted pursuant to this Chapter may only be handled at a facility that has obtained a Compostable Materials Handling Facility Permit pursuant to section 17854.

(14) “Domestic Sewage” means waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

(15) “Disposal of compostable material” means:

(A) the final deposition of compostable material on land, unless excluded from this Chapter 3.1 pursuant to Section 17855;

(B) storing or stockpiling more than 200 cubic yards of compostable material, other than stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration requirements of section 17868.2, onto on land for a combined period of time greater than six months. 30 days, except as provided in paragraph (3.) of this subdivision; or

(C) storing or stockpiling more than 200 cubic yards of agricultural material and, green material, or compost for more than twelve months on prime land that is zoned for agricultural land-uses as defined in Government Code section 51201, unless the EA, after RWQCB in consultation with the EA applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that storing or stockpiling the material more than 12 months will not adversely affect the public health and safety or the environment may remain within the operations area for a period of time greater than specified.

(B) Disposal of compostable material does not include the use of compostable material for: 1. alternative daily cover material beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of Regulations, section 20686; or

2. mine reclamation in accordance with applicable law. Notwithstanding this section, use of compostable organic material as a alternative daily cover material shall still require approval for use pursuant to Title 27, California Code of Regulations, section 20880 and may require additional approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.

(C) Disposal does not include land application of compostable organic material as defined in section 17852(a)(24.5). “Land Application” means the application of compostable material, excluding food material or mixed solid waste for the following applications: to forest, agricultural, and range land at agronomic rates; in accordance with California Department of Food and Agriculture (CDFA) requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.

(D) Should the EA have information reasonable to believe that a person engaging in other activities that meet the definition of disposal of compostable material or authorizing such activities on land the person owns or otherwise possesses, the burden of proof shall be on each person engaging in or authorizing such activities the land owner or operator to demonstrate otherwise.

(E) If the activities at a site meet the definition of disposal of compostable material, the site shall be regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).

(16) “Dry Weight Basis” means weight calculated on the basis of having been dried until reaching a constant mass, that results in essentially 100 percent solids content.

(17) “Enclosed Composting Process” means a composting process where the area that is used for the processing, composting, stabilizing, and curing of organic materials, is covered on all exposed
sides and rests on a stable surface with environmental controls for moisture and air-borne emissions present.

(18) “EA” means enforcement agency.

(19) “Feedstock” means any compostable organic material used in the production of compost or chipped and ground material including, but not limited to, agricultural material, green material, vegetative food material, food material, biosolids, and mixed solid waste. Feedstocks shall not be considered as either additives or amendments.

(20) “Food Material” means any waste material of plant or animal origin that was acquired for results from the preparation or processing of food for animal or human consumption, and that is separated from the municipal solid waste stream, and that does not meet the definition of “agricultural material”. Food material may include, but is not limited to, material food waste from food facilities as defined in Health and Safety Code section 113795-113789 (such as restaurants), food processing establishments as defined in Health and Safety Code section 111955, grocery stores, institutional cafeterias (such as prisons, schools and hospitals), or and residential food scrap collection. Food material does not include any material that is required to be handled only pursuant to the California Food and Agricultural Code and regulations adopted pursuant thereto.

(A) "Vegetative Food Material" means that fraction of food material, defined above, that is a plant material and is separated from other food material and the municipal solid waste stream. Vegetative food material may be processed or cooked but must otherwise retain its essential natural character and no salts, preservatives, fats or oils, or adulterants shall have been added. Vegetative food material includes, but is not limited to, fruits and vegetables, edible flowers and plants, outdated and spoiled produce, and coffee grounds.

(21) “Green Material” means any plant material except food material and vegetative food material that is separated at the point of generation, contains no greater than 1.0 of percent physical contaminants by weight, and meets the requirements of section 17868.5. Green material includes, but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood waste from silviculture and manufacturing, and construction and demolition wood waste. Green material does not include food material, vegetative food material, biosolids, mixed solid waste, material processed separated from commingled solid waste collection or processing, wood containing lead-based paint or wood preservative, or mixed construction or mixed and demolition debris. Agricultural material, as defined in this section 17852(a)(5), that meets this definition of “green material” may be handled as either agricultural material or green material.

(22) “Green Material Composting Operation” or “Facility” is an operation or facility that composts green material, additives, and/or amendments. A green material composting operation or facility may also handle manure and paper products. An operation or facility that handles a feedstock that is not green material, manure, or paper products, shall not be considered a green material composting operation or facility. “Green Material Composting Operation” or “Facility” does not include activities excluded from regulation in section 17855.

(22.5) “Green Material/Vegetative Food Material Composting Facility” is a facility that composts green material, vegetative food material, additives, and/or amendments. A green material/vegetative food material composting facility may also handle manure and paper products. An operation or facility that handles a feedstock that is not green material, vegetative food material, manure, or paper products, shall not be considered a green material/vegetative food material composting facility.

*Green Material/Vegetative Food Material Composting Facility* does not include activities excluded from regulation in section 17855.

(23) "Handling" means the processing, transfer, and storage of compostable materials. Handling of compostable materials results in controlled biological decomposition. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstocks, and chipped and ground materials.

(24) “Insulating Material” means material used for the purpose of minimizing the loss of heat from a compost pile undergoing the “Process to Further Reduce Pathogens” (PFRP), as described in section 17868.3. Insulating material includes, but is not limited to, soil and stabilized compost.

(24.5) “Land Application” includes either scenario listed below and means:

(A) In the case of any land, including land zoned for agricultural purposes, land application means the final deposition of compostable material spread on land, under the following conditions:

1. The compostable material does not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters as specified in section 17868.3.1;

2. The compostable material meets the maximum metal concentrations as specified in section 17868.2;
3. The compostable material meets the pathogen density limits as specified in section 17868.3(b)(1); and
4. The compostable material is not applied more frequently than once during a 12 month period, and, at the time of the application, the compostable material shall not exceed an average of 12 inches in total, accumulated depth. The EA, in consultation with the Regional Water Quality Control Board, may approve alternative application frequencies and depths, if the EA after such consultation determines that the alternatives will not adversely affect public health and safety or the environment.

   (B) In the case of land zoned for agricultural purposes only, land application also means the final deposition of compostable material spread on agricultural land under the following conditions:
   1. The compostable material does not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters; and
   2. Prior to application, the California Department of Food and Agriculture (CDFA) has determined that the land application is in compliance with all applicable requirements established by CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land application is agronomically beneficial; and
   3. Prior to application, the EA has received confirmation that CDFA has made the determination specified in (B)2. above.

   [Note: As specified in section 17850(d), nothing in these standards shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all authorizations and complying with all requirements of other regulatory agencies, including but not limited to, local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.]

   (25) "Manure" is an agricultural material and means accumulated herbivore or avian excrement. This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is mixed with feces or urine.

   (26) "Mixed Solid Waste" means any material that is part of the municipal solid waste stream, and is mixed with or contains non-organics, processed industrial materials, or plastics. A feedstock that is not source separated or contains 1.0% or more of physical contaminants by weight is mixed solid waste. Compostable material that contains mixed demolition or mixed construction debris shall be considered mixed solid waste.

   (27) "Mushroom Farm" means an activity that produces mushrooms. The handling of compostable material at a mushroom farm prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered mushroom farming.

   (28) "Operations Area" means the following areas within the boundary of a compostable material handling operation or facility:

   (A) equipment cleaning, maintenance, and storage areas;
   (B) feedstock, active, curing and stabilized compost processing or stockpiling areas; and
   (C) process water and stormwater drainage control systems.

   (29) "Operator" means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, becomes legally responsible for the following:

   (A) complying with regulatory requirements set forth in this Chapter;
   (B) complying with all applicable federal, state and local requirements;
   (C) the design, construction, and physical operation of the site; and
   (D) site restoration.

   (30) "Owner" means the person or persons who own, in whole or in part, a compostable material handling operation or facility, or the land on which these operations or facilities are located.

   (31) "Pathogenic Organism" means disease-causing organisms.

   (32) "Physical Contamination" or "Contaminants" means human-made inert products material contained within feedstocks, including, but not limited to, glass, metal, and plastic.

   (33) "Process Water" means liquid that is generated during or used in the production of compost or chipped and ground materials.

   (34) "Research Composting Operation” means a composting operation, that is operated for the purpose of gathering research information on composting.

   (35) “Separated At The Point of Generation” includes material separated from the solid waste stream by the generator of that material. It may also include material from a centralized facility as long as that material was kept separate from the waste stream prior to receipt by that facility and the material was not commingled with other materials during handling.
(36) "Stabilized Compost" means any organic material that has undergone the Process to Further Reduce Pathogens (PFRP), as described in section 17868.3, and has reached a stage of reduced biological activity as indicated by reduced temperature and rate of respiration below that of active compost.

(37) “Static Pile” means a composting process that is similar to the aerated static pile except that the air source may or may not be controlled.

(38) “Vector” includes any insect or other arthropod, rodent, or other animal capable of transmitting the causative agents of human disease.

(39) “Vermicomposting” means an activity that produces worm castings through worm activity. The EA may determine whether an activity is or is not vermicomposting. The handling of compostable material prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered vermicomposting.

(40) “Windrow Composting Process” means the process in which compostable material is placed in elongated piles. The piles or “windrows” are aerated and/or mechanically turned on a periodic basis.

(41) “Within-vessel Composting Process” means an aerobic process in which compostable material is enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost, maintained under uniform conditions of temperature and moisture where air-borne emissions are controlled.

(42) “Wood Waste” means solid waste consisting of wood pieces or particles which are generated from the manufacturing or production of wood products, harvesting, processing or storage of raw wood materials, or construction and demolition activities.

(43) “Yard Trimmings” means any wastes generated from the maintenance or alteration of public, commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree trimmings, prunings, brush, and weeds.


Article 2. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities

§ 17854. Compostable Materials Handling Facility Permit Requirements.

Except as specified in this Article, all compostable materials handling activities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1,2,3, and 3.1 (commencing with section 21450) prior to commencing operations.


§ 17854.1. Regulatory Tier Requirements for Compostable Material Handling Operations and Facilities.

Sections 17854 through 17862.1 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5., Article 3.0., commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of Regulations) for compostable material handling operations and facilities. These requirements are summarized in Table 1.

Table 1 Compostable Material Handling Operations and Facilities Placement into the Regulatory Tiers

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency Notification Tier</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Material Composting Operations (all)</td>
<td>Composting Facilities (all) (e.g. biosolids, food material, mixed solid waste)</td>
<td>Refer to Section 17855</td>
<td>Section 17854.</td>
</tr>
</tbody>
</table>

February 28, 2013
§ 17855. Excluded Activities.

(a) Except as provided otherwise in this Chapter, the activities listed in this section do not constitute compostable material handling operations or facilities for the purposes of this Chapter and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

1. An activity is excluded if it handles agricultural material, derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

2. Vermicomposting is an excluded activity. The handling of compostable material prior to and after its use as a growth medium during the vermicomposting process is not an excluded activity and is subject to the requirements of this chapter. Handling of agricultural material on the site of a vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it complies with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is applicable, as follows:

   (A) when the compostable material is active compost or is likely to become active compost, as determined by the EA, the requirements of this chapter apply;

   (B) at all other times when it is not being used as a growth medium during vermicomposting, the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory Requirements.

3. Mushroom farming is an excluded activity. The handling of compostable material prior to and after its use as a growth medium during the mushroom farming process is not an excluded activity and is subject to the requirements of this chapter. Handling of agricultural material on the site of a mushroom farm, for use as mushroom bedding on that same site, is an excluded activity if it complies with section 17855(a)(1), or the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is applicable, as follows:

   (A) when the compostable material is active compost or is likely to become active compost, as determined by the EA, the requirements of this chapter apply;

   (B) at all other times when it is not being used as a growth medium during mushroom farming, the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory Requirements.

4. Small-scale compostable material handling:
Note: Persons handling compostable material under the following exclusions are obligated to obtain all permits, licenses, or other clearances that may be required by other regulatory agencies including, but not limited to local health entities and local land use authorities. These exclusions can be applied to backyard composting, as appropriate.

(A) Composting handling of green material, and a limited amount of food material and vegetative food material, feedstock, additives, amendments, compost, or chipped and ground material is an excluded activity if the total amount of feedstock and compost on-site at any one time does not exceed 500 cubic yards or less is on-site at any one time, the compostable materials are feedstock is generated on-site, and if no more than 1,000 cubic yards of compost materials are either is sold or given away annually. For the purposes of this exclusion, the compostable material feedstock may also include contain any combination of up to 10% food material and vegetative food material not exceeding 20% of the feedstock on-site at any time, calculated by volume.

[B]otanicals and other similar uses.]

(B) Within-vessel composting process activities with less than 50 cubic yards of material on site are excluded.

[Note: This exclusion is intended to apply to larger-scale activities such as those conducted at parks, universities, business parks, hospitals, golf courses, prisons, and to other similar uses.]

(C) Composting green material and vegetative food material at a school or a community garden space is an excluded activity if the total amount of material on-site at any time does not exceed ten cubic yards, and all of the resulting compost is used at the shared, community garden or at the school.

[Note: This exclusion applies to schools and community garden space.]

(5) The handling of compostable materials is an excluded activity if:

(A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered or full permit as defined in section 18101,

1. has a Report of Facility Information which is completed and submitted to the EA that identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

2. will only use the material on the facility site, or

(B) the activity is solely for the temporary storage of biosolids sludge at a Publicly Operated Owned Treatment Works (POTW), or

(C) the activity is located at the site of biomass conversion and is for use in biomass conversion as defined in Public Resources Code section 40106; or

(D) the activity is part of a silvicultural operation or a wood, paper, or wood product manufacturing operation; or

(E) the activity is part of an agricultural operation and is used to temporarily store or process agricultural material not used in the production of compost or mulch; or

(F) the activity is part of an operation used to chip and grind materials derived from and applied to lands owned or leased by the owner, parent, or subsidiary of the operation; or

(G) the activity is part of an agricultural operation used to chip and grind agricultural material produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation, for use in biomass conversion; or

(H) the activity is part of an animal food manufacturing or rendering operation.

1. the activity is the storage of yard trimmings at a publicly designated site for the collection of lot clearing necessary for fire protection provided that the public agency designating the site has notified the fire protection agency; or

2. the materials are handled in such a way to preclude their reaching temperatures at or above 122 degrees Fahrenheit as determined by the EA.

(6) Non-commercial composting with less than one cubic yard of food material is excluded provided that all compostable material is generated and used on-site.

(7) Storage of bagged products from compostable material is an excluded activity provided that such bags are no greater than 5 cubic yards.

(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.

(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not limited to, slope stabilization, weed suppression, alternative daily cover, and similar uses, as determined by the EA; land application in accordance with California Department of Food and Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; and for reclamation projects in accordance with the requirements of the Office of Mine Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770 et seq.
§ 17855.2. Prohibitions.
The following activities are prohibited at all compostable materials handling operations and facilities and at all sites where compostable materials handling activities that are excluded from regulation under this Chapter occur:
(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 or other public health, animal health, safety, or environmental concern, in accordance with section 17862.
(b) The composting of medical waste is prohibited.
(c) The composting of hazardous waste is prohibited.

§ 17855.3. Permit Name.
Any permit issued pursuant to this Article, except for one issued pursuant to section 17862.1(b) and 17857.2(a), shall be entitled: “Compostable Materials Handling Facility Permit.”

§ 17855.4. Pre-Existing Permits and Notifications.
(a) If a facility had previously obtained a Registration or Standardized Permit in accordance with the regulations in effect prior to April 4, 2003, that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations, sections 18104.7 and 18105.9 and determines that a Compostable Materials Handling Facility Permit is required. If the EA makes such a determination, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.
(b) If an operation had previously been operating pursuant to an EA Notification in accordance with the regulations in effect prior to April 4, 2003, that operation may continue to operate in accordance with its EA Notification or regulatory authorization until the EA determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this determination no sooner than 120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable Materials Handling Facility Permit is required, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.
(c) If an activity had previously been excluded from the regulations in effect prior to April 4, 2003, that activity may continue to operate in accordance with its regulatory exclusion until the EA determines that a Compostable Materials Handling Facility Permit is required. The EA shall make this determination no sooner than 120 days and no later than two years from April 4, 2003. If the EA determines that a Compostable Materials Handling Facility Permit is required, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years of that determination.
(d) Notwithstanding other provisions of this section, a Chipping and Grinding activity that is currently operating in accordance with the regulations in effect prior to April 4, 2003, may continue to operate in accordance with its regulatory authorization until the EA determines that a different authorization is required. The EA shall make this determination within 120 days from April 4, 2003.
(1) If the EA determines that the activity is required to comply with the EA Notification requirements, the operator 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), within 120 days from that determination.

(2) If the EA determines that the activity is required to comply with the Registration requirements, the operator shall comply with the Registration requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) within 120 days from that determination.

(3) If the EA determines that the activity is required to comply with the Compostable Materials Handling Facility Permit requirements, the operator shall comply with the Compostable Materials Handling Facility Permit requirements set forth in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) within two years from that determination.


§ 17856. Agricultural Material Composting Operations.

(a) All agricultural material composting operations and chipping and grinding operations shall comply with the Enforcement Agency 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. Agricultural Compostable Materials Handling Operations shall only be subject to the requirements of section 17863.4 if the EA makes a written determination that the operation has violated the requirements for odor impacts of section 17867 and the requirements of this Chapter.

(b) Compost produced by an agricultural material composting operation is subject to the requirements of section 17863.4 only if the EA determines that the operation has caused odor impacts in violation of section 17867(a)(2) and has notified the operator in writing of the violation and chipping and grinding operation which uses only agricultural material may be sold or given away in unrestricted quantities. These operations shall be inspected by the EA at least once annually.

(c) If their feedstock is limited to agricultural material, agricultural material composting operations may handle an unlimited quantity of agricultural material on the site and may sell or give away any or all compost they produce. These operations shall be inspected by the EA at least once each calendar year at a time when compostable material on the site is active compost. Compost produced by an agricultural material composting operation which uses agricultural material and/or green material, as specified in section 17852(a)(21), may be sold or given away in accordance with the following restrictions.

(1) Those sites that do not sell or give-away more than 1,000 cubic yards of material per year shall be inspected by the EA at least once annually when actively composting. If more than 12,500 cubic yards of green material, including feedstock, compost, or chipped and ground material, is to be handled on-site of productive farmland as defined in Government Code section 51201, the operator shall give advance notice to the EA. The EA shall only prohibit the on-site storage of additional materials, or impose a greater inspection frequency, if the EA makes a written finding that it will pose an additional risk to public health and safety and the environment. The EA shall forward a copy of the request and approval to the Board.

(2) Those operations that sell or give-away more than 1,000 cubic yards of material per year shall have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped and ground material, on-site at any one time and shall be inspected by the EA once every three (3) months.

(3) These sites shall record the quantity received of green material.

(d) Agricultural material composting operations whose feedstock is both green material and agricultural material are subject to the following requirements:

(1) Producers located on Agricultural Land:

(A) Operations located on land that is zoned for agricultural uses that sell or give away less than 1,000 cubic yards of compost per year may handle an unlimited amount of agricultural material and green material on the site; provided, however, the EA may limit the amount of green material feedstock on site to 12,500 cubic yards upon making a written finding that handling the excess material may pose a risk to public health and safety or the environment.

(B) The EA shall inspect operations authorized under this subdivision (d)(1) at least once each calendar year at a time when compostable material on the site is active compost.

(2) Other Producers:
(A) Operations located on land that is not zoned for agricultural uses and operations that sell or give away 1,000 cubic yards or more of compost per year may handle an unlimited amount of agricultural material, but may not stockpile more than 12,500 cubic yards of green material feedstock on the site at any time.

(B) The EA shall inspect operations authorized under this subdivision (d)(2) at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. At least one of the required inspections each year shall occur at a time when compostable material on the site is active compost.


(a) A green material composting operation that has up to may have no more than 12,500 cubic yards of feedstock, compost, or-chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time. Green material composting operations 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) and with the applicable requirements specified in this Chapter.

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(2) To allow for seasonal variations in the rate at which stabilized compost is utilized by agricultural users and other consumers, the operator may request in writing that the EA authorize it to temporarily exclude stabilized compost from the calculation of the 12,500 cubic yard maximum material allowed on-site (“seasonal storage adjustment”). The EA shall respond in writing to the operator’s request within 30 days of receipt. The EA may authorize such a seasonal storage adjustment if the EA determines it will not adversely affect public health and safety or the environment. The EA may impose any reasonable conditions on its approval of a seasonal storage adjustment. The initial term seasonal storage adjustment may not exceed 30 days. The EA may grant one or more additional 30-day seasonal storage adjustments not exceeding a total of 90 days per calendar year.

(A) With its request for a seasonal storage adjustment, the operator shall submit the following to the EA:

1. A description of the storage capacity at the operation and the maximum and average lengths of time the compostable material will be stored.
2. A schematic drawing showing the general layout of the operation and the location(s) where all materials at the site are stored with specific identification of the proposed location of the excess material.
3. A description of any additional fire prevention, protection and control measures needed to minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any such fires, which measures shall be approved by the local fire authority.
4. Where applicable, any revisions to the odor impact minimization plan necessary to address the storage of the additional material or a statement, with supporting information, that no revisions are necessary.

(b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost, or-chipped and ground material on-site at any one time shall be inspected by the EA at least once every three (3) months, unless an operator request for a reduced inspection frequency of no less than annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA finds that it will not pose an additional risk to public health and safety or the environment. The EA shall forward a copy of the request and approval to the Board.

(b) If a green material composting operation exceeds any combination of the following requirements three (3) or more times within any two (2) year period, which the EA determines constitutes a violation of this Chapter, the facility no longer qualifies for an EA Notification under this section:
(1) Receipt of material that contains greater than 1.0% physical contaminants by weight as specified in section 17852(a)(21);

(2) Failure to comply with the processing requirements set forth in section 17868.5;

(3) Failure to comply with the maximum volume on-site at any one time limit set forth in subdivision (a) above.

Upon the third such violation, the EA shall notify the operator in writing that the facility no longer qualifies for an EA Notification, and the operator must within 30 days apply for a Compostable Materials Handling Facility Permit pursuant to section 17854. In addition, the EA shall issue a cease and desist order pursuant to section 18304 directing, among other things, that the operator immediately cease accepting material at the site until the operator has demonstrated to the EA that it has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at any time take any additional enforcement action the EA deems appropriate.

(c) A site that handles green material composting facility that has more than 12,500 cubic yards of feedstock, compost, or-chipped and ground material, amendments, additives, active compost, and stabilized compost on-site at any one time is a green material composting facility, excepting green material composting operations which the EA has authorized a seasonal storage adjustment pursuant to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations. Green material composting facilities shall comply with the applicable requirements specified in this Chapter 3.1.

[Note: See section 17868.5 for green material processing requirements.]


§ 17857.2. Green Material/Vegetative Food Material Composting Facilities.

(a) A green material/vegetative food material composting facility may have up to 12,500 cubic yards of feedstock, compost, and chipped and ground material on-site at any one time and shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(b) A green material/vegetative food material composting facility that has more than 12,500 cubic yards of feedstock, compost, and chipped and ground material on-site at any one time shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations.

[Note: See section 17868.5 for green material and vegetative food material processing requirements.]


§ 17859.1. Biosolids Composting at POTWs.

(a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly Operated-Owned Treatment Works (POTW) 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).

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(b) All other composting of biosolids shall comply with section 17854.

§ 17862. Research Composting Operations.

... 

(g) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


(a) A chipping and grinding operation that receives up to 200 tons per day of material that may be handled by a green material composting operation 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 and the applicable requirements specified in this Chapter.

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]

(b) A chipping and grinding facility that receives more than 200 tons per day but not more than 500 tons per day of material that may be handled by a green material composting operation shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(c) A chipping and grinding facility that receives more than 500 tons per day of material that may be handled by a green material composting operation shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(d) A chipping and grinding operation or facility shall not be subject to the provisions of sections 17868.1 through 17868.3.1 of this Chapter, however, any chipped and ground material that will be land applied must meet the requirements of section 17852(a)(24.5).

(e) If a chipping and grinding operation or facility exceeds the contamination limits specified in section 17852 (a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory requirements (commencing at section 17400).

(f) If a chipping and grinding operation or facility stores material for a longer period of time than is allowed by section 17852 (a)(10)(A)(2), then the site shall be regulated as a green material handling-composting operation or facility, as set forth in this Chapter.


Article 3. Report of Facility Information

§ 17863. Report of Composting Site Information.

Each operator of a compostable material handling facility that is required to obtain a Compostable Materials Handling Facility Permit or a Registration Permit for a Green Material/Vegetative Food Material Composting Facility, as specified in Article 2 of this Chapter, shall, at the time of application, file a Report of Composting Site Information with the EA. If the operator intends to alter the permitted feedstock, these changes must be reported to the EA for maintenance of permit status. Such changes may become the basis for revisions to the permit or for revocation of the permit.

(m) A description of the proposed site restoration activities, in accordance with Section 17870.
Article 7. Environmental Health Standards

§ 17868.1. Sampling Requirements.
All composting operations that sell or give away greater than 1,000 cubic yards of compost annually, and all composting facilities shall meet the following requirements:
(a) Operators shall verify that compost meet the maximum acceptable metal concentration limits specified in section 17868.2 and pathogen reduction requirements specified in section 17868.3. Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced. This verification shall be performed by taking and analyzing at least one composite sample of compost, following the requirements of this section as follows:
(1) An operator who comports agricultural material, green material, food material, vegetative food material, or mixed solid waste shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced.
(2) An operator who comports biosolids shall meet the sampling schedule described in Table 1 below.
Table 1 - Frequencies of Compost Sampling for Biosolids Composting Facilities

<table>
<thead>
<tr>
<th>Amount of Biosolids Compost Feedstock (metric tons per 365 day period)</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than zero but fewer than 290</td>
<td>annually</td>
</tr>
<tr>
<td>Equal to or greater than 290 but fewer than 1,500</td>
<td>quarterly</td>
</tr>
<tr>
<td>Equal to or greater than 1,500 but fewer than 15,000</td>
<td>bimonthly</td>
</tr>
<tr>
<td>Equal to or greater than 15,000</td>
<td>monthly</td>
</tr>
</tbody>
</table>

(A) The amount of biosolids compost feedstock shall be calculated in dry weight metric tons.
(3) Composite sample analysis for maximum acceptable metal concentrations, specified in section 17868.2, shall be conducted at a laboratory certified by the California Department of Public Health Services, pursuant to the Health and Safety Code.
(b) A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below.
(1) The twelve samples shall be of equal volume.
(2) The twelve samples shall be extracted from within the compost pile as follows:
(A) Four samples from one-half the width of the pile, each at a different cross-section;
(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
(C) Four samples from one-eighth the width of the pile, each at a different cross-section.
(c) The EA may approve alternative methods of sampling for a composting operation or facility that ensures the maximum metal concentration requirements of section 17868.2 and the pathogen reduction requirements of section 17868.3 are met, for compostable material handling operations or facilities handling agricultural material, green material, vegetative food material, or food material.

§ 17868.2. Maximum Metal Concentrations.

(a) Compost products derived from compostable materials that contain any metal in amounts that shall not contain metals in excess of the maximum acceptable metal concentrations shown in Table 2. Compost that contains any metal in excess of any maximum metal concentrations shall be designated for disposal, additional processing, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

Table 2 - Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>4200-0 (see subdivision (a)(1) below)</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>1500</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>36-100</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>

(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

(b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section, including but not limited to sampling frequencies, may be approved by the EA for compostable material handling operations or facilities handling agricultural material, green material, vegetative food material, and or food materials composting operations and facilities, if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2 are not exceeded.


§ 17868.3. Pathogen Reduction.

(a) Compost derived from compostable materials, that contains pathogens in amounts that shall not exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, or other use as approved by local, state or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the composting operation or facility where it was produced.

(b) Operators that produce compost shall ensure that:

1. The density of fecal coliform in compost, that is or has at one time been active compost, shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis).

2. At enclosed or within-vessel composting process operations and facilities, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

   (A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of Subdivision (b)(2) of this section.

   (3) If the operation or facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit)
or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is
maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the
windrow.

(4) If the operation or facility uses an aerated static pile composting process, all active compost
shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained
at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction
period of 3 days.

c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may
be approved by the EA if the EA determines that the alternative method will provide equivalent
pathogen reduction.

dc) Compost operations and facilities shall be monitored as follows to ensure that the standards in
Subdivision (b) of this section are met:

(1) Each day during the pathogen reduction period, at least one temperature reading shall be taken
per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or
fraction thereof.

(2) Temperature measurements for pathogen reduction shall be measured as follows:

(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-
four (24) inches below the pile surface;

(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18)
inches from the point where the insulation cover meets the active compost.

(d) Alternative methods of compliance to meet the pathogen reduction requirements of this section
may be approved by the EA if the EA determines that the alternative method will provide equivalent
pathogen reduction.

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

§ 17868.3.1. Physical Contamination Limits.

(a) Compost shall not contain more than 0.1% by weight of physical contaminants greater than 4
millimeters. Compost that contains more that 0.1% by weight of physical contaminants greater than 4
millimeters shall be designated for disposal, additional processing, or other use as approved by local,
state or federal agencies having appropriate jurisdiction. Sample results must be received by the
operator prior to removing compost from the composting operation or facility where it was produced.

(b) Upon request of the EA, a compostable material handling operation shall take a representative
sample of compost and send to a laboratory at which physical contaminants greater than 4 millimeters
shall be collected and weighed, and the percentage of physical contaminants determined.

(c) All compostable material handling facilities shall take one representative sample for every 5,000
cubic-yards of compost and send to a laboratory at which physical contaminants greater than 4
millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

(d) Any sampling conducted to comply with this section shall require a composite sample. A
composite sample shall be representative and random, and may be obtained by taking twelve (12)
mixed samples as described below.

(1) The twelve samples shall be of equal volume.

(2) The twelve samples shall be extracted from within the compost pile as follows:

(A) Four samples from one-half the width of the pile, each at a different cross-section;

(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

(C) Four samples from one-eighth the width of the pile, each at a different cross-section.

(e) The EA may approve alternative methods of sampling, which ensure the physical contaminant
requirements of this section are met.

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

§ 17868.5. Green Material and Vegetative Food Material Processing Requirements.

In order for a feedstock to be considered composting operations and facilities that receive green
material, as defined in section 17852(a)(21), and/or vegetative food material, as defined in section
17852(a)(20)(A), as a feedstock must satisfy the following requirements shall be met:

(a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater
than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste
loads and load sorting to quantify the percentage of contaminating materials physical contaminants and detect receipt of unacceptable feedstock (e.g., feedstock that does not meet the definition of green material or vegetative food material).

(1) A minimum of one ten percent of daily incoming feedstock volume or at least one truck per day, whichever is greater, shall be inspected visually. If a visual load check indicates a physical contamination level greater than 1.0 percent, a representative sample shall be taken, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total weight or if the load contains materials that do not meet the definitions of green material in section 17852(a)(21) or vegetative food material in section 17852(a)(20)(A).

(b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined.

c) Any agricultural material handling operation using this material shall ensure the feedstock meets the metal concentration limits specified in Table 2 of section 17868.2.

d) Facility personnel shall be adequately trained to perform the activities specified in this section.

e) Any operation or facility using this feedstock shall maintain records demonstrating compliance with this section.


Article 8. Composting Operation and Facility Records

§ 17869. General Record Keeping Requirements.
Except as provided in subsection (d), all compostable materials handling operations and facilities shall meet the following requirements:
(a) All records required by this Chapter shall be kept in one location and accessible for five (5) years and shall be available for inspection by authorized representatives of the board, EA local health entity, and other duly authorized regulatory and EAs during normal working hours.
(b) The operator shall record any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.
(c) The operator shall record any public complaints received by the operator, including:
1. the nature of the complaint,
2. the date the complaint was received,
3. if available, the name, address, and telephone number of the person or persons making the complaint, and
4. any actions taken to respond to the complaint.
(d) The operator shall record the quantity and type of feedstock received and quantity of compost and chipped and ground material produced. Agricultural compostable materials handling operations shall maintain records only for compostable material accepted from off-site.
(e) The operator shall record the number of load checks performed and loads rejected.
(f) The operator shall record all test results generated by compliance with Article 7 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings.
1. The operator shall retain records detailing pathogen reduction methods.
2. The operator shall record and retain records of any serious injury to the public occurring on-site and any complaint of adverse health effects to the public attributed to operations. Serious injury means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which a member of the public suffers a loss of any member of the body or suffers any degree of permanent disfigurement.
3. The operator shall retain a record of training and instruction completed in accordance with section 17867.5.

Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements

§ 17896.1. Authority and Scope.
(a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel digestion operations and facilities that receive and process by means of in-vessel digestion solid wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of sections 17896.4 through 17896.12 are not applicable to operations and facilities that are subject to regulations elsewhere in this Division. Activities placed within the excluded tier in other chapters of this Division, may still be subject to the regulatory requirements specified in this Chapter.
(b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code, as amended. These regulations should be read together with the Act.
(c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This Chapter establishes standards and regulatory requirements for the intentional processing of organic material by means of in-vessel aerobic and anaerobic digestion.
(d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage, handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to enforce any provision of law that it is authorized or required to enforce or administer, nor limits or restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter.
(e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, or reports, or other requirements of other regulatory or enforcement agencies, including but not limited to, local health agencies, regional water quality control boards, Department of Toxic Substances Control, California Department of Industrial Relations, Division of Occupational Safety and Health, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.


§ 17896.2. Definitions.
(a) For the purposes of this Chapter:
(1) "Agricultural Material" means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, which is separated at the point of generation, and which contains no other solid waste. With the exception of grape pomace, agricultural material has not been processed except at its point of generation and has not been processed in a way that alters its essential character as a waste resulting from the production of food or fiber for human or animal consumption or use. Material that is defined in this section 17852 as "food material" or "vegetative food material" is not agricultural material. Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues.
(2) "Agricultural Site" means activities located on land that is zoned for agricultural uses.
(3) "Biogas" is a gas resulting from the operation of an in-vessel digester at an in-vessel digestion operation or facility that is composed primarily of carbon dioxide, hydrogen, and methane.
(4) "Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.
(5) "Contact Water" means water that has come in contact with waste and may include leachate.
(6) "Digestate" means the solid and/or liquid residual material remaining after organic material has been processed in an in-vessel digester.
(7) “Digestion” means, pursuant to PRC 40116.1, the controlled biological decomposition, of organic solid wastes. Digestion includes:

(A) Aerobic digestion - the biological decomposition of organic material in the presence of oxygen.

(B) Anaerobic digestion - the biological decomposition of organic material in the absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a residual digestate.

(C) Fermentation - the biological conversion of carbohydrates into acids or alcohol in the absence of oxygen.

(D) Other biochemical processes.

(8) “EA” means enforcement agency as defined in PRC section 40130.

(9) “Hazardous Wastes” means any waste which meets the definitions set forth in Title 22, section 66261.3, et seq.

(10) “In-vessel Digester” means the sealed container(s) or sealed structure in which the entire digestion process occurs.

(11) “In-vessel Dairy Digestion Operation” means an in-vessel digester located at a dairy operating under Waste Discharge Requirements, issued by a Regional Water Quality Control Board, that specifically address the co-digestion of imported solid waste feedstock with manure and other agricultural materials.

(12) “Large Volume In-vessel Digestion Facility” means an activity that receives 100 tons or more of solid waste per operating day for digestion in an in-vessel digester.

(13) “Limited Volume In-vessel Digestion Operation” means an activity that receives no more than 60 cubic yards and no more than 15 tons of solid waste per operating day for digestion in an in-vessel digester.

(14) “Litter” means all solid waste which has been improperly discarded or which has migrated by wind or equipment away from the operations area. Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state.

(15) “Manure” is an agricultural material and means accumulated herbivore or avian excrement. This definition shall include feces and urine, and any bedding material, spilled feed, or soil that is mixed with feces or urine.

(16) “Medium Volume In-vessel Digestion Facility” means an activity that receives more than 15 tons and less than 100 tons of solid waste per operating day for digestion in an in-vessel digester.

(17) “Nuisance” includes anything which:

(A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and

(B) affects at the same time an entire community, neighborhood or any considerable number of persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

(18) “On-site” means located within the boundary of the operation or facility.

(19) “Operating Day” means the daily hours of operation for a facility or operation as set forth in the application, Enforcement Agency Notification or solid waste facilities permit.

(20) “Operating Record” means an easily accessible collection of records of an operation's or facility's activities and compliance with required state minimum standards under Title 14. The Record may include the Facility Plan or Transfer/Processing Report for facilities, and shall contain but is not limited to containing: agency approvals, tonnage and load checking records, facility contacts and training history. The record may be reviewed by state and local authorities and shall be available during normal business hours. If records are too voluminous to place in the main operating record or if the integrity of the records could be compromised by on-site storage, such as exposure to weather, they may be maintained at an alternative site, as long as that site is easily accessible to the EA.

(21) “Operations Area” means:

(A) the following areas within the boundary of an operation or facility as described in the permit application or Enforcement Agency Notification:

1. equipment management area, including cleaning, maintenance, and storage areas; and

2. material and/or solid waste management area, including unloading, handling, transfer, processing, and storage areas.

(B) the boundary of the operations area is the same as the permitted boundary of the operation or facility but may or may not be the same as the property boundary on which the operation or facility is located.
(22) "Operator" means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, that is listed in the permit application or Enforcement Agency Notification and is legally responsible for all of the following:
(A) complying with regulatory requirements set forth in these Articles;
(B) complying with all applicable federal, state and local requirements;
(C) the design, construction, and physical operation of the operations area;
(D) controlling the activities at an operation or facility as listed on the permit application or Enforcement Agency Notification.
(23) "Owner" means the person or persons who own, in whole or in part, an operation or facility and the land on which it is located. If the ownership of the operation or facility is not the same as the ownership of the land on which it is located, the owner of the land shall be identified as the "Land Owner" and the owner of the operation or facility shall be identified as the "Facility Owner."
(24) “Putrescible Wastes” include wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.
(25) "Salvaging" means the controlled separation of solid waste material which do not require further processing, for reuse or recycling prior to transfer activities.
(26) "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.
(27) “Sealed Container” means a tank, vessel, or similar apparatus capable of containing liquids and controlling air-borne emissions that could contribute to odors or other nuisance conditions.
(28) “Sealed Structure” means a fully enclosed building capable of containing liquids and controlling air-borne emissions (e.g., negative air pressure) that could contribute to odors or other nuisance conditions.
(29) “Special Waste” includes but is not limited to:
(A) waste requiring special collection, treatment, handling, storage, or transfer techniques as defined in Title 22, section 66260.10.
(B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.
(C) the design, construction, and physical operation of the operations area;
(D) operating an activity or facility as listed on the permit application or Enforcement Agency Notification and is legally responsible for all of the following:
(E) complying with regulatory requirements set forth in these Articles;
(F) complying with all applicable federal, state and local requirements;
(G) the design, construction, and physical operation of the operations area;
(H) controlling the activities at an operation or facility as listed on the permit application or Enforcement Agency Notification.
(30) “Spotter” means an employee who conducts activities that include, but are not limited to, traffic control, hazardous waste recognition and removal for proper handling, storage and transport or disposal, and protection of the public from health and/or safety hazards.
(31) "Store" means to stockpile or accumulate for later use.


§ 17896.3. Pre-Existing Permits and Notifications.
(a) If a facility had previously obtained a permit in accordance with regulations in effect prior to the operative date of these regulations, that facility may continue to operate in accordance with its permit until the EA conducts a permit review pursuant to Title 14, California Code of Regulations, sections 18104.7 and 18105.9 and determines that regulation under this Chapter is required. If the EA makes such a determination, the operator shall comply with this Chapter within two years of that determination.
(b) If an operation had previously been operating pursuant to an EA Notification in accordance with regulations in effect prior to the operative date of these regulations, that operation may continue to operate in accordance with its EA Notification or regulatory authorization until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from the operative date of these regulations. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.
(c) If an activity had previously been excluded from regulations in effect prior to the operative date of these regulations, that activity may continue to operate in accordance with its regulatory exclusion until the EA determines that regulation under this Chapter is required. The EA shall make this determination no sooner than 120 days and no later than two years from the operative date of these regulations. If the EA determines that regulation under this Chapter is required, the operator shall comply with this Chapter within two years of that determination.

§ 17896.4. Regulatory Tiers Requirements for In-Vessel Digestion Operations and Facilities.

Sections 17896.5 through 17896.10 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5, Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 (commencing with section 21570) of the California Code of Regulations) that apply to specified types of In-vessel Digestion Operations and Facilities. These requirements are summarized in Table 1.

Table 1 In-Vessel Digestion Operations and Facilities Placement into the Regulatory Tiers

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency Notification Tier</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anaerobically digestible materials at POTWs Section 17896.5(a)(1)</td>
<td>Research in-vessel digestion operations Section 17896.6</td>
<td>Medium Volume In-Vessel Digestion Facility Section 17896.9</td>
<td>Large Volume In-Vessel Digestion Facility Section 17896.10</td>
</tr>
<tr>
<td>Ag material derived from ag site &amp; returned to same site Section 17896.5(a)(2)</td>
<td>In-Vessel Dairy Digestion Operations Section 17896.7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-vessel digestion activities with less than 50 cubic yard on-site capacity Section 17896.5(a)(3)</td>
<td>Limited Volume In-Vessel Digestion Operation Section 17896.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Handling activities that are already subject to more stringent handling requirements under Federal or State law Section 17896.5(a)(4)</td>
<td></td>
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</tbody>
</table>

[Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.]


§ 17896.5. Excluded Activities.

(a) The activities listed in this section are not subject to the in-vessel digestion requirements set forth in this Chapter. Nothing in this section precludes the EA or the Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste.
waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, is excluded under the following conditions:

(A) Anaerobically digestible materials must be trucked or hauled into a POTW Treatment Plant. Once on site, the anaerobically digestible material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped and co-digested in an anaerobic digester(s) at the POTW Treatment Plant. The pumped material may be screened, otherwise separated or treated prior to anaerobic digestion, but must be processed and conveyed in a contained system.

(B) The POTW Treatment Plant has developed Standard Operating Procedures for the acceptance of anaerobically digestible material, the POTW Treatment Plant has notified the Regional Water Quality Control Board that those Standard Operating Procedures are being implemented, and a Standard Provision (permit condition) that reflects the acceptance of anaerobically digestible material:

1. has been incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit, or
2. will be incorporated into the POTW Treatment Plant’s Waste Discharge Requirements or National Pollutant Discharge Elimination System permit no later than the next permit renewal.

(C) For the purpose of this exclusion, “anaerobically digestible material” means: inedible kitchen grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title 14, CCR, Section 17582(a)(20) and vegetative food material as defined in Title 14, CCR, Section 17582(20)(A).

(D) For the purpose of this exclusion, the Department, in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, will on a case-by-case basis, review and consider approval of additional types of organic materials as potential “anaerobically digestible material” beyond those specified in section 17896.5(a)(1)(C) in accordance with the following:

1. Receipt of a written request to the Department from the General Manager or designee of a POTW Treatment Plant.
   a. The written request must contain the following information:
      i. The purpose of the request;
      ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the organic waste material with the POTW wastewater;
      iii. Types of organic material requested for classification as an anaerobically digestible material;
      iv. The source(s) of the waste material;
      v. A description of how the waste material will be handled, processed, stored and transported (before and after receipt at the POTW Treatment Plant);
      vi. A map identifying all proposed physical changes proposed at the POTW Treatment Plant to accommodate the new waste materials;
      vii. Available laboratory test results, engineering reports, pilot study results to support the request;
      viii. Data and/or reports if this waste material has been used without incident at a different POTW Treatment Plant;
      ix. The name, addresses and phone numbers for the General Manager and designee of the POTW Treatment Plant.
   b. Upon receipt of the written request, the Department will communicate and coordinate the request with and between the State Water Resources Control Board and the California Department of Food and Agriculture and will complete the following actions:
      i. Within 10 days of receipt, send written confirmation to the General Manager and designee of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate Department staff, as well as to the State Water Resources Control Board and California Department of Food and Agriculture staff contacts for review;
      ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control Board and California Department of Food and Agriculture staff contacts;
      iii. Prior to the meeting, Department staff will review the letter and identify questions and/or issues with the request and make a list of recommendations;
      iv. Within 40 days of receipt, conduct a meeting on the request. If an agency representative does not attend the meeting, comments will be accepted by the Department up to close of business on the 45th day after receipt;
      v. Within 60 days of receipt, the Department will provide a written decision to the General Manager and designee of the POTW Treatment Plant stating one of the following:
I. The waste type has or has not been determined to be an anaerobically digestible material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory Requirements (pursuant to Section 17896.5(a)(1)(C) and the Transfer/Processing Operations and Facility Regulatory Requirements (pursuant to Section 17403.1(a)(8)).

II. The agencies, based on the information provided, were unable to reach a determination and additional information is required before a determination can be made; or

III. The agencies have determined that a pilot study will need to be conducted and the results analyzed prior to a determination made by the agencies.

IV. If additional information or if pilot study is necessary, the Department will consult with the General Manager or designee of the POTW, the State Water Resources Control Board and California Department of Food and Agriculture contacts, for the purpose of developing a timeline for either reviewing the additional information or for reviewing a proposed scope of work and timeline for a pilot study.

2. For the purpose of this exclusion, if an organic waste material is determined by the Department to be an anaerobically digestible material for the purpose of co-digestion with the POTW wastewater, the POTW Treatment Plant must comply with 17896.5 (a)(1)(A) prior to receipt of the material at the POTW Treatment Plant.

(2) The handling of agricultural material at an in-vessel digester is an excluded activity if the agricultural material is derived from an agricultural site and a similar amount of digestate or compost produced from digestate is returned to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the agricultural site that on which the in-vessel digester is located. No more than an incidental amount of up to 1,000 cubic yards of compost produced from digestate may be given away or sold annually. Digestate that is not composted may not be given away or sold.

(3) In-vessel digestion activities with less than a total of 50 cubic yards of solid waste, feedstock, and post-digested solids on site are excluded.

(4) Other discrete handling activities that are already subject to more stringent handling requirements under Federal or State law, as determined by the EA in consultation with the Department, are excluded.


§ 17896.6. Research In-Vessel Digestion Operations.

(a) An operator conducting research in-vessel digestion operations 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) 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.

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

(d) Research in-vessel digestion operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, 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 in-vessel digestion operation site security plan. The research in-vessel digestion 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.

(3) The EA Notification for the research in-vessel digestion 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.
(e) The operator shall submit all additional documentation required by subdivisions (b) and (d)2. to the EA with the Notification and prior to the digestion of any feedstock. The EA shall determine that the EA Notification for research in-vessel digestion operations is complete and correct only if the additional documentation requirements of this section have been met.

(f) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.7. In-Vessel Dairy Digestion Operation.
(a) In-vessel dairy digestion operation 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).

(1) These operations shall be inspected by the EA at least once a month for the first 12 months of operation. After the first 12 months of operation the EA may approve, with Department concurrence, a reduced inspection frequency of once every three months. After the first 24 months of operation the EA may approve, with Department concurrence, a reduced inspection frequency of once per calendar year. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety.

[Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.8. Limited Volume In-Vessel Digestion Operations.
All limited volume in-vessel digestion operations shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency of once every three months. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to the Department. [Note: See section 18083(a)(3) for additional EA and Department requirements regarding the approval or denial of requests for reducing the frequency of inspections.]


§ 17896.9. Medium Volume In-Vessel Digestion Facilities.
All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18104). These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.


§ 17896.10. Large Volume In-Vessel Digestion Facility.
All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The In-vessel Digestion Report required by section 17869.12 shall constitute the Report of Facility
Information required by section 21570(f)(2) of Title 27. These facilities shall be inspected monthly by
the EA in accordance with PRC section 43218.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.11. In-Vessel Digestion Facility Plan.
Each operator of a Medium Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(15)
shall file with the EA an "In-vessel Digestion Facility Plan" (as specified in section 18221.5.1). The
information contained in the Plan shall be reviewed by the EA to determine whether it is complete and
correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

(a) Each operator of a Large Volume In-vessel Digestion Facility, as defined in section 17896.2(a)(12)
shall file with the EA an "In-Vessel Digestion Report" (as specified in section 18221.6.1). An operator
of an existing facility who submits an application package to the EA, pursuant to Title 27, section
21570, which proposes to change the facility's operations, or to change the solid waste facility permit
shall do one of the following:
(1) submit the updated information as an amendment to the existing In-vessel Digestion Report; or
(2) submit a complete In-vessel Digestion Report as described in section 18221.6.1.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.13. Applicability of State Minimum Standards.
(a) Articles 1, 2, 3, 4, and 6. of this Chapter set forth the minimum standards that apply to all in-
vessel digestion operations and facilities, except as noted in Section 17896.1.(a).
(b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to in-vessel
digestion facilities.
(c) Approvals, determinations and other requirements that the EA is authorized to make under Articles
1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator
shall place a copy of each approval, determination and other requirement in the operating record
together with those records identified in sections 17414 and 17414.1.
(d) Some of the standards contained in this Chapter authorize the EA to approve an alternative
method of compliance with the standard. These provisions are not intended to allow the EA to change
the particular standard, but are intended to allow the EA flexibility to approve, in advance, an
alternative method of meeting the existing standard which provides equivalent protection of the public
health and safety and the environment as the existing standard. For facilities that require a full solid
waste facility permit, the EA may choose to include the approved alternative method of compliance as
a term and condition of the solid waste facility permit, rather than in the manner authorized by
subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to
the method may require a revision to the solid waste facility permit in accordance with the procedures
set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1
(commencing with section 21570).

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

Article 2. Siting and Design

(a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially
closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27,
California Code of Regulations, section 21190.
(b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or failure of pads or structural foundations.

(c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or with the closure or postclosure maintenance of the landfill.


§ 17896.15. General Design Requirements.

(a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as appropriate, from persons competent in engineering, architecture, landscape design, traffic engineering, air quality control, water quality protection and design of structures.

(b) The design shall be based on appropriate data regarding the expected service area, anticipated nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land use (existing and planned), types and number of vehicles anticipated to enter the operation or facility, adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and other pertinent information. If the operation or facility is to be used by the general public, the design shall take account of safety features that may be needed to accommodate such public use.

(c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the unloading area to as small an area as practicable, provide adequate control of windblown material, minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances by reason of solid wastes being handled at the operation. Other factors which shall be taken into consideration are: dust control, noise control, public safety, and other pertinent matters related to the protection of public health at the operation or facility.

(d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA may require the applicant to describe how he or she has complied with applicable local and state requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

(e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and constructed to prevent loss of wastes from the container during storage. If such a container is used to store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily cleanable, designed for safe handling and constructed to prevent loss of wastes.


Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities

§ 17896.16. Biogas Control.

The operator of an in-vessel digestion operation or facility must take precautions to minimize the uncontrolled release of biogas that may have harmful effects on site users and the general public.


§ 17896.17. Cleaning.

(a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA, in order to prevent the propagation or attraction of flies, rodents, or other vectors:

1. all operations and facilities shall be cleaned each operating day of all loose materials and litter;
2. all operations or facilities that operate 24 hours per day must clean the operations or facilities at least once every 24 hours.

(b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials.

February 28, 2013
§ 17896.18. Drainage and Spill Control.
(a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:
   (1) minimize the creation of contact water outside of in-vessel digesters and sealed containers;
   (2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-
       site migration of contact water;
   (3) protect the integrity of roads and structures;
   (4) protect the public health; and
   (5) prevent safety hazards and interference with operations.
(b) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills
    that occur.

§ 17896.19. Dust Control.
(a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of
    excessive dust and particulates, and prevent other safety hazards to the public caused by obscured
    visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent
    the creation of excessive dust. Measures to control dust include, but are not limited to: reduced
    processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the
    following may be an indication that dust is excessive:
       (1) safety hazards due to obscured visibility; or
       (2) irritation of the eyes; or
       (3) hampered breathing;
       (4) migration of dust off-site.

§ 17896.20. Hazardous, Liquid, and Special Wastes.
(a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes,
    including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular
    waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.
(b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are
    discovered, control measures as are necessary to protect public health, safety and the environment,
    such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation
    or removal from the operation or facility.
(c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and
    sludge wastes in a manner to protect public health, safety, and the environment.

§ 17896.21. Litter Control.
Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to
prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent
possible given existing weather conditions.

§ 17896.22. Load checking.
(a) The operator of an attended in-vessel digestion operation or facility shall implement a load
    checking program to prevent the acceptance of waste which is prohibited by this Chapter. This
    program must include at a minimum:
       (1) the number of random load checks to be performed;
(2) a location for the storage of prohibited wastes removed during the load checking process that is 
separately secured or isolated;
(3) records of load checks and the training of personnel in the recognition, proper handling, and 
disposition of prohibited waste. A copy of the load checking program and copies of the load checking 
records for the last year shall be maintained in the operating record and be available for review by the 
appropriate regulatory agencies.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: 
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.23. Maintenance Program.
All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair. 
The operator shall implement a preventative maintenance program to monitor and promptly repair or 
correct deteriorated or defective conditions.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: 
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.24. Medical Wastes.
Medical waste, unless treated and deemed to be solid waste, which is regulated pursuant to the 
Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code), 
shall not be accepted at an in-vessel digestion operation or facility, unless approved by the 
appropriate regulatory agencies.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: 
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.25. Noise Control.
Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise 
include but are not limited to: posting of warning signs that recommend or require hearing protection; 
separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise 
transmission. Compliance with specific provisions regarding noise control in a local land use approval, 
such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with 
this standard.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: 
Sections 40053, 43020 and 43021, Public Resources Code.

Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles, 
pesticides and other materials capable of causing public health or safety problems shall not be 
salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and 
the EA.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: 
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.27. Nuisance Control.
Each in-vessel digestion operation and facility shall be conducted and maintained to prevent the 
creation of a nuisance.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: 
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.28. Odor Minimization Plan.
(a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-
specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA 
Notification or permit application.
(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
describing, at a minimum, the following items. If the operator will not be implementing any of these
procedures, the plan shall explain why it is not necessary.
(1) an odor monitoring protocol which describes the proximity of possible odor receptors and a
method for assessing odor impacts at the locations of the possible odor receptors; and,
(2) a description of meteorological conditions effecting migration of odors and/or transport of odor-
causing material off-site. Seasonal variations that effect wind velocity and direction shall also be
described; and,
(3) a complaint response protocol; and,
(4) a description of design considerations and/or projected ranges of optimal operation to be
employed in minimizing odor, including method and degree of aeration, moisture content of materials,
feedstock characteristics, airborne emission production, process water distribution, pad and site
drainage and permeability, equipment reliability, personnel training, weather event impacts, utility
service interruptions, and site specific concerns as applicable; and,
(5) a description of operating procedures for minimizing odor, including aeration, moisture
management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls,
storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water,
power, and personnel), bio filtration, and tarping as applicable.
(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be
provided to the EA, within 30 days of those changes.
(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any
revisions are necessary.
(e) The odor impact minimization plan shall be used by the EA to determine whether or not the
operation or facility is following the procedures established by the operator. If the EA determines that
the odor impact minimization plan is not being followed, the EA may issue a Notice and Order
(pursuant to section 18304) to require the operator to either comply with the odor impact
minimization plan or to revise it.
(f) If the odor impact minimization plan is being followed, but odor impacts are still occurring, the EA
may issue a Notice and Order (pursuant to section 18304) requiring the operator to take additional
reasonable and feasible measures to minimize odors.

Note: Authority cited: Sections 40502, 43020, 43021 and 43209.1, Public Resources Code.
Reference: Sections 43020, 43021 and 43209.1.

§ 17896.29. Parking.
Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance
with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a
conditional use permit or CEQA mitigation measures, shall be considered compliance with this
standard.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations,
section 3203, shall be available for review by local and state inspectors during normal business hours.
Nothing in this section is intended to make the EA responsible for enforcing the IIPP.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.31. Prohibitions.
The following activities are prohibited at all in-vessel digestion operations and facilities and at all sites
where in-vessel digestion activities that are excluded from regulation under this Chapter occur:
(a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh,
organs, hide, blood, bone and marrow is prohibited, except when received from the food service
industry, grocery stores, or residential food scrap collection, or as part of a research activity for the
purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or
environmental concerns in accordance with section 17862.
The in-vessel digestion of medical waste is prohibited.
(c) The in-vessel digestion of hazardous waste is prohibited.


§ 17896.32. Protection of Users.
An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so that contact between the public and solid wastes is minimized. This may be accomplished through the use of railings, curbs, grates, fences, and/or spotters.


§ 17896.33. Roads.
All on-site roads and driveways shall be designed and maintained to minimize the generation of dust and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable all-weather access to the site.


§ 17896.34. Sanitary Facilities.
The operator shall maintain all sanitary and hand-washing facilities which may be required by applicable state or local requirements, in a reasonably clean and adequately supplied condition.


§ 17896.35. Scavenging and Salvaging.
Each in-vessel digestion operation or facility shall meet the following requirements:
(a) scavenging shall be prohibited;
b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part of the operation, subject to conditions established by the EA, the local land use authority, or other approving agencies.
c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious entry and exit of vehicles delivering waste to the transfer or processing operation or facility. Salvaging activities conducted at a transfer/processing operation or facility shall be confined to specified, clearly identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety or nuisance problems;
d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in the In-vessel Digestion Facility Plan or In-vessel Digestion Report. They shall be arranged to minimize risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a specified volume and/or duration as described in the Enforcement Agency Notification, In-vessel Digestion Facility Plan, or In-vessel Digestion Facility Report.


§ 17896.36. Signs.
(a) For in-vessel digestion operations or facilities not open to the public, each point of access from a public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or facility name and location of nearest public operation or facility.
(b) If the operation or facility is open to the public, there shall be an easily visible sign at all public entrances indicating the name of the operator, the operator's telephone number, schedule of charges,
hours of operation, and a listing of the general types of materials which either (1) WILL be accepted, or (2) WILL NOT be accepted.


§ 17896.37. Site Restoration.
All in-vessel digestion operations and facilities shall meet the following requirements:

(a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30 days prior to beginning site restoration.
(b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health, safety, and the environment.
(c) The operator shall ensure that the following site restoration procedures are performed upon completion of operations and termination of service:

(1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues including, but not limited to, digestate, compost materials, construction scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed.
(2) All machinery shall be cleaned and removed or stored securely.
(3) All remaining structures shall be cleaned of digestate, compost materials, dust, particulates, or other residues related to the site restoration operations.


§ 17896.38. Pre-Digestion Solid Waste Handling.
(a) Putrescible wastes shall be injected into the in-vessel digester or stored in a sealed container or sealed structure within 8 hours or removed from the site within 48 hours from the time of receipt.
(b) All non-putrescible wastes not intended for digestion shall be removed within 7 days from the date of receipt or at an alternate frequency approved by the EA.


§ 17896.39. Supervision and Personnel.
The operator shall provide adequate supervision and a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the EA in writing of the name, address and telephone number of the operator or other person responsible for the operation. A copy of the written notification shall be placed in the operating record.


§ 17896.40. Training.
Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site solid waste operations and maintenance, hazardous materials recognition and screening, use of mechanized equipment, environmental controls, emergency procedures and the requirements of this Article. A record of such training history shall be maintained and made available for inspection.


§ 17896.41. Vector, Bird and Animal Control.
The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.

Article 4. Record Keeping Requirements

§ 17896.42. Record Keeping Requirements.
Each operator shall meet the following requirements:
(a) Each operator shall maintain records of incoming weights or volumes and outgoing salvage or residual weights or volumes in a form and manner approved by the EA. Such records shall be: submitted to the EA or the Department upon request; be adequate for overall planning and control purposes; and, be as current and accurate as practicable;
(b) All records required by this Chapter shall be kept by the operator in one location and accessible for five (5) years and shall be available for inspection by the EA and other duly authorized regulatory agencies during normal working hours.
(c) The operator shall submit copies of specified records to the EA upon request or at a frequency approved by the EA;
(d) The operator shall maintain a daily log book or file of special occurrences encountered during operations and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. Special occurrences shall include but are not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack of sufficient number of personnel pursuant to section 17410.2, flooding, earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by telephone within 24 hours of all incidents requiring the implementation of emergency procedures, unless the EA determines that a less immediate form of notification will be sufficient to protect public health and safety and the environment;
(e) The operator shall record any written public complaints received by the operator, including:
(1) the nature of the complaint,
(2) the date the complaint was received,
(3) if available, the name, address, and telephone number of the person or persons making the complaint, and
(4) any actions taken to respond to the complaint;
(f) The operator shall maintain a copy of the written notification to the EA and local health agency of the name, address and telephone number of the operator or other person(s) responsible for the operations as required by section 17896.39;
(g) The operator shall maintain records of employee training as required by section 17896.40;
(h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809 et seq.
(i) The operator shall record all test results generated by compliance with Article 6 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings.
(1) The operator shall retain records detailing pathogen reduction methods.


§ 17896.43. Documentation of Enforcement Agency Approvals, Determinations, and Requirements.
Approvals, determinations, and other requirements the EA is authorized to make under this Chapter shall be provided in writing to the operator and placed in the operating record by the operator.


Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only

§ 17896.44. Communications Equipment.
Each in-vessel digestion facility shall have adequate communication equipment available to site personnel to allow quick response to emergencies.
§ 17896.45. Equipment.
Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-vessel digestion facility to meet all requirements of this Chapter.


§ 17896.46. Fire Fighting Equipment.
Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly maintained and located as required by the local fire authority.


§ 17896.47. Housekeeping.
The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap, and similar items.


§ 17896.48. Lighting.
The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of operations, and public health, safety and the environment.


§ 17896.49. Site Attendant.
An in-vessel digestion facility open to the public shall have an attendant present during public operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as approved by the EA to ensure that it meets all of the requirements of this Chapter.


§ 17896.50. Site Security.
The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and vehicles through the use of either a perimeter barrier or topographic constraints.


§ 17896.51. Traffic Control.
(a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:
(1) interference with or creation of a safety hazard on adjacent public streets or roads,
(2) on-site safety hazards, and
(3) interference with operations.


§ 17896.52. Visual Screening.
The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be considered compliance with this standard.


§ 17896.53. Water Supply.
A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use (e.g., fire protection, first aid) shall be available.


Article 6. Digestate Handling Standards

§ 17896.54. Digestate Handling.
(a) Digestate not contained in an in-vessel digester, sealed container, or sealed structure, shall, within 8 hours, be:
   (1) Removed from the site and delivered as solid waste to another solid waste facility or operation for disposal, additional processing, or other use as approved by local, state, and federal agencies having appropriate jurisdiction, or
   (2) Incorporated in an on-site aerobic compost process. On-site aerobic composting of digestate is allowable only at large volume in-vessel digestion facilities that have obtained a Full Solid Waste Facilities Permit pursuant to section 17896.10.
(b) Digestate that has not been analyzed for metal concentration pursuant to section 17896.56, pathogen concentration pursuant to section 17896.57(b)(1), and physical contaminants pursuant to section 17896.58 or are known to contain any metal in amounts that exceed the maximum metal concentrations described in section 17896.56, pathogens that exceed the maximum acceptable pathogen concentrations described in section 17896.57(b)(1), or physical contaminants that exceed the maximum physical contamination limits described in section 17896.58 shall be designated for disposal, additional processing, or other use as approved by local, state agencies having appropriate jurisdiction.
(c) All in-vessel digestion operations and facilities that compost on-site shall comply with the sampling requirements of section 17896.55, maximum metal concentrations requirements of section 17896.56, the maximum acceptable pathogen concentrations requirements of section 17896.57(b)(1), and physical contamination limits of section 17896.58.


§ 17896.55. Sampling Requirements.
(a) The sampling of compost produced at an in-vessel digestion facility shall occur at the point where the compost is removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Analytical results indicating compliance with sections 17896.56, 17896.57, and 17896.58 shall be received by the operator prior to the sampled compost leaving the site. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.
(b) This sampling shall be performed by taking and analyzing at least one composite sample, following the requirements of this section as follows:
   (1) An operator shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced.
   (2) Composite sample analysis for maximum acceptable metal concentrations, specified in section 17896.56, shall be conducted at a laboratory certified by the California Department of Public Health, pursuant to the Health and Safety Code.
(c) A composite sample shall be representative and random, and may be obtained by taking twelve mixed samples as described below.

(1) The twelve samples shall be of equal volume.

(2) The twelve samples shall be extracted from within the post-digested solids or compost pile as follows:

(A) Four samples from one-half the width of the pile, each at a different cross-section;

(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,

(C) Four samples from one-eighth the width of the pile, each at a different cross-section.

(d) The EA may approve alternative methods of sampling for an in-vessel digestion facility that ensures the maximum metal concentration requirements of section 17896.56, the pathogen reduction requirements of section 17896.57, and the physical contamination requirements of section 17896.58, as applicable, are met.


§ 17896.56. Maximum Metal Concentrations.

(a) Compost produced at an in-vessel digestion facility shall not exceed the maximum acceptable metal concentrations shown in Table 2. Compost that contains any metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

Table 2 - Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>0 (see subdivision (a)(1) below)</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>1500</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>100</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>

(1) Although there is no maximum acceptable metal concentration for chromium in compost, operators subject to subdivision (a) shall arrange for concentrations of chromium in compost they produce to be determined in connection with the analysis of other metals. Operators shall maintain records of all chromium concentrations together with their records of other metal concentrations.

(b) Alternative methods of compliance to meet the requirements of subdivision (a) of this section, including but not limited to sampling frequencies, may be approved by the EA for in-vessel digestion operations and facilities if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2 are not exceeded.


§ 17896.57. Pathogen Reduction.

(a) Compost produced at an in-vessel digestion facility shall not exceed the maximum acceptable pathogen concentrations described in subdivision (b)(1) of this section. Compost that contains any pathogens in amounts that exceed these pathogen reduction requirements shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) Operators of in-vessel digestion facilities that produce compost shall ensure that:
(1) The density of fecal coliform in compost produced at an in-vessel digestion facility shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in this compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis). Sample results must be received by the operator prior to removing product from the site.

(2) At in-vessel digestion facilities using an enclosed or within-vessel composting process, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of subdivision (b)(2) of this section.

(3) If the facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

(4) If the facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(c) In-vessel digestion facilities that produce compost shall be monitored as follows to ensure that the standards in subdivision (b) of this section are met:

(1) Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.

(2) Temperature measurements for pathogen reduction shall be measured as follows:

(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;

(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.

(d) Alternative methods of compliance to meet the requirements of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent temperature measurements.


§ 17896.58. Physical Contamination Limits.

(a) Compost produced at an in-vessel digestion facility shall not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters. Compost that contains more that 0.1% by weight of physical contaminants greater than 4 millimeters shall be designated for disposal, additional processing, or other use as approved by local, state and federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing compost from the in-vessel digestion facility where it was produced.

(b) All in-vessel digestion facilities with an on-site aerobic compost process shall take one representative sample for every 5,000 cubic-yards of compost produced and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.


Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.

Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities
§ 18083. LEA Duties and Responsibilities for Inspections.
(a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal sites and equipment to verify compliance with the state minimum standards, solid waste facilities permits, and related state solid waste laws and regulations within their purview for the protection of the environment and the public health and safety. The LEA/EA shall perform these inspections and related duties as required below, and forward inspection reports to the operator and/or owner, and the Department within 30 days of the inspection:

1. (1) weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;
2. (2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending abatement by enforcement action(s);
3. (3) at the frequency required by the state minimum standards for each type of operation specified in 14 CCR Sections 17383.9., 17403.5., and 17896.7. All other operations regulated under the EA Notification tier shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, and in no case shall the inspection frequency be less than once per calendar year.
4. The EA shall submit a copy of the operator request and the EA-proposed approval to the Department. The Department shall concur in the request only if it finds that the reduced inspection frequency will not pose an additional risk to public health and safety or the environment in light of the specific circumstances at the operation in question. The Department shall concur or deny the request within thirty (30) days from receipt.
5. (4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section 21565. For closed sites, inspections shall be made until no potential threat exists to public health and safety or the environment. This determination shall be subject to Department approval. For the purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable closure requirements;
6. (A) the Department may approve an alternate inspection frequency for these sites where such an action will not result in adverse impact on public health and safety and the environment.
7. (5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement with the Department through a grant program to inspect waste tire facilities, major waste tire facilities shall be inspected annually and minor waste tire facilities shall be inspected at least once every two and a half years pursuant to 14 CCR Section 18443;
8. (6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;
7. (7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application, revision, review, RFI amendment, or closure/postclosure plan; and
8. (8) pursuant to the EPP, for solid waste handling and collection equipment.
(b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above inspections, whenever possible, without prior notice to the owner or operator, on randomly selected days, during normal business hours or the site's operating hours.


Article 3.2. Reports of Facility Information

§ 18221.5.1. In-Vessel Digestion Facility Plan.
Each operator of a Medium Volume In-vessel Digestion Facility that is required to obtain a Registration Permit, as set forth in section 17896.7 and Title 14, Division 7, Chapter 5.0, Article 3.0, (commencing with section 18100) shall, at the time of application, file an In-vessel Digestion Facility Plan ("Plan") with the EA as required in section 17896.9 of this Title. In order to maintain the permit, the operator must file amendments as necessary to maintain the accuracy of the Plan. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. The Plan shall contain the following:
(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) schematic drawing of the building and other structures showing layout and general dimensions of
the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(c) descriptive statement of the manner in which activities are to be conducted at the facility;
(d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of
material processing, each set of hours may be stated. For facilities with continuous operations,
indicate the start of the operating day for purpose of calculating amount of waste received per
operating day. The operator may also indicate whether or not, and when, other activities, such as
routine maintenance will take place, if those activities will occur at times other than those indicated
above;
(e) total acreage contained within the operating area;
(f) facility design capacity including the assumptions, methods, and calculations performed to
determine the total capacity;
(g) information showing the types and the daily quantities of solid waste to be received. If tonnage
was figured from records of cubic yards, include the conversion factor used;
(h) description of the methods used by the facility to comply with each state minimum standard
contained in sections 17896.12 through 17896.56;
(i) anticipated volume of quench or process water and the planned method of treatment, and disposal
of any wastewater;
(j) description of provisions to handle unusual peak loading;
(k) description of transfer, recovery and processing equipment, including classification, capacity and
the number of units;
(l) planned method for final disposal of the solid waste;
(m) planned method for the storage and removal of salvaged material;
(n) resume of management organization which will operate the facility.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 18221.6.1. In-Vessel Digestion Report.
Each operator of a Large Volume In-vessel Digestion Facility that is required to obtain a Full Solid
Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3,
Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-vessel
Digestion Report ("Report") with the EA as required in section 17896.10 of this Title. In order to
maintain an existing permit, the operator must file amendments as required in section 17896.10 of
this Title and re-title the document as a Transfer/Processing Report. Such amendments, or lack
thereof, may become the basis for changes in the permit or for revocation of the permit. A Report
shall contain the following:
(a) name(s) of the operator, owner, and the company they represent, if applicable;
(b) facility specifications or plans, to include: a site location map, a site map, and identification of
adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet
of the facility property line;
(c) schematic drawing of the building and other structures showing layout and general dimensions of
the operations area, including, but not limited to, unloading, storage, loading, and parking areas;
(d) descriptive statement of the manner in which activities are to be conducted at the facility;
(e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of
material processing, each set of hours may be stated. For facilities with continuous operations,
indicate the start of the operating day for purpose of calculating amount of waste received per
operating day. The operator may also indicate whether or not, and when, other activities, such as
routine maintenance will take place, if those activities will occur at times other than those indicated
above;
(f) total acreage contained within the operating area;
(g) facility design capacity including the assumptions, methods, and calculations performed to
determine the total capacity;
(h) information showing the types and the daily quantities of solid waste to be received. If tonnage
was figured from records of cubic yards, include the conversion factor used;
(i) description of the methods used by the facility to comply with each state minimum standard
contained in sections 17896.12 through 17896.56;
(j) anticipated volume of quench or process water, and the planned method of treatment, and disposal
of any wastewater;
§ 18227. Report of Composting Site Information.

Each operator of a compostable material handling facility that is required to obtain a Compostable Materials Handling Facility Permit, as specified in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450), or a Registration Permit for a Green Material/Vegetative Food Material Composting Facility, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18104) shall, at the time of application, file a Report of Composting Site Information with the EA as required by section 17863 of this Title. A Report of Composting Site Information shall contain the following:

(a) A description of the processes to be used, including estimated quantities of feedstocks, additives, and amendments.

(b) A descriptive statement of the operations conducted at the facility.

(c) A schematic drawing of the facility showing layout and general dimensions of all processes utilized in the production of compost including, but not limited to, unloading, storage, processing, parking, and loading areas.

(d) A description of the proposed methods used to control leachate, litter, odors, dust, rodents, and insects, for example, how the operator will store, process and incorporate food material and vegetative food material into windrows or static piles, timeframes for inclusion of material, physical barriers to control liquids, passive and active vector controls, methods to monitor effectiveness of control measures.

(e) A description of the proposed emergency provisions for equipment breakdown or power failure.

(f) A description of the storage capacity, feedstock pile sizes, and anticipated maximum and average length of time compostable materials will be stored at the facility.

(g) A description of compostable materials handling equipment used at the facility including type, capacity, and number of units.

(h) Anticipated annual operation capacity for the facility in cubic-yards.

(i) A description of provisions to handle unusual peak loadings.

(j) A description of the proposed method for storage and final disposal of nonrecoverable or nonmarketable residues.

(k) A description of the water supplies for process water required.

(l) Identification of person(s) responsible for oversight of facility operations.

(m) A description of the proposed site restoration activities, in accordance with section 17870.

(n) An Odor Impact Minimization Plan pursuant to section 17863.4. The EA may require the operator to revise the Odor Impact Minimization Plan if the operator proposes to accept new feedstock, such as food material or vegetative food material.
NEW

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR
SOLID WASTE FACILITY PERMIT/AND WASTE DISCHARGE REQUIREMENTS

This application form is for a Solid Waste Facility Permit (SWFP) and/or Waste Discharge Requirements (WDRs) to receive, store, process, transform, or dispose of solid waste regulated by the California Integrated Waste Management Board (CIWMB), Department of Resources Recycling and Recovery (CalRecycle), and Local Enforcement Agencies (LEAs) and the or California Regional Water Quality Control Boards (RWQCBs), and for related purposes. The Application is to be used for both new and revised permits—changes to existing SWFPs, WDRs, and supporting documents (e.g., Reports of Facility Information, Reports of Waste Discharge), and expansions for SWFP Reviews. All [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] Applications must be filled out completely [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.] and correctly [Note to OAL and publisher: Underline indicates addition. Final text should remain underlined for emphasis.]. Check with local or county enforcement agency the applicable EA or RWQCB for specific permit requirements and/or exemptions or the use of the Application/General Information Form for WDRs and National Pollutant Discharge Elimination System permit (Form 200) by the RWQCB. This form—Submit the Application and the filing fees should be sent to the appropriate agency(ies) indicated below:

<table>
<thead>
<tr>
<th>FORM TYPE / USE</th>
<th>APPROPRIATE AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for a Solid Waste Facility Permit</td>
<td>CIWMB/LEA</td>
</tr>
<tr>
<td>Report of Waste Discharge (#for WDRs)</td>
<td>RWQCB</td>
</tr>
</tbody>
</table>

If you have any questions on the completion of how to complete this form, please contact the appropriate agency(ies) for assistance. You can download this form from the CIWMB-CalRecycle website at http://www.calrecycle.ca.gov.

NOTE: For direct discharge (point source discharge) to surface waters, a different application form and submittal package is required in place of this form. Please contact the appropriate Regional Water Quality Control Board-RWQCB if seeking to discharge to surface water under the NPDES permit application form to apply for a permit for this type of discharge.

The Application for Solid Waste Facility Permit/Waste Discharge Requirements provides initial notice of a waste discharge. In most instances, additional information will be required, and should be submitted on 8 1/2" X 11" paper. Submit two copies of the completed form—Application and any required report(s), and filing fee to the Enforcement Agency (EA). Submit one copy of the form—Application and any required report and filing fee to the RWQCB. The RWQCB will notify you of your annual fee based on an evaluation of your proposed discharge. Please do not submit a check to the RWQCB until requested to do so by a RWQCB representative. Applicants applying for an update of an existing WDR will be billed through the annual fee billing system and therefore are requested NOT to submit a check with their Application. The agency(ies) will advise you of any additional information that may be required to complete this Application and waste disposal report.

You will be notified of the effective date of the application by each agency.

The Applicant shall submit this Application in a form and format required by the EA. The EA will exercise its discretion in using the information provided by the Applicant to establish terms and conditions of a proposed SWFP the EA determines to be appropriate.

AMOUNT OF FILING FEES
- EA - The enforcement agencies shall determine the exact fee. Contact the EA for fee information.
• RWQCB – Use flow or units reported in Part 4 (application form) and the appropriate class schedule A, B, B1, B3, or C (attached filing fee schedule). Contact the RWQCB for fee information.

FOR OFFICIAL USE ONLY (CIWMB-CalRecycle/LEA/RWQCB staff)

SWIS/WDID/Global ID Number: The Solid Waste Information System (SWIS) number assigned to the facility by CIWMB-CalRecycle staff. The Waste Discharge Identification number (WDID) and global identification number (global ID) for use by RWQCB staff.

Filing Fee: The amount of filing fee submitted by the applicant.
Receipt Number: The number assigned to the application by CIWMB-CalRecycle/LEA/RWQCB staff.
Date Received: The date the EA or RWQCB receives the application package is received from the applicant (Title 27, section 21650(a)).
Date Accepted: The date the EA accepts the application package for filing (Title 27, section 21650(a)).
Date Rejected: The date the EA rejects the application package (Title 27, section 21650(d)).
Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete application package as incomplete (Title 27, section 21580).
Due Date: 180 days from the date the application was accepted as incomplete (Title 27, section 21580).

Part 1. GENERAL INFORMATION

A. Enforcement Agency: Enter the name of the EA.
B. County: Enter the name of the county or counties in which the facility is located.
C. Type of Application: Check the box (one box only) that describes the reason the application is being submitted, as follows:-
  1. New SWFP and/or WDRs: A facility that does not have a current full-SWFP or WDRs.
  2. Revision of Change to SWFP and/or WDRs: Applicant is proposing to make a change to the design or operation of the facility. (Title 27, section 21620 and 21710)
  3. Exemption and/or Waiver: The facility is exempted from a full SWFP pursuant to Title 27, section 21565 and/or WDRs have been waived.
  4. Review: To comply with the five-year permit review requirement (Title 27, section 21640).
  5. Amendment of Application: If the applicant changes any of the information required in the application after the application package has been submitted and before the EA has acted on the Application issuance or denial of the permit or alteration thereof, the applicant changes any of the information required in the application package. (Title 27, section 21610 and 21710)
  6. RFI/ROWD/JTD Amendments: For existing permitted facilities, when an owner/operator proposes to make minor changes in design or operation supported by an existing or new CEQA documentation. The application package is submitted to the EA and/or RWQCB to determine if the proposed change(s) can be allowed without an application for a revision. A change to the Report of Facility Information, Report of Waste Discharge, or Joint Technical Document that does not require a change to the SWFP or WDRs.

Part 2. FACILITY DESCRIPTION

A. Name of Facility: The name as it is to be listed on the SWFP and/or the WDRs.
B. Location of Facility:
  1. The physical address of the facility or, if no address, a description of the location. Include the Assessor’s Parcel Number, directions to the location of the facility and the name of the nearest city or named place, i.e. mountain, lake, cross roads, etc. Provide the zip code for the actual facility location, not the mailing address.
  2. Latitude and longitude is to be submitted in Degrees, Minutes, and Seconds, or Decimal Degrees identifying the center of the waste footprint for existing or proposed disposal sites and identifying the office or main gate for all other facilities (e.g., transfer station, composting facility, etc.). Use of a GPS
instrument is recommended. It indicates the center of the waste footprint, existing or proposed, for
disposal sites, and the office or gate for all other facilities (i.e. transfer, composting, etc.)
3. Map or sketch should be to a scale adequate to show the precise location of the permitted
boundary. Use of a portion of a U.S.G.S. Quadrangle map is recommended. Map must show proximity
disposal location to populated areas and must indicate all wells and drainage courses within 1,000
feet of any disposal point. The map must include approaches and/or access roads, streets, and/or
highways. The legal description shall include the applicable portions of the section(s) of the township,
range, base, and meridian. The facility shall have permanent monuments or other physical features
that adequately delineate the permitted boundary in the field.

C. Type Of Activity: Check all that apply or will apply for the type of facility covered under this
Application package.
1. Disposal: A facility that includes a place, location, tract of land, area, or premises in use,
tended to be used, or which has been used, for landfill disposal of solid waste; and,
a. Type: The type of disposal facility, such as, monofill, monofill, C&D/inert, municipal solid
waste.
2. Composting: Compostable Material Handling: A facility that is operated for the purpose of
producing compost handles compostable materials.; and
a. Type: The type of composting facility, e.g. green waste, food waste, biosolids, or MSW.
3. Transformation: A facility that at which solid waste is incinerated; or subject to pyrolysis,
distillation, or biological conversion other than composting. Transformation does not include
composting, gasification, or biomass conversion.
4. Transfer/Processing: A facility that receives, handles, stores, separates, converts or
otherwise processes materials in solid waste; and/or transfers solid waste directly from one container
to another or from one vehicle to another for transport; and/or store solid waste. For Informational
Purposes Only: Check the box if recyclable materials are recovered prior to transfer/processing.
5. Construction and Demolition/Inert Debris Processing: A facility that receives Construction
and Demolition Debris and/or Inert Debris for the purpose of controlled separation, recovery, volume
reduction, or recycling.
6. In-Vessel Digestion: A facility that receives solid waste for digestion in an in-vessel digester.

5-7. Other: An activity authorized by law not listed above.

D. Identification of Facility in CIWMP [Conformance Finding Information] (CIWMP Title 27,
section 21570(f)(6)):
1) If the location of the facility is identified in either a Countywide Siting Element or a Nondisposal
Facility Element, check the appropriate box, and fill in the date of the document and the page on
which the facility is identified. If you do not currently have this information, (you may obtain it this
information from the jurisdiction in which the facility is located).
2) If the facility is a Transfer Station that will divert less than 5% of the material that it receives, it
is not required to be identified in either a Countywide Siting Element or a Nondisposal Facility Element
and you should check the appropriate box.

E. Type Of Permitted Wastes To Be Received: Check all that apply for the type of material
covered under this Application package:
1. Agricultural: Wastes resulting directly from the production and processing conduct of farm or
agricultural products activities, including, but not limited to, manures, prunings, and crop residues.
2. Asbestos: A naturally occurring family of carcinogenic fibrous mineral substance. The State
Department of Health Services-Toxic Substances Control has classified friable wastes which contain
more than one percent or more asbestos by weight as hazardous wastes. Friable means that the
material can be crumbled with pressure and, therefore, is likely to emit fibers. Indicate whether the
asbestos is friable or non-friable by checking the appropriate box.
3. Ash: The residue from the incineration of solid wastes, including, but not limited to, municipal
waste, infectious medical waste, woodwaste, sludge, and agricultural waste.
4. Treated Auto Shredder Waste: The "fluff" consisting of upholstery, paint, plastics, and other
non-metallic substances that remains after the shredding of automobiles, discarded household major
appliances, and sheet metal similar items. The State Department of Health Services has classified
untreated shredder wastes as hazardous.
5. Compostable Material: Any organic material that when accumulated will become active
compost. Describe the types of compostable materials to be received.
6. Construction/Demolition Waste: Waste that results from construction, remodeling, repair,
demolition or deconstruction of buildings, and other structures.
7. **Contaminated Soil**: Waste which contains designated or nonhazardous concentrations and has been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency—Soil that the RWQCB or the Local Oversight Agency has classified as a designated waste.

8. **Dead Animals**: Animal carcasses requiring disposal that have not been previously used for medical purposes and are not known to have been infected or with known infectious diseases.

9. **Industrial**: Solid or semi-solid wastes resulting from industrial processes and manufacturing operations, e.g. cement kiln dust, ore process residues, grit or screenings removed from a waste water treatment facility, etc.

10. **Inert**: Solid waste and recyclable materials that are source separated or separated for reuse, do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives and do not contain significant quantities of decomposable waste. Inert debris may not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the putrescible wastes do not constitute a nuisance, as determined by the EA.

11. **Liquids**: Wastes which are not spadeable, usually containing less than 50% solids. These wastes include cannery and food processing wastes, landfill leachate and gas condensate, boiler blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings, rendering plant byproducts, some sewage sludge, etc.

12. **Mixed/ or Municipal Solid Waste (MSW)**: Solid waste generated primarily by Residential and commercial refuse sources, garbage and/or rubbish although it may contain insignificant amounts of other solid waste that, when mixed together, is all handled as MSW. Residential waste is commonly thought of as household garbage, commercial wastes contain less putrescible waste and more paper and cardboard.

13. **Sewage Sludge**: Human (not industrial) residue, excluding grit or screenings, removed from a wastewater treatment facility or septic tank, whether in a dry or semidry form.

14. **Waste Tires**: Discarded tire casings—Tires that are no longer mounted on a vehicle and are no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer’s original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not organized for inspection in a rack or a stack.

15. **Other**: Any allowable wastes not included in the above.

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**Part 3. FACILITY INFORMATION**

A. **Proposed Change**: Check the box that identifies the type of change proposed. Briefly describe the proposed change in the space provided.

— **1. Design Change**: A design change would include but is not limited to: change in footprint, acreage, additional capacity, site improvements, etc.

— **2. Operation**: A change in operation would include but is not limited to: change in hours or days of operation, the addition of an activity, tonnage changes, etc.

— **3. Owner, Operator, Address, and/or Facility Name Change**: Complete if there is a change in the owner, operator, address, or facility name.

— **4. Other**: This type of change includes, but is not limited to: change in emergency contact list, etc. For an application for permit review, if there are no changes, so indicate.

**AB. Facility Information**

1. **Information Applicable To All Existing Facilities**: This portion of Part 3 of the Application must be filled out by every applicant regardless of the type of facility.

   a. **Peak-Maximum Daily Tonnage or Cubic Yards**: The peak (maximum) total amount of solid waste and other material the facility applicant is permitted-authorized by the EA to receive through the gate to store, process, transfer, beneficially reuse, recycle or dispose per day as part of normal, day-to-day operations (include information on all other material authorized by the EA to receive in the Report of Facility Information (RFI)). This amount shall be expressed in tons\(^2\) if tonnage is not available or not applicable provide this specify the amount in cubic yards with a conversion factor. This will be referred to as the “permitted maximum tonnage” and is considered the facility maximum tonnage limit. This amount must be consistent with the approved SWFP and the approved Report of Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Volume figures should be converted to tons and the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP...
and/or WDRs enter zeros (0) in all items of this section. \textit{Note: The two amounts in (1) and (2) below must equal the maximum daily tonnage.}

1. \textbf{Disposal/Transfer:} The amount of material \textit{solid waste} that comes through the gate and is disposed of on-site or transferred off-site as waste; and
2. \textbf{Other:} That amount of \textit{all other material} received at the site, including, but not limited to, material that is recycled, or used for beneficial use (beneficially reused, such as ADC, road building or other on-site projects), stored or processed. \textit{Note: 1 and 2 should equal the peak daily tonnage or cubic yards.}

b. \textbf{As-Designed Daily Design-Tonnage (TPD) or Cubic Yards:} For landfills, the maximum daily \textit{tonnage} amount of \textit{solid waste} and \textit{other} material that the facility is designed to receive and process on an ongoing basis over an extended period of time (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited to, size of the working face, the operating areas, vehicle traffic, personnel, equipment operational limits, etc. For other facilities, it is the maximum amount of \textit{solid waste} and \textit{other} material the facility is designed to handle receive and process at any one time on an ongoing bases over an extended period of time (e.g., on a daily basis over a calendar month) based on appropriate factors including, but not limited to, vehicle traffic, facility size, hours of operations, length of material storage, type of equipment and movement, personnel, equipment operational limits, etc. \textit{This amount shall be expressed in tons; if tonnage is not available specify the amount in cubic yards with a conversion factor. The as-designed tonnage value may be equal to or greater than the peak maximum daily tonnage value.}

c. \textbf{Facility Size:} The area that encompasses the entire area on which solid waste facility activities are authorized by the \textit{EA} to occur and are permitted. This includes the area of the facility in acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and managing equipment management area, or any area that is required to maintain compliance with the design and operating parameters of the facility. The facility size is the same as "operating area" for composting facilities and "permitted acreage" or the area within the "permitted boundaries" for transfer/processing facilities and landfills.

d. \textbf{Peak-Maximum Traffic Volume Per Day (vpd):} The estimated maximum number of vehicles that will be authorized by the \textit{EA} to enter the facility on a daily basis. This number should be based on factors including, but not limited to, waste volume, personnel, and equipment operational limits. For other facilities, it is the maximum number of vehicles entering the facility per day (vpd)

e. \textbf{Days and Hours of Operation:} The days and hours that the facility is authorized by the \textit{EA} to be in operation and the hours of waste receipt authorized by the \textit{EA} if different from the hours of operation. This information must be consistent with the approved RFI and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted.

2. \textbf{Proposed Change(s) or Information Applicable to New SWFP and/or WDRs:} This portion of the Application must be filled out by every applicant requesting a change to any item(s) listed under Part 3.A.1 and every applicant submitting an application for a new SWFP and/or WDRs (see Part 3.A.1, for a description of the terms used). The requests must be consistent with an RFI submitted as part of the Application. The \textit{EA} will review the requests and establish the terms and conditions of a proposed SWFP for those requests that are supported by documents submitted by the applicant. The RWQCB will review the requests and establish the terms and conditions of tentative WDRs for those requests that are supported by documents submitted by the applicant. Use the "OTHER" section to describe design or operational requests not already specified in this Part 3.A.2.

23. \textbf{Additional Information Required For Compostingable Materials Handling Facilities Only:} This portion of Part 3, section B2, in addition to Part 3, section B1, the Application must be filled out by the applicant if composting handling compostable materials is part of this Application.

a. \textbf{Total Site Storage Capacity:} The total capacity in tons or cubic yards of all feedstock and compost (active, curing, and cured) material that is received, processed, and can be stored on-site at any one time.

24. \textbf{Additional Information Required For Landfills Only:} This portion of Part 3, section B3, in addition to Part 3, section B1, the Application must be filled out by the applicant if a landfill is part of this Application. \textit{All [Note to OAL and publisher: No proposed change. Existing text underlined for}}
sections of the Application must be filled out completely. [Note to OAL and publisher: No proposed change. Existing text underlined for emphasis.]

a. **Average Daily Tonnage (TPD):** The estimated average waste tonnage expected to be received placed in a waste management unit for each operating day on a yearly basis (calendar year) for the next five years. Do not use non-operating days in calculating the average daily tonnage. This average daily tonnage can be equal to but may not exceed the peak maximum daily tonnage. Report as tons per day (TPD).

b. **Site Capacity Currently Permitted (Airspace) (cu yds):** The volume contained between the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to the top of the final cover) taking into consideration design slopes, benches, and other design features, as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site Capacity.

c. **Site Capacity Proposed (Airspace) (cu yds):** Additional site capacity (airspace) requested or potentially resulting from this permit Application.

d. **Site Capacity Used To Date (Airspace) (cu yds):** The volume of permitted site capacity used to date. See Date of Capacity Information below.

e. **Site Capacity Remaining (Airspace) (cu yds):** The total volume of permitted site capacity remaining, not including any proposed site capacity. If the remaining capacity information provided is based on estimates of capacity used since the last physical site survey, please explain the methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume, etc. See Date of Capacity Information below.

f. **Date Of Capacity Information (date):** The date as of which the remaining and used site capacities in Part 3 were determined. This date may predate the Application date by no more than three months. Amendments of the Application including more current capacities may be required.

g. **Last Physical Site Survey (date):** Date when the last aerial or ground survey was conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see Part 6, Section B for more details).

h. **Estimated Closure Date (month and year):** The closure date estimated based on remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other appropriate factors. Please note if the closure date is controlled by factors other than waste capacity (e.g., conditional use permit date, etc.)

i. **Disposal Footprint (acres):** The permitted area where waste will be or has been placed. This will be referred to as "permitted disposal area."*

j. **Site Capacity Planned (cu yds):** The estimated additional site capacity (in cubic yards) based upon any planned expansions not currently proposed, whether within or outside the current permitted boundary.

k. **Provide one of the following:**

1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste):** The in-place waste density is the estimated or measured density of in-place waste material achieved by mechanical or other means in the development of the current lift of the current operating waste cell, and

   (ii) **Waste-to-Cover Ratio (estimated) (volume:volume):** The waste-to-cover ratio estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate should include only soil or approved daily or intermediate alternative cover that is not considered a waste material, i.e., payment of fees to the CIWMB-CalRecycle is not required. The waste portion of the waste-to-cover ratio estimate should include only waste material for which payment of fees to the CIWMB-CalRecycle is reported, or

2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace):** The airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is recorded as the total weight of waste material passing over the landfill scales that is placed in a known volume of landfill airspace in a given period of time. The waste portion of the AUF should include only waste material for which payment of fees to the CIWMB-CalRecycle is reported.

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**Part 4. SOURCE OF WATER SUPPLY** (This is water used for any purpose at the facility)

A. **Municipal or Utility Service:** Give name and address of the water purveyor.

B. **Individual Wells:** Identify those wells that are not part of a municipal or utility service.

C. **Surface Supply:**
1. Provide the name of any stream, lake, spring, etc, if identified.
2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
3. If a state permit or license has been granted, give identification number.

**D. Other:** Enter any water source(s) not identified above.

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**Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**A.** Check the appropriate box(es) if an environmental document was, or is going to will be, prepared and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.

1. **If an environmental document was prepared:**
   - If an environmental document has already been prepared and circulated through the SCH and there is an SCH number, please write this number in the appropriate blank following the box that is checked.
   - If an environmental document has not yet been circulated through the SCH and no SCH number has been assigned to the environmental document yet, please check the box for the type of environmental document that is anticipated to be prepared and circulated through the SCH and write N/A in the appropriate blank for “SCH#.”
   - If the “ADDENDUM TO (Identify environmental document)” box is checked, please provide the type of environmental document that the addendum was prepared for along with the SCH number.

2. **If an environmental document will be prepared,** enter the name of the lead agency for preparing the document, if known.

**EXAMPLE ONLY:**
If the environmental document is an environmental impact report (EIR), write “EIR” and include the dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH number for the EIR.

**B.** If an environmental document was not, and is not planned to be, prepared because it is not required to comply with the requirements of CEQA, please provide the requested information by checking the appropriate box to indicate why an environmental document is not required for under CEQA.

**EXAMPLE ONLY:**
A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor repair to an existing facility. Therefore, check the box that says “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” and write the following in the blank after the box: “CEQA Guidelines, Section 15301, Class I Categorical Exemption.”

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**Part 6. LIST OF ATTACHMENTS** (Fill in the date for each document checked)

All attachments are necessary parts of the Application and are incorporated herein.

**A.** Section A of Part 6 must be completed by all applicants regardless of the type of facility.

**B.** Section B of Part 6 is additional documents required must be completed only by landfill applicants only for disposal facilities.

- Operating Liability Financial Mechanism: The date the demonstration was last modified or renewed. That date must be within the preceding twelve-month (annual renewal) period. For example, a Certificate of Insurance (CalRecycle CIWMB 107) has an “effective date” identified on the certificate. This date should and must be within the preceding twelve-month (annual renewal) period.
- Financial Responsibility Documentation: The financial mechanism will be a document, (i.e., letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance) statement, etc.) identifying the current dollar value of the demonstration and the date of the stated value. The date of the stated value should must be within the preceding twelve-month (annual renewal) period.
• Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those plans required by Title 27, sections 21780 and 21865 as appropriate applicable.

• Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release corrective action cost estimate and a copy of the non-water release corrective action cost estimate, as required by Title 27, sections 22100 through 22103.

• Landfill Capacity Survey Results: For disposal sites facilities permitted to receive more than 20 tons per day, a ground or aerial survey is to be prepared at least every five years or more frequently as determined by the enforcement agency EA. For disposal sites facilities permitted to receive 20 tons per day or less, a ground or aerial survey must be prepared at least once every ten years. If not previously submitted, survey results must be included with this application.

Survey results must be submitted as a CADD or vector graphics data file including at least two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum showing the existing and finished ground surfaces. For disposal sites where a change in permitted volume is proposed, a third stratum showing the base and proposed finished ground surfaces must be included. For each stratum the following information shall be included: site name, stratum name, surface1 name, surface2 name, volume calculation method (grid, composite, section), expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground surface is uncertain, the operator is allowed to provide the best available information as a substitute for the actual as-built contours. If selecting this substitute method, the operator must provide an explanation of the basis for using the substitute base ground surface.

For the purposes of this section the following definitions apply:

A1. "base ground surface" - the best available excavation plan surface that existed prior to the placement of any waste;
B2. "CADD" - computer aided design and drafting;
C3. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;
D4. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the upper surface;
E5. "existing ground surface" - the topography that exists at the time of the subject survey;
F6. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;
G7. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
H8. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for the disposal site;
I9. "net volume" - the fill volume less the cut volume;
J10. "site name" - the name of the disposal site for which the survey information is being submitted;
K11. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified upper and lower surfaces;
L12. "stratum name" - a descriptive name for the stratum for which volumetric information is being submitted, e.g., total volume including proposed expansion;
M13. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base ground surface and proposed finished ground surface;
N14. "survey" - a comprehensive examination of the disposal site under the direction of a registered civil engineer or a licensed land surveyor for purposes of determining the topography of the base, existing and finished ground surfaces, and the volumes bound by those surfaces;
O15. "vector graphics" - computer generated images comprised of lines and shapes of given origin, direction, thickness, color and other attributes;
P16. "volume calculation method" - grid, composite, section or other method approved by the enforcement agency EA.

C. Section C of Part 6 specifies is additional documents required only if applicable. The type of facility to be covered under this application as required by the EA or RWQCB. Under "Other", identify and list any other necessary documents not included specified above but that are required by the EA or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or franchise or other agreement documenting the operator's interest in and right to use the site as a solid
Another example would be if there is a contract operator then a copy of the contract between the permitted operator and contract operator and etc.

Part 7. OWNER INFORMATION:

Type of Business: Specify if the business owner of the facility that is the subject of the Application is a sole proprietorship, partnership, corporation, or government-public agency.

Owner of Land: The person(s) that owns, in whole or in part, the land on which the facility is located.

Address, City, State, Zip: Provide the address, city, state, and zip code for the facility owner(s).

SSN or Tax ID #: Provide the SSN or tax identification number for the land owner(s).

Telephone #, Contact Person, Fax #, and E-mail Address: Provide the telephone number, fax number, and e-mail address, and print the contact name.

Address Where Legal Notice May Be Served: Provide the name and address of the person authorized to accept service for each owner of the facility where legal notice may be served.

Part 8. OPERATOR INFORMATION:

Type of Business: Specify if the business operator filing this Application is a sole proprietorship, partnership, corporation, or government-public agency.

Facility Operator: The person(s) (e.g., individual(s), partnership, corporation, or public agency) to whom the approval to operate the facility is granted, and who is responsible for the overall operation of the facility including but not limited to, complying with regulatory requirements, complying with all applicable federal, state, and local requirements, and the design, construction, and physical operation of the operating area, and control the activities at the facility.

Address, City, State, Zip: Provide the address, city, state, and zip code for the facility operator(s).

SSN or Tax ID #: Provide the SSN or tax identification number for the operator(s).

Telephone #, Contact Person, Fax #, and E-mail Address: Provide the telephone number, fax number, and e-mail address, and print the contact name.

Address Where Legal Notice May Be Served: Provide the name and address of the person authorized to accept service for the operator of the facility where legal notice may be served.

Part 9. SIGNATURE BLOCK:

Signature (landowner or agent): The person(s) or their agent authorized to sign on behalf of the above owner.

Signature (lessee): A person(s) authorized to sign on behalf of the person leasing the land, if applicable.

Signature (facility operator or agent): The person(s) or their agent authorized to sign on behalf of the operator-above.

Part 10. OTHER:

Attach additional sheets to explain any responses that need clarification.
APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS

STATE OF CALIFORNIA
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
REGIONAL WATER QUALITY CONTROL BOARD
NOTE: This form has been developed for multiple uses. It is the transmittal sheet for documents required to be submitted to the appropriate agency. Please refer to the attached instructions for definitions of terms and for completing this application form in a complete and correct manner.

FOR OFFICIAL USE ONLY

SWIS/WDID/Global ID NUMBER: FILING FEE: RECEIPT NUMBER: DATE RECEIVED:

DATE ACCEPTED: DATE REJECTED: ACCEPTANCE DATE OF INCOMPLETE APPLICATION: DATE DUE:

Part 1. GENERAL INFORMATION

A. ENFORCEMENT AGENCY: B. COUNTY:

C. TYPE OF APPLICATION (Check one box only):

☐ 1. NEW SWFP and/or WDRS ☐ 2. REVISION OF CHANGE TO SWFP and/or WDRS ☐ 3. EXEMPTION and/or WAIVER

☐ 4. PERMIT REVIEW ☐ 5. AMENDMENT OF APPLICATION ☐ OTHER (As authorized by law)

☐ MODIFICATION

Part 2. FACILITY DESCRIPTION

A. NAME OF FACILITY:

B. LOCATION OF FACILITY:

1. PHYSICAL ADDRESS OR LOCATION AND ZIP CODE:

2. LATITUDE AND LONGITUDE:

3. LEGAL DESCRIPTION OF PERMITTED BOUNDARY BY SECTION, TOWNSHIP, RANGE, BASE, AND MERIDIAN, IF SURVEYED:

C. TYPE OF ACTIVITY: (Check applicable boxes):

☐ 1. DISPOSAL ☐ 3. TRANSFORMATION ☐ 5. CAD/INERT DEBRIS PROCESSING

a. TYPE:

☐ 2. COMPOSTABLE MATERIALS HANDLING ☐ 4. TRANSFER/PROCESSING FACILITY ☐ 6. IN-VESSEL DIGESTION

a. TYPE:

☐ B. CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING

☐ 7. OTHER (describe):

D. IDENTIFICATION OF FACILITY IN CIWMP [CONFORMANCE FINDING] INFORMATION (CIWMP):

1. FACILITY IS IDENTIFIED IN (Check one):

☐ SITING ELEMENT DATE OF DOCUMENT PAGE # ☐ NONDISPOSAL FACILITY ELEMENT DATE OF DOCUMENT PAGE #

☐ 2. FACILITY IS NOT REQUIRED TO BE IDENTIFIED IN SITING ELEMENT OR NONDISPOSAL FACILITY ELEMENT

E. TYPE OF PERMITTED WASTES TO BE RECEIVED: (Check applicable boxes):

☐ 1. AGRICULTURAL ☐ 6. CONSTRUCTION/DEMOLITION ☐ 11. LIQUIDS

☐ 2. ASBESTOS ☐ Friable ☐ Non-friable ☐ 7. CONTAMINATED SOILS ☐ 12. MIXED MUNICIPAL SOLID WASTE (MSW)

☐ 3. ASH ☐ ☐ ☐ 8. DEAD ANIMALS ☐ 13. SEWAGE SLUDGE

☐ 4. AUTO SHREDDER ☐ ☐ ☐ 9. INDUSTRIAL ☐ 14. WASTE TIRES

☐ 5. COMPOSTABLE MATERIAL (describe): ☐ 10. INERT ☐ 15. OTHER (describe):

Page 1
## Part 3. FACILITY INFORMATION

### A. PROPOSED CHANGE (Check applicable box(es)):

1. **DESIGN** (describe):  
   - Design details...
2. **OPERATION** (describe):  
   - Operation details...
3. **OWNER, OPERATOR, ADDRESS, AND/OR FACILITY NAME CHANGE** (describe):  
   - Details...
4. **OTHER** (describe):  
   - Other details...

### B. FACILITY INFORMATION:

#### 1. INFORMATION APPLICABLE TO ALL FACILITIES

- **PEAK DAILY TONNAGE OR CUBIC YARDS**
  - 1) DISPOSAL/TRANSFER (unit)
  - 2) OTHER (unit)
- **DAILY DESIGN TONNAGE (TPD)**
- **FACILITY SIZE (acres)**
- **PEAK TRAFFIC VOLUME PER DAY (vpd)**
- **DAYS AND HOURS OF OPERATION**

#### 2. PROPOSED CHANGE(S) OR INFORMATION APPLICABLE TO NEW SWFP AND/OR WDRs

- **MAXIMUM DAILY TONNAGE OR CUBIC YARDS**
- **AS-DESIGNED DAILY TONNAGE or CUBIC YARDS**
- **FACILITY SIZE (acres)**
- **MAXIMUM TRAFFIC VOLUME PER DAY (vpd)**
- **DAYS AND HOURS OF OPERATION**

#### 3. ADDITIONAL INFOMATION REQUIRED FOR COMPOSTINGABLE MATERIALS HANDLING FACILITIES ONLY:

- **TOTAL SITE STORAGE CAPACITY (cu yds)**

#### 4. ADDITIONAL INFORMATION REQUIRED FOR LANDFILLS ONLY

- **AVERAGE DAILY TONNAGE (TPD)**
- **SITE CAPACITY CURRENTLY PERMITTED (Airspace) (cu yds)**
- **SITE CAPACITY PROPOSED (Airspace) (cu yds)**
- **SITE CAPACITY USED TO DATE (Airspace) (cu yds)**
- **SITE CAPACITY REMAINING (Airspace) (cu yds)**
- **DATE OF CAPACITY INFORMATION (Date) (See instructions):**
- **LAST PHYSICAL SITE SURVEY (Date)**
- **ESTIMATED CLOSURE DATE (month and year)**
- **DISPOSAL FOOTPRINT (acres)**
- **SITE CAPACITY PLANNED (cu yds)**
- **IN-PLACE WASTE DENSITY (lbs of waste per cu yd of waste)**
- **WASTE-TO-COVER RATIO (Estimated) (v:v)**
- **AIRSPACE UTILIZATION FACTOR (tons of waste per cu yd of landfill airspace)**
Part 4. SOURCE OF WATER SUPPLY (Check applicable boxes)

☐ A. MUNICIPAL OR UTILITY SERVICE: ________________________________

☐ B. INDIVIDUAL (wells):

☐ C. SURFACE SUPPLY:

   1. NAME OF STREAM, LAKE, ETC.: ________________________________

   2. TYPE OF WATER RIGHTS:

      ☐ RIPARIAN ☐ APPROPRIATION

   3. STATE PERMIT OR LICENSE NUMBER, IF APPLICABLE: ________________________________

☐ D. OTHER: ________________________________

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (Check applicable boxes)

☐ A. CHECK BOX(ES) IF ENVIRONMENTAL DOCUMENT WAS OR WILL BE PREPARED FOR THIS PROJECT AND PROVIDE THE STATE CLEARINGHOUSE NUMBER (SCH#)

   1. ENVIRONMENTAL DOCUMENT WAS PREPARED:

      ☐ ENVIRONMENTAL IMPACT REPORT (EIR) SCH# ________________________________

      ☐ NEGATIVE DECLARATION (ND)/MITIGATED NEGATIVE DECLARATION (MND) SCH# ________________________________

      ☐ ADDENDUM TO (Identify environmental document) ________________________________ SCH# ________________________________

☐ 2. ENVIRONMENTAL DOCUMENT WILL BE PREPARED (Enter lead agency if known):

☐ B. IF ENVIRONMENTAL DOCUMENT(S) WAS NOT PREPARED, PLEASE PROVIDE THE FOLLOWING INFORMATION:

   ☐ CATEGORICAL/STATUTORY EXEMPTION (CE/SE) ________________________________ EXEMPTION TYPE ________________________________ GUIDELINE # ________________________________

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

☐ A. REQUIRED WITH ALL APPLICATION SUBMITTALS:

      ☐ RFI/JTD ________________________________ ☐ ENVIRONMENTAL DOCUMENT(S):

      ☐ LOCAL USE/PLANNING PERMITS ________________________________ ☐ EIR ________________________________

      ☐ LOCATION MAP ________________________________ ☐ MND/ND ________________________________

      ☐ MITIGATION MONITORING IMPLEMENTATION SCHEDULE & REPORTING PROGRAM ________________________________ ☐ EXEMPTION ________________________________

      ☐ LIST OF PUBLIC HEARINGS AND OTHER MEETINGS OPEN TO THE PUBLIC ________________________________ ☐ ADDENDUM ________________________________

☐ B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS DISPOSAL FACILITIES ONLY:

      ☐ OPERATING LIABILITY FINANCIAL MECHANISM ________________________________ ☐ FINANCIAL RESPONSIBILITY DOCUMENTATION ________________________________

      ☐ CLOSURE/POST CLOSURE MAINTENANCE PLAN ________________________________ ☐ KNOWN OR REASONABLY FORSEEABLE CORRECTIVE ACTION COST ESTIMATES ________________________________

      ☐ PRELIMINARY ________________________________ ☐ LANDFILL CAPACITY SURVEY RESULTS (see instructions) ________________________________

      ☐ FINAL ________________________________

☐ C. IF APPLICABLE:

      ☐ REPORT OF WASTE DISCHARGE ________________________________ ☐ DEPT. OF HEALTH SERVICES TOXIC SUBSTANCES CONTROL OR CERTIFIED UNIFIED PROGRAM AGENCY PERMIT ________________________________

      ☐ CONTRACT AGREEMENTS ________________________________ ☐ SWAT (Air and water) ________________________________

      ☐ STORMWATER PERMIT APPLICATION ________________________________ ☐ WETLANDS PERMITS ________________________________

      ☐ NPDES PERMIT APPLICATION ________________________________ ☐ VERIFICATION OF FIRE DISTRICT COMPLIANCE ________________________________

      ☐ OTHER ________________________________
### Part 7. OWNER INFORMATION

(For disposal site, if operator is different from land owner, attach lease or other agreement)

**TYPE OF BUSINESS:**
- [ ] SOLE PROPRIETORSHIP
- [ ] PARTNERSHIP
- [ ] CORPORATION
- [ ] GOVERNMENT AGENCY

**OWNER(S) OF LAND**
(Name):

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**CONTACT PERSON (Print Name):**

### Part 8. OPERATOR INFORMATION

(For disposal site, if operator is different from land owner, attach lease or other agreement)

**TYPE OF BUSINESS:**
- [ ] SOLE PROPRIETORSHIP
- [ ] PARTNERSHIP
- [ ] CORPORATION
- [ ] GOVERNMENT AGENCY

**FACILITY OPERATOR(S)**
(Name):

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**CONTACT PERSON (Print Name):**

**ADDRESS WHERE LEGAL NOTICE MAY BE SERVED:**
Part 9. SIGNATURE BLOCK

Owner:
I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application and understand that I may be responsible for the site should the operator fail to meet applicable requirements.

SIGNATURE (LAND OWNER OR AGENT):

PRINTED NAME:

TITLE:

DATE:

Lessee:
I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application.

SIGNATURE (LESSEE):

PRINTED NAME:

TITLE:

DATE:

Operator:
I certify under penalty of perjury that the information contained in this application and all attachments are true and accurate to the best of my knowledge and belief.

SIGNATURE (FACILITY OPERATOR OR AGENT):

PRINTED NAME:

TITLE:

DATE:

Part 10. OTHER (Attach additional sheets to explain any responses that need clarification).
§ 17863.4. Odor Impact Minimization Plan.
(a) All compostable material handling operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.
(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.
   (1) an odor monitoring and data collection protocol for onsite odor sources, which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,
   (2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,
   (3) a complaint response and recordkeeping protocol; and,
   (4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns; and,
   (5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), biofiltration, and tarping.
(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.
(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.
(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.
(f) If the odor impact minimization plan is being followed, but the EA determines, in a manner consistent with section 18077(a)(14), that odor impacts are still occurring, the EA may issue a Notice and Order (pursuant to section 18304) requiring the operator to prepare and implement a Best Management Practice Feasibility Report (Report) as specified in section 17863.4.1. The EA shall consider the results of the Report prior to issuing a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors, unless:
   (1) the EA has evidence that a specific and immediate action would reduce the odor impacts;
   (2) there is an imminent threat to public health and safety and the environment; or
   (3) a public nuisance has occurred that can be promptly remedied.
17863.4.1. Best Management Practice Feasibility Report (Report)
(a) The operator may voluntarily prepare a Report or the EA may require the operator to prepare a Report after consecutive or chronic odor violations as determined pursuant to section 17863.4(f).
(b) The Report shall:
   (1) Present representative and correlating odor data for each potential onsite odor source including but not limited to: odor severity, odor characteristics, time and weather conditions when data was collected, description of operations associated with the source, and any odor impacts or complaints received;
   (2) Identify, based on data required in subdivision (a), which onsite odor sources are and are not contributing to odor impacts and rank those contributing to the odor impacts (complaints/violations) in order of impact;
   (3) For odor sources contributing to odor impacts, as identified above in subdivision (b)(2):
      (A) List of all best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) as a guideline, which the operator has used to minimize odor and analyze each BMP for the following:
         1. The effectiveness of the BMP in reducing odor impacts;
         2. The potential for more extensive use of the BMP to minimize odor impacts described by complainants;
Issue 4. Odor Complaints

3. If the BMP has been operationally practical and if more extensive use of the BMP would be operationally practical;

4. The approximate cost to implement a more extensive use of the BMP and overall financial feasibility of the BMP;

5. Any permits or permit changes necessary to use the BMP more extensively;

6. Overall recommendation if existing BMPs should be continued and if more extensive use of the BMP is recommended; and

7. If the BMP has been found to be ineffective (include supporting data).

(B) List of all potential best management practices (BMPs), using the Comprehensive Compost Odor Response Project (CCORP) as a guideline, which the operator has not used and analyze each potential BMP to determine:

1. The potential for the BMP to reduce odor impacts described by complainants;

2. If the BMP is operationally practical;

3. The approximate cost to implement the BMP and overall financial feasibility of the BMP;

4. Any permits or permit changes necessary to use the BMP; and

5. Overall recommendation and ranking of implementing the BMP.

(C) Include a plan and schedule for implementing the BMP(s) that are recommended, based on the analysis conducted pursuant to subdivision (b)(3)(A) and (B).

(c) The operator shall submit the plan and schedule required by subdivision (b)(3)(C) to the EA and the Department for review on a schedule approved by the EA.

(d) The EA, in consultation with the Department, shall either:

(1) approve the Report and associated plan, and direct the operator to implement the plan in whole or in part through a revision to the Odor Impact Minimization Plan, pursuant to section 17863.4(c), or through a Notice and Order, pursuant to section 17863.4(f); or

(2) request specific changes or request additional information within a timeframe specified by the EA.

Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees.

Article 2.1. LEA Certification Requirements

§ 18077. Enforcement Program Plan (EPP)

(a) The LEA shall develop, adopt, and submit for board approval an EPP pursuant to Public Resources Code Section 43209(e). The EPP shall embody the designation and certification requirements and demonstrate that the LEA meets all the requirements pursuant to Public Resources Code Sections 43200, 43203, 43207, and 43209, 14 CCR Division 7, Chapters 3 and 5, and 27 CCR Division 2, Subdivision 1 (Section 20005 et seq.). At a minimum, the EPP shall include the following written components:

1. a certification request letter;

2. an accepted designation information package (DIP) pursuant to 14 CCR Section 18051;

3. a statement of EPP goals and objectives;

4. a copy of the enabling ordinance(s) or resolution(s) for the LEA jurisdictional authority;

5. a copy of all local solid waste collection, handling, storage, and disposal statutes or ordinances;

6. a comprehensive list of all types of solid waste facilities and disposal sites, and solid waste handling and collection vehicles within the jurisdiction;

7. a time task analysis demonstrating the adequacy of staff resources pursuant to 14 CCR Section 18073;

8. a demonstration of staff technical expertise;

9. an operating budget demonstrating adequacy of budget resources pursuant to 14 CCR Section 18074;

10. a detailed staff training procedure pursuant to 14 CCR Section 18075;

11. a procedure manual for solid waste facility permitting and closure or postclosure;

12. a procedure manual for random and unannounced inspection and investigation, compliance assurance, enforcement, and hearing panel or hearing officer utilization; and

13. a procedure manual for disposal site identification, assessment, and corrective actions.

(14) if a jurisdiction has an operation or facility where the EA has odor enforcement authority, the EA must submit, by January 2015, a procedure manual on handling odor complaints, including methodologies used to verify the origin of the odor, the severity of the odor, and validity of the complaint.
DRAFT LANGUAGE FOR DISCUSSION – Revise definition of Food Material and Create a Subcategory called “vegetative food material”.

The current food material definition is general and does not distinguish between various food waste types. Food material composting requires Compostable Materials Handling Permit. Staff proposes to expand the definition of a food material and create a subcategory called “vegetative food material”. CalRecycle is considering allowing green material composting operations to accept vegetative food material. A green material operation (up to 12,500 cubic yards of feedstock, compost, or chipped and ground material on-site at any one time) would be required to obtain a Registration Permit to accept vegetative food material and would be permitted as “Green/Vegetative Food Material Composting Facility”. A facility handling food material will still be required to obtain a Compostable Materials Handling Facility Permit.

Proposed language:

CHAPTER 3.1. COMPOSTABLE MATERIALS HANDLING OPERATIONS AND FACILITIES REGULATORY REQUIREMENTS

ARTICLE 1. GENERAL

§ 17852. Definitions.

(a) For the purposes of this Chapter:

(20) "Food Material" means a material that was acquired for resulting from the production or processing of food for animal or human consumption, but is no longer intended for such consumption, that is separated from the municipal solid waste stream, and that does not meet the definition of "agricultural material.". Food material may includes, without limitation, material food waste from food facilities (as defined in Health and Safety Code section 113785-113789), food processing establishments (as defined in Health and Safety Code section 111955), grocery stores, institutional cafeterias (such as prisons, schools and hospitals), restaurants, and residential food scrap collection. Notwithstanding anything to the contrary herein, food material does not include:

[concept: as defined in Title 3 CCR 1180(b)(9)] or materials that are required to be disposed only by
**Issue 1. Food Waste Definition**

renderers, pet food processors or other approved methods pursuant to the California Food and Agriculture Code.]*

(A) "Vegetative Food Material" means food material resulting from the production or processing of food for animal or human consumption, but is no longer intended for such consumption, that is derived solely from plants and is separated from the municipal solid waste stream. Vegetative food material may be processed or cooked but must otherwise remain in its essentially natural state and no salts, preservatives, fats or oils, or other adulterants shall have been added.

* Note: The last sentence of the food material definition is incomplete. CalRecycle intends the sentence to clearly indicate that certain materials regulated by the California Department of Food and Agriculture (CDFA) are not included in this definition of food material. CDFA is currently considering changes to their regulations that address to these types of materials. CalRecycle will complete the sentence once CDFA’s regulations are further developed. In the mean time, this discussion draft includes concept language as a placeholder.
DRAFT LANGUAGE FOR DISCUSSION- Establish criteria for determining when use of compostable material and compost is considered disposal.

Current regulations identify application of compostable materials to agricultural land as beneficial use if the use meets CDFA requirements. There is a need to better determine when use of compostable materials and compost are considered disposal and not beneficially used. Staff proposes to establish criteria (based in part on the Ventura County Ordinance Code Pertaining to the Regulation of Solid Waste) for determining when use of compostable material and compost is considered disposal. Criteria include limits on storage time, application depth, application frequency, and physical contaminants.

Proposed language:

CHAPTER 3.1. COMPOSTABLE MATERIALS HANDLING OPERATIONS AND FACILITIES REGULATORY REQUIREMENTS

ARTICLE 1. GENERAL

§ 17852. Definitions.

(a) For the purposes of this Chapter:

(15) “Disposal of compostable material” means:

(A) 1. the final deposition of compostable material on land, unless excluded from this Chapter 3.1 pursuant to Section 17855;

2. storing or stockpiling more than 200 cubic yards of compostable material, other than stabilized compost that meets the requirements of section 17868.2, onto land for a combined period of time greater than six months, 72 hours, except as provided in paragraph (3) of this subdivision; or

3. storing or stockpiling more than 200 cubic yards of agricultural material and/or green material, other than stabilized compost that meets the requirements of section 17868.2, for more than twelve months on prime agricultural land, as defined in Government Code section 51201, unless the EA, after consultation with the applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that storing or stockpiling the material more than 12 months will not adversely affect the public health and safety or the environment may remain within the operations area for a period of time greater than specified.

(B) Disposal of compostable material does not include the use of compostable material for alternative daily cover material at a solid waste landfill in accordance with applicable law. Notwithstanding this section, use of compostable organic material as a alternative daily cover material shall still require approval for use pursuant to Title 27, California Code of Regulations, section 20680 and may require additional approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.

(C) Disposal of compostable material does not include land application of compostable organic material. “Land Application of Compostable Material” means the application of compostable material, excluding food material or mixed solid waste for the following applications: to forest, agricultural, and range land at agronomic rates. The compostable material shall not be applied more than once per
year. At the time of application, the compostable material shall not exceed an average of 12 inches in
total depth and shall contain no more that 0.1% physical contaminants by volume (should it be
weight?). The EA, in consultation with a certified professional agronomist, a certified crop advisor, or
other qualified person, as determined by the EA, may approve alternative application depths and
frequencies if the EA determines that the alternatives will not adversely affect public health and safety
or the environment. In accordance with California Department of Food and Agriculture (CDFA)
requirements for beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; or
for beneficial uses that may be otherwise exempt or excluded from regulation by CDFA.

(D) Should the EA have information reason to believe that a person compostable material handler is
engaging in other activities that meet the definition of disposal of compostable material or authorizing
such activities on land the person owns or otherwise possesses, the burden of proof shall be on each
person engaging in or authorizing such activities the land owner or operator to demonstrate otherwise.

(E) If the activities at a site meet the definition of disposal of compostable material, the site shall be
regulated as set forth in the Consolidated Regulations for Treatment, Storage, Processing or Disposal
of Solid Waste (commencing at Title 27, California Code of Regulations, section 20005).

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

ARTICLE 2. REGULATORY TIERS FOR COMPOSTING OPERATIONS AND FACILITIES

§ 17855. Excluded Activities.

(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not
limited to, land application of compostable material; alternative daily cover in accordance with
applicable law; slope stabilization, weed suppression, alternative daily cover, and similar uses, as
determined by the EA; land application in accordance with California Department of Food and
Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section
14501 et seq.; and use of compostable materials for reclamation projects in accordance with the
requirements of the Office of Mine Reclamation of the Department of Conservation as authorized by
Public Resources Code section 2770 et seq.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 43020 and 43021, Public Resources Code.
Draft language for discussion – Provide the EA with discretion to authorize temporary storage of additional material.

Agricultural material and green material composting operations are limited to 12,500 cubic yards of off-site-generated green material to be stored on-site at any one time. Some stakeholders have indicated that they are unable to meet seasonal demand for their products as a consequence of the regulatory restrictions on accumulated materials. Staff proposes providing the EA with discretion to authorize an operator to temporarily store additional material if the EA determines it will not adversely affect public health and safety or the environment.

Proposed language:

Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

§ 17856. Agricultural Material Composting Operations.

(a) All agricultural material composting operations and chipping and grinding operations shall comply with the Enforcement Agency 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. Agricultural Compostable Materials Handling Operations shall only be subject to the requirements of section 17863.4 if the EA makes a written determination that the operation has violated the requirements for odor impacts of section 17867 and the requirements of this Chapter.

(b) Compost produced by an agricultural material composting operations are subject to the requirements of section 17863.4 only if the EA determines that the operation has caused odor impacts in violation of section 17867, subdivision (2) and has notified the operator in writing of the violation. A chipping and grinding operation which uses only agricultural material may be sold or given away in unrestricted quantities. These operations shall be inspected by the EA at least once annually.

(c) If their feedstock is limited to agricultural material, agricultural material composting operations may sell or give away any or all compost they produce. These operations shall be inspected by the EA at least once each calendar year at a time. Compost produced by an agricultural material composting operation which uses agricultural material and/or green material, as specified in section 17852(a)(21), may be sold or given away in accordance with the following restrictions.

(1) Those sites that do not sell or give away more than 1,000 cubic yards of material per year shall be inspected by the EA at least once annually when actively composting. If more than 12,500 cubic yards of green material, including feedstock, compost, or chipped and ground material, is to be handled on-site of productive farmland as defined in Government Code section 51201, the operator shall give advance notice to the EA. The EA shall only prohibit the on-site storage of additional materials, or impose a greater inspection frequency, if the EA makes a written finding that it will pose an additional risk to public health and safety and the environment. The EA shall forward a copy of the request and approval to the Board.

(2) Those operations that sell or give away more than 1,000 cubic yards of material per year, shall have no more than 12,500 cubic yards of green material, including feedstock, compost, or chipped and ground material, on-site at any one time and shall be inspected by the EA once every three (3) months.
(3) These sites shall record the quantity received of green material.

(d) Agricultural material composting operations whose feedstock is both green material and agricultural material are subject to the following requirements:

(1) Small Producers located on Agricultural Land:

(A) Operations located on land that is zoned for agricultural uses that sell or give away less than 1,000 cubic yards of compost per year shall be inspected by the EA at least once each calendar year at a time when compostable material on the site is active compost.

(B) The operator may request in writing that the EA authorize it to handle more than 12,500 cubic yards of material used for the production of compost on the site. The EA shall respond in writing to the operator’s request within 14 days of receipt. The EA may authorize such an increase for a limited term it determines is appropriate. The EA may not prohibit the on-site handling of materials in excess of 12,500 cubic yards unless it makes a written finding that handling the excess material may pose a risk to public health and safety or the environment. The EA shall promptly forward a copy of the request and its decision to CalRecycle.

(2) Other Producers:

(A) Operations located on land that is not zoned for agricultural uses and operations that sell or give away 1,000 cubic yards or more of compost per year shall be inspected by the EA at least once every three (3) months unless the EA approves, with CalRecycle concurrence, an operator request for reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year.

(B) Requests for Increased Storage and Handling:

1. The operator may request in writing that the EA authorize it to temporarily handle more than 12,500 cubic yards of material used for the production of compost on the site. The EA shall respond in writing to the operator’s request within 14 days of receipt. The EA may authorize such an increase if the EA determines it will not adversely affect public health and safety or the environment. The EA may impose any reasonable conditions on its approval of a temporary increase in site capacity. The initial term for a temporary increase in site capacity may not exceed 30 days. The EA may grant one or more additional 30-day extensions of storage time not exceeding a total of 90 days per calendar year.

2. With its request for an increase in site capacity, the operator shall submit the following to the EA:

   a. A description of the storage capacity at the operation and the maximum and average lengths of time the compostable material will be stored.

   b. A schematic drawing showing the general layout of the operation and the location(s) where all materials at the site are stored with specific identification of the proposed location of the excess material.

   c. A description of any additional fire prevention, protection and control measures needed to minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any such fires, which measures shall be approved by the local fire authority.

   d. Where applicable, any revisions to the odor impact minimization plan necessary to address the storage of the additional material or a statement, with supporting information, that no revisions are necessary.


(a) A green material composting operation that has up to may have no more than 12,500 cubic yards of feedstock, compost, or chipped and ground material on-site at any one time. Green material composting operations 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), and with the applicable requirements specified in this Chapter.

(1) These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with CalRecycle concurrence, an operator request for reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year.

(2) The operator may request in writing that the EA authorize it to temporarily handle more than 12,500 cubic yards of feedstock, compost, and chipped and ground material on the site. The EA shall respond in writing to the operator's request within 14 days of receipt. The EA may authorize such an increase if the EA determines it will not adversely affect public health and safety or the environment. The EA may impose any reasonable conditions on its approval of a temporary increase in site capacity. The initial term for a temporary increase in site capacity may not exceed 30 days. The EA may grant one or more additional 30-day extensions of storage time not exceeding a total of 90 days per calendar year.

(A) With its request for an increase in site capacity, the operator shall submit the following to the EA:

1. A description of the storage capacity at the operation and the maximum and average lengths of time the compostable material will be stored.

2. A schematic drawing showing the general layout of the operation and the location(s) where all materials at the site are stored with specific identification of the proposed location of the excess material.

3. A description of any additional fire prevention, protection and control measures needed to minimize the risk of fire from the temporary increase in site capacity and to control and extinguish any such fires, which measures shall be approved by the local fire authority.

4. Where applicable, any revisions to the odor impact minimization plan necessary to address the storage of the additional material or a statement, with supporting information, that no revisions are necessary.

(b) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost, or chipped and ground material on-site at any one time shall be inspected by the EA at least once every three (3) months, unless an operator request for a reduced inspection frequency of no less than annually is approved by the EA. The EA shall only approve a lesser inspection frequency, if the EA finds that it will not pose an additional risk to public health and safety and the environment. The EA shall forward a copy of the request and approval to the Board.

(c) A site that handles green material composting facility that has more than 12,500 cubic yards of feedstock, compost, or chipped and ground material on-site at any one time is a green material composting facility, excepting green material composting operations which the EA has authorized to temporarily exceed 12,500 cubic yards pursuant to subdivision (a)(2) above. Green material composting facilities shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations. Green material composting facilities shall comply with the applicable requirements specified in this Chapter 3.1.


(a) A chipping and grinding operation that receives up to 200 tons per day of material that may be handled by a green material composting operation 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 and the applicable requirements specified in this Chapter.

(1) Chipping and grinding operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with CalRecycle concurrence, an operator request for reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year.

(b) A chipping and grinding facility that receives more than 200 tons per day but not more than 500 tons per day of material that may be handled by a green material composting operation shall obtain a Registration Permit pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0, prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(c) A chipping and grinding facility that receives more than 500 tons per day of material that may be handled by a green material composting operation shall obtain a Compostable Materials Handling Facility Permit pursuant to the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 4, Subchapter 1 and Subchapter 3, Articles 1, 2, 3, and 3.1 (commencing with section 21450) prior to commencing operations and shall comply with the applicable requirements of this Chapter.

(d) A chipping and grinding operation or facility shall not be subject to the provisions of sections 17868.1 through 17868.3 of this Chapter.

(e) If a chipping and grinding operation or facility exceeds the contamination limits specified in section 17852 (a)(21), it shall be regulated as set forth in the Transfer/Processing Regulatory requirements (commencing at section 17400).

(f) If a chipping and grinding operation or facility stores material for a longer period of time than is allowed by section 17852 (a)(10)(A)(2), then the site shall be regulated as a green material handling operation or facility, as set forth in this Chapter.

Standard Threshold Odor Management Plan (STOMP) Concept

Problem Statement: The following have been noted by some of those associated with the operating and regulating composting sites:

1) The existing odor standard in California Code of Regulations, Title 14 does not distinguish between odors that are a part of the day to day operations of a well-run composting site and those associated with inappropriate design and operations. Furthermore, there is no specific mechanism in the standard for identifying complaints that maybe without factual support;
2) The existing Odor Impact Minimization Plan (OIMP) process works well for a majority of the odor issues. However, relative to chronic cases, the OIMP process can result in a continuous check-and-adjust loop of operational and design changes with no parameters relative to feasibility and reasonableness.

The concept below is meant to:

1) Allow operators to opt into the STOMP approach when there is a need to address chronic odor complaints;
2) Provide the local enforcement agency (LEA) and the operator a tool to:
   a. Document the operator’s efforts to minimize odor
   b. Document changes in odor, i.e. that it has been minimized/improved
   c. Identify, implement, and analyze best management practices (BMPs) and their effectiveness
   d. Allow time to gather data on changes in operations and the associated changes in odor to make decisions on how best to proceed
   e. Determine which next steps are reasonable and feasible and which are not
   f. Adjust the method for evaluating odors at a site that has implemented all feasible and reasonable measures
3) Provide an objective mechanism to use to determine the source of the odor (e.g., the compost facility versus other adjacent or nearby sources).
Summary of Proposed Concept:

What is the Standard Threshold Odor Management Plan (STOMP)?

- The STOMP can take the place of the OIMP
- STOMP = OIMP and a site specific Enhanced Monitoring Plan (EMP), which will be implemented when the operator meets or exceeds the Standard Odor Dilutions-to-Threshold (SODT)
- If, and only if, the operator has a STOMP, will the LEA use the Standard Odor Dilutions-to-Threshold (SODT) to determine if the operator is complying with the odor standard (14 CCR 17867 (a)(2))

Who would get a STOMP?

- The operator will either choose to use the STOMP and the STOMP process; OR
- The LEA will direct the operator to file a STOMP in situations where the OIMP is being followed, but odor impacts are still occurring. The regulations would provide explicit authority to the LEA to make this directive outside an enforcement action, or the LEA could choose to use existing authority to include the directive in a Notice and Order, as referenced in 14 CCR 17863.4(f).

What is the Standard Odor Dilutions-to-Threshold (SODT)?

The Standard Odor Dilutions-to-Threshold (SODT) is measured by a field olfactometer*, which is used to measure odor intensity in dilutions of volume of filtered air to volume of odorous air it takes to no longer detect the odor. The olfactometer measures the lowest number of dilutions of filtered air it takes for the inspector to still detect and odor in a measurement of “Dilutions-to-Threshold (D/T).”

- CalRecycle proposes to set the Standard Odor Dilutions-to-Threshold (SODT) at equal or greater than:
  - 7 D/T** in non-agriculturally zoned areas and 15 D/T** in agriculturally zoned area, AND
  - 3 verified odor events with 30 days where there are equal or more than 7 D/T** (non-ag, or 15 D/T** (ag); AND
  - LEA determines verified odor is generated by compost operation or facility.
    - In determining the odor source is the composting site, the LEA will use the odor characteristic/nature of odor, wind direction, activity at the composting site prior to and during the odor complaint and to the extent possible trace the odor back to the site.
    - If the LEA determines that the odor was not caused by the composting site, then the LEA shall refer the complaint to the local Air District with in X time frame of its determination.
  - Odor event is defined as verified complaint(s) within a 24 hour period of time. The event begins with the first compliant and includes all complaints received during the next 24
hours. After 24 hours any new complaints received will be associated with a new odor event.

* Note: A Field Olfactometer creates a calibrated series of discrete dilutions by mixing the odorous ambient air with odor-free (carbon) filtered air. Field olfactometry defines each discrete dilution level as a “Dilution-to-Threshold,” D/T, ratio. The “Dilution-to-Threshold” ratio is a measure of the number of dilutions needed to make the odorous ambient air “non-detectable”. Field olfactometry calculates the “Dilution-to-Threshold” (D/T) ratio as:

\[
\frac{\text{Volume of Carbon-Filtered Air}}{\text{Volume of Odorous Air}}
\]

** Note: The D/T readings on the nasal ranger in order of strongest odor to lowest odor are 60, 30, 15, 7, 4, and 1

References:

Why is it called Dilutions-to-Threshold?
Between 1958 and 1960, the U.S. Public Health Service sponsored the development of an instrument and a procedure for field olfactometry. The U.S. Public Health Service method defines the dilution factor as Dilution-to-Threshold, D/T. The Dilution-to-Threshold ratio is a measure of the number of dilutions needed to make the odorous ambient air non-detectable.

How and when will the Standard Odor Dilutions-to-Threshold (SODT) be applied?
If the operator has a STOMP (instead of an OIMP), and the LEA receives a complaint, then the Standard Odor Dilutions-to-Threshold (SODT) will be applied.

The Standard Odor Dilutions-to-Threshold (SODT) will be applied by the LEA measuring the D/T with a field olfactmeter AT THE COMPLAINANTS LOCATION. If the LEA notes readings at complainants locations that are equal to 7 D/T (non-ag zoned) or 15 D/T (ag zoned), associated with 3 odor events within 30 days, then the operator will be found in violation of the odor minimization standard and will be directed to implement its Enhanced Monitoring Plan (EMP) and a Phase Enhanced Monitoring, Operations and Reporting (PEMOR) Process.

What is the “Phase Enhanced Monitoring, Operations and Reporting (PEMOR) Process”?

- The Phase Enhanced Monitoring, Operations and Reporting (PEMOR) Process is triggered by the LEA determining the Standard Odor Dilutions-to-Threshold (SODT) has been reached.
- The first step of Phase Enhanced Monitoring, Operations and Reporting (PEMOR) Process is for the operator to implement their Enhanced Monitoring Plan (EMP) for 30 days. During this time the operator will gather data about the odor, including making an assessment of the sources of odor, and identify and rank which sources are creating the most odor.
• After monitoring for 30 days, following the Enhanced Monitoring Plan (EMP), the operator will propose a plan (Enhanced Operations Plan (EOP)) describing/proposing operational enhancements/changes that they will put in place to address the most odorous sources onsite.
  o Example: The operator may note that the receiving and grinding area is the highest source of odor, and therefore propose to process incoming material in 7 days instead of the normal 15 days and use a misting system when grinding during specific weather conditions.
• The operator will implement the Enhanced Operations Plan (EOP), i.e. the processing of 7 days, for 90 days. The operator will continue to monitor the odor and collect data according to the Enhanced Monitoring Plan (EMP).
• During this time the LEA will continue to respond to complaints and collect the results of their investigations.
• At the end of the 90 days, the operator will compile and submit to the LEA (within X days) a final report on the data from the Enhanced Monitoring Plan (EMP) while implementing the Enhanced Operations Plan (EOP). The Enhanced Monitoring, Operations and Reporting Report (EMOR Report) will include odor trends, and show which, if any, of the operational changes reduced odor generation at the onsite sources.
• If odor has been reduced to below the Standard Odor Dilutions-to-Threshold (SODT) then the operator need not take any additional actions.
• If odor is equal to or greater than the Standard Odor Dilutions-to-Threshold (SODT, as determined by the LEA, then the operator would need to provide a revised Enhanced Operations Plan (EOP) to address the highest ranking odor source on site, including additional operational changes the operator will make and any operational change(s) they will abandon due to its failure to minimize odor (based on the data provided).
  o Example: The operator may note that the receiving area is still the highest source of odor but the grinding is not generating much odor now that the misting system is in place. The operator may then propose that the incoming material be covered instead of increasing the processing frequency from 7 days instead of the normal 15 days since this change showed little or no effect on the odor generation at that source. The operator would then continue to use a misting system when grinding during specific weather conditions, since the data supports there was a reduction in odor generated at that source.
• This approach will allow for several phases of the Phase Enhanced Monitoring, Operations and Reporting (PEMOR) process. During this time the operator is building a record for what has been tried to reduce odor and if that operational change/BMP was effective (as determined by the operator and supported by data and concurred in by LEA).
  o During this time the operator is making changes based on data and monitoring the result of each operational change.
  o After two or more phases, the operator will be building a case for which operational changes (or BMPs) are working and which are not. It will also help identify the source of the odor, and the additional associated operational changes that would be appropriate
for each of the remaining odor sources. Based on this information the operator will be able to clearly identify what remaining operational change/BMP are possible and then evaluate if they are feasible and if they are reasonable for each of the remaining onsite odor sources, using the Comprehensive Compost Odor Response Project (C-CORP) as a guideline. At this point the operator will enter into Phase III, Demonstration of Reasonable and Feasible, which provides for an end point.

- See attached charts for a demonstration of the basic flow of the STOMP process.

**How does the operator demonstrate that measures are or are not reasonable and feasible?**

- After two or more phases, the operator will document the following:
  - What are the onsite odor sources that are generating odor
  - What BMPs they have tried. Which ones worked (the operator may still be implementing these at the site), which ones did not work and the data collected by the Enhance Monitoring Plan (EMP) to support these determinations.
  - Based on the above, there will be a list of BMPs listed in the C-CORP that have not been tried for the odor source(s) that remains to be a problem.
  - The operator will list each of these remaining BMPs, the operational feasibility of them, the potential cost of implementing them, and the potential benefit from implementing them.
    - Based on the above analysis, the operator will provide a list in priority of the BMPs that they will try. Of the remaining BMPs, the operator will explain which are not operationally feasible or reasonable, which are not economically feasible or reasonable, or which would provide little or no increased benefit and why.
    - The operator will implement the measures on the list of priority BMPs, and continue the Enhanced Monitoring, Operations and Reporting Report (EMOR Report) until the odor is reduced below the Standard Odor Dilutions-to-Threshold (SODT) for a period of time (for at least three monthly inspection periods and possible much longer, since we would want to establish that the operational changes did indeed address the impacts for during varied seasons and climate conditions at this point in the process) or until the list of appropriate BMPs has been exhausted.
    - If all of the reasonable and feasible BMPs on the list have been tried and odor is still equal to or exceeds the Standard Odor Dilutions-to-Threshold (SODT), then the operator has demonstrated reasonable and reasonable and may request a different D/T for the site.
      - It is expected that changing the D/T would necessitate new and/or revised site-specific permit conditions, which would require a permit revision.
The operator will not have to address the BMPs in the C-CORP that are related to an odor source on site that is not causing a problem, as long as the data show that the source is insignificant to the generation of the offsite odor impacts (by testing odor intensity at those locations throughout their Enhanced Monitoring Plan (EMP)).

While the operator is in the Phase Enhanced Monitoring, Operations and Reporting (PEMOR) Process will they remain in violation of the odor minimization standard?

If the Phase Enhanced Monitoring, Operations and Reporting (PEMOR) process is being implemented violations will not be noted as every effort is being made to minimize odors at the site. However, if the Phase Enhanced Monitoring, Operations and Reporting (PEMOR) process is not being implemented the LEA can note a violation for the odor standard and begin enforcement to require complete implementation of the Phase Enhanced Monitoring, Operations and Reporting (PEMOR) process. Failure to comply with enforcement could result in penalties. The LEA will still respond to complaints and document the result on the inspection report and/or the facility file.

What role will the LEA have to review the STOMP and associated Enhanced Monitoring, Operations and Reporting submittals?

As currently proposed the LEA would have 15 days provide comments or deny the Enhanced Monitoring, Operations and Reporting Report (EMOR Report - the Operation Plan and the report at the end of the 90 days) for the initial submittal and any subsequent revisions. The LEA’s actions would be based on very specific criteria, such as it does not meet the prescriptive requirements or the operator’s data do not support its proposed operational changes or conclusions. This would allow the process to continue, but allow the LEA to assure that the requirements was being met and that the Enhanced Operations Plan (EOP) legitimately addressed the actual problem and is supported by data collected.

Will there be any variances in timeframes associated with the Phase Enhanced Monitoring, Operations and Reporting (PEMOR) Process?

The intent is to allow the LEA to approve alternative timeframes (shorten or lengthen) to implement a particular BMP.

Will there be any changes suggested to address “frivolous” complaints?

Discussions continue to address this question. One approach has been offered that suggests limiting the type of response to be taken after a number (to be determined) of non-verified complaints are received from specific complainants and/or during a specific timeframe.
Issue 4: Odor

October 2012

Existing Odor Impact Minimization Plan (OIMP) (per 14 CCR 17863.4)

OR

Operator wants a Threshold to be used by the LEA to determine if operator has minimized odor

Operator is following OIMP, but odor impacts are still occurring. LEA directs operator to file a STOMP

STOMP (Standard Threshold Odor Minimization Plan)
Issue 4: Odor

October 2012

Operator submit STOMP to LEA = OIMP + EMP (Enhanced Monitoring Plan)

LEA determines SODT (Standard Odor Dilutions-to-Threshold) is met or exceeded

Operator is in compliance with Odor Impact Minimization Standard (14 CR 17867(a)(2))

SODT

≥ 7 D/T non-Ag zone or ≥ 15 D/T Ag Zone
& 3 Verified Complaints within 30 days & Operation/Facility determined to be source

YES

Operator Implements EMP
For 30 days

Operator submits EOP (Enhanced Operational Plan)
Based on data collected from EMP
On 30th day

Operator implements EOP and continues EMP
For 90 days

Operator submits report on EOP and EMP to LEA
On 120th day

Data show odor is below SODT

PHASE I

NO

Operator implements EMP
For 30 days

Operator IMPLEMENTS EMP
For 30 days

Operator is in compliance with Odor Impact Minimization Standard (14 CR 17867(a)(2))

NO

Operates Implements EMP
For 30 days

Operator submits report on EOP and EMP to LEA
On 120th day

Data show odor is below SODT

NO

Go to Phase II
Issue 4: Odor

PHASE II

Operator Submits Revised EOP Based on data collected from EMP through all prior phases
On 30th day

Operator Implements Revised EOP and continues EMP
For 90 days

Operator Submits Report on Revised EOP and EMP to LEA
On 120th day

Data show odor is below SODT

Operator is in compliance with Odor Impact Minimization Standard
(14 CR 17867(a)(2))

LEA approves another Phase II loop

YES

NO

GO TO DEMONSTRATION OF REASONABLE AND FEASIBLE

Page 3
Phase III

Demonstration of Reasonable and Feasible

Operator has implemented Phase I and Phase II of requirements, but odor still equal to or greater than SODT

Operator submits Plan for Demonstration of Reasonable and Feasible based on prior phases and applicable C-CORP options and continues EMP

Operator exhausts operational options outlined in Plan

Data show odor is below SODT

Operator is in compliance with Odor Impact Minimization Standard (14 CR 17867(a)(2))

Revise Solid Waste Facility Permit to increase SODT

YES

NO
**DRAFT LANGUAGE FOR DISCUSSION** – Exclude POTW facilities that receive specific types of organic solid waste for co-digestion with POTW wastewater from CalRecycle transfer/processing and in-vessel digestion regulations.

Managers of POTWs increasingly are considering the addition of organic material such as food waste, fats, oils and grease into their anaerobic digesters to increase the volume of methane and other biogases for energy production. Regional Water Quality Control Board (RWQCB) regulatory oversight of POTWs may adequately address the receipt, handling, anaerobic digestion and residual solids management of specific types of organic material for co-digestion with wastewater that historically have only been accepted in limited volume through an enclosed sewer system.

CalRecycle proposes to exclude from its solid waste transfer/processing and in-vessel digestion regulations POTW facilities that receive specific types of organic solid waste for co-digestion with POTW wastewater.

Proposed language:

**Chapter 3: Minimum Standards for Solid Waste Handling and Disposal**

**Article 6.0 Transfer/Processing Operations and Facilities Regulatory Requirements**

§17403.1. Excluded Operations.
(a) The following operations do not constitute transfer operations or facilities for the purposes of these Articles and are not required to meet the requirements set forth herein:

...  
(8) A Publicly Owned Treatment Works Treatment Plant that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW wastewater in accordance with Section 17896.5(a)(1).

**Chapter 3.2 In-Vessel Digestion Operations and Facilities Regulatory Requirements**

**Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements**

§ 17896.5 Excluded Activities.
(a) The following activities do not constitute in-vessel digestion operations and facilities (Title 14, Division 7, Chapter 3.2) for the purpose of this Chapter and are not required to meet the requirements set forth herein:

(1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as defined in section 403.39(r) of Title 40 of the Code of Federal Regulations, that receives vehicle-transported solid waste that is an
anaerobically digestible material for the purpose of anaerobic co-digestion with POTW wastewater, under the following conditions:

(A) The POTW Treatment Plant is in compliance with the POTW Treatment Plant Waste Discharge Requirements or NPDES Standard Provision in accordance with the State Water Resources Control Board and their Regional Water Quality Control Board.

(B) For the purpose of this exclusion, “anaerobically digestible material” means: inedible kitchen grease as defined in section 19216 of the Food and Agricultural Code, food material as defined in Title 14, CCR, Chapter 3.1, Article 1, Section 17582(a) (2) and vegetative food material as defined in Title 14, CCR, Chapter 3.1, Article 1, Section 17582(A).

(C) For the purpose of this exclusion, CalRecycle, in consultation with the State Water Resources Control Board and the California Department of Food and Agriculture, will on a case-by-case basis, review and consider approval of additional types of organic materials as potential “anaerobically digestible material” beyond those specified in section 17896.5(B) in accordance with the following:

1. Receipt of a written request to CalRecycle from the General Manager or designee of a POTW Treatment Plant.
   a. The written request must contain the following information:
      i. The purpose of the request.
      ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the organic waste material with the POTW wastewater.
      iii. Types of organic material requested for classification as an anaerobically digestible material.
      iv. The source(s) of the waste material.
      v. A description of how the waste material will be handled, processed, stored and transported (before and after receipt at the POTW Treatment Plant).
      vi. A map identifying all proposed physical changes proposed at the POTW to accommodate the new waste materials.
      vii. Available laboratory test results, engineering reports, pilot study results to support the request.
      viii. Data and/or reports if this waste material has been used without incident at a different POTW Treatment Plant.
      ix. The name, addresses and phone numbers for the General Manager and designee of the POTW Treatment Plant.
   b. Upon receipt of the written request, CalRecycle will communicate and coordinate the request with and between the State Water Resources Control Board and the California Department of Food and Agriculture and will complete the following actions:
      i. Within XX days of receipt, send written confirmation to the General Manager and designee of the POTW Treatment Plant indicating receipt of the letter and distribute the letter to appropriate CalRecycle staff, as well as to the State Water Resources Control Board and California Department of Food and Agriculture staff contacts for review;
      ii. Within XX days of receipt of the letter, schedule a meeting with State Water Resources Control Board and California Department of Food and Agriculture staff contacts;
      iii. Prior to the meeting, CalRecycle staff will review the letter and identify questions and/or issues with the request and make a list of recommendations;
      iv. Within XX days of receipt of the letter, conduct a meeting on the request. If an agency representative does not attend the meeting, comments will be accepted by CalRecycle up to close of business on day XX of the review process;
y. Within XX days of receipt of the letter, CalRecycle will provide a written decision to the General Manager and designee of the POTW Treatment Plant stating one of the following:

I. The waste type has or has not been determined to be an anaerobically digestible material excluded from both the In-Vessel Digestion Operations and Facilities Regulatory Requirements (pursuant to Section 17896.5(a)(1)) and the Transfer/Processing Operations and Facility Regulatory Requirements (pursuant to Section 17403.1(a)(8));

II. The agencies, based on the information provided, were unable to reach a determination and additional information is required before a determination can be made; or

III. The agencies have determined that a pilot study will need to be conducted and the results analyzed prior to a determination made by the agencies.

IV. If additional information or if pilot study is necessary, CalRecycle will consult with the General Manager or designee of the POTW, the State Water Resources Control Board and California Department of Food and Agriculture contacts, for the purpose of developing a timeline for either reviewing the additional information or for reviewing a proposed scope of work and timeline for a pilot study.

2. For the purpose of this exclusion, if an organic waste material is determined by CalRecycle to be an anaerobically digestible material for the purpose of co-digestion with the POTW wastewater, the POTW Treatment Plant must comply with 17896.5 (a)(1)(A) prior to receipt of the material at the POTW.
**DRAFT LANGUAGE FOR DISCUSSION – Increase visual inspections of incoming green waste loads to reduce physical contaminants; require compostable material products to meet a 0.1% physical contaminant limit by weight; and make clarifying changes regarding sampling and sampling report protocols.**

Existing regulations require green material to contain no greater than 1.0% physical contaminants by weight. Stakeholders have indicated that green material can exceed the 1.0% physical contaminant limit because of issues with collection processes; it is difficult for operators and LEAs to visually evaluate physical contaminants in incoming green material loads; and therefore, the 1.0% physical contaminant limit is hard to enforce. Staff proposes to:

- keep the 1.0% physical contaminant limit by weight specified in existing regulation;
- require operators to increase visual inspections of incoming green material loads;
- upon request by the EA, require operators to take samples of incoming loads;
- upon request by the EA, require compostable material handling operations to take a representative sample of product and send to a laboratory to measure physical contaminants;
- require compostable material handling facilities to take a representative sample for every 5,000 cubic yards of compost produced and send to a laboratory to measure physical contaminants;
- require all compostable material products (compost and chipping & grinding) to meet a 0.1% physical contaminants by weight limit.

Proposed language:

**CHAPTER 3.1. COMPOSTABLE MATERIALS HANDLING OPERATIONS AND FACILITIES
REGULATORY REQUIREMENTS**

**§ 17852. Definitions.**

(a) For the purposes of this Chapter:

(21) “Green Material” means any plant material that is separated at the point of generation, contains no greater than 1.0 percent physical contaminants by weight, and meets the requirements of section 17868.5. Green material includes, but is not limited to, yard trimmings, untreated wood wastes, natural fiber products, and construction and demolition wood waste. Green material does not include food material, vegetative food material, biosolids, mixed solid waste, material processed from commingled collection, wood containing lead-based paint or wood preservative, mixed construction or mixed demolition debris.

(32) “Physical Contamination” or “Contaminants” means human-made inert products material contained within feedstocks, including, but not limited to, glass, metal, hard plastic, and film plastic.
ARTICLE 7. ENVIRONMENTAL HEALTH STANDARDS

17868.1. Sampling Requirements.
All composting operations that sell or give away greater than 1,000 cubic yards of compost annually, and all composting facilities shall meet the following requirements:

(a) Operators shall verify that compost meets the maximum acceptable metal concentration limits specified in section 17868.2 and pathogen reduction requirements specified in section 17868.3. Verification of maximum acceptable metal concentrations and pathogen reduction requirements shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. This verification shall be performed by taking and analyzing at least one composite sample of compost, following the requirements of this section as follows:

(1) An operator who composes agricultural material, green material, food material, vegetative food material, or mixed solid waste shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced.

§ 17868.2. Maximum Metal Concentrations.
(a) Compost products derived from compostable materials that contain any metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing product from the site.

§ 17868.3. Pathogen Reduction.
(a) Compost products derived from compostable materials that contain pathogens in amounts that exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this section shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing product from the site.

§ 17868.3.1. Physical Contamination Limits
(a) Products derived from compostable materials shall not contain more than 0.1% physical contaminants greater than 4 millimeters by weight. Products that contain more that 0.1% physical contaminants greater than 4 millimeters by weight shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing product from the site.

(b) Upon request of the EA, a compostable material handling operation shall take a representative sample of product derived from compostable material and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

(c) All compostable material handling facilities shall take one representative sample for every 5,000 cubic-yards of product derived from compostable material and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.


§ 17868.5. Green Material Processing Requirements.
In order for a feedstock to be considered green material, composting operations and composting facilities that receive green material, as defined in section 17852(a)(21), as a feedstock must satisfy the following requirements shall be met:

(a) The feedstock shall undergo load checking to ensure that physical contaminants are no greater than 1.0 percent of total weight. Load checking shall include both visual observation of incoming waste loads and load sorting to quantify the percentage of contaminating materials physical contaminants and detect receipt of unacceptable feedstock (e.g., feedstock that does not meet the definition of green material).

(1) A minimum of one ten percent of daily incoming feedstock volume or at least one truck per day, whichever is greater, shall be inspected visually. If a visual load check indicates a physical contamination level greater than 1.0 percent, a representative sample shall be taken, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined. The load shall be rejected if physical contaminants are greater than 1.0 percent of total weight or if the load contains materials that do not meet the definition of green material in section 17852(a)(21).

(b) Upon request of the EA, and in the presence of the EA, the operator shall take a representative sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined.

(c) Any agricultural material handling operation using this material shall ensure the feedstock meets the metal concentration limits specified in Table 2 of section 17868.2.

(d) Facility personnel shall be adequately trained to perform the activities specified in this section.

(e) Any operation or facility using this feedstock shall maintain records demonstrating compliance with this section.

**Issue 6: Green Material Contamination**

**OPTIONS**

### ‘Green Material’ and ‘Chipping & Grinding’ Feedstock (incoming)

<table>
<thead>
<tr>
<th>1. Contamination Limit (feedstock that contains physical contaminants in excess of these limits would be Mixed Solid Waste)</th>
<th>a. 1% glass, metal, and plastic (by weight) [{status quo per 14 CCR 17852(a)[32]}]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Note: The existing definition of green material in 14 CCR 17852(a)[21] states that green material does not include food material. CalRecycle proposes to revise 14 CCR 17852(a)[21] to state that green material does not contain food material or vegetable food material.</td>
<td>✓</td>
</tr>
<tr>
<td>b. 1% glass, hard plastic, and metal; 0.1% film plastic (by weight)</td>
<td></td>
</tr>
<tr>
<td>c. 5% glass, metal, and plastic (by weight)</td>
<td></td>
</tr>
<tr>
<td>d. 5% glass, hard plastic, and metal; 0.1% film plastic (by weight)</td>
<td></td>
</tr>
<tr>
<td>e. None (do not limit contamination in feedstock)</td>
<td></td>
</tr>
<tr>
<td>f. Other*:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Visual Observations</th>
<th>a. 1% of daily incoming feedstock volume or at least one truck per day, whichever is greater [{status quo per 14 CCR 17868.5(a)(1)}]</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. 10% of daily incoming feedstock volume or at least one truck per day, whichever is greater</td>
<td>✓</td>
</tr>
<tr>
<td>c. None</td>
<td></td>
</tr>
<tr>
<td>d. Other*:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Contamination Sampling and Analysis</th>
<th>a. Upon request of the EA, the operator shall take a representative sample of feedstock, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined [{status quo per 14 CCR 17868.5(b)}]</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Upon request of the EA, and in the presence of the EA, the operator shall take a representative sample of feedstock, collect and weigh physical contaminants, and determine the percentage of physical contaminants. Note: CalRecycle is considering developing a sampling and analysis methodology</td>
<td>✓</td>
</tr>
<tr>
<td>c. None</td>
<td></td>
</tr>
<tr>
<td>d. Other*:</td>
<td></td>
</tr>
<tr>
<td>e. Other*:</td>
<td></td>
</tr>
</tbody>
</table>

### ‘Compost’ and ‘Chipping & Grinding’ Product (outgoing)

<table>
<thead>
<tr>
<th>4. Contamination Sampling and Analysis</th>
<th>a. Upon request of the EA, the operator shall take a representative sample of product, physical contaminants shall be collected and weighed, and the percentage of physical contaminants determined</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Upon request of the EA, the operator shall take a representative sample of product and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined</td>
<td>✓</td>
</tr>
<tr>
<td>c. The operator shall take one representative sample for every 5,000 cubic-yards of product and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined</td>
<td></td>
</tr>
<tr>
<td>d. 4.b for operations; 4.c. for facilities</td>
<td>✓</td>
</tr>
<tr>
<td>e. None</td>
<td></td>
</tr>
<tr>
<td>f. Other*:</td>
<td></td>
</tr>
</tbody>
</table>

| 5. Contamination Limit (product that contains physical contaminants in excess of these limits would be designated for disposal, additional processing, or other use as approved by state or federal agencies) | a. 0.1% glass, metal, hard plastic, and film plastic (by weight) | ✓ |
| --- | --- |
| b. 0.5% glass, metal, and plastic (by weight) | 
| c. 0.5% glass, hard plastic, and metal; 0.1% film plastic (by weight) | 
| d. None | 
| e. Other*: | 

*CalRecycle is interested in hearing from stakeholders about other options with each approach.

✓ = CalRecycle proposed path
DRAFT LANGUAGE FOR DISCUSSION – Apply the transfer/processing and compostable material handling and design and operational requirements to all types of in-vessel digestion activities, including anaerobic digestion.

Anaerobic digestion is currently regulated under the compostable materials handling regulations or the transfer/processing regulations, depending on the nature of the feedstock and how it is handled. If the feedstock is compostable material, the facility is regulated as a compostable material handling facility; if feedstock is not compostable material, the activity is regulated as a transfer and processing facility. Staff intended to develop initial discussion draft regulatory text for anaerobic digestion but became aware of several in-vessel digestion technologies that do not utilize anaerobic digestion. Consequently, staff decided to broaden the scope of the regulations to cover other types of “in-vessel digestion” activities, including anaerobic digestion.

Several approaches to regulating this emerging technology have been discussed at informal CalRecycle workshops in 2011 and 2012. The main operational phases of in-vessel digestion are pre-processing, digestion, and post-digestion handling. CalRecycle staff feels the pre-processing and post-digestion handling phases present the greatest need for regulatory oversight. Activities that would occur during the pre-processing phase at an in-vessel digestion operation or facility are similar to the activities that occur at a transfer/processing operation or facility; activities that would occur during the post-digestion handling phase at an in-vessel operation or facility are similar to those that occur at a compostable material handling operation or facility. Consequently, staff believes the most feasible approach to develop “in-vessel digestion” regulations is to utilize applicable transfer/processing and compostable material handling design and operational requirements. Staff offers the following three options for developing in-vessel digestion regulations:

Option 1 (as provided in "Proposed language" below): A stand-alone, fully-contained set of regulations containing imported transfer/processing and compostable materials handling standards applicable to in-vessel digestion.

Other options considered but not developed include –

Option 2: A stand-alone set of regulations containing cross-references to transfer/processing and compostable materials handling standards applicable to in-vessel digestion. (If Option 2 is selected, staff will edit the proposed language below to replace repeated regulatory requirements with cross-references.)

Option 3: Option 2 plus provide, upon completion of the rulemaking, a fully-contained, non-regulatory guidance document that includes the full text of any cross-referenced standard.

Option 1 - Proposed language:

Chapter 3.2 In-Vessel Digestion Operations and Facilities Regulatory Requirements
Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements

§ 17896.1. Authority and Scope.
(a) This Chapter sets forth permitting requirements and minimum operating standards for in-vessel digestion operations and facilities that receive and process by means of in-vessel digestion solid wastes that are subject to the requirements of this Chapter. The regulatory tier requirements of sections 17896.3 through 17896.8 are not applicable to operations and facilities that are subject to regulations elsewhere in this Chapter. Activities placed within the excluded tier in other chapters of this Division, may still be subject to the regulatory requirements specified in this Chapter.

(b) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code, as amended. These regulations should be read together with the Act.

(c) Digestion of organic material can be a naturally occurring or an artificially controlled process. This Chapter establishes standards and regulatory requirements for the intentional processing of organic material by means of in-vessel aerobic and anaerobic digestion.

(d) This Chapter implements and interprets those provisions of the Act relating to receipt, storage, handling, recovery, transfer, or processing of solid waste at in-vessel digestion operations and facilities. Nothing in this Chapter limits or restricts the power of any federal, state, or local agency to enforce any provision of law that it is authorized or required to enforce or administer, nor limits or restricts cities and counties from promulgating and enforcing laws which are as strict or stricter than the regulations contained in this Chapter. However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter.

(e) No provision in this Chapter shall be construed as relieving any owner, operator, or designee from obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, or reports, or other requirements of other regulatory or enforcement agencies, including but not limited to, local health agencies, regional water quality control boards, Department of Toxic Substances Control, California Department of Industrial Relations, Division of Occupational Safety and Health, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.


§ 17896.2. Definitions.
(a) For the purposes of this Chapter:

( ) "Anaerobic Digestion" is the biological decomposition of organic material in the absence of oxygen or in an oxygen-starved environment. Anaerobic digestion produces biogas and a residual digestate.

( ) "Aerobic Digestion" is the biological decomposition of organic material in the presence of oxygen.

( ) "Agricultural material" means material of plant or animal origin, which result from the production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products, including manures, orchard and vineyard prunings, and crop residues

( ) "Agricultural site" means activities located on land that is zoned for agricultural uses.

( ) "Biogas" is a gas resulting from the decomposition of organic material under anaerobic conditions that is composed primarily of methane and carbon dioxide.

( ) "Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated
at a centralized facility.

( ) “Contact Water” means water that has come in contact with waste and may include leachate.

( ) “DTSC” means the California Department of Toxic Substances Control.

( ) “Digestate” means the solid and/or liquid residual material remaining after organic material has been processed by means of in-vessel digestion.

( ) “Digestion” means pursuant to PRC 40116.1 the controlled biological decomposition, of organic solid waste that are separated from the municipal waste stream or which are separated at a centralized facility, and that proceeds through one or more of the stages of hydrolysis, acidogenesis, acetogenesis, methanogenesis, and glycolysis. Digestion includes:

(A) anaerobic digestion

(B) fermentation

(C) aerobic digestion

( ) “EA” means enforcement agency as defined in PRC section 40130.

( ) “Fermentation” means the biological conversion of carbohydrates into acids or alcohol in the absence of oxygen.

( ) “Hazardous Wastes” means any waste which meets the definitions set forth in Title 22, section 66261.3, et seq.

( ) “In-vessel digester” is one or more fully enclosed structures in which the entire digestion process occurs, such as in tanks or other sealed containers.

( ) “Large Volume In-Vessel Digestion Facility” means an in-vessel digestion activity that receives 100 tons or more of solid waste per operating day.

( ) “Limited Volume In-Vessel Digestion Operation” means an in-vessel digestion activity that receives no more than 60 cubic yards and no more than 15 tons of solid waste per operating day.

( ) “Litter” means all solid waste which has been improperly discarded or which has migrated by wind or equipment away from the operations area. Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state.

( ) “Medium Volume In-Vessel Digestion Facility” means an in-vessel digestion activity that receives more than 15 tons and less than 100 tons of solid waste per operating day.

( ) “Nuisance” includes anything which:

(A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and

(B) affects at the same time an entire community, neighborhood or any considerable number of persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

( ) “On-site” means located within the boundary of the operation or facility.
Issue 7: Anaerobic Digestion Facility Permitting

( ) “Operating day” means the daily hours of operation for a facility or operation as set forth in the application, Enforcement Agency Notification or solid waste facilities permit.

( ) “Operating Record” means an easily accessible collection of records of an operation's or facility's activities and compliance with required state minimum standards under Title 14. The Record may include the Facility Plan or Transfer/Processing Report for facilities, and shall contain but is not limited to containing: agency approvals, tonnage and load checking records, facility contacts and training history. The record may be reviewed by state and local authorities and shall be available during normal business hours. If records are too voluminous to place in the main operating record or if the integrity of the records could be compromised by on-site storage, such as exposure to weather, they may be maintained at an alternative site, as long as that site is easily accessible to the EA.

( ) “Operations Area” means:

(A) the following areas within the boundary of an operation or facility as described in the permit application or Enforcement Agency Notification:

(i) equipment management area, including cleaning, maintenance, and storage areas; and

(ii) material and/or solid waste management area, including unloading, handling, transfer, processing, and storage areas.

(B) the boundary of the operations area is the same as the permitted boundary of the operation or facility but may or may not be the same as the property boundary on which the operation or facility is located.

( ) “Operator” means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, that is listed in the permit application or Enforcement Agency Notification and is legally responsible for all of the following:

(A) complying with regulatory requirements set forth in these Articles;

(B) complying with all applicable federal, state and local requirements;

(C) the design, construction, and physical operation of the operations area;

(D) controlling the activities at an operation or facility as listed on the permit application or Enforcement Agency Notification.

( ) “Owner” means the person or persons who own, in whole or in part, an operation or facility and the land on which it is located. If the ownership of the operation or facility is not the same as the ownership of the land on which it is located, the owner of the land shall be identified as the “Land Owner” and the owner of the operation or facility shall be identified as the “Facility Owner.”

( ) “Post digestion solids” means the solid residual material remaining after organic material has been processed by means of in-vessel digestion.

( ) “RWQCB” means the Regional Water Quality Control Board. “SWRCB” means the State Water Resources Control Board.

( ) “Salvaging” means the controlled separation of solid waste material which do not require further processing, for reuse or recycling prior to transfer activities.

( ) “Scavenging” means the uncontrolled and/or unauthorized removal of solid waste materials.

( ) “Special Waste” includes but is not limited to:

(A) waste requiring special collection, treatment, handling, storage, or transfer techniques as defined in Title 22, section 66260.10.
(B) waste tires and appliances requiring the removal of mercury switches or chlorofluorocarbons.

( ) “Spotter” means an employee who conducts activities that include, but are not limited to, traffic control, hazardous waste recognition and removal for proper handling, storage and transport or disposal, and protection of the public from health and/or safety hazards.

( ) “Store” means to stockpile or accumulate for later use.

( ) “Storage tank” is an impervious concrete, metal or other tank designed to temporarily store feedstock and wastewater.


§ 17896.3. Regulatory Tiers Requirements for In-Vessel Anaerobic Digestion Operations and Facilities.

Sections XXXX.X through XXXX.X set forth the regulatory tier requirements (Title 14, Division 7, Chapter 3.2, Article X.X, commencing with section XXXXX of the California Code of Regulations (commencing with section 21570) that apply to specified types of In-Vessel Digestion Operations and Facilities. These requirements are summarized in Table 1.

Table 1 In-Vessel Anaerobic Digestion Operations and Facilities Placement into the Regulatory Tiers

<table>
<thead>
<tr>
<th>Excluded Tier</th>
<th>Enforcement Agency</th>
<th>Notification Tier</th>
<th>Registration Permit Tier</th>
<th>Full Solid Waste Facility Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anaerobically digestible materials at POTW’s</td>
<td>Limited Volume In-Vessel Digestion Operation</td>
<td>Section XXXXX.X</td>
<td>Medium Volume In-Vessel Digestion Facility Section</td>
<td>Large Volume In-Vessel Digestion Facility Section</td>
</tr>
<tr>
<td>Ag material derived from ag site &amp; returned to same site</td>
<td>Research digestion operations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-vessel digestion activities with less than 50 cubic yard capacity</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: There are no in-vessel digestion operations or facilities placed within the Standardized tier.


§ 17896.4. Excluded Activities.

(a) The activities listed in this section are not subject to the in-vessel digestion requirements set forth in this Chapter. Nothing in this section precludes the EA or the CalRecycle from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.
PLACEHOLDER...(see Issue 5 for complete initial discussion draft regulatory text) (1) A Publicly Owned Treatment Works Treatment Plant that receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW wastewater, under the following conditions

(2) An activity is excluded if it handles agricultural material, derived from an agricultural site, and returns a similar amount of post-digested solids or compost to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the agricultural site that on which the in-vessel digestion activity is located. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually. No post-digested solids that are not compost may be given away or sold.

(3) In-vessel digestion activities with less than a total of 50 cubic yards of solid waste, feedstock, and digestate on site are excluded

§ 17896.5. Research Digestion Operations

(A) An operator conducting research digestion operation shall not have more than xxxxx 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 may exceed xxxx 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 digestion 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 digestion operations that will be using unprocessed mammalian tissue as a feedstock for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental protection concern, 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 digestion operation site security plan. The research digestion 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.

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


§ 17896.6. Limited Volume In-Vessel Digestion Operations.  
All limited volume in-vessel digestion operations shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with CalRecycle concurrence, an operator request for reduced inspection frequency. The EA shall approve a lesser inspection frequency if it will not pose an additional risk to public health and safety and the environment but in no case shall the frequency be less than annual. The EA shall submit, for concurrence, a copy of the operator request and EA-proposed approval to CalRecycle.


§ 17896.7. Medium Volume In-Vessel Digestion Facilities  
All medium volume in-vessel digestion facilities shall comply with the Registration Permit requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18104). These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.


§ 17896.8. Large Volume In-Vessel Digestion Facility  
All large volume in-vessel digestion facilities shall obtain a Full Solid Waste Facilities Permit, in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 of the California Code of Regulations (commencing with section 21570). The In-Vessel Digestion Report required by section 17869.11 shall constitute the Report of Facility Information required by section 21570(f)(2) of Title 27. These facilities shall be inspected monthly by the EA in accordance with PRC section 43218.


§ 17896.9. In-Vessel Digestion Facility Plan. 
Each operator of a Medium Volume In-Vessel Digestion Facility, as defined in section 17896.2(x) shall file with the EA an “In-Vessel Digestion Facility Plan” (as specified in section 18221.5.1). The information contained in the Plan shall be reviewed by the EA to determine whether it is complete and correct as defined in Title 14, Division 7, Chapter 5.0, Article 3.0, section 18101.


§ 17896.10 In-Vessel Digestion Report.  
(a) Each operator of a Large Volume In-Vessel Digestion Facility, as defined in section 17896.2(x) shall file with the EA an “In-Vessel Digestion Report” (as specified in section 18221.6.1). An operator of an existing facility who submits an application package to the EA, pursuant to Title 27, section 21570, which proposes to change the facility’s operations, or to change the solid waste facility permit shall do one of the following:

(1) submit the updated information as an amendment to the existing In-Vessel Digestion Report; or

(2) submit a complete In-Vessel Digestion Report as described in section 18221.6.1.
§ 17896.11. Applicability of State Minimum Standards
(a) Articles 1, 2, 3, 4, and 6, of this Chapter set forth the minimum standards that apply to all in-vessel digestion operations and facilities, except as noted in Section 17896.1(a).

(b) Article 5 of this Chapter sets forth additional minimum standards that will apply only to In-Vessel Digestion facilities.

(c) Approvals, determinations and other requirements that the EA is authorized to make under Articles 1, 3, 4, 5, and 6 of this Chapter shall be provided in writing by the EA to the operator. The operator shall place a copy of each approval, determination and other requirement in the operating record together with those records identified in sections 17414 and 17414.1.

(d) Some of the standards contained in this Chapter authorize the EA to approve an alternative method of compliance with the standard. These provisions are not intended to allow the EA to change the particular standard, but are intended to allow the EA flexibility to approve, in advance, an alternative method of meeting the existing standard which provides equivalent protection of the public health and safety and the environment as the existing standard. For facilities that require a full solid waste facility permit, the EA may choose to include the approved alternative method of compliance as a term and condition of the solid waste facility permit, rather than in the manner authorized by subdivision (c) of this section. If the method is included in the solid waste facility permit, a change to the method may require a revision to the solid waste facility permit in accordance with the procedures set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3, and 3.1 (commencing with section 21570).


Article 2. Siting and Design
(a) In-vessel digestion operations and facilities or portions thereof, located atop fully or partially closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 27, California Code of Regulations, section 21190.

(b) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or failure of pads or structural foundations.

(c) In-vessel digestion operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall be operated in a manner not to interfere with the operations of the landfill or with the closure or postclosure maintenance of the landfill.


(a) The design of a new in-vessel digestion operation or facility shall utilize expert advice, as appropriate, from persons competent in engineering, architecture, landscape design, traffic engineering, air quality control, water quality protection and design of structures.

(b) The design shall be based on appropriate data regarding the expected service area, anticipated nature and quantity of wastes to be received, climatological factors, physical settings, adjacent land use (existing and planned), types and number of vehicles anticipated to enter the operation or facility, adequate off-street parking facilities for transfer vehicles, drainage control, the hours of operation and
other pertinent information. If the operation or facility is to be used by the general public, the design shall take account of safety features that may be needed to accommodate such public use.

(c) The in-vessel digestion operation or facility shall be designed in such a manner as to restrict the unloading area to as small an area as practicable, provide adequate control of windblown material, minimize the propagation or attraction of flies, rodents or other vectors and the creation of nuisances by reason of solid wastes being handled at the operation. Other factors which shall be taken into consideration are: dust control, noise control, public safety, and other pertinent matters related to the protection of public health at the operation or facility.

(d) In reviewing the design of a proposed in-vessel anaerobic digestion operation or facility, the EA may require the applicant to describe how he or she has complied with applicable local and state requirements regarding odor control measures, personnel health and safety, and sanitary facilities.

(e) Solid waste storage containers shall be durable, easily cleanable, designed for safe handling, and constructed to prevent loss of wastes from the container during storage. If such a container is used to store garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such container shall in all cases be nonabsorbent and leak-resistant. Unloading areas shall be easily cleanable, designed for safe handling and constructed to prevent loss of wastes.


Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities.

(a) In-vessel digestion operations, facilities, and their equipment, boxes, bins, pits and other types of containers shall be cleaned using the following schedule, or at a lesser frequency, approved by the EA, in order to prevent the propagation or attraction of flies, rodents, or other vectors:

(1) all operations and facilities shall be cleaned each operating day of all loose materials and litter;

(2) all operations or facilities that operate 24 hours per day must clean the operations or facilities at least once every 24 hours.

(b) The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials.


§ 17896.15. Drainage Control.
(a) Drainage at all in-vessel digestion operations and facilities shall be controlled to:

(1) minimize the creation of contact water outside of the tanks;

(2) prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-site migration of contact water;

(3) protect the integrity of roads and structures;

(4) protect the public health; and

(5) prevent safety hazards and interference with operations.
§ 17896.16. **Dust Control.**

(a) The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates, and prevent other safety hazards to the public caused by obscured visibility. The operator shall minimize the unnecessary handling of wastes during processing to prevent the creation of excessive dust. Measures to control dust include, but are not limited to: reduced processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the following may be an indication that dust is excessive:

1. safety hazards due to obscured visibility; or
2. irritation of the eyes; or
3. hampered breathing;
4. migration of dust off-site.

§ 17896.17. **Hazardous, Liquid, and Special Wastes.**

(a) An in-vessel digestion operation or facility shall not intentionally accept or store hazardous wastes, including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.

(b) At in-vessel digestion operations and facilities where unauthorized hazardous wastes are discovered, control measures as are necessary to protect public health, safety and the environment, such as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation or removal from the operation or facility.

(c) In-vessel digestion operations and facilities shall be properly equipped to handle liquid wastes and slurges wastes in a manner to protect public health, safety, and the environment.

§ 17896.18. **Litter Control**

Litter at in-vessel digestion operations and facilities shall be controlled, and routinely collected to prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent possible given existing weather conditions.

§ 17896.19. **Load checking.**

(a) The operator of an attended in-vessel digestion operation or facility shall implement a load checking program to prevent the acceptance of waste which is prohibited by this Article. This program must include at a minimum:

1. the number of random load checks to be performed;
2. a location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated;
3. records of load checks and the training of personnel in the recognition, proper handling, and disposition of prohibited waste. A copy of the load checking program and copies of the load checking
records for the last year shall be maintained in the operating record and be available for review by the
appropriate regulatory agencies.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.20. Maintenance Program.
All aspects of the in-vessel digestion operation or facility shall be maintained in a state of good repair.
The operator shall implement a preventative maintenance program to monitor and promptly repair or
correct deteriorated or defective conditions.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.21. Medical Wastes.
Medical waste, unless treated and deemed to be solid waste, which is regulated pursuant to the
Medical Waste Management Act (commencing with Section 117600 of the Health and Safety Code),
shall not be accepted at an in-vessel digestion operation or facility, unless approved by the
appropriate regulatory agencies.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.22. Noise Control.
Noise shall be controlled to prevent health hazards and to prevent nuisance. Measures to control noise
include but are not limited to: posting of warning signs that recommend or require hearing protection;
separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise
transmission. Compliance with specific provisions regarding noise control in a local land use approval,
such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with
this standard.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.23. Non-Salvageable Items.
Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, medical wastes, syringes, needles,
pesticides and other materials capable of causing public health or safety problems shall not be
salvaged at in-vessel digestion operations or facilities unless approved by all applicable agencies and
the EA.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.24. Nuisance Control.
Each in-vessel digestion operation and facility shall be conducted and maintained to prevent the
creation of a nuisance.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference:
Sections 40053, 43020 and 43021, Public Resources Code.

§ 17896.25. Odor Minimization Plan
(a) All in-vessel digestion operations and facilities shall prepare, implement and maintain a site-
specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA
Notification or permit application.

(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by
describing, at a minimum, the following items. If the operator will not be implementing any of these
procedures, the plan shall explain why it is not necessary.
(1) an odor monitoring protocol which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,

(2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,

(3) a complaint response protocol; and,

(4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns as applicable; and,

(5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), bio filtration, and tarping as applicable.

(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.

(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.

(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.

(f) If the odor impact minimization plan is being followed, but odor impacts are still occurring, the EA may issue a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors.


Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a conditional use permit or CEQA mitigation measures, shall be considered compliance with this standard.


§ 17896.27. Personnel Health and Safety.
The Injury, Illness, and Prevention Program (IIPP) required by Title 8, California Code of Regulations, section 320...shall be available for review by local and state inspectors during normal business hours. Nothing in this section is intended to make the EA responsible for enforcing the IIPP.


§ 17896.28. Prohibitions.
(a) The in-vessel digestion of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow is prohibited, except when received from the food service
industry, grocery stores, or residential food scrap collection, or as part of a research activity for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concerns in accordance with section 17862.

(b) The in-vessel digestion of medical waste is prohibited.

(c) The in-vessel digestion of hazardous waste is prohibited.


§ 17896.29. Protection of Users.
An in-vessel digestion operation or facility shall be designed, constructed, operated, and maintained so that contact between the public and solid wastes is minimized. This may be accomplished through the use of railings, curbs, grates, fences, and/or spotters.


§ 17896.30. Roads.
All on-site roads and driveways shall be designed and maintained to minimize the generation of dust and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and maintained to allow vehicles utilizing the in-vessel digestion operation or facility to have reasonable all-weather access to the site.


§ 17896.31. Sanitary Facilities.
The operator shall maintain all sanitary and hand-washing facilities which may be required, by applicable state or local requirements, in a reasonably clean and adequately supplied condition.


§ 17896.32. Scavenging and Salvaging.
Each in-vessel digestion operation or facility shall meet the following requirements:

(a) scavenging shall be prohibited;

(b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part of the operation, subject to conditions established by the EA, the local land use authority, or other approving agencies.

(c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious entry and exit of vehicles delivering waste to the transfer or processing operation or facility. Salvaging activities conducted at a transfer/processing operation or facility shall be confined to specified, clearly identified areas of the in-vessel digestion operation or facility, and controlled to prevent health, safety or nuisance problems;

(d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in the In-Vessel Digestion Facility Plan or In-Vessel Digestion Report. They shall be arranged to minimize risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a specified volume and/or duration as described in the Enforcement Agency Notification, In-Vessel Digestion Facility Plan, or In-Vessel Digestion Facility Report.
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§ 17896.33. Signs.
(a) For in-vessel digestion operations or facilities not open to the public, each point of access from a public road shall be posted with an easily visible sign indicating the in-vessel digestion operation or facility name and location of nearest public operation or facility.

(b) If the operation or facility is open to the public, there shall be an easily visible sign at all public entrances indicating the name of the operator, the operator's telephone number, schedule of charges, hours of operation, and a listing of the general types of materials which either (1) WILL be accepted, or (2) WILL NOT be accepted.


§ 17896.34. Site Restoration
All in-vessel digestion operations and facilities shall meet the following requirements:

(a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30 days prior to beginning site restoration.

(b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health, safety, and the environment.

(c) The operator shall ensure that the following site restoration procedures are performed upon completion of operations and termination of service:

(1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues including, but not limited to, compost materials, construction scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed.

(2) All machinery shall be cleaned and removed or stored securely.

(3) All remaining structures shall be cleaned of compost materials, dust, particulates, or other residues related to the composting and site restoration operations.


§ 17896.35. Pre-Digestion Solid Waste
(a) All solid wastes not placed in tanks for digestion shall be removed at the following frequencies or at an alternate frequency approved by the EA, in order to prevent the propagation or attraction of flies, rodents or other vectors:

(1) in-vessel digestion operations shall remove solid wastes not placed in tanks for digestion within 7 days from the date of receipt;

(2) solid wastes shall be injected into the digester tanks or other water and air tight enclosed storage vessel within 8 hours from the time of receipt.


§ 17896.36. Supervision and Personnel.
The operator shall provide adequate supervision and a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the EA in writing of the name, address...
and telephone number of the operator or other person responsible for the operation. A copy of the written notification shall be placed in the operating record.


§ 17896.37. Training.
Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site solid waste operations and maintenance, hazardous materials recognition and screening, use of mechanized equipment, environmental controls, emergency procedures and the requirements of this Article. A record of such training history shall be maintained and made available for inspection.


§ 17896.38. Vector, Bird and Animal Control.
The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.


Article 4. Record Keeping Requirements.

§ 17896.39. Record Keeping Requirements.
Each operator shall meet the following requirements:

(a) each operator shall maintain records of incoming weights or volumes and outgoing salvage or residual weights or volumes in a form and manner approved by the EA. Such records shall be: submitted to the EA or CalRecycle upon request; be adequate for overall planning and control purposes; and, be as current and accurate as practicable;

(b) all records required by this Article shall be kept by the operator in one location and accessible for three (3) years and shall be available for inspection by the EA and other duly authorized regulatory agencies during normal working hours.

(c) the operator shall submit copies of specified records to the EA upon request or at a frequency approved by the EA;

(d) the operator shall maintain a daily log book or file of special occurrences encountered during operations and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. Special occurrences shall include but are not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack of sufficient number of personnel pursuant to section 17410.2, flooding, earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by telephone within 24 hours of all incidents requiring the implementation of emergency procedures, unless the EA determines that a less immediate form of notification will be sufficient to protect public health and safety and the environment;

(e) the operator shall record any written public complaints received by the operator, including:

(1) the nature of the complaint,

(2) the date the complaint was received,

(3) if available, the name, address, and telephone number of the person or persons making the complaint, and
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(4) any actions taken to respond to the complaint;

(f) the operator shall maintain a copy of the written notification to the EA and local health agency of the name, address and telephone number of the operator or other person(s) responsible for the operations as required by section 17896.37;:

(g) The operator shall maintain records of employee training as required by section 17896.38;

(h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809 et seq.


§ 17896.40. Documentation of Enforcement Agency Approvals, Determinations, and Requirements.
Approvals, determinations, and other requirements the EA is authorized to make under this Chapter shall be provided in writing to the operator and placed in the operating record by the operator.


Article 5. Additional Operating Requirements for In-Vessel Digestion Facilities Only.

§ 17896.41. Communications Equipment.
Each in-vessel digestion facility shall have adequate communication equipment available to site personnel to allow quick response to emergencies.


§ 17896.42. Equipment.
Equipment shall be adequate in type, capacity and number, and sufficiently maintained to allow the in-vessel digestion facility to meet all requirements of this Chapter.


§ 17896.43. Fire Fighting Equipment.
Each in-vessel digestion facility shall have fire suppression equipment continuously available, properly maintained and located as required by the local fire authority.


§ 17896.44. Housekeeping.
The operator shall provide adequate housekeeping for the maintenance of in-vessel digestion facility equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap, and similar items.


§ 17896.45. Lighting.
The in-vessel digestion facility and/or equipment shall be equipped with adequate lighting, either through natural or artificial means, to ensure the ability to monitor incoming loads, effectiveness of operations, and public health, safety and the environment.


§ 17896.46. Site Attendant.
An in-vessel digestion facility open to the public shall have an attendant present during public operating hours or the facility shall be inspected by the operator on a regularly scheduled basis as approved by the EA to ensure that it meets all of the requirements of this Chapter.


§ 17896.47. Site Security.
The in-vessel digestion facility shall be designed to discourage unauthorized access by persons and vehicles through the use of either a perimeter barrier or topographic constraints.


§ 17896.48. Traffic Control.
(a) Traffic flow through the in-vessel digestion facility shall be controlled to prevent the following:

(1) interference with or creation of a safety hazard on adjacent public streets or roads,

(2) on-site safety hazards, and

(3) interference with operations.


§ 17896.49. Visual Screening.
The in-vessel digestion facility shall have appropriate treatment of areas open to public view to create and maintain an aesthetically acceptable appearance as approved by the local land use authority, or if none exist, in consultation with the EA. Compliance with specific provisions regarding visual screening in a local land use approval, such as a conditional use permit, or CEQA mitigation measures shall be considered compliance with this standard.


§ 17896.50. Water Supply.
A safe and adequate water supply for conducting in-vessel digestion, drinking and emergency use (e.g., fire protection, first aid) shall be available.


Article 6. Post Digestion Solids

§ 17896.52 Post Digestion Solids Handling

(a) Post digestion solids removed from the in-vessel digester or an air-tight and water-tight enclosed storage container shall be removed from the site within 8 hours and delivered as solid waste to
another solid waste facility or operation for disposal unless the post-digested solids have been incorporated in an aerobic compost process on-site.

(b) Post-digested solids that have not been analyzed for metal concentration pursuant to section 17896.54, pathogen concentration pursuant to section 17896.55(a), and physical contaminants pursuant to section 17896.56 or are known to contain any metal in amounts that exceed the maximum metal concentrations described in section 17896.54, pathogens that exceed the maximum acceptable pathogen concentrations described in section 17896.55(a), or physical contaminants that exceed the maximum physical contamination limits described in section 17896.56 shall be designated for disposal, additional processing through digestion or composting, or other use as approved by state or federal agencies having jurisdiction.

(c) All in-vessel digestion operations and facilities that compost on-site shall comply with the maximum metal concentrations requirements of section 17896.54, the maximum acceptable pathogen concentrations requirements of section 17896.55(a), and physical contamination limits of section 17896.56.


§ 17896.53. Sampling Requirements.
(a) The sampling of post-digested solids, to determine compliance with section 17896.52(a)(1), shall occur within twenty-four (24) hours of the solids being removed from the in-vessel digester.

(b) The sampling of compost produced from post-digested solids at an in-vessel digestion operation or facility shall occur at the point where the compost is removed from the site, bagged for sale, given away for beneficial use and removed from the site or otherwise beneficially used. Analytical results indicating compliance with sections 17896.54, 17896.55, and 17896.56 shall be received by the operator prior to the sampled compost leaving the site.

(c) This sampling shall be performed by taking and analyzing at least one composite sample, following the requirements of this section as follows:

(1) An operator who digests green material, food material, vegetative food material or mixed solid waste shall take and analyze one composite sample for every 5,000 cubic-yards of compost produced.

(2) An operator who digests biosolids shall meet the sampling schedule described in Table 1 below.

<table>
<thead>
<tr>
<th>Amount of Biosolids Feedstock (metric tons per 365 day period)</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than zero but fewer than 290</td>
<td>annually</td>
</tr>
<tr>
<td>Equal to or greater than 290 but fewer than 1,500</td>
<td>quarterly</td>
</tr>
<tr>
<td>Equal to or greater than 1,500 but fewer than 15,000</td>
<td>bimonthly</td>
</tr>
<tr>
<td>Equal to or greater than 15,000</td>
<td>monthly</td>
</tr>
</tbody>
</table>

(A) The amount of biosolids feedstock shall be calculated in dry weight metric tons.

(3) Composite sample analysis for maximum acceptable metal concentrations, specified in section 17896.54, shall be conducted at a laboratory certified by the California Department of Health Services, pursuant to the Health and Safety Code.

(d) A composite sample shall be representative and random, and may be obtained by taking twelve (12) mixed samples as described below.

(1) The twelve samples shall be of equal volume.
(2) The twelve samples shall be extracted from within the post-digested solids or compost pile as follows:

(A) Four samples from one-half the width of the pile, each at a different cross-section;
(B) Four samples from one-fourth the width of the pile, each at a different cross-section; and,
(C) Four samples from one-eighth the width of the pile, each at a different cross-section.

(e) The EA may approve alternative methods of sampling for a green material in-vessel digestion operation or facility that ensures the maximum metal concentration requirements of section 17896.54 and the pathogen reduction requirements of section 17896.55, as applicable, are met.


§ 17896.54. Maximum Metal Concentrations.
(a) Compost produced from post-digested solids at an in-vessel digestion operation or facility that contains any metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction. These maximum metal concentrations standards may also be applied to post-digested solids pursuant to section 17896.52(a)(1). Sample results must be received by the operator prior to removing product from the site.

Table 2 - Maximum Acceptable Metal Concentrations

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Concentration (mg/kg) on dry weight basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>39</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>1500</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>100</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>

(b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section, including but not limited to sampling frequencies, may be approved by the EA for green and food materials in-vessel digestion operations and facilities if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2 are not exceeded.


§ 17896.55. Pathogen Reduction.
(a) The density of fecal coliform in compost produced from post-digested solids at an in-vessel digestion operation or facility shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in this compost shall be less than three Most Probable Number per four (4) grams of total solids (dry weight basis). These pathogen reductions standards may also be applied to post-digested solids pursuant to section 17896.52(a)(1). Sample results must be received by the operator prior to removing product from the site.

(1) Compost products derived from compostable materials, that contain pathogens in amounts that exceed the maximum acceptable pathogen concentrations described in Subdivision (a) of this section shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction.
(b) Operators of in-vessel digestion operation and facilities that produce compost from post-digested solids shall ensure that:

(2) At enclosed or within-vessel composting process operations and facilities, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of Subdivision (b)(2) of this section.

(3) If the operation or facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

(4) If the operation or facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

(c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.

(d) In-vessel digestion operations and facilities that compost post-digestion solids shall be monitored as follows to ensure that the standards in Subdivision (b) of this section are met:

(1) Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.

(2) Temperature measurements for pathogen reduction shall be measured as follows:

(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;

(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.

(c) Alternative methods of compliance to meet the requirements of Subdivision (d) of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent temperature measurements. (Gore parking lot issue)


§ 17896.56. Physical Contamination Limits
(a) Products derived from compostable materials shall not contain more than 0.1% physical contaminants greater than 4 millimeters by weight. Products that contain more that 0.1% physical contaminants greater than 4 millimeters by weight shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction. Sample results must be received by the operator prior to removing product from the site.

(b) Upon request of the EA, a compostable material handling operation shall take a representative sample of product derived from compostable material and send to a laboratory at which physical
contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.

(c) All compostable material handling facilities shall take one representative sample for every 5,000 cubic-yards of product derived from compostable material and send to a laboratory at which physical contaminants greater than 4 millimeters shall be collected and weighed, and the percentage of physical contaminants determined.


Article 3.2 Reports of Facility Information

§ 18221.5.1 In-Vessel Digestion Facility Plan.

Each operator of a Medium Volume In-Vessel Digestion Facility, or Direct Transfer Facility that is required to obtain a Registration Permit, as set forth in sections 17403.4 and 17403.6 and Title 14, Division 7, Chapter 5.0, Article 3.0, (commencing with section 18100) shall, at the time of application, file an In-Vessel Digestion Facility Plan ("Plan") with the EA as required in section 17403.8 of this Title. In order to maintain the permit, the operator must file amendments as necessary to maintain the accuracy of the Plan. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. The Plan shall contain the following:

(a) name(s) of the operator, owner, and the company they represent, if applicable;

(b) schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;

(c) descriptive statement of the manner in which activities are to be conducted at the facility;

(d) days and hours that the facility is to operate. If the hours of waste receipt differ from the hours of material processing, each set of hours may be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;

(e) total acreage contained within the operating area;

(f) facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity;

(g) information showing the types and the daily quantities of solid waste to be received. If tonnage was figured from records of cubic yards, include the conversion factor used;

(h) description of the methods used by the facility to comply with each state minimum standard contained in sections 17406.1 through 17419.2;

(i) anticipated volume of quench or process water and the planned method of treatment, and disposal of any wastewater;

(j) description of provisions to handle unusual peak loading;

(k) description of transfer, recovery and processing equipment, including classification, capacity and the number of units;
(l) planned method for final disposal of the solid waste;

(m) planned method for the storage and removal of salvaged material;

(n) resume of management organization which will operate the facility.


§ 18221.6.1 In-Vessel Digestion Report.
Each operator of a Large Volume In-Vessel Digestion Facility that is required to obtain a Full Solid Waste Facility Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2, (commencing with section 21570) shall, at the time of application, file an In-Vessel Digestion Report ("Report") with the EA as required in section 17403.9 of this Title. In order to maintain an existing permit, the operator must file amendments as required in section 17403.9 of this Title and re-title the document as a Transfer/Processing Report. Such amendments, or lack thereof, may become the basis for changes in the permit or for revocation of the permit. A Report shall contain the following:

(a) name(s) of the operator, owner, and the company they represent, if applicable;

(b) facility specifications or plans, to include: a site location map, a site map, and identification of adjacent land uses and distances to residences or structures that are nearby and are within 1000 feet of the facility property line;

(c) schematic drawing of the building and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;

(d) descriptive statement of the manner in which activities are to be conducted at the facility;

(e) days and hours the facility is to operate. If the hours of waste receipt differ from the hours of material processing, each set of hours may be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;

(f) total acreage contained within the operating area;

(g) facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity;

(h) information showing the types and the daily quantities of solid waste to be received. If tonnage was figured from records of cubic yards, include the conversion factor used;

(i) description of the methods used by the facility to comply with each state minimum standard contained in sections 17406.1 through 17419.2;

(j) anticipated volume of quench or process water, and the planned method of treatment, and disposal of any wastewater;

(k) description of provisions to handle unusual peak loading;

(l) description of transfer, recovery and processing equipment, including classification, capacity and the number of units;

(m) planned method for final disposal of the solid waste;
(n) planned method for the storage and removal of salvaged material;
(o) resume of management organization which will operate the facility;
(p) list of permits already obtained, and the date obtained or last revised.

DRAFT LANGUAGE FOR DISCUSSION – Amend maximum allowable metal concentrations in compost to match federal regulations for biosolids applied to land.

The US Environmental Protection Agency (EPA) regulates the application of sewage sludge (biosolids) to land through its implementation of the federal Resource Conservation and Recovery Act of 1976, as amended (RCRA). When it adopted regulations governing compost and compost handling in 1993 (Register 93, No. 29), CalRecycle’s predecessor California Integrated Waste Management Board adopted certain of the federal standards applicable to biosolids and applied them to compost. Some years ago, EPA revised the maximum concentrations of certain metals allowed in biosolids that are land-applied (60 FR 54769, Oct. 25, 1995, codified at 40 CFR, Part 503, § 503.13(b)(3)(Table 3)). At that time, EPA eliminated chromium from the list of regulated metals and increased the amount of selenium allowed in biosolids applied to land. CalRecycle proposes to revise its regulations limiting the maximum concentrations of metals allowed in compost to reflect the changes adopted by EPA.

Proposed language:

Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements

Article 7. Environmental Health Standards

§ 17868.2. Maximum Metal Concentrations.

(a) Compost products derived from compostable materials that contain any metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction.

Table 2 -Maximum Acceptable Metal Concentrations

<table>
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<td>39</td>
</tr>
<tr>
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<td>1200</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>1500</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>300</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>17</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>420</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>36–100</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>2800</td>
</tr>
</tbody>
</table>

(b) Alternative methods of compliance to meet the requirements of Subdivision (a) of this section, including but not limited to sampling frequencies, may be approved by the EA for green and food materials composting operations and facilities if the EA determines that the alternative method will ensure that the maximum acceptable metal concentrations shown in Table 2 are not exceeded.
DRAFT LANGUAGE FOR DISCUSSION – Revise the definition of Agricultural Material by specifying that Agricultural Material has not been processed in a way that alters its essential character as a waste resulting directly from an agricultural activity.

The current definition of Agricultural Material is not clear relative to the term “processing”. Staff proposes to clarify that Agricultural Material is separated at the point of generation and has not been processed in a way that alters its essential character as a waste resulting directly from the conduct of an agricultural activity.

Proposed language:

CHAPTER 3.1. COMPOSTABLE MATERIALS HANDLING OPERATIONS AND FACILITIES REGULATORY REQUIREMENTS
ARTICLE 1. GENERAL
§ 17852. Definitions.
(a) For the purposes of this Chapter:

... 

(5) “Agricultural Material” means waste material of plant or animal origin, which results directly from the conduct of agriculture, horticulture, aquaculture, silviculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products and which is separated at the point of generation, including, but not limited to, manures, orchard and vineyard prunings, and crop residues. Agricultural material has not been processed in a way that alters its essential character as a waste resulting directly from growing plants or raising livestock or other animals for food, fiber and other purposes. Agricultural material does not contain any other solid waste. Agricultural material does not include food material or vegetative food material, as defined in this section 17852.

...

DRAFT LANGUAGE FOR DISCUSSION- Revise exclusions in § 17855 to facilitate small-scale composting of food material.

Current regulations do not address the various types of small-scale composting activities. Staff proposes to revise exclusions to facilitate composting of food material and vegetative food material at non-commercial sites, such as community gardens and schools.

Proposed language:

CHAPTER 3.1. COMPOSTABLE MATERIALS HANDLING OPERATIONS AND FACILITIES REGULATORY REQUIREMENTS

ARTICLE 2. REGULATORY TIERS FOR COMPOSTING OPERATIONS AND FACILITIES

§ 17855. Excluded Activities.

(a) Except as provided otherwise in this Chapter, the activities listed in this section do not constitute compostable material handling operations or facilities for the purposes of this Chapter and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the board- CalRecycle from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(4) Composting Handling of green material, and a limited amount of food material and vegetative food material, feedstock, additives, amendments, compost, or chipped and ground material is an excluded activity if the total amount of feedstock and compost on-site at any one time does not exceed 500 cubic yards or less is on-site at any one time, the compostable materials are feedstock is generated on-site, and if no more than 1,000 cubic yards of compost materials are either sold or given away annually. For the purposes of this exclusion, the compostable material feedstock may also include contain any combination of up to 10% food material and vegetative food material not exceeding 20% of the feedstock on-site at any time, calculated by volume.

(6) Non-commercial Composting is an excluded activity if the total amount of food material and vegetative food material on-site at any time does not exceed with less than one cubic yard, of food material is excluded provided that all compostable material all feedstock is generated on-site, and all of the resulting compost is used on-site.

(10) Composting green material and vegetative food material at a shared, community garden space or at a school is an excluded activity if the total amount of material on-site at any time does not exceed five cubic yards, and all of the resulting compost is used at the shared, community garden or at the school.
# APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS

**NOTE:** This form has been developed for multiple uses. It is the transmittal sheet for documents required to be submitted to the appropriate agency. Please refer to the attached instructions for definitions of terms and for completing this application form in a complete and correct manner.

## Part 1. GENERAL INFORMATION

### A. ENFORCEMENT AGENCY:

### B. COUNTY:

### C. TYPE OF APPLICATION (Check one box only):

- [ ] 1. NEW SWFP and/or WDRS
- [ ] 2. REVISION OF CHANGE TO SWFP and/or WDRS
  - [ ] REVISION
  - [ ] MODIFICATION
  - [ ] OTHER (As authorized by law)
- [ ] 3. EXEMPTION and/or WAIVER
- [ ] 4. PERMIT REVIEW
- [ ] 5. AMENDMENT OF APPLICATION
- [ ] 6. RF/ROWD/JTD AMENDMENTS

## Part 2. FACILITY DESCRIPTION

### A. NAME OF FACILITY:

### B. LOCATION OF FACILITY:

1. PHYSICAL ADDRESS OR LOCATION AND ZIP CODE:

2. LATITUDE AND LONGITUDE:

3. LEGAL DESCRIPTION OF PERMITTED BOUNDARY BY SECTION, TOWNSHIP, RANGE, BASE, AND MERIDIAN, IF SURVEYED:

### C. TYPE OF ACTIVITY: (Check applicable boxes):

- [ ] 1. DISPOSAL
- [ ] 2. COMPOSTABLE MATERIALS HANDLING
- [ ] 3. TRANSFORMATION
- [ ] 4. TRANSFER/PROCESSING FACILITY
- [ ] 5. C&D/INERT DEBRIS PROCESSING
- [ ] 6. IN-VESSEL DIGESTION
- [ ] 7. OTHER (describe):

### D. IDENTIFICATION OF FACILITY IN CIWMP | CONFORMANCE FINDING | INFORMATION (CIWMP):

- [ ] 1. FACILITY IS IDENTIFIED IN (Check one):
  - [ ] SITING ELEMENT
  - [ ] NONDISPOSAL FACILITY ELEMENT

- [ ] 2. FACILITY IS NOT REQUIRED TO BE IDENTIFIED IN SITING ELEMENT OR NONDISPOSAL FACILITY ELEMENT

### E. TYPE OF PERMITTED WASTES TO BE RECEIVED: (Check applicable boxes):

- [ ] 1. AGRICULTURAL
- [ ] 2. ASBESTOS o Friable o Non-friable
- [ ] 3. ASH
- [ ] 4. AUTO SHREDDER
- [ ] 5. COMPOSTABLE MATERIAL (describe):
- [ ] 6. CONSTRUCTION/DEMOLITION
- [ ] 7. CONTAMINATED SOILS
- [ ] 8. DEAD ANIMALS
- [ ] 9. INDUSTRIAL
- [ ] 10. INERT
- [ ] 11. LIQUIDS
- [ ] 12. MIXED/MUNICIPAL SOLID WASTE (MSW)
- [ ] 13. SEWAGE SLUDGE
- [ ] 14. WASTE TIRES
- [ ] 15. OTHER (describe):
### Part 3. FACILITY INFORMATION

#### A. PROPOSED CHANGE (Check applicable box(es)):

- [ ] DESIGN (describe): __________________________________________________________________________
- [ ] OPERATION (describe): ________________________________________________________________________
- [ ] OWNER, OPERATOR, ADDRESS AND/OR FACILITY NAME CHANGE (describe): ________
- [ ] OTHER (describe): ______________________________________________________________________

#### B. FACILITY INFORMATION:

1. INFORMATION APPLICABLE TO ALL FACILITIES

   a. PEAK DAILY TONNAGE OR CUBIC YARDS
      - 1) DISPOSAL/TRANSFER (unit): __________________________________________________________________
      - 2) OTHER (unit): ___________________________________________________________________________

   b. DAILY DESIGN TONNAGE (TPD):
      __________________________________________________________________________________________

   c. FACILITY SIZE (acres):
      __________________________________________________________________________________________

   d. PEAK TRAFFIC VOLUME PER DAY (vpd):
      __________________________________________________________________________________________

   e. DAYS AND HOURS OF OPERATION:
      __________________________________________________________________________________________

2. PROPOSED CHANGE(S) OR INFORMATION APPLICABLE TO NEW SWFP and/or WDR:

   a. MAXIMUM DAILY TONNAGE OR CUBIC YARDS
      - 1) DISPOSAL/TRANSFER (unit): __________________________________________________________________
      - 2) OTHER (unit): ___________________________________________________________________________

   b. DAILY DESIGN TONNAGE (TPD):
      __________________________________________________________________________________________

   c. FACILITY SIZE (acres):
      __________________________________________________________________________________________

   d. PEAK TRAFFIC VOLUME PER DAY (vpd):
      __________________________________________________________________________________________

   e. DAYS AND HOURS OF OPERATION:
      __________________________________________________________________________________________

   f. OTHER:
      _________________________________________________________________________________________

#### 23. ADDITIONAL INFO. REQUIRED FOR COMPOSTINGABLE MATERIALS HANDLING FACILITIES ONLY:

   a. SITE STORAGE CAPACITY (cu yds):
      _________________________________________________________________________________________

#### 34. ADDITIONAL INFORMATION REQUIRED FOR LANDFILLS ONLY

   a. AVERAGE DAILY TONNAGE (TPD):
      _________________________________________________________________________________________

   b. SITE CAPACITY CURRENTLY PERMITTED (Airspace) (cu yds):
      _________________________________________________________________________________________

   c. SITE CAPACITY PROPOSED (Airspace) (cu yds):
      _________________________________________________________________________________________

   d. SITE CAPACITY USED TO DATE (Airspace) (cu yds):
      _________________________________________________________________________________________

   e. SITE CAPACITY REMAINING (Airspace) (cu yds):
      _________________________________________________________________________________________

   f. DATE OF CAPACITY INFORMATION (Date) (See instructions):
      _________________________________________________________________________________________

   g. LAST PHYSICAL SITE SURVEY (Date):
      _________________________________________________________________________________________

   h. ESTIMATED CLOSURE DATE (month and year):
      _________________________________________________________________________________________

   i. DISPOSAL FOOTPRINT (acres):
      _________________________________________________________________________________________

   j. SITE CAPACITY PLANNED (cu yds):
      _________________________________________________________________________________________

   k. 1. (i) IN-PLACE WASTE DENSITY (lbs of waste per cu yd of waste):
      _________________________________________________________________________________________
AND
(ii) WASTE-TO-COVER RATIO (Estimated) (v:v)

OR
2. AIRSPACE UTILIZATION FACTOR (tons of waste per cu yd of landfill airspace)

Part 4. SOURCE OF WATER SUPPLY (Check applicable boxes)

☐ A. MUNICIPAL OR UTILITY SERVICE: ______________________________

☐ B. INDIVIDUAL (wells): ______________________________

☐ C. SURFACE SUPPLY:

1. NAME OF STREAM, LAKE, ETC.: ______________________________

2. TYPE OF WATER RIGHTS:

☐ RIPARIAN

☐ APPROPRIATION

3. STATE PERMIT OR LICENSE NUMBER, IF APPLICABLE: ______________________________
### Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

(If applicable boxes)

**A.** Check box(es) if environmental document was or will be prepared for this project and provide the state clearinghouse number (SCH#):

- [ ] Environmental Impact Report (EIR) SCH#
- [ ] Negative Declaration (ND)/Mitigated Negative Declaration (MND) SCH#
- [ ] Addendum to (identify environmental document) SCH#

**B.** If environmental document(s) was not prepared, please provide the following information:

- [ ] Categorical/Statutory Exemption (CE/SE) Exemption Type GUIDELINE #

### Part 6. LIST OF ATTACHMENTS

(Fill in the date for each document checked)

**A.** Required with all application submittals:

- [ ] RFI/JTD
- [ ] Local Use/Planning Permits
- [ ] Location Map
- [ ] Mitigation Monitoring Implementation Schedule, Reporting Prog
- [ ] List of Public Hearings and Other Meetings Open to the Public

**B.** Additional required documents for landfills only:

- [ ] Operating Liability Financial Mechanism
- [ ] Closure/Post Closure Maintenance Plan
- [ ] Preliminary
- [ ] Final
- [ ] Financial Responsibility Documentation
- [ ] Known or Reasonably Forseeable Corrective Action Cost Estimates
- [ ] Landfill Capacity Survey Results (see instructions)

**C.** If applicable:

- [ ] Report of Waste Discharge
- [ ] Contract Agreements
- [ ] Stormwater Permit Application
- [ ] NPDES Permit Application
- [ ] Other

### Part 7. OWNER INFORMATION

(For disposal site, if operator is different from land owner, attach lease or other agreement)

- **Type of Business:**
  - [ ] Sole Proprietorship
  - [ ] Partnership
  - [ ] Corporation
  - [ ] Government Agency

- **Owner(s) of Land**
  - Name:
  - SSN or Tax ID #
  - Address, City, State, Zip
  - Telephone #:
  - Fax #:
  - E-mail Address:
  - Contact Person (Print Name):
Part 8. OPERATOR INFORMATION (For disposal site, if operator is different from land owner, attach lease or other agreement)

TYPE OF BUSINESS:

☐ SOLE PROPRIETORSHIP  ☐ PARTNERSHIP  ☐ CORPORATION  ☐ GOVERNMENT AGENCY

FACILITY OPERATOR(S)  (Name):

☐ SSN OR TAX ID #:

ADDRESS, CITY, STATE, ZIP

TELPHONE #:

FAX #:

E-MAIL ADDRESS:

CONTACT PERSON (Print Name):

ADDRESS WHERE LEGAL NOTICE MAY BE SERVED:

Part 9. SIGNATURE BLOCK

Owner:

I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application and understand that I may be responsible for the site should the operator fail to meet applicable requirements.

SIGNATURE (LAND OWNER OR AGENT):

PRINTED NAME:

TITLE:  DATE:

Lessee:

I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application.

SIGNATURE (LESSEE):

PRINTED NAME:

TITLE:  DATE:

Operator:

I certify under penalty of perjury that the information contained in this application and all attachments are true and accurate to the best of my knowledge and belief.

SIGNATURE (FACILITY OPERATOR OR AGENT):

PRINTED NAME:

TITLE:  DATE:

Part 10. OTHER  (Attach additional sheets to explain any responses that need clarification).
NEW
INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR
SOLID WASTE FACILITY PERMIT/AND WASTE DISCHARGE REQUIREMENTS

This application form is for a Solid Waste Facility Permit (SWFP) and/or Waste Discharge Requirements (WDRs) to receive, store, process, transform, or dispose of solid waste regulated by the California Integrated Waste Management Board (CIWMB)-Department of Resources Recycling and Recovery (CalRecycle)/ and Local Enforcement Agencies (LEAs) and/or California Regional Water Quality Control Boards (RWQCBs), and for related purposes. The Application is to be used for both new and revised permits, changes to existing SWFPs, WDRs, and supporting documents (e.g., Reports of Facility Information, Reports of Waste Discharge), and expansions for SWFP Reviews. All Applications must be filled out completely and correctly. Check with the applicable EA or RWQCB for specific permit requirements and/or exemptions. This form Submit the Application and the filing fees should be sent to the appropriate agency(ies) indicated below:

<table>
<thead>
<tr>
<th>FORM TYPE / USE</th>
<th>APPROPRIATE AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for a Solid Waste Facility Permit</td>
<td>CIWMB/LEA</td>
</tr>
<tr>
<td>Report of Waste Discharge /and WDRs</td>
<td>RWQCB</td>
</tr>
</tbody>
</table>

If you have any questions on the completion of how to complete this form, please contact the appropriate agency(ies) for assistance. You can download this form from the CIWMB-CalRecycle website at http://www.ciwmb.ca.gov/LEACentral

NOTE: For direct discharge (point source discharge) to surface waters, a different application form is required in place of this form. Please contact the appropriate Regional Water Quality Control Board RWQCB for a National Pollutant Discharge Elimination System (NPDES) application form to apply for a permit for this type of direct discharge.

Upon receipt by the applicable RWQCB, this Application for Solid Waste Facility Permit/Waste Discharge Requirements provides initial notice of a waste discharge. In most instances, additional information will be required, and should be submitted on 8 ½" X 11" paper. Submit two copies of the completed form Application and of any required report(s), and filing fee to the Enforcement Agency (EA). Submit one copy of the form Application and any additional reports required by the RWQCB report and filing fee to the RWQCB. The agency(ies) will advise you of any additional information that may be required to complete this Application and waste disposal report.

You will be notified of the effective date of the application by each agency.

The Applicant shall submit this Application in a form and format required by the EA.

AMOUNT OF FILING FEES

- EA - The enforcement agencies shall determine the exact fee. Contact the EA for fee information.
- RWQCB - Use flow or units reported in Part 4 (application form) and the appropriate class schedule A, B, B1, B3, or C (attached filing fee schedule).
FOR OFFICIAL USE ONLY (CIWMB-CalRecycle/LEA/RWQCB staff)

SWIS Number: The Solid Waste Information System (SWIS) number assigned to the facility by CIWMB CalRecycle staff.

Filing Fee: The amount of filing fee submitted by the applicant.

Receipt Number: The number assigned to the Application by CIWMB-CalRecycle/LEA/RWQCB staff.

Date Received: The date the EA receives the Application package is received from the applicant (Title 27, section 21650(a)).

Date Accepted: The date the EA accepts the Application package for filing (Title 27, section 21650(a)).

Date Rejected: The date the EA determines that the Application package is rejected (Title 27, section 21650(d)).

Date of Acceptance of Incomplete Application: The date the EA accepts an incomplete Application package as incomplete (Title 27, section 21580).

Due Date: 180 days from the date the application was accepted as incomplete (Title 27, section 21580).

Part 1. GENERAL INFORMATION

A. Enforcement Agency: Enter the name of the EA.

B. County: Enter the name of the county or counties in which the facility is located.

C. Type of Application: Check the box (one box only) that describes the reason the Application is being submitted, as follows:

1. New SWFP and/or WDRs: A facility that does not have a current full-SWFP or WDRs.

2. Revision of Change to SWFP and/or WDRs: Applicant is proposing to make a change to the design or operation of the facility. (Title 27, section 21620)

3. Exemption and/or Waiver: The facility is exempted from a full SWFP pursuant to Title 27, section 21565 and/or WDRs have been waived.

4. Review: To comply with the five-year permit review requirement (Title 27, section 21640).

5. Amendment of Application: If the applicant changes any of the information required in the Application after the application package it has been submitted and before the EA has acted on the Application issuance or denial of the permit or alteration thereof, the applicant changes any of the information required in the application package. (Title 27, section 21610)

6. RFI/ROWD/JTD Amendments: For existing permitted facilities, when an owner/operator proposes to make minor changes in design or operation supported by an existing or new CEQA documentation. The application package is submitted to the EA and/or RWQCB to determine if the proposed change(s) can be allowed without an application for a revision. A change to the Report of Facility Information, Report of Waste Discharge, or Joint Technical Document that does not require a change to the SWFP or WDRs.

Part 2. FACILITY DESCRIPTION

A. Name of Facility: The name as it is to be listed on the SWFP and/or the WDRs.

B. Location of Facility:

1. The physical address of the facility or, if no address, a description of the location. Include the Assessor’s Parcel Number, directions to the location of the facility and the name of the nearest city or named place, i.e. mountain, lake, cross roads, etc. Provide the zip code for the actual facility location, not the mailing address.

2. Latitude and longitude is to be submitted in Degrees, Minutes, and Seconds, or Decimal Degrees identifying the center of the waste footprint for existing or proposed disposal sites and identifying the office or main gate for all other facilities (e.g., transfer station, composting facility, etc.). Use of a GPS instrument is recommended. It indicates the center of the waste footprint, existing or proposed, for disposal sites, and the office or gate for all other facilities (i.e., transfer, composting, etc.).
3. Map or sketch should be to a scale adequate to show the precise location of the permitted boundary. Use of a portion of a U.S.G.S. Quadrangle map is recommended. Map must show proximity of disposal location to populated areas and must indicate all wells and drainage courses within 1,000 feet of any disposal point. The map must include approaches and/or access roads, streets, and/or highways. The legal description shall include the applicable portions of the section(s) of the township, range, base, and meridian. The facility shall have permanent monuments or other physical features that adequately delineate the permitted boundary in the field.

C. Type Of Activity: Check all that apply or will apply for the type of facility covered under this Application package.
   1. Disposal: A facility that includes a place, location, tract of land, area, or premises in use, intended to be used, or which has been used, for landfill disposal of solid waste; and
      a. Type: The type of disposal facility, such as, mono-fill monofil, C&D/inert, municipal solid waste.
   2. Composting: Check all that apply for the type of composting facility, e.g. green waste, food waste, biosolids, or MSW.
      a. Type: The type of composting facility, e.g. green waste, food waste, biosolids, or MSW.
   3. Transformation: A facility that at which solid waste is incinerated, or subject to pyrolysis, distillation, or biological conversion other than composting. Transformation does not include composting, gasification, or biomass conversion.
   4. Transfer/Processing Facility: A facility that receives, handles, stores, separates, converts or otherwise processes materials in solid waste; and/ or transfers solid waste directly from one container to another or from one vehicle to another for transport; and/or store solid waste. For Informational Purposes Only: Check the box if recyclable materials are recovered prior to transfer/processing.
   5. Construction and Demolition/Inert Debris Processing: A facility that receives Construction and Demolition Debris and/or Inert Debris for the purpose of controlled separation, recovery, volume reduction, or recycling.
   6. In-Vessel Digestion: PLACE DESCRIPTION OF IN-VESSEL DIGESTION HERE
   7. Other: An activity authorized by law not listed above.

D. Identification of Facility in CIWMP [Conformance Finding Information] (CIWMP-Title 27, section 21570(f)(5)):
   1. If the location of the facility is identified in either a Countywide Siting Element or a Nondisposal Facility Element, check the appropriate box, and fill in the date of the document and the page on which the facility is identified. If you do not currently have this information, you may obtain it from the jurisdiction in which the facility is located.
   2. If the facility is a Transfer Station that will divert less than 5% of the material that it receives, it is not required to be identified in either a Countywide Siting Element or a Nondisposal Facility Element and you should check the appropriate box.

E. Type Of Permitted Wastes To Be Received: Check all that apply for the type of material covered under this Application package:
   1. Agricultural: Wastes resulting directly from the production and processing conduct of farm or agricultural products activities, including, but not limited to, manures, prunings, and crop residues.
   2. Asbestos: A naturally occurring family of carcinogenic fibrous mineral substance. The State Department of Health Services has classified friable wastes which contain more than one percent or more asbestos by weight as hazardous wastes. Friable means that the material can be crumbled with pressure and, therefore, is likely to emit fibers. Indicate whether the asbestos is friable or non-friable by checking the appropriate box.
   3. Ash: The residue from the incineration of solid wastes, including, but not limited to, municipal waste, infectious medical waste, woodwaste, and agricultural waste.
   4. Treated Auto Shredder Waste: The "fluff" consisting of upholstery, paint, plastics, and other non-metallic substances that remains after the shredding of automobiles, discarded household major appliances, and sheet metal similar items. The State Department of Health Services has classified untreated shredder wastes as hazardous.
   5. Compostable Material: Any organic material that when accumulated will become active compost. Describe the types of compostable materials to be received.
7. **Contaminated Soil**: Waste which contains designated or nonhazardous concentrations and has been determined to be a waste that requires regulation by the RWQCB or Local Oversight Agency Soil that the RWQCB or the Local Oversight Agency has classified as a designated waste.

8. **Dead Animals**: Animal carcasses requiring disposal that have **not** been previously used for medical purposes and are not known to have been infected or with known infectious diseases.

9. **Industrial**: Solid or semi-solid wastes resulting from industrial processes and manufacturing operations, e.g. cement kiln dust, ore process residues, grit or screenings removed from a waste water treatment facility, etc.

10. **Inert**: Solid waste and recyclable materials that are source separated or separated for reuse, do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives and do not contain significant quantities of decomposable waste. Inert debris may not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the putrescible wastes do not constitute a nuisance, as determined by the EA.

11. **Liquids**: Wastes which are not spadeable, usually containing less than 50% solids. These wastes include canning and food processing wastes, landfill leachate and gas condensate, boiler blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings, rendering plant byproducts, some sewage sludge, etc.

12. **Mixed or Municipal Solid Waste (MSW)**: Solid waste generated primarily by residential and commercial refuse sources, garbage and/or rubbish although it may contain insignificant amounts of other solid waste that, when mixed together, is all handled as MSW. Residential waste is commonly thought of as household garbage, commercial waste contains less putrescible waste and more paper and cardboard.

13. **Sewage Sludge**: Human (not industrial) residue, excluding grit or screenings, removed from a wastewater treatment facility or septic tank, whether in a dry or semidry form.

14. **Waste Tires**: Discarded tire casings. Tires that are no longer mounted on a vehicle and are no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer's original specifications including, repairable tires, scrap tires, altered tires, and used tires that are not organized for inspection in a rack or a stack.

15. **Other**: Any allowable wastes not included in the above.

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**Part 3. FACILITY INFORMATION**

**A. Proposed Change**: Check the box that identifies the type of change proposed. Briefly describe the proposed change in the space provided.

1. **Design Change**: A design change would include but is not limited to change in footprint, acreage, additional capacity, site improvements, etc.

2. **Operation**: A change in operation would include but is not limited to change in hours or days of operation, the addition of an activity, tonnage changes, etc.

3. **Owner, Operator, Address, and/or Facility Name Change**: Complete if there is a change in the owner, operator, address, or facility name.

4. **Other**: This type of change includes, but is not limited to, change in emergency contact list, etc. For an application for permit review, if there are no changes, so indicate.

**AB. Facility Information**

1. **Information Applicable To All Existing Facilities**: This portion of Part 3 of the Application must be filled out by every applicant regardless of the type of facility.

   a. **Peak Maximum Daily Tonnage or Cubic Yards**: The peak (maximum) total amount of solid waste and other material the facility/applicant is permitted authorized by the EA to receive through the gate to store, process, transfer, beneficially reuse, recycle or dispose per day. This amount shall be expressed in tons; if tonnage is not available or not applicable provide this specify the amount in cubic yards with a conversion factor. This will be referred to as the “permitted maximum tonnage” and is considered the facility maximum tonnage limit. This amount must be consistent with the approved SWFP and the approved Report of Facility Information (RFI) and any California Environmental Quality Act (CEQA) existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Volume figures should be
converted to tons and the conversion factor should be documented in the accompanying RFI. Applicants for new SWFP and/or WDRs enter zeros (0) in all items of this section.

1. Disposal/Transfer: The amount of material—solid waste that comes through the gate and is disposed of on-site or transferred off-site as waste; and

2. Other: That amount of all other material received at the site, including, but not limited to, material that is recycled, or used for beneficial use/beneficially reused (such as ADC, road building or other on-site projects), stored or processed. Note: 4 and 2. The two amounts in (1) and (2) should equal the peak maximum daily tonnage or cubic yards.

b. Daily Design Tonnage (TPD): For landfills, the maximum daily tonnage of waste and material that the facility is designed to receive on an ongoing basis over an extended period of time based on appropriate factors including, but not limited to, size of working face, vehicle traffic considerations, hours of operation, etc. For other facilities, it is the maximum amount of waste and material the facility is designed to handle at any one time based on appropriate factors including, but not limited to, vehicle traffic consideration, facility size, hours of operations, length of material storage, type of equipment and movement, etc. Design tonnage may be equal to or greater than the peak maximum daily tonnage.

c. Facility Size: The area that encompasses the entire area on which solid waste facility activities are authorized by the EA to occur and are permitted. This includes the area of the facility in acres to be used for specific purposes such as receiving, storing, processing, disposing of wastes, and managing equipment management area, or any area that is required to maintain compliance with the design and operating parameters of the facility. The facility size is the same as “operating area” for composting material handling facilities, “permitted acreage” or the area within the “permitted boundaries” for transfer/processing facilities and landfills.

d. Peak Traffic Volume Per Day (vpd): The estimated maximum number of vehicles that will be authorized by the EA to enter the facility on a daily basis. This number should include not only waste vehicles, but all vehicles, laden or empty, entering the facility gate, including vehicles transporting solid waste, personnel vehicles and vehicles transporting cover material or material intended for beneficial use. This number must be consistent with the approved RFI and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was conducted at the time the application was submitted.

e. Days and Hours of Operation: The days and hours that the facility is authorized by the EA to operate and the hours of waste receipt authorized by the EA if different from the hours of operation. This information must be consistent with the approved RFI and any CEQA existing compliance documentation and/or within the scope of the analysis in a CEQA review, if any, that was being conducted at the time the application was submitted. Any activities that are limited to prescribed days and/or hours should be fully described in the RFI.

2. Proposed Change(s) or Information Applicable to New SWFP and/or WDRs: This portion of the Application must be filled out by every applicant requesting a change to any item(s) listed under Part 3.A.1 and every applicant submitting an application for a new SWFP and/or WDRs (see Part 3.A.1, for a description of the terms used). The requests must be consistent with an RFI submitted as part of the Application. The EA will review the requests and establish the terms and conditions of a proposed SWFP for those requests that are supported by documents submitted by the applicant. The RWQCB will review the requests and establish the terms and conditions of tentative WDRs for those requests that are supported by documents submitted by the applicant. Use the “OTHER” section to describe design or operational requests not already specified in this Part 3.A.2.

23. Additional Information Required For Compostable Materials Handling Facilities Only: This portion of Part 3, Section B2, in addition to Part 3, Section B1, the Application must be filled out by the applicant if composting-handling compostable materials is part of this Application.

a. Site Storage Capacity: The total capacity in tons or cubic yards of all feedstock and compost (active, curing, and cured) material that can be stored on-site at any one time.

34. Additional Information Required For Landfills Only: This portion of Part 3, Section B3, in addition to Part 3, Section B1, the Application must be filled out by the applicant if a landfill is part of this Application. All sections of the Application must be filled out completely. 

a. Average Daily Tonnage (TPD): The estimated average waste tonnage expected to be received placed in a waste management unit for each operating day on a yearly basis (calendar year) for the next five
years. Do not use non-operating days in estimating/determining the average daily tonnage. This average daily tonnage can be equal to but may not exceed the peak daily tonnage. Report as tons per day (TPD).

b. **Site Capacity Currently Permitted (Airspace) (cu yds):** The volume contained between the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to the top of the final cover) taking into consideration design slopes, benches, and other design features, as authorized by the current SWFP. Site Capacity means the same as Total Site Capacity or Gross Site Capacity.

c. **Site Capacity Proposed (Airspace) (cu yds):** Additional site capacity (airspace) requested or potentially resulting from this permit application.

d. **Site Capacity Used To Date (Airspace) (cu yds):** The volume of permitted site capacity used to date. See Date of Capacity Information below.

e. **Site Capacity Remaining (Airspace) (cu yds):** The total volume of permitted site capacity remaining, not including any proposed site capacity. If the remaining capacity information provided is based on estimates of capacity used since the last physical site survey, please explain the methodology used in preparing the estimates, e.g., weight-to-volume conversion, in-truck volume, etc. See Date of Capacity Information below.

f. **Date Of Capacity Information (date):** The date as of which the remaining and used site capacities in Part 3 were determined. This date may predate the Application date by no more than three months. Amendments of the Application including more current capacities may be required.

g. **Last Physical Site Survey (date):** Date when the last aerial or ground survey was conducted upon which the capacity information presented in Part 3 is based in whole or in part. (see Part 6, Section B for more details).

h. **Estimated Closure Date (month and year):** The closure date estimated based on remaining waste capacity, average disposal volume, waste-to-cover ratio, days of operation, and other appropriate factors. Please note if the closure date is controlled by factors other than waste capacity (e.g., conditional use permit date, etc.)

i. **Disposal Footprint (acres):** The permitted area where waste will be or has been placed. This will be referred to as "permitted disposal area".

j. **Site Capacity Planned (cu yds):** The estimated additional site capacity (in cubic yards) based upon any planned expansions not currently proposed, whether within or outside the current permitted boundary.

k. Provide one of the following:
   1. (i) **In-place Waste Density (lbs of waste per cubic yard of waste).** The in-place waste density is the estimated or measured density of in-place waste material achieved by mechanical or other means in the development of the current lift of the current operating waste cell, and

   (ii) **Waste-to-Cover Ratio (estimated) (volume:volume).** The waste-to-cover ratio estimate is a unitless expression of the proportion of the volumes of waste and cover that comprise a volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate should include only soil or approved daily or intermediate alternative cover that is not considered a waste material, i.e., payment of fees to the CIWMB-CalRecycle is not required. The waste portion of the waste-to-cover ratio estimate should include only waste material for which payment of fees to the CIWMB-CalRecycle is reported, or

   2. **Airspace Utilization Factor (tons of waste per cubic yard of landfill airspace).** The airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is recorded as the total weight of waste material passing over the landfill scales that is placed in a known volume of landfill airspace in a given period of time. The waste portion of the AUF should include only waste material for which payment of fees to the CIWMB-CalRecycle is reported.

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**Part 4. SOURCE OF WATER SUPPLY** (This is water used for any purpose at the facility)

**A. Municipal or Utility Service:** Give name and address of the water purveyor.

**B. Individual Wells:** Identify those wells that are not part of a municipal or utility service.

**C. Surface Supply:**

1. Provide the name of any stream, lake, spring, etc, if identified.
2. Type of water rights: Check appropriate box to indicate riparian or appropriation.
3. If a state permit or license has been granted, give identification number.

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A. Check the appropriate box(es) if an environmental document was, or is going to be, prepared and circulated through the State Clearinghouse (SCH) to comply with the requirements of CEQA.
   • If an environmental document has already been prepared and circulated through the SCH and there is an SCH number, please write this number in the appropriate blank following the box that is checked.
   • If an environmental document has not yet been circulated through the SCH and no SCH number has been assigned to the environmental document yet, please check the box for the type of environmental document that is anticipated to be prepared and circulated through the SCH and write N/A in the appropriate blank for “SCH#.”
   • If the “ADDITION TO (Identify environmental document)” box is checked, please provide the type of environmental document that the addendum was prepared for along with the SCH number.
   EXAMPLE ONLY:
   If the environmental document is an environmental impact report (EIR), write “EIR” and include the dates that the EIR was circulated (i.e. from what date to what date). Also, please provide the SCH number for the EIR.

B. If an environmental document was not, and is not planned to be, prepared because it is not required to comply with the requirements of CEQA, please provide the requested information by checking the appropriate box to indicate why an environmental document is not required for CEQA.
   • If the “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” box is checked, please provide the CEQA Guidelines Section number and citation for the exemption.
   EXAMPLE ONLY:
   A class I categorical exemption from the requirements of CEQA might be cited in the case of a minor repair to an existing facility. Therefore, check the box that says “CATEGORICAL/STATUTORY EXEMPTION (CE/SE)” and write the following in the blank after the box: “CEQA Guidelines, Section 15301, Class I Categorical Exemption.”

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

All attachments are necessary parts of the Application and are incorporated herein.

A. Section A of Part 6 must be completed by all applicants regardless of the type of facility.

B. Section B of Part 6 is additional documents required to be completed only by landfill applicants only for disposal facilities.
   • Operating Liability Financial Mechanism: The date the demonstration was last modified or renewed. That date must be within the preceding twelve-month (annual renewal) period. For example, a Certificate of Insurance (CalRecycle CIWMB 107) has an “effective date” identified on the certificate. This date should and must be within the preceding twelve-month (annual renewal) period.
   • Financial Responsibility Documentation: The financial mechanism will be a document, (i.e., letter of credit, surety bond, trust fund statement of value, enterprise fund value (balance) statement, etc.) identifying the current dollar value of the demonstration and the date of the stated value. The date of the stated value should be within the preceding twelve-month (annual renewal) period.
   • Closure/Post Closure Maintenance Plan: The closure and postclosure maintenance plans are those plans required by Title 27, Sections 21780 and 21865 as applicable.
   • Known or Reasonably Foreseeable Corrective Action Cost Estimates: A copy of the water release corrective action cost estimate and a copy of the non-water release corrective action cost estimate, as required by Title 27, sections 22100 through 22103.
   • Landfill Capacity Survey Results: For disposal sites facilities permitted to receive more than 20 tons per day, a ground or aerial survey is to be prepared at least every five years or more frequently as determined by the enforcement agency-EA. For disposal sites facilities permitted to receive 20 tons per day or less,
a ground or aerial survey must be prepared at least once every ten years. If not previously submitted, survey results must be included with this application. Survey results must be submitted as a CADD or vector graphics data file including at least two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum showing the existing and finished ground surfaces. For disposal sites where a change in permitted volume is proposed, a third stratum showing the base and proposed finished ground surfaces must be included. For each stratum the following information shall be included: site name, stratum name, surface1 name, surface2 name, volume calculation method (grid, composite, section), expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be reported in cubic yards. (Title 27, section 21570(f)(10)). If the base ground surface is uncertain, the operator is allowed to provide the best available information as a substitute for the actual as-built contours. If selecting this substitute method, the operator must provide an explanation of the basis for using the substitute base ground surface.

For the purposes of this section the following definitions apply:

A1. "base ground surface" - the best available excavation plan surface that existed prior to the placement of any waste;
B2. "CADD" - computer aided design and drafting;
C3. "compaction (fill) factor" - the factor used to correct for expected compaction of fill material; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;
D4. "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the upper surface;
E5. "existing ground surface" - the topography that exists at the time of the subject survey;
F6. "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;
G7. "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
H8. "finished ground surface" - the final fill plan surface as shown in the approved closure plan for the disposal site;
I9. "net volume" - the fill volume less the cut volume;
J10. "site name" - the name of the disposal site for which the survey information is being submitted;
K11. "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified upper and lower surfaces;
L12. "stratum name" - a descriptive name for the stratum for which volumetric information is being submitted, e.g., total volume including proposed expansion;
M13. "surface names" - names for the pair of surfaces that define a named stratum, e.g., base ground surface and proposed finished ground surface;
N14. "survey" - a comprehensive examination of the disposal site under the direction of a registered civil engineer or a licensed land surveyor for purposes of determining the topography of the base, existing and finished ground surfaces, and the volumes bound by those surfaces;
O15. "vector graphics" - computer generated images comprised of lines and shapes of given origin, direction, thickness, color and other attributes;
P16. "volume calculation method" - grid, composite, section or other method approved by the enforcement agency EA;

C. In Section C of Part 6, specify any additional documents required only if applicable for the type of facility to be covered under this application as required by the EA or RWQCB. Under “Other,” identify and list any other necessary documents not included specified above but that are required by the EA or RWQCB under applicable law, such as, if the operator is different from landowner, attach a lease or franchise or other agreement documenting the operator’s interest in and right to use the site as a solid waste facility real property. Another example would be if there is a contract operator then a copy of the contract between the permitted operator and contract operator and etc.
Part 7. OWNER INFORMATION:

**Type of Business**: Specify if the business owner of the facility that is the subject of the Application is a sole proprietorship, partnership, corporation, or government public agency.

**Owner of Land**: The person(s) that owns, in whole or in part, the land on which the facility is located.

**Address, City, State, Zip**: Provide the address, city, state, and zip code for the facility owner(s).

**SSN or Tax ID #**: Provide the SSN or tax identification number for the land owner(s).

**Telephone #, Contact Person, Fax #, and E-mail Address**: Provide the telephone number, fax # number, and e-mail address, and print the contact name.

**Address Where Legal Notice May Be Served**: Provide the name and address of the person authorized to accept service for each owner of the facility where legal notice may be served.

Part 8. OPERATOR INFORMATION:

**Type of Business**: Specify if the business operator filing this Application is a sole proprietorship, partnership, corporation, or government public agency.

**Facility Operator**: The person(s) (e.g., individual(s), partnership, corporation, or public agency) to whom the approval to operate the facility is granted, and who is responsible for the overall operation of the facility including but not limited to, complying with regulatory requirements, complying with all applicable federal, state, and local requirements, and the design, construction, and physical operation of the operating area, and control the activities at an a facility.

**Address, City, State, Zip**: Provide the address, city, state, and zip code for the facility operator(s).

**SSN or Tax ID #**: Provide the SSN or tax identification number for the operator(s).

**Telephone #, Contact Person, Fax #, and E-mail Address**: Provide the telephone number, fax # number, and e-mail address, and print the contact name.

**Address Where Legal Notice May Be Served**: Provide the name and address of the person authorized to accept service for the operator of the facility where legal notice may be served.

Part 9. SIGNATURE BLOCK:

**Signature (landowner or agent)**: The person(s) or their agent authorized to sign on behalf of the above owner.

**Signature (lessee)**: A person(s) authorized to sign on behalf of the person leasing the land, if applicable.

**Signature (facility operator or agent)**: The person(s) or their agent authorized to sign on behalf of the operator above.

Part 10. OTHER:

Attach additional sheets to explain any responses that need clarification.
DRAFT LANGUAGE FOR DISCUSSION – Clarify the regulatory status of handling compostable material at a vermicomposting operation or facility

Current regulations specify that the handling of compostable material prior to vermicomposting and after its use as a growth medium is subject to the compostable material handling regulations. Staff proposes to clarify that this activity is subject to either the Compostable Material Handling regulations or the Transfer/Processing Operations and Facilities regulations.

Furthermore, the definition of "vermicomposting" in 14 CCR 17852(a)(39) states that the enforcement agency may determine whether an activity is or is not vermicomposting. At a later date staff proposes to develop non-regulatory guidance to assist enforcement agencies with making this determination.

CHAPTER 3.1. COMPOSTABLE MATERIALS HANDLING OPERATIONS AND FACILITIES REGULATORY REQUIREMENTS

ARTICLE 1. GENERAL

§ 17855. Excluded Activities.

(a) The activities listed in this section do not constitute compostable material handling operations or facilities for the purposes of this Chapter and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the board from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after its use as a growth medium during the vermicomposting process is not an excluded activity and is subject to the requirements of this chapter. Handling of agricultural material on the site of a vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it complies with section 17855(a)(1). or the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as determined by the EA, the requirements of this chapter apply;

(B) at all other times when it is not being used as a growth medium during vermicomposting, the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory Requirements.

...
DRAFT LANGUAGE FOR DISCUSSION – Include consistent language in each state minimum standard reference

In CalRecycle regulations there are 15 types of solid waste handling activities which are regulated as “operations” under the EA Notification tier. The requirements for LEA inspection at operations are not entirely consistent. Staff proposes to clarify and standardize the requirement for LEA inspections by deleting existing conflicting provisions and adding a new provision to the regulations for each EA Notification activity. By specifying the inspection requirement together with the other requirement for operations, we hope to assist operators to understand the requirements that apply to their sites.

Proposed language:

“These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with CalRecycle concurrence, an operator request for reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year.”

ADD NON-REGULATORY NOTE: See Section 18083(a)(3) for additional EA and CalRecycle requirements regarding the approval or denial of requests for reducing the frequency of inspections.

A. The new language would be added to each of the following sections:

§ 17859.1. Biosolids Composting at POTWs. (Article 2, Chapter 3.1)
§ 17862. Research Composting Operations. (Article 2, Chapter 3.1)
§ 17862.1. Chipping and Grinding Operations and Facilities. (Article 2, Chapter 3.1)

B. For these sections, the existing reference to inspection frequency would be deleted and replaced by the new language:

§ 17362.2. Contaminated Soil Transfer/Processing Operations. (Article 5.6, Chapter 3)
§ 17377.2 Nonhazardous Ash Transfer/Processing Operations. (Article 5.8, Chapter 3)
§ 17383.3 (a) C&D Wood Debris Chipping and Grinding Operations and Facilities. (Article 5.9, Chapter 3)
§ 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations. (Article 5.9, Chapter 3)
§ 17383.7.(f) Inert Debris Type A Processing Operations. (Article 5.9, Chapter 3)
§ 17388.3.(b) Inert Debris Engineered Fill Operations. (Article 5.95, Chapter 3)
§ 17403.2. Sealed Containers Transfer Operations. (Article 6, Chapter 3)
§ 17403.3. Limited Volume Transfer Operations. (Article 6, Chapter 3)
§ 17856.(b) Agricultural Material Composting Operations. (Article 2, Chapter 3.1)
§ 17857.1.(b) Green Material Composting Operations and Facilities. (Article 2, Chapter 3.1)

In order to incorporate these requirements governing the frequency of LEA inspections to the duties of the LEAs, staff proposes the following modification of Section 18083, LEA Duties and Responsibilities for Inspections, subd. (a), para. (3):

“(3) at the frequency required by the state minimum standards for each type of operation specified in 14 CCR Sections 17383.9 and 17403.5. All other operations regulated under the EA Notification tier shall be inspected by the EA at least once every three (3) months unless...
the EA approves, with CalRecycle concurrence, an operator request for reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, and in no case shall the inspection frequency be less than once per calendar year. The EA shall submit a copy of the operator request and the EA-proposed approval to CalRecycle. CalRecycle shall concur in the request only if it finds that the reduced inspection frequency will not pose an additional risk to public health and safety or the environment in light of the specific circumstances at the operation in question. CalRecycle shall concur or deny the request within thirty (30) days from receipt.
Regulatory Definitions Related to Food Waste and Food Preparation/Processing

Title 14, CCR, §17852 (a) (20) (Current CalRecycle definition)
FOOD MATERIAL means any material that was acquired for animal or human consumption, is separated from the municipal solid waste stream, and that does not meet the definition of "agricultural material." Food material may include material from food facilities as defined in Health and Safety Code section 113785, grocery stores, institutional cafeterias (such as, prisons, schools and hospitals) or residential food scrap collection.

State Water Resources Control Board Draft Statewide Order for Composting Facilities
FOOD WASTE means wastes derived from pre- and post-processed plants and animals (excluding those wastes generated at rending (sic) facilities) for the explicit creation of foods for human and/or animal consumption. This includes, but may not be limited to, those foods and scraps processed or produced at restaurants, hospitals, food distributors, schools and residences.

South Coast Air Quality Management District Rule 1133
FOODWASTE is any food scraps collected from the food service industry, grocery stores or residential food scrap collection. Foodwaste also includes foodwaste that is chipped and ground. Foodwaste mixed with greenwaste is considered foodwaste (1133.0)

FOODWASTE means any pre-or post-consumer food scraps collected from the food service industry, grocery stores or residential food scrap collection. Foodwaste also includes food scraps that are chipped and ground. (1133.3)

San Joaquin Valley Unified Air Pollution Control District Rule 4565 and 4566
FOOD MATERIAL food scraps collected from the food processing industry, food service industry, grocery stores or residential food scrap collection. Food material also includes food material that is chipped or ground.

Health and Safety Code
§ 111955. "Food processing establishment," as used in this chapter, shall mean any room, building or place or portion thereof, maintained, used or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, canning, packing, slaughtering or otherwise preparing or handling food except restaurants.

§ 113789. (a) "Food facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:
(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.
(2) Any place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.
(b) "Food facility" includes permanent and nonpermanent food facilities, including, but not limited to, the following:
   (1) Public and private school cafeterias.
   (2) Restricted food service facilities.
   (3) Licensed health care facilities.
   (4) Commissaries.
   (5) Mobile food facilities.
   (6) Mobile support units.
   (7) Temporary food facilities.
   (8) Vending machines.
   (9) Certified farmers' markets, for purposes of permitting and enforcement pursuant to Section 114370.
   (10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.
(c) "Food facility" does not include any of the following:
   (1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.
   (2) A private home.
   (3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.
   (4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.
   (5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code and in the regulations adopted pursuant to that section, that comply with Section 118375, regardless of whether there is a charge for the wine tasting, if no other beverage, except for bottles of wine and prepackaged nonpotentially hazardous beverages, is offered for sale for onsite consumption and no food, except for crackers, is served.
   (6) Premises operated by a producer, selling or offering for sale only whole produce grown by the producer, or shell eggs, or both, provided the sales are conducted on premises controlled by the producer.
   (7) A commercial food processing plant as defined in Section 111955.
   (8) A child day care facility, as defined in Section 1596.750.
   (9) A community care facility, as defined in Section 1502.
   (10) A residential care facility for the elderly, as defined in Section 1569.2.
   (11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in
Section 1568.01.

(12) Premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, that comply with Section 118375, for the purposes of beer tasting, regardless of whether there is a charge for the beer tasting, if no other beverage, except for beer and prepackaged nonpotentially hazardous beverages, is offered for sale for onsite consumption, and no food, except for crackers or pretzels, is served.

Regional Water Quality Control Board (unsure of specific regional board)
“Food Processing waste” consist of, or contains, only pre-processed and postprocessed waste derived from plants, or food processed or produced at restaurants, hospitals, and food distributors, and does not include any of the following substances: (a) municipal solid waste, (b) sludges, (c) septage, (d) liquid wastes, (e) animal; wastes, (f) oil and grease, and (g) hazardous wastes.
Food Material: any material acquired from a source where it was stored, processed, prepared or served for human or animal consumption, was source separated from the municipal solid waste stream and does not meet the definition of agricultural material. Determining the appropriate permitting tier for food material is subject to the following classifications:

(a) Class A Food Material – Non-compostable, non-putrescible material, of vegetative origin that has been source separated from a commercial food processing establishment as defined in Health and Safety Code § 111955 with less than 1% physical contaminants by weight.

(b) Class B Food Material – Compostable, non-putrescible material of vegetative origin that has been source separated from a commercial food processing establishment as defined in Health and Safety Code § 111955 with less than 1% physical contaminants by weight.

(c) Class C Food Material – Compostable, putrescible material of vegetative origin that has been source separated from a commercial food processing establishment as defined in Health and Safety Code § 111955 or a pre-consumer source at a food facility as defined in Health and Safety Code § 113789 with less than 1% physical contaminants by weight.

(d) Class D Food Material - Compostable, putrescible material of vegetative and animal origin, that has been source separated from a commercial food processing establishment as defined in Health and Safety Code § 111955 or a pre-consumer source at a food facility as defined in Health and Safety Code § 113789 with less than 1% physical contaminants by weight.

(e) Class E Food Material – Compostable, putrescible material of vegetative or animal origin, that has been source separated from a post-consumer source at a food facility as defined in Health and Safety Code 113789 or a private home with greater than 1% physical contaminants by weight.

Comment [wep1]: Class A Food Material would be defined as an additive or an amendment and would not reach compostable temperatures under normal conditions. Examples of Class A Food Material might include woody by-products such as peanut or walnut shells.

Comment [wep2]: Class B Food Material to be defined as “green material” and would be allowed at EA Notification Green Material Composting operation. Addition of Class B Food Materials at an existing EA Notification would be allowed. An example of Class B Food Material would be spent coffee grounds from a commercial food processing establishment.

Comment [wep3]: Class C Food Material would be subject to an EA Research Notification tier “pilot project” (revision to tier requirements would be necessary) with approval or denial of the continued use of the feedstock as determined by the EA at the conclusion of a 2 year review process. EA determination would be based on the success of the project at minimizing odors, vectors, nuisances, etc. If approved, a new EA notification would be submitted by the operator to allow the on-going acceptance of the approved Class C Food Material within the capacity limitations of the Green Material EA Notification. A Registration Tier permit would be necessary for acceptance of Class C Food Material in excess of the EA Notification capacity limitation.

Comment [wep4]: Class D Food Material would require a Registration Tier Permit. Additional BMPs would be required and would be enforced as minimum standards. The registration tier would have capacity limits.

Comment [wep5]: Class E Food Material would always require a Full Solid Waste Facilities Permit.
Food Material Definition flow chart* (1/22/2012)

Food Material - General Definition

- Less than 1% physical contamination?
  - Yes
    - Vegetative Origin?
    - Yes
      - Pre Consumer? (Commercial or retail food prep)
        - Yes
          - Compostable?
          - No
        - No
          - Putrescible?
        - Yes
          - Post Consumer? (Public area or Private Home)
            - Yes
              - Class A
            - No
          - Post Consumer? (Public area or Private Home)
            - No
          - Class B
        - No
          - Post Consumer? (Public area or Private Home)
            - Yes
              - Class C
            - No
              - Compostable?
                - No
                  - Class D
                - Yes
                  - Class E
          - Class A

- Greater than 1% physical contamination?
  - No
    - Animal Origin?
    - Yes
      - Pre Consumer? (Commercial or retail food prep)
        - Yes
          - Compostable?
          - No
        - No
          - Putrescible?
        - Yes
          - Post Consumer? (Public area or Private Home)
            - Yes
              - Class A
            - No
              - Class B
        - No
          - Post Consumer? (Public area or Private Home)
            - Yes
              - Class C
            - No
              - Compostable?
                - No
                  - Class D
                - Yes
                  - Class E

- For Discussion Purposes Only-

*To be used with DRAFT Food Material Definition and Classifications

Bill Prinz
City of San Diego LEA
TO: Caroll Mortensen  
Director  
CalRecycle

FROM: Thomas Howard  
Executive Director  
EXECUTIVE OFFICE

DATE: DEC 06 2011

SUBJECT: PERMITTING OPERATIONS AT PUBLICLY OWNED TREATMENT WORKS (POTWS) THAT ACCEPT HAULED WASTE FAT AND OIL

The purpose of this memo is to address a cross media issue involving our agencies. The issue is whether permitting of operations at publically owned treatment works (POTWs) that accept hauled waste fats, oils, and grease and inject this waste into anaerobic digesters should be exempt from CalRecycle permitting because the waste stream is already regulated under a National Pollutant Discharge Elimination System (NPDES) permit.

Staffs from the State Water Resource Control Board (State Water Board), Regional Water Quality Control Boards (Regional Water Boards), and CalRecycle have been working to resolve this issue. Our staffs’ recommendation is that Regional Water Board staff will place a standard provision in NPDES permits that requires the POTWs to develop and implement standard operating procedures for waste fats, oils, and grease acceptance and digestion operations (see attachment). The Regional Water Boards would be responsible for enforcing the standard provision.

To avoid duplicative regulation, I am hopeful we can agree that only one agency needs to regulate this activity; and given the existing permitting structure for POTWs, the agency should be the Regional Water Boards. I believe that a blanket exemption by CalRecycle would be the best path to take to avoid duplicative regulation.

Please contact me at (916) 341-5615 or thoward@waterboards.ca.gov to let me know your thoughts on this issue.

Attachment
cc: Johnny Gonzales
Division of Water Quality
Mark de Bie
CalRecycle
Ken Decio
CalRecycle
ATTACHMENT
RECOMMENDED NPDES PERMIT STANDARD PROVISION

"If the Discharger receives fats, oils, grease, or food processing wastes for injection into an anaerobic digester, the Discharger shall develop and implement standard operating procedures (SOPs) for this activity. The SOPs shall address spill prevention; spill response; introduction of materials that could cause interference, pass through, or upset of the treatment processes; vector control; and operation and maintenance. The Discharger shall provide training to its staff on the SOPs and shall maintain records onsite for a minimum of 3 years for each load received, describing the hauler, waste type, and amount."
MEMORANDUM

To:        Tom Howard                        Date:   December 9, 2011
            Executive Director
            State Water Resources Control Board

            Caroll Mortensen
            Director

From: DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CalRecycle)

Subject: PERMITTING OPERATIONS AT PUBLICLY OWNED TREATMENT WORKS (POTWS) THAT ACCEPT HAULED WASTE FAT AND OIL

Thank you for the December 6, 2011 memo regarding the permitting of operations at POTWs that accept hauled waste fats, oils, and grease (FOG) and inject this waste into anaerobic digesters.

We agree with your staff’s recommendation for the Regional Water Quality Control Boards to place a standard provision in NPDES permits that requires POTWs to develop and implement standard operating procedures for FOG acceptance and digestion operations. CalRecycle is in the process of revising the regulations, and will take into account this approach in our effort to further reduce regulatory overlap with cross media issues between our agencies.

Please feel free to contact me at (916) 322-4032 or Caroll.Mortensen@calrecycle.ca.gov to further discuss this issue.